

SENATE BILL 162

Introduced by Williams, B. et al.

1/17	Introduced
1/17	Referred to Education & Cultural Resources
1/19	Fiscal Note Requested
1/24	Fiscal Note Received
1/25	Fiscal Note Printed
1/27	Hearing
2/06	Committee Report--Bill Passed as Amended
2/08	2nd Reading Passed
2/10	3rd Reading Failed

1 *Senate* BILL NO. 162  
2 INTRODUCED BY William R. B. Hammond & NATHAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MODIFY THE METHOD OF  
5 CALCULATING THE AVERAGE NUMBER BELONGING OF A SCHOOL  
6 DISTRICT TO ELIMINATE THE FUNDING BENEFITS OF OFFERING MORE  
7 THAN 180 PUPIL-INSTRUCTION DAYS; AMENDING SECTION 20-9-311,  
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 20-9-311, MCA, is amended to read:

12 "20-9-311. Calculation of average number belonging  
13 (ANB). (1) Average number belonging shall be computed by  
14 determining the total of the aggregate days of attendance by  
15 regularly enrolled, full-time pupils during the current  
16 school fiscal year plus the aggregate days of absence by  
17 regularly enrolled, full-time pupils during the current  
18 school fiscal year and by dividing such total by ~~180~~ the  
19 number of pupil-instruction days in the current school  
20 fiscal year. However, when a school district has approval to  
21 operate less than 180 school days under 20-9-804, such total  
22 shall be calculated in accordance with the provisions of  
23 20-9-805. Attendance for a part of a morning session or a  
24 part of an afternoon session by a pupil shall be counted as  
25 attendance for one-half day. In calculating the ANB for

1 pupils enrolled in a program established under 20-7-117  
2 prior to January 1, 1974, or pursuant to 20-7-117(1),  
3 attendance at or absence from a regular session of the  
4 program for at least 2 hours of either a morning or an  
5 afternoon session will be counted as one-half of a day  
6 attended or absent as the case may be. If a variance has  
7 been granted as provided in 20-1-302, ANB will be computed  
8 in a manner prescribed by the superintendent of public  
9 instruction, but in no case shall the ANB exceed one-half  
10 for each kindergarten pupil. When any pupil has been absent,  
11 with or without excuse, for more than 10 consecutive school  
12 days, including pupil-instruction-related days, his absence  
13 after the 10th day of absence shall not be included in the  
14 aggregate days of absence and his enrollment in the school  
15 shall not be considered in the calculation of the average  
16 number belonging until he resumes attendance at school.

17 (2) If a student spends less than half his time in the  
18 regular program and the balance of his time in school in the  
19 special education program, he shall be considered a  
20 full-time special pupil but shall not be considered  
21 regularly enrolled for ANB purposes. If a student spends  
22 half or more of his time in school in the regular program  
23 and the balance of his time in the special education  
24 program, he shall be considered regularly enrolled for ANB  
25 purposes.

(3) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that when:

(a) a school of the district is located more than 3 miles beyond the incorporated limits of a city or town or from another school of the district, all of the regularly enrolled, full-time pupils of the school must be calculated individually for ANB purposes;

(b) a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school shall be considered as high school district pupils for ANB purposes;

(c) a middle school has been approved and accredited, in which case pupils below the 7th grade shall be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils shall be considered high school pupils for ANB purposes; or

(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school shall not be eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be

used in determining the foundation program for such district.

(4) When 11th or 12th grade students are regularly enrolled on a part-time basis, high schools may calculate the ANB to include an "equivalent ANB" for those students. The method for calculating an equivalent ANB shall be determined in a manner prescribed by the superintendent of public instruction."

**Section 2. Effective date.** [This act] is effective on passage and approval.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB162, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an Act entitled: "An act to modify the method of calculating the average number belonging of a school district to eliminate the funding benefits of offering more than 180 Pupil-Instruction Days; amending Section 20-9-311, MCA; and providing an immediate effective date."

ASSUMPTIONS:

1. All public school districts will have the same number of public instruction days in FY90 and FY91 as were budgeted in FY89.
2. Enrollment will remain at the FY89 level.
3. The foundation program schedule will remain at the FY89 level.

FISCAL IMPACT:

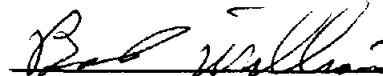
	<u>FY90</u>			<u>FY91</u>		
	Current	Proposed		Current	Proposed	
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
	\$278.355M	\$276.995M	\$ 1.360M	\$276.678M	\$275.318M	\$ 1.360M

Funding: School Foundation Program



RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

1/24/89  
DATE



BOB WILLIAMS, PRIMARY SPONSOR

1-25-89  
DATE

Fiscal Note for SB162, as introduced

SB 162

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

## SENATE BILL NO. 162

INTRODUCED BY WILLIAMS, PECK, HAMMOND, NATHE

A BILL FOR AN ACT ENTITLED: "AN ACT TO MODIFY THE METHOD OF CALCULATING THE AVERAGE NUMBER BELONGING OF A SCHOOL DISTRICT TO ELIMINATE THE FUNDING BENEFITS OF OFFERING MORE THAN 180 PUPIL-INSTRUCTION DAYS; AMENDING SECTION 20-9-311, MCA; PROVIDING A TRANSITION PERIOD FOR SCHOOL DISTRICTS WITH MORE THAN 180 PUPIL-INSTRUCTION DAYS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 20-9-311, MCA, is amended to read:

"20-9-311. Calculation of average number belonging (ANB). (1) Average number belonging shall be computed by determining the total of the aggregate days of attendance by regularly enrolled, full-time pupils during the current school fiscal year plus the aggregate days of absence by regularly enrolled, full-time pupils during the current school fiscal year and by dividing such total by ~~the~~ the number of pupil-instruction days in the current school fiscal year. However, when a school district has approval to operate less than 180 school days under 20-9-804, such total shall be calculated in accordance with the provisions of 20-9-805. Attendance for a part of a morning session or a

part of an afternoon session by a pupil shall be counted as attendance for one-half day. In calculating the ANB for pupils enrolled in a program established under 20-7-117 prior to January 1, 1974, or pursuant to 20-7-117(1), attendance at or absence from a regular session of the program for at least 2 hours of either a morning or an afternoon session will be counted as one-half of a day attended or absent as the case may be. If a variance has been granted as provided in 20-1-302, ANB will be computed in a manner prescribed by the superintendent of public instruction, but in no case shall the ANB exceed one-half for each kindergarten pupil. When any pupil has been absent, with or without excuse, for more than 10 consecutive school days, including pupil-instruction-related days, his absence after the 10th day of absence shall not be included in the aggregate days of absence and his enrollment in the school shall not be considered in the calculation of the average number belonging until he resumes attendance at school.

(2) If a student spends less than half his time in the regular program and the balance of his time in school in the special education program, he shall be considered a full-time special pupil but shall not be considered regularly enrolled for ANB purposes. If a student spends half or more of his time in school in the regular program and the balance of his time in the special education

1 program, he shall be considered regularly enrolled for ANB  
2 purposes.

3 (3) The average number belonging of the regularly  
4 enrolled, full-time pupils for the public schools of a  
5 district must be based on the aggregate of all the regularly  
6 enrolled, full-time pupils attending the schools of the  
7 district, except that when:

8 (a) a school of the district is located more than 3  
9 miles beyond the incorporated limits of a city or town or  
10 from another school of the district, all of the regularly  
11 enrolled, full-time pupils of the school must be calculated  
12 individually for ANB purposes;

13 (b) a junior high school has been approved and  
14 accredited as a junior high school, all of the regularly  
15 enrolled, full-time pupils of the junior high school shall  
16 be considered as high school district pupils for ANB  
17 purposes;

18 (c) a middle school has been approved and accredited,  
19 in which case pupils below the 7th grade shall be considered  
20 elementary school pupils for ANB purposes and the 7th and  
21 8th grade pupils shall be considered high school pupils for  
22 ANB purposes; or

23 (d) a school has not been accredited by the board of  
24 public education, the regularly enrolled, full-time pupils  
25 attending the nonaccredited school shall not be eligible for

1 average number belonging calculation purposes, nor will an  
2 average number belonging for the nonaccredited school be  
3 used in determining the foundation program for such  
4 district.

5 (4) When 11th or 12th grade students are regularly  
6 enrolled on a part-time basis, high schools may calculate  
7 the ANB to include an "equivalent ANB" for those students.  
8 The method for calculating an equivalent ANB shall be  
9 determined in a manner prescribed by the superintendent of  
10 public instruction."

11 NEW SECTION. SECTION 2. TRANSITION PERIOD --  
12 APPLICABILITY. (1) THE CALCULATION OF THE ANB IN 20-9-311  
13 APPLIES TO SCHOOL DISTRICTS WITH 180 PUPIL-INSTRUCTION DAYS  
14 FOR THE FISCAL YEAR ENDING JUNE 30, 1989.

15 (2) THE CALCULATION OF THE ANB IN 20-9-311 APPLIES TO  
16 EACH SCHOOL DISTRICT WITH MORE THAN 180 PUPIL-INSTRUCTION  
17 DAYS FOR THE SCHOOL FISCAL YEAR ENDING JUNE 30, 1989, UNLESS  
18 THE DISTRICT ADDS 1 DAY TO THE DIVISOR USED IN CALCULATING  
19 THE ANB IN THE CURRENT SCHOOL FISCAL YEAR AND EACH ENSUING  
20 SCHOOL FISCAL YEAR UNTIL THE DIVISOR EQUALS THE NUMBER OF  
21 PUPIL-INSTRUCTION DAYS USED BY THE SCHOOL DISTRICT IN THE  
22 SCHOOL FISCAL YEAR ENDING JUNE 30, 1989.

23 NEW SECTION. Section 3. Effective date. [This act] is  
24 effective on-passage-and-approval JULY 1, 1989.

-End-

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**Section 1.** Section 20-9-311, MCA, is amended to read:

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(2) If a student spends less than half his time in the regular program and the balance of his time in school in the special education program, he shall be considered a full-time special pupil but shall not be considered regularly enrolled for ANB purposes. If a student spends half or more of his time in school in the regular program and the balance of his time in the special education

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