

SENATE BILL 5

6/20	Introduced
6/20	Referred to Education & Cultural Resources
6/20	Hearing
6/20	Fiscal Note Requested
6/26	Fiscal Note Received
6/27	Fiscal Note Printed



1 regular program and the balance of his time in school in the  
 2 special education program, he is considered a full-time  
 3 special pupil but is not considered regularly enrolled for  
 4 ANB purposes. If a student spends half or more of his time  
 5 in school in the regular program and the balance of his time  
 6 in the special education program, he is considered regularly  
 7 enrolled for ANB purposes.

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

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

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

22 (c) a middle school has been approved and accredited,  
 23 all pupils below the 7th grade must be considered elementary  
 24 school pupils for ANB purposes and the 7th and 8th grade  
 25 pupils must be considered high school pupils for ANB

1 purposes; or

2 (d) a school has not been accredited by the board of  
 3 public education, the regularly enrolled, full-time pupils  
 4 attending the nonaccredited school are not eligible for  
 5 average number belonging calculation purposes, nor will an  
 6 average number belonging for the nonaccredited school be  
 7 used in determining the foundation program for the district.

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

14 **Section 2.** Section 20-4-203, MCA, is amended to read:

15 **"20-4-203. Teacher tenure.** (1) Whenever a teacher has  
 16 been elected by the offer and acceptance of a contract for  
 17 the fourth consecutive year of employment by a district in  
 18 a position requiring teacher certification except as a  
 19 district superintendent or specialist, the teacher is  
 20 considered to be reelected from year to year thereafter as a  
 21 tenure teacher at the same salary hourly wage rate and in  
 22 the same or a comparable position of employment as that  
 23 provided by the last executed contract with the teacher  
 24 unless the trustees resolve by majority vote of their  
 25 membership to terminate the services of the teacher in

1 accordance with the provisions of 20-4-204.

2 (2) The tenure of a teacher with a district may not be  
3 impaired upon termination of services of the teacher if the  
4 following conditions exist:

5 (a) the tenure teacher is terminated because the  
6 financial condition of the district requires a reduction in  
7 the number of teachers employed; and

8 (b) continued employment rights are provided for in a  
9 collectively bargained contract of the district."

10 NEW SECTION. Section 3. Transition period --  
11 applicability. [Section 1] applies to:

12 (1) each school district with 180 pupil-instruction  
13 days in the school fiscal year ending June 30, 1989; and

14 (2) any school district with more than 180  
15 pupil-instruction days in the school fiscal year ending June  
16 30, 1989, unless the district adds 1 day to the divisor used  
17 in calculating the ANB in the current school fiscal year and  
18 each ensuing school fiscal year until the divisor equals the  
19 number of pupil-instruction days used by the district in the  
20 school fiscal year ending June 30, 1989.

21 NEW SECTION. Section 4. Effective date. [This act] is  
22 effective July 1, 1989.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB5, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

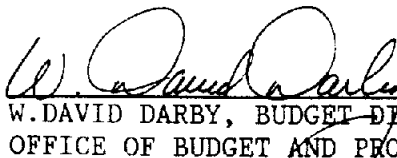
A bill for an act entitled: "An act revising the method for calculating the average number belonging (ANB) of a school district to eliminate the funding benefit of offering more than 180 pupil-instruction days; clarifying teacher salary requirements to reflect any reduction in the number of pupil-instruction days offered by a school district; providing a transition period for school districts with more than 180 pupil-instruction days to comply with the provisions of this act; amending Sections 20-4-203 and 20-9-311, MCA; and providing an effective date."

ASSUMPTIONS:

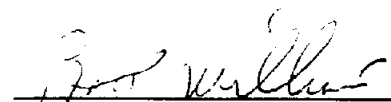
1. FY89 foundation program schedules will continue into the next biennium.
2. Phase in 1 day per year until pupil-instruction days reach 180.  
Phase in will take a maximum of five years.
3. Phase-in would result in a maximum savings of \$1,102,000 by the fifth year of the phase-in.

FISCAL IMPACT:

	<u>FY90</u>			<u>FY91</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Foundation Program	\$278,355,000	\$277,945,100	(\$409,900)	\$276,678,000	\$276,290,248	(\$387,752)

  
 W. DAVID DARBY, BUDGET DIRECTOR  
 OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 6/27/89

  
 BOB WILLIAMS, PRIMARY SPONSOR

DATE June 26 89

Fiscal Note for SB5, as introduced**SB5**