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 Angle BILL NO. 5

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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."

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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 must be computed by determining the total of the aggregate days of attendance by regularly enrolled, full-time pupils during the second semester of the preceding school fiscal year and the first semester of the current school fiscal year plus the aggregate days of absence by regularly enrolled, full-time pupils during the second semester of the preceding school fiscal year and the first semester of the current school



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fiscal year and by dividing the total by 180 the number of 1 pupil-instruction days in the current school fiscal year. 3 However, when a school district has approval to operate less than 180 school days under 20-9-804, the total must 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 must 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, 9 10 1974, or pursuant to 20-7-117(1), attendance at or absence 11 from a regular session of the program for at least 2 hours 12 of either a morning or an afternoon session will be counted 13 as one-half day attended or absent as the case may be. If a 14 variance has been granted as provided in 20-1-302, ANB will 15 be computed in a manner prescribed by the superintendent of 16 public instruction, but in no case may the ANB exceed 17 one-half for each kindergarten pupil. When any pupil has 18 been absent, with or without excuse, for more than 10 19 consecutive school days, including pupil-instruction-related 20 days, his absence after the 10th day of absence may not be included in the aggregate days of absence and his enrollment 21 22 in the school may not be considered in the calculation of 23 the average number belonging until he resumes attendance at 24 school.

-2- INTRODUCED BILL

(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 is considered a full-time special pupil but is not 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 program, he is considered regularly enrolled for ANB purposes.

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- (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 must be considered as high school district pupils for ANB purposes;
- (c) a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB

purposes; or

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2 (d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils 3 attending the nonaccredited school are not 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 the 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 must be determined in a manner prescribed by the superintendent of public instruction."

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

*20-4-203. Teacher tenure. (1) Whenever a teacher has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a district superintendent or specialist, the teacher is considered to be reelected from year to year thereafter as a tenure teacher at the same salary hourly wage rate and in the same or a comparable position of employment as that provided by the last executed contract with the teacher unless the trustees resolve by majority vote of their membership to terminate the services of the teacher in 1 accordance with the provisions of 20-4-204.

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- 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 <u>NEW SECTION.</u> **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
 - (2) any school district with more than 180 pupil-instruction days in the school fiscal year ending June 30, 1989, unless the district adds 1 day to the divisor used in calculating the ANB in the current school fiscal year and each ensuing school fiscal year until the divisor equals the number of pupil-instruction days used by the district in the school fiscal year ending June 30, 1989.
- NEW SECTION. Section 4. Effective date. [This act] is 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:

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

FISCAL IMPACT:	FY90			FY91		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
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

Fiscal Note for SB5, as introduced

585