

HOUSE BILL 210

Introduced by Peck

1/16	Introduced
1/16	Referred to Education & Cultural Resources
1/16	First Reading
1/18	Fiscal Note Requested
1/22	Fiscal Note Received
1/22	Fiscal Note Printed
1/25	Hearing
2/02	Committee Report--Bill Passed
2/04	2nd Reading Passed as Amended
2/06	3rd Reading Passed
	Transmitted to Senate
2/09	First Reading
2/09	Referred to Education & Cultural Resources
3/03	Hearing
3/19	Tabled in Committee

1 House BILL NO. 210
2 INTRODUCED BY Park
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A SCHOOL
5 ATTENDANCE CENTER; REQUIRING THAT A SCHOOL ATTENDANCE CENTER
6 BE LOCATED WITHIN THE BOUNDARIES OF A SCHOOL DISTRICT;
7 AMENDING SECTIONS 20-1-101 AND 20-9-311, MCA; AND PROVIDING
8 AN EFFECTIVE DATE."

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

11 **Section 1.** Section 20-1-101, MCA, is amended to read:

12 "20-1-101. Definitions. As used in this title, unless
13 the context clearly indicates otherwise, the following
14 definitions apply:

15 (1) "Agricultural experiment station" means the
16 agricultural experiment station established at Montana state
17 university.

18 (2) "Average number belonging" or "ANB" ~~shall--mean~~
19 means the average number of regularly enrolled, full-time
20 pupils attending the public schools of a district.

21 (3) The "board of public education" is the board
22 created by Article X, section 9, subsection (3), of the 1972
23 Montana constitution and 2-15-1507.

24 (4) "Board of regents" means the board of regents of
25 higher education created by Article X, section 9, subsection

1 (2), of the 1972 Montana constitution and 2-15-1505.

2 (5) "Commissioner" means the commissioner of higher
3 education created by Article X, section 9, subsection (2),
4 of the 1972 Montana constitution and 2-15-1506.

5 (6) "County superintendent" means the county government
6 official who is the school officer of the county.

7 (7) "District superintendent" means any person who
8 holds a valid class 3 Montana teacher certificate with a
9 superintendent's endorsement that has been issued by the
10 superintendent of public instruction under the provisions of
11 this title and the policies adopted by the board of public
12 education and who has been employed by a district as a
13 district superintendent.

14 (8) "K-12 vocational education" means vocational
15 education in public school kindergarten through grade 12.

16 (9) "Principal" means any person who holds a valid
17 class 3 Montana teacher certificate with an applicable
18 principal's endorsement that has been issued by the
19 superintendent of public instruction under the provisions of
20 this title and the policies adopted by the board of public
21 education and who has been employed by a district as a
22 principal. For the purposes of this title, any reference to
23 a teacher ~~shall~~ must be construed as including a principal,
24 as herein defined in this subsection.

25 (10) "Pupil" means any child who is 6 years of age or

1 older on or before September 10 of the year in which the
 2 child is to enroll or has been enrolled by special
 3 permission of the board of trustees under 20-5-101(3) but
 4 has not yet reached ~~his--19th-birthday~~ age 19 and who is
 5 enrolled in a school established and maintained under the
 6 laws of the state of Montana at public expense. For purposes
 7 of calculating the average number belonging (ANB) pursuant
 8 to 20-9-311, the definition of pupil includes a person who
 9 has not yet reached ~~his-19th-birthday~~ age 19 by September 10
 10 of the year and is enrolled under 20-5-101(3) in a school
 11 established and maintained under the laws of the state at
 12 public expense.

13 (11) "Pupil instruction" means the conduct of organized
 14 instruction of pupils enrolled in public schools while under
 15 the supervision of a teacher.

16 (12) "Regents" means the board of regents of higher
 17 education.

18 (13) "School attendance center" means a location,
 19 identified by a school district, where students are provided
 20 an instructional program under the administration of a
 21 school or school district. A school attendance center must
 22 be located within the boundaries of a school district.

23 ~~(13)(14)~~ (14) "School food services" means a service of
 24 providing food for the pupils of a district on a nonprofit
 25 basis and ~~shall---include~~ includes any food service

1 financially assisted through funds or commodities provided
 2 by the United States government.

3 ~~(14)(15)~~ (15) The "state board of education" is the board
 4 composed of the board of public education and the board of
 5 regents as specified in Article X, section 9, subsection
 6 (1), of the 1972 Montana constitution.

7 ~~(15)(16)~~ (16) "State university" means the Montana state
 8 university, located at Bozeman.

9 ~~(16)(17)~~ (17) "Superintendent of public instruction" means
 10 that state government official designated as a member of the
 11 executive branch by the constitution of Montana.

12 ~~(17)(18)~~ (18) "System" means the Montana university system.

13 ~~(18)(19)~~ (19) "Teacher" means any person, except a district
 14 superintendent, who holds a valid Montana teacher
 15 certificate that has been issued by the superintendent of
 16 public instruction under the provisions of this title and
 17 the policies adopted by the board of public education and
 18 who is employed by a district as a member of its
 19 instructional, supervisory, or administrative staff. This
 20 definition of a teacher ~~shall~~ also includes any
 21 person for whom an emergency authorization of employment of
 22 ~~such the~~ person has been issued under the provisions of
 23 20-4-111.

24 ~~(19)(20)~~ (20) "Textbook" means a book or manual used as a
 25 principal source of study material for a given class or

1 group of students.

2 {20}(21) "Textbook dealer" means any party, company,
3 corporation, or other organization selling, offering to
4 sell, or offering for adoption textbooks to districts in the
5 state of Montana.

6 {21}(22) "Trustees" means the governing board of a
7 district.

8 {22}(23) "University" means the university of Montana,
9 located at Missoula.

10 {23}(24) "Vocational education" means the instruction to
11 prepare or improve the pupil for gainful employment that
12 does not require a baccalaureate or higher degree. ~~This~~
13 ~~definition-of-vocational~~ Vocational education ~~shall--include~~
14 includes guidance and prevocational, related, or technical
15 instruction necessary to prepare the pupil for further
16 vocational education or for entry into employment.

17 {24}(25) "Vocational-technical center" means an
18 institution used principally for the provision of
19 vocational-technical education to persons who qualify as
20 vocational-technical students. These centers are designated
21 by the board of regents upon direction by the legislature.
22 All other public or private institutions or schools are
23 hereby prohibited from using this title.

24 {25}(26) "Vocational-technical education" means
25 vocational-technical education of vocational-technical

1 students that is conducted by a vocational-technical center,
2 a unit of the Montana university system, or a community
3 college as designated by the board of regents."

4 **Section 2.** Section 20-9-311, MCA, is amended to read:

5 "20-9-311. Calculation of average number belonging
6 (ANB). (1) Average number belonging must be computed by
7 determining the total of the aggregate days of attendance by
8 regularly enrolled, full-time pupils during the second
9 semester of the preceding school fiscal year and the first
10 semester of the current school fiscal year plus the
11 aggregate days of absence by regularly enrolled, full-time
12 pupils during the second semester of the preceding school
13 fiscal year and the first semester of the current school
14 fiscal year and by dividing the total by 180. However, when
15 a school district has approval to operate less than 180
16 school days under 20-9-804, the total must be calculated in
17 accordance with the provisions of 20-9-805. For the purpose
18 of calculating ANB under this section, the days of
19 attendance for a regularly enrolled pupil may not exceed 180
20 pupil-instruction days and 7 pupil-instruction-related days.
21 Attendance for a part of a morning session or a part of an
22 afternoon session by a pupil must be counted as attendance
23 for one-half day. In calculating the ANB for pupils enrolled
24 in a program established under 20-7-117(1), attendance at or
25 absence from a regular session of the program for at least 2

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

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

24 (3) The average number belonging of the regularly
 25 enrolled, full-time pupils for the public schools of a

1 district must be based on the aggregate of all the regularly
 2 enrolled, full-time pupils attending the schools of the
 3 district, except that when:

4 (a) (i) a school of the district is located more than 3
 5 miles beyond the incorporated limits of a city or town
 6 located in the district and 3 miles from any other school of
 7 the district, all of the regularly enrolled, full-time
 8 pupils of the school must be calculated separately for ANB
 9 purposes; or

10 (ii) a school of the district is located more than 3
 11 miles from any other school of the district and no
 12 incorporated territory is not involved in the district, all
 13 of the regularly enrolled, full-time pupils of the school
 14 must be calculated separately for ANB purposes;

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

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

24 (d) a school has not been accredited by the board of
 25 public education, the regularly enrolled, full-time pupils

1 attending the nonaccredited school are not eligible for
2 average number belonging calculation purposes, nor will an
3 average number belonging for the nonaccredited school be
4 used in determining the foundation program for the 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 must be
9 determined in a manner prescribed by the superintendent of
10 public instruction.

11 (5) The ANB of any school attendance center that is a
12 component of a school for the purposes of accreditation must
13 be aggregated with the ANB of the school, regardless of
14 distances between or among the school attendance centers of
15 the school."

16 NEW SECTION. Section 3. Effective date. [This act] is
17 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0210, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act defining a school attendance center; requiring that a school attendance center be located within the boundaries of a school district.

ASSUMPTIONS:

1. In fiscal 1993, five school districts are operating attendance centers outside of their district boundaries. The total enrollment in these attendance centers in fiscal 1993 is 118 students. The state provided \$264,872 in foundation program funding for these students in fiscal 1993.
2. These students will remain in the public school system and attend schools in the district where they reside.
3. The resident districts will anticipate the unusual enrollment increase and will apply for and be approved for additional foundation program payments under 20-9-314, MCA. Only that portion of the enrollment increase in excess of 6% will qualify for additional funding. As the foundation amount increases, the districts' permissive amount will expand by 35% of the increased foundation amount. Permissive levies will be matched with state GTB aid in eligible districts.
4. Foundation program payments to the students' resident districts will increase by \$159,200 in fiscal 1994 due to unusual enrollment increases approved for funding. There will be no offsetting reduction in the non-resident districts (which are currently operating the attendance centers) because of the time-lag in foundation program funding where fiscal 1994 is determined by attendance counts for the Spring and Fall 1992 semesters.
5. The non-resident districts will receive \$280,400 for these students in fiscal 1995 under current law. Under the proposed legislation, the non-resident district will receive one-half that amount (\$140,200) representing the Spring 1993 semester and the resident districts will receive \$115,600 in foundation and GTB for these students. The net savings to the state will be \$24,600 in fiscal 1995.
6. The full savings to the state will not be felt until fiscal 1996. The net savings to the state will be approximately \$51,000 per year (assuming no increase in the foundation schedules.)

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
State Equalization Aid	412,316,700	412,475,900	159,200	421,257,200	421,232,600	(24,600)
<u>Funding:</u>						
School Equalization Account (SEA)	412,316,700	412,475,900	159,200	421,257,200	421,232,600	(24,600)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There will be shifts in expenditures and local tax levies among the resident and non-resident districts.

David Lewis 1-22-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Ray Peck 1/22/93

RAY PECK, PRIMARY SPONSOR DATE
Fiscal Note for HB0210, as introduced

HB 210

Fiscal Note Request, HB0210, as introduced

Form BD-15 page 2

(continued)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The savings will continue to accrue to the state as long as the student population affected by this legislation shifts from small school districts to larger districts.

HB 210

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

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2 INTRODUCED BY Pack
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16 agricultural experiment station established at Montana state
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6 official who is the school officer of the county.

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11 this title and the policies adopted by the board of public
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15 education in public school kindergarten through grade 12.

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22 principal. For the purposes of this title, any reference to
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24 as herein defined in this subsection.

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1 older on or before September 10 of the year in which the
 2 child is to enroll or has been enrolled by special
 3 permission of the board of trustees under 20-5-101(3) but
 4 has not yet reached his--~~19th-birthday~~ age 19 and who is
 5 enrolled in a school established and maintained under the
 6 laws of the state of Montana at public expense. For purposes
 7 of calculating the average number belonging (ANB) pursuant
 8 to 20-9-311, the definition of pupil includes a person who
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 10 of the year and is enrolled under 20-5-101(3) in a school
 11 established and maintained under the laws of the state at
 12 public expense.

13 (11) "Pupil instruction" means the conduct of organized
 14 instruction of pupils enrolled in public schools while under
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 17 education.

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 19 identified by a school district, where students are provided
 20 an instructional program under the administration of a
 21 school or school district. A school attendance center must
 22 be located within the boundaries of a school district.

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 8 university, located at Bozeman.

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 10 that state government official designated as a member of the
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 14 superintendent, who holds a valid Montana teacher
 15 certificate that has been issued by the superintendent of
 16 public instruction under the provisions of this title and
 17 the policies adopted by the board of public education and
 18 who is employed by a district as a member of its
 19 instructional, supervisory, or administrative staff. This
 20 definition of a teacher ~~shall~~ also include includes any
 21 person for whom an emergency authorization of employment of
 22 such the person has been issued under the provisions of
 23 20-4-111.

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 25 principal source of study material for a given class or

1 group of students.

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3 corporation, or other organization selling, offering to
4 sell, or offering for adoption textbooks to districts in the
5 state of Montana.

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7 district.

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12 does not require a baccalaureate or higher degree. ~~This~~
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14 includes guidance and prevocational, related, or technical
15 instruction necessary to prepare the pupil for further
16 vocational education or for entry into employment.

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18 institution used principally for the provision of
19 vocational-technical education to persons who qualify as
20 vocational-technical students. These centers are designated
21 by the board of regents upon direction by the legislature.
22 All other public or private institutions or schools are
23 hereby prohibited from using this title.

24 ~~(25)~~(26) "Vocational-technical education" means
25 vocational-technical education of vocational-technical

1 students that is conducted by a vocational-technical center,
2 a unit of the Montana university system, or a community
3 college as designated by the board of regents."

4 **Section 2.** Section 20-9-311, MCA, is amended to read:

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6 (ANB). (1) Average number belonging must be computed by
7 determining the total of the aggregate days of attendance by
8 regularly enrolled, full-time pupils during the second
9 semester of the preceding school fiscal year and the first
10 semester of the current school fiscal year plus the
11 aggregate days of absence by regularly enrolled, full-time
12 pupils during the second semester of the preceding school
13 fiscal year and the first semester of the current school
14 fiscal year and by dividing the total by 180. However, when
15 a school district has approval to operate less than 180
16 school days under 20-9-804, the total must be calculated in
17 accordance with the provisions of 20-9-805. For the purpose
18 of calculating ANB under this section, the days of
19 attendance for a regularly enrolled pupil may not exceed 180
20 pupil-instruction days and 7 pupil-instruction-related days.
21 Attendance for a part of a morning session or a part of an
22 afternoon session by a pupil must be counted as attendance
23 for one-half day. In calculating the ANB for pupils enrolled
24 in a program established under 20-7-117(1), attendance at or
25 absence from a regular session of the program for at least 2

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

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 16 student's time in the regular program and the balance of his
 17 the time in school in the special education program, he the
 18 student is considered a full-time special pupil but is not
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 25 enrolled, full-time pupils for the public schools of a

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 2 enrolled, full-time pupils attending the schools of the
 3 district, except that when:

4 (a) (i) a school of the district is located more than 3
 5 miles beyond the incorporated limits of a city or town
 6 located in the district and 3 miles from any other school of
 7 the district, all of the regularly enrolled, full-time
 8 pupils of the school must be calculated separately for ANB
 9 purposes; or

10 (ii) a school of the district is located more than 3
 11 miles from any other school of the district and no
 12 incorporated territory is not involved in the district, all
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 14 must be calculated separately for ANB purposes;

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 16 accredited as a junior high school, all of the regularly
 17 enrolled, full-time pupils of the junior high school must be
 18 considered as high school district pupils for ANB purposes;

19 (c) a middle school has been approved and accredited,
 20 all pupils below the 7th grade must be considered elementary
 21 school pupils for ANB purposes and the 7th and 8th grade
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 23 purposes; or

24 (d) a school has not been accredited by the board of
 25 public education, the regularly enrolled, full-time pupils

1 attending the nonaccredited school are not eligible for
2 average number belonging calculation purposes, nor will an
3 average number belonging for the nonaccredited school be
4 used in determining the foundation program for the 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 must be
9 determined in a manner prescribed by the superintendent of
10 public instruction.

11 (5) The ANB of any school attendance center that is a
12 component of a school for the purposes of accreditation must
13 be aggregated with the ANB of the school, regardless of
14 distances between or among the school attendance centers of
15 the school."

16 NEW SECTION. Section 3. Effective date. [This act] is
17 effective July 1, 1993.

-End-

HOUSE BILL NO. 210

INTRODUCED BY PECK

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A SCHOOL ATTENDANCE CENTER; REQUIRING THAT A SCHOOL ATTENDANCE CENTER BE LOCATED WITHIN THE BOUNDARIES OF A SCHOOL DISTRICT; AMENDING SECTIONS 20-1-101 AND 20-9-311, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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(2), of the 1972 Montana constitution and 2-15-1505.

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 4 has not yet reached his--19th-birthday age 19 and who is
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 22 be located within the boundaries of a THE school district
 23 THAT ESTABLISHES THE CENTER.

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 25 providing food for the pupils of a district on a nonprofit

1 basis and ~~shall--include~~ includes any food service
 2 financially assisted through funds or commodities provided
 3 by the United States government.

4 (14)(15) The "state board of education" is the board
 5 composed of the board of public education and the board of
 6 regents as specified in Article X, section 9, subsection
 7 (1), of the 1972 Montana constitution.

8 (15)(16) "State university" means the Montana state
 9 university, located at Bozeman.

10 (16)(17) "Superintendent of public instruction" means
 11 that state government official designated as a member of the
 12 executive branch by the constitution of Montana.

13 (17)(18) "System" means the Montana university system.

14 (18)(19) "Teacher" means any person, except a district
 15 superintendent, who holds a valid Montana teacher
 16 certificate that has been issued by the superintendent of
 17 public instruction under the provisions of this title and
 18 the policies adopted by the board of public education and
 19 who is employed by a district as a member of its
 20 instructional, supervisory, or administrative staff. This
 21 definition of a teacher ~~shall~~ also include includes any
 22 person for whom an emergency authorization of employment of
 23 such the person has been issued under the provisions of
 24 20-4-111.

25 (19)(20) "Textbook" means a book or manual used as a

1 principal source of study material for a given class or
2 group of students.

3 ~~†20†~~(21) "Textbook dealer" means any party, company,
4 corporation, or other organization selling, offering to
5 sell, or offering for adoption textbooks to districts in the
6 state of Montana.

7 ~~†21†~~(22) "Trustees" means the governing board of a
8 district.

9 ~~†22†~~(23) "University" means the university of Montana,
10 located at Missoula.

11 ~~†23†~~(24) "Vocational education" means the instruction to
12 prepare or improve the pupil for gainful employment that
13 does not require a baccalaureate or higher degree. ~~This~~
14 ~~definition--of-vocational~~ Vocational education ~~shall-include~~
15 ~~includes~~ guidance and prevocational, related, or technical
16 instruction necessary to prepare the pupil for further
17 vocational education or for entry into employment.

18 ~~†24†~~(25) "Vocational-technical center" means an
19 institution used principally for the provision of
20 vocational-technical education to persons who qualify as
21 vocational-technical students. These centers are designated
22 by the board of regents upon direction by the legislature.
23 All other public or private institutions or schools are
24 hereby prohibited from using this title.

25 ~~†25†~~(26) "Vocational-technical education" means

1 vocational-technical education of vocational-technical
2 students that is conducted by a vocational-technical center,
3 a unit of the Montana university system, or a community
4 college as designated by the board of regents."

5 **Section 2.** Section 20-9-311, MCA, is amended to read:

6 "20-9-311. Calculation of average number belonging
7 (ANB). (1) Average number belonging must be computed by
8 determining the total of the aggregate days of attendance by
9 regularly enrolled, full-time pupils during the second
10 semester of the preceding school fiscal year and the first
11 semester of the current school fiscal year plus the
12 aggregate days of absence by regularly enrolled, full-time
13 pupils during the second semester of the preceding school
14 fiscal year and the first semester of the current school
15 fiscal year and by dividing the total by 180. However, when
16 a school district has approval to operate less than 180
17 school days under 20-9-804, the total must be calculated in
18 accordance with the provisions of 20-9-805. For the purpose
19 of calculating ANB under this section, the days of
20 attendance for a regularly enrolled pupil may not exceed 180
21 pupil-instruction days and 7 pupil-instruction-related days.
22 Attendance for a part of a morning session or a part of an
23 afternoon session by a pupil must be counted as attendance
24 for one-half day. In calculating the ANB for pupils enrolled
25 in a program established under 20-7-117(1), attendance at or

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

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

25 (3) The average number belonging of the regularly

1 enrolled, full-time pupils for the public schools of a
 2 district must be based on the aggregate of all the regularly
 3 enrolled, full-time pupils attending the schools of the
 4 district, except that when:

5 (a) (i) a school of the district is located more than 3
 6 miles beyond the incorporated limits of a city or town
 7 located in the district and 3 miles from any other school of
 8 the district, all of the regularly enrolled, full-time
 9 pupils of the school must be calculated separately for ANB
 10 purposes; or

11 (ii) a school of the district is located more than 3
 12 miles from any other school of the district and no
 13 incorporated territory is not involved in the district, all
 14 of the regularly enrolled, full-time pupils of the school
 15 must be calculated separately for ANB purposes;

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

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

25 (d) a school has not been accredited by the board of

1 public education, the regularly enrolled, full-time pupils
2 attending the nonaccredited school are not eligible for
3 average number belonging calculation purposes, nor will an
4 average number belonging for the nonaccredited school be
5 used in determining the foundation program for the district.

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

12 (5) The ANB of any school attendance center that is a
13 component of a school for the purposes of accreditation must
14 be aggregated with the ANB of the school, regardless of
15 distances between or among the school attendance centers of
16 the school."

17 **NEW SECTION. Section 3. Effective date.** [This act] is
18 effective July 1, 1993.

-End-