HOUSE BILL NO. 56

INTRODUCED BY COCCHIARELLA, J. RICE, SPRING, J. JOHNSON

IN THE HOUSE

DECEMBER 3, 1993

INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

DECEMBER 10, 1993

SECOND READING, DO PASS.

ENGROSSING REPORT.

THIRD READING, PASSED.

AYES, 94; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

INTRODUCED AND REFERRED TO COMMITTEE

DECEMBER 11, 1993 INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

DECEMBER 14, 1993 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

DECEMBER 15, 1993 SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

DECEMBER 15, 1993 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

10

11

12

13

14

15 16

17

18

19

20 21

22 23

24

1	House BILL NO. 56
2	INTRODUCED BY Coulinalla Rua springetingeting
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT
5	MANDATORY APPROVAL FOR ATTENDANCE OUTSIDE A CHILD'S SCHOOL
6	DISTRICT OF RESIDENCE IS NOT REQUIRED IF CERTAIN GEOGRAPHIC
7	CONDITIONS ARE MET AND IF THE DISTRICT OF RESIDENCE PROVIDES
8	TRANSPORTATION AND IS WITHIN THE SAME COUNTY AS THE CHILD'S
9	SCHOOL DISTRICT OF CHOICE; AMENDING SECTION 20-5-321, MCA;
10	AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 20-5-321, MCA, is amended to read:
14	"20-5-321. Attendance with mandatory approval
15	tuition and transportation. (1) An out-of-district
16	attendance agreement that allows a child to enroll in and
17	attend a school in a Montana school district that is outside
18	of the child's district of residence or in a public school
19	district of a state or province that is adjacent to the
20	county of the child's residence is mandatory whenever:
21	(a) the child resides closer to the school that the
22	child wishes to attend and more than 3 miles from the school
23	the child would attend in the resident district and:
24	(i) the resident district does not provide
25	transportation: or

(ii) the district of residence provides transportation
and is not within the same county as the child's school
district of choice;
(b) the child resides in a location where, due to road
or geographic conditions, it is impractical to attend the
school nearest the child's residence;
(c) the child is a member of a family who-must that is
required to send another child outside of the elementary
district to attend high school and the child of elementary
age may more conveniently attend an elementary school where
the high school is located, provided that the child resides
more than 3 miles from an elementary school in the resident
district or that the parent must is required to move to the
elementary district where the high school is located to
enroll another child in high school;
(d) the child has been adjudicated by a court of
competent jurisdiction to be an abused, neglected, or
dependent child, as defined in 41-3-102, or a youth in need

- court of ted, or in need of supervision or a delinquent youth, as defined in 41-5-103, and has been placed in a licensed youth care facility that is approved by the department of family services and, as a result of the placement, is required to attend school outside of the child's district of residence; or
- 25 (e) the child is required to attend school outside of



- the district of residence as the result of a placement by a state agency or parent in a group home licensed by the state or an order of a court of competent jurisdiction.
 - (2) (a) Whenever a parent or guardian of a child, an agency of the state, or a court wishes to have a child attend a school under the provisions of this section, the parent or guardian, agency, or court shall complete an out-of-district attendance agreement in consultation with an appropriate official of the district the child will attend.

10

11

12 13

14 15

16

17

18

19

20

21

22

23

24

25

- (b) The attendance agreement must set forth the financial obligations, if any, for costs incurred for tuition and transportation as provided in 20-5-323 and Title 20, chapter 10.
- (c) The trustees of the district of choice may waive any or all of the tuition rate, but any waiver must be applied equally to all students.
- (3) Except as provided in subsection (4), the trustees of the resident district and the trustees of the district of choice shall approve the out-of-district attendance agreement and notify the county superintendent of schools of the county of the child's residence of the approval of the agreement within 10 days. The county superintendent shall approve the agreement for payment under 20-5-324(5).
- (4) Unless the child is a child with disabilities who resides in the district, the trustees of the district where

- the school to be attended is located may disapprove an
- 2 out-of-district attendance agreement whenever they find
- 3 that, due to insufficient room and overcrowding, the
- 4 accreditation of the school would be adversely affected by
- 5 the acceptance of the child."
- 6 NEW SECTION. Section 2. Effective date --
- 7 applicability. [This act] is effective July 1, 1994, and
- 8 applies to attendance agreements for the school fiscal year
- 9 beginning July 1, 1994.

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1	HOUSE BILL NO. 56
2	INTRODUCED BY COCCHIARELLA, J. RICE, SPRING, J. JOHNSON
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT
5	MANDATORY APPROVAL FOR ATTENDANCE OUTSIDE A CHILD'S SCHOOL
6	DISTRICT OF RESIDENCE IS NOT REQUIRED IF CERTAIN GEOGRAPHIC
7	CONDITIONS ARE MET AND IF THE DISTRICT OF RESIDENCE PROVIDES
8	TRANSPORTATION AND IS WITHIN THE SAME COUNTY AS THE CHILD'S
9	SCHOOL DISTRICT OF CHOICE; AMENDING SECTION 20-5-321, MCA;
10	AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN A
11	RETROACTIVE APPLICABILITY DATE."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 20-5-321, MCA, is amended to read:
15	"20-5-321. Attendance with mandatory approval
16	tuition and transportation. (1) An out-of-district
17	attendance agreement that allows a child to enroll in and
18	attend a school in a Montana school district that is outside
19	of the child's district of residence or in a public school
20	district of a state or province that is adjacent to the
21	county of the child's residence is mandatory whenever:
22	(a) the child resides closer to the school that the
23	child wishes to attend and more than 3 miles from the school
24	the child would attend in the resident district and:
25	(i) the resident district does not provide

-	cransportation; or
2	(ii) the district of residence provides transportation
3	and is not within the same county as the child's school
4	district of choice;
5	(b) the child resides in a location where, due to road
6	or geographic conditions, it is impractical to attend the
7	school nearest the child's residence;
8	(c) the child is a member of a family who-must that is
9	required to send another child outside of the elementary
10	district to attend high school and the child of elementary
11	age may more conveniently attend an elementary school where
12	the high school is located, provided $\underline{\text{that}}$ the child resides
13	more than 3 miles from an elementary school in the resident
14	district or $\underline{\text{that}}$ the parent must $\underline{\text{is required to}}$ move to the
15	elementary district where the high school is located to
16	enroll another child in high school;
17	(d) the child has been adjudicated by a court of
18	competent jurisdiction to be an abused, neglected, or
19	dependent child, as defined in 41-3-102, or a youth in need
20	of supervision or a delinquent youth, as defined in
21	41-5-103, and has been placed in a licensed youth care
22	facility that is approved by the department of family
23	services and, as a result of the placement, is required to
24	attend school outside of the child's district of residence;

25

or

(e) the child is required to attend school outside of the district of residence as the result of a placement by a state agency or parent in a group home licensed by the state or an order of a court of competent jurisdiction.

1

2

3

7

8 q

1.0

17

18

19 20

21

22

23

24

25

- (2) (a) Whenever a parent or quardian of a child, an agency of the state, or a court wishes to have a child attend a school under the provisions of this section, the parent or quardian, agency, or court shall complete an out-of-district attendance agreement in consultation with an appropriate official of the district the child will attend.
- 11 (b) The attendance agreement must set forth the financial obligations, if any, for costs incurred for 12 tuition and transportation as provided in 20-5-323 and Title 13 20, chapter 10. 14
- (c) The trustees of the district of choice may waive 15 any or all of the tuition rate, but any waiver must be 16 applied equally to all students.
 - (3) Except as provided in subsection (4), the trustees of the resident district and the trustees of the district of choice shall approve the out-of-district attendance agreement and notify the county superintendent of schools of the county of the child's residence of the approval of the agreement within 10 days. The county superintendent shall approve the agreement for payment under 20-5-324(5).
 - (4) Unless the child is a child with disabilities who

- resides in the district, the trustees of the district where
- the school to be attended is located may disapprove an
- out-of-district attendance agreement whenever they find
- that, due to insufficient room and overcrowding, the
- accreditation of the school would be adversely affected by
- the acceptance of the child."
- 7 NEW SECTION. Section 2. Effective date -- RETROACTIVE
- 8 applicability. [This act] is effective 3mly--17--19947 ON
- 9 PASSAGE AND APPROVAL and applies RETROACTIVELY, WITHIN THE
- 10 MEANING OF 1-2-109, to attendance agreements SIGNED AFTER
- [THE EFFECTIVE DATE OF THIS ACT] for the school fiscal year 11
- 12 beginning July 1, 1994.

-End-

25

(i) the

1	HOUSE BILL NO. 56
2	INTRODUCED BY COCCHIARELLA, J. RICE, SPRING, J. JOHNSON
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT
5	MANDATORY APPROVAL FOR ATTENDANCE OUTSIDE A CHILD'S SCHOOL
6	DISTRICT OF RESIDENCE IS NOT REQUIRED IF CERTAIN GEOGRAPHIC
7	CONDITIONS ARE MET AND IF THE DISTRICT OF RESIDENCE PROVIDES
8	TRANSPORTATION AND IS WITHIN THE SAME COUNTY AS THE CHILD'S
9	SCHOOL DISTRICT OF CHOICE; AMENDING SECTION 20-5-321, MCA;
10	AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN A
11	RETROACTIVE APPLICABILITY DATE."
12	·
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 20-5-321, MCA, is amended to read:
15	<pre>"20-5-321. Attendance with mandatory approval</pre>
16	tuition and transportation. (1) An out-of-district
17	attendance agreement that allows a child to enroll in and
18	attend a school in a Montana school district that is outside
19	of the child's district of residence or in a public school
20	district of a state or province that is adjacent to the
21	county of the child's residence is mandatory whenever:
22	(a) the child resides closer to the school that the
23	child wishes to attend and more than 3 miles from the school

the child would attend in the resident district and:

district

resident

2	(ii) the district of residence provides transportation
3	and is not within the same county as the child's school
4	district of choice;
5	(b) the child resides in a location where, due to road
6	or geographic conditions, it is impractical to attend the
7	school nearest the child's residence;
8	(c) the child is a member of a family who-must that is
9	required to send another child outside of the elementary
10	district to attend high school and the child of elementary
11	age may more conveniently attend an elementary school where
12	the high school is located, provided that the child resides
13	more than 3 miles from an elementary school in the resident
14	district or that the parent must is required to move to the
15	elementary district where the high school is located to
16	enroll another child in high school;
17	(d) the child has been adjudicated by a court of
18	competent jurisdiction to be an abused, neglected, or
19	dependent child, as defined in 41-3-102, or a youth in need
20	of supervision or a delinquent youth, as defined in
21	41-5-103, and has been placed in a licensed youth care
22	facility that is approved by the department of family
23	services and, as a result of the placement, is required to
24	attend school outside of the child's district of residence;

transportation; or

does not provide

25

or

beginning July 1, 1994.

(e) the child is required to attend school outside of the district of residence as the result of a placement by a state agency or parent in a group home licensed by the state or an order of a court of competent jurisdiction.

- (2) (a) Whenever a parent or guardian of a child, an agency of the state, or a court wishes to have a child attend a school under the provisions of this section, the parent or guardian, agency, or court shall complete an out-of-district attendance agreement in consultation with an appropriate official of the district the child will attend.
- (b) The attendance agreement must set forth the financial obligations, if any, for costs incurred for tuition and transportation as provided in 20-5-323 and Title 20, chapter 10.
- (c) The trustees of the district of choice may waive any or all of the tuition rate, but any waiver must be applied equally to all students.
- (3) Except as provided in subsection (4), the trustees of the resident district and the trustees of the district of choice shall approve the out-of-district attendance agreement and notify the county superintendent of schools of the county of the child's residence of the approval of the agreement within 10 days. The county superintendent shall approve the agreement for payment under 20-5-324(5).
 - (4) Unless the child is a child with disabilities who

-3-

- resides in the district, the trustees of the district where
 the school to be attended is located may disapprove an
 out-of-district attendance agreement whenever they find
 that, due to insufficient room and overcrowding, the
 accreditation of the school would be adversely affected by
 the acceptance of the child."
- applicability. [This act] is effective duly--l7--l9947 ON

 PASSAGE AND APPROVAL and applies RETROACTIVELY, WITHIN THE

 MEANING OF 1-2-109, to attendance agreements SIGNED AFTER

 [THE EFFECTIVE DATE OF THIS ACT] for the school fiscal year

-End-

NEW SECTION. Section 2. Effective date -- RETROACTIVE

HB 0056/02

_	10000 2122 1101 34
2	INTRODUCED BY COCCHIARELLA, J. RICE, SPRING, J. JOHNSON
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT
5	MANDATORY APPROVAL FOR ATTENDANCE OUTSIDE A CHILD'S SCHOOL
6	DISTRICT OF RESIDENCE IS NOT REQUIRED IF CERTAIN GEOGRAPHIC
7	CONDITIONS ARE MET AND IF THE DISTRICT OF RESIDENCE PROVIDES
8	TRANSPORTATION AND IS WITHIN THE SAME COUNTY AS THE CHILD'S
9	SCHOOL DISTRICT OF CHOICE; AMENDING SECTION 20-5-321, MCA;
.0	AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN A
1	RETROACTIVE APPLICABILITY DATE."
. 2	•
. 3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4	Section 1. Section 20-5-321, MCA, is amended to read:
.5	*20-5-321. Attendance with mandatory approval
16	tuition and transportation. (1) An out-of-district
L 7	attendance agreement that allows a child to enroll in and
18	attend a school in a Montana school district that is outside
19	of the child's district of residence or in a public school
20	district of a state or province that is adjacent to the
21	county of the child's residence is mandatory whenever:
22	(a) the child resides closer to the school that the
23	child wishes to attend and more than 3 miles from the school
24	the child would attend in the resident district and:
25	(i) the resident district does not provide

HOUSE BILL NO. 56

	<u>(ii)</u>	the	district	of	reside	nce p	rovi	des	transpo	rtation
and	is	not	within	the	same	count	y as	the	child's	school
dist	trict	of o	choice;							

- (b) the child resides in a location where, due to road or geographic conditions, it is impractical to attend the school nearest the child's residence:
- (c) the child is a member of a family who-must that is 8 9 required to send another child outside of the elementary 10 district to attend high school and the child of elementary 11 age may more conveniently attend an elementary school where 12 the high school is located, provided that the child resides 13 more than 3 miles from an elementary school in the resident district or that the parent must is required to move to the 14 15 elementary district where the high school is located to 16 enroll another child in high school;
- competent jurisdiction to be an abused, neglected, or dependent child, as defined in 41-3-102, or a youth in need of supervision or a delinquent youth, as defined in 41-5-103, and has been placed in a licensed youth care facility that is approved by the department of family

(d) the child has been adjudicated by a court of

- 23 services and, as a result of the placement, is required to
- 24 attend school outside of the child's district of residence;

-2-

25 or

1

2

3

5

6

7

17

transportation: or

11

12

beginning July 1, 1994.

(e) the child is required to attend school outside of the district of residence as the result of a placement by a state agency or parent in a group home licensed by the state or an order of a court of competent jurisdiction.

1

2

3

4

5

7

8 9

10

11

12

13

14 15

16

17 18

19

20

21

22

23

24

25

- (2) (a) Whenever a parent or quardian of a child, an agency of the state, or a court wishes to have a child attend a school under the provisions of this section, the parent or quardian, agency, or court shall complete an out-of-district attendance agreement in consultation with an appropriate official of the district the child will attend.
- (b) The attendance agreement must set forth the financial obligations, if any, for costs incurred for tuition and transportation as provided in 20-5-323 and Title 20, chapter 10.
- (c) The trustees of the district of choice may waive any or all of the tuition rate, but any waiver must be applied equally to all students.
- (3) Except as provided in subsection (4), the trustees of the resident district and the trustees of the district of choice shall approve the out-of-district attendance agreement and notify the county superintendent of schools of the county of the child's residence of the approval of the agreement within 10 days. The county superintendent shall approve the agreement for payment under 20-5-324(5).
- (4) Unless the child is a child with disabilities who

1 resides in the district, the trustees of the district where the school to be attended is located may disapprove an out-of-district attendance agreement whenever they find that, due to insufficient room and overcrowding, the

accreditation of the school would be adversely affected by

the acceptance of the child." 7 NEW SECTION. Section 2. Effective date -- RETROACTIVE 8 applicability. [This act] is effective July--17--19947 ON 9 PASSAGE AND APPROVAL and applies RETROACTIVELY, WITHIN THE 10 MEANING OF 1-2-109, to attendance agreements SIGNED AFTER

-End-

-4-

[THE EFFECTIVE DATE OF THIS ACT] for the school fiscal year