

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.

DECEMBER 9, 1993 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

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.

1 the district of residence as the result of a placement by a
2 state agency or parent in a group home licensed by the state
3 or an order of a court of competent jurisdiction.

4 (2) (a) Whenever a parent or guardian of a child, an
5 agency of the state, or a court wishes to have a child
6 attend a school under the provisions of this section, the
7 parent or guardian, agency, or court shall complete an
8 out-of-district attendance agreement in consultation with an
9 appropriate official of the district the child will attend.

10 (b) The attendance agreement must set forth the
11 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.

17 (3) Except as provided in subsection (4), the trustees
18 of the resident district and the trustees of the district of
19 choice shall approve the out-of-district attendance
20 agreement and notify the county superintendent of schools of
21 the county of the child's residence of the approval of the
22 agreement within 10 days. The county superintendent shall
23 approve the agreement for payment under 20-5-324(5).

24 (4) Unless the child is a child with disabilities who
25 resides in the district, the trustees of the district where

1 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

HOUSE BILL NO. 56

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

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT
MANDATORY APPROVAL FOR ATTENDANCE OUTSIDE A CHILD'S SCHOOL
DISTRICT OF RESIDENCE IS NOT REQUIRED IF CERTAIN GEOGRAPHIC
CONDITIONS ARE MET AND IF THE DISTRICT OF RESIDENCE PROVIDES
TRANSPORTATION AND IS WITHIN THE SAME COUNTY AS THE CHILD'S
SCHOOL DISTRICT OF CHOICE; AMENDING SECTION 20-5-321, MCA;
AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN A
RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 20-5-321, MCA, is amended to read:

"20-5-321. Attendance with mandatory approval --
tuition and transportation. (1) An out-of-district
attendance agreement that allows a child to enroll in and
attend a school in a Montana school district that is outside
of the child's district of residence or in a public school
district of a state or province that is adjacent to the
county of the child's residence is mandatory whenever:

(a) the child resides closer to the school that the
child wishes to attend and more than 3 miles from the school
the child would attend in the resident district and:

(i) the resident district does not provide

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
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

(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

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."

NEW SECTION. Section 2. Effective date -- RETROACTIVE applicability. [This act] is effective ~~July--17--1994~~, 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 beginning July 1, 1994.

-End-

HOUSE BILL NO. 56

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

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT MANDATORY APPROVAL FOR ATTENDANCE OUTSIDE A CHILD'S SCHOOL DISTRICT OF RESIDENCE IS NOT REQUIRED IF CERTAIN GEOGRAPHIC CONDITIONS ARE MET AND IF THE DISTRICT OF RESIDENCE PROVIDES TRANSPORTATION AND IS WITHIN THE SAME COUNTY AS THE CHILD'S SCHOOL DISTRICT OF CHOICE; AMENDING SECTION 20-5-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN A RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 20-5-321, MCA, is amended to read:

"20-5-321. Attendance with mandatory approval -- tuition and transportation. (1) An out-of-district attendance agreement that allows a child to enroll in and attend a school in a Montana school district that is outside of the child's district of residence or in a public school district of a state or province that is adjacent to the county of the child's residence is mandatory whenever:

(a) the child resides closer to the school that the child wishes to attend and more than 3 miles from the school the child would attend in the resident district and;

(i) the resident district does not provide

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 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

(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

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."

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(a) the child resides closer to the school that the child wishes to attend and more than 3 miles from the school the child would attend in the resident district and;

(i) the resident district does not provide

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 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

(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

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."

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-End-