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House BILL NO. 77

INTRODUCED BY

*Cochiarola*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SCHOOL DISTRICT TO WAIVE TUITION FOR A CHILD WHO IS DEFINED AS A HOMELESS CHILD UNDER THE FEDERAL STEWART B. MCKINNEY ACT; AMENDING SECTION 20-5-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 20-5-101, MCA, is amended to read:

**"20-5-101. Admittance of child to school.** (1) The trustees shall assign and admit ~~any~~ a child to a school in the district when the child is:

(a) 6 years of age or older on or before September 10 of the year in which the child is to enroll but ~~has not yet reached his 18th birthday~~ is not yet 19 years of age;

(b) a resident of the district; and

(c) otherwise qualified under the provisions of this title to be admitted to the school.

(2) The trustees of ~~any~~ a district may assign and admit any nonresident child to a school in the district under the tuition provisions of this title.

(3) The trustees may at their discretion assign and admit a child to a school in the district who is under 6 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision of this section.

(4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B. McKinney Act (P.L. 100-77), to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

(5) ~~Tuition~~ Except for the provisions of subsection (4), tuition for a nonresident child shall ~~shall~~ must be paid in accordance with the tuition provisions of this title."

**NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0077, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring a school district to waive tuition for a child who is defined as a homeless child under the federal Stewart B. McKinney Act.

ASSUMPTIONS:

1. The most recent data collected by the Office of Public Instruction (1993) indicates that there are 2,028 school age children who are homeless. Of these, 1839 are enrolled in public schools.
2. The homeless students who are enrolled in the public schools are currently generating ANB funding.

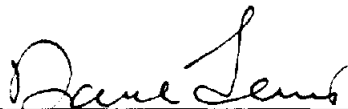
FISCAL IMPACT: No fiscal impact to the state.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There will be shifts in costs at the school district level for those districts which have assessed tuition for homeless students in the past that will no longer be able to do so. In many cases, school districts educating homeless students have not been able to identify a sending district against which to charge tuition.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

TECHNICAL NOTES:

 1-7-95

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



V. COCCHIARELLA, PRIMARY SPONSOR      DATE

Fiscal Note for HB0077, as introduced

HB 77

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INTRODUCED BY Cochranella <sup>House</sup> BILL NO. 77

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