

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN APPROPRIATION FOR FULL-TIME ANB FUNDING
5 TO PUBLIC SCHOOL DISTRICTS FOR STUDENTS ENROLLED FULL TIME IN A KINDERGARTEN PROGRAM
6 OF AT LEAST 720 HOURS; AMENDING SECTIONS 20-7-117 AND 20-9-311, MCA; AND PROVIDING AN
7 EFFECTIVE DATE AND AN APPLICABILITY DATE."

8
9 WHEREAS, full-day kindergarten has been proved to be a vital step in starting children on a successful
10 path to learning; and

11 WHEREAS, children who are enrolled in full-day kindergarten programs demonstrate greater progress
12 in literacy, math, and general learning skills; and

13 WHEREAS, children who are enrolled in full-day kindergarten programs demonstrate significant gains
14 in social and emotional development; and

15 WHEREAS, children who are enrolled in full-day kindergarten programs experience fewer grade
16 retentions and special education placements and demonstrate reduced behavioral problems; and

17 WHEREAS, although the Montana K-12 Public School Renewal Commission and the Education and
18 Local Government Interim Committee have both endorsed the need to provide funding for full-time kindergarten
19 programs, the Legislature has failed to pass legislation funding full-day kindergarten.

20
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22
23 **Section 1.** Section 20-7-117, MCA, is amended to read:

24 **"20-7-117. Five-year-old schooling and preschool programs.** (1) (a) The trustees of an elementary
25 district shall establish or make available a program capable of accommodating, at a minimum, all the children in
26 the district who will be 5 years old on or before September 10 of the school year for which the program is to be
27 conducted or who have been enrolled by special permission of the board of trustees. The program must be an
28 integral part of the elementary school and must be financed and governed accordingly, provided that to be eligible
29 for inclusion in the calculation of ANB pursuant to 20-9-311, a child must have reached the age of 5 on or before
30 September 10 of the school year covered by the calculation or have been enrolled by special permission of the

1 board of trustees.

2 (b) A program for a child in the district who will be 5 years old on or before September 10 is:

3 (i) a half-day program if offered for at least 360 hours but less than 720 hours in the school year; or

4 (ii) a full-day program if offered for at least 720 hours in the school year.

5 (2) The trustees of an elementary school district may establish and operate a free preschool program
6 for children between the ages of 3 and 5 years. When preschool programs are established, they must be an
7 integral part of the elementary school and must be governed accordingly. Financing of preschool programs may
8 not be supported by money available from state equalization aid."

9

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

11 **"20-9-311. (Temporary) Calculation of average number belonging (ANB) -- three-year averaging.**

12 (1) Average number belonging (ANB) must be computed for each budget unit as follows:

13 (a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were
14 enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on
15 February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day, and
16 divide the sum by two; and

17 (b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved
18 pupil-instruction-related days for the current school fiscal year and divide by 180.

19 (2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related
20 days may be included in the calculation.

21 (3) When a school district has approval to operate less than the minimum aggregate hours under
22 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

23 (4) (a) Except as provided in subsection (5), for the purpose of calculating ANB, enrollment in an
24 education program:

25 (i) from 181 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time
26 enrollment;

27 (ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time
28 enrollment;

29 (iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time
30 enrollment; and

- 1 (iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.
- 2 (b) Enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per
3 school year may not be included for purposes of ANB.
- 4 (c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on
5 the hours necessary and appropriate to provide the course within a regular classroom schedule.
- 6 (d) A pupil in grades 1 through 12 who is concurrently enrolled in more than one public school, program,
7 or district may not be counted as more than one full-time pupil for ANB purposes.
- 8 (5) In calculating the ANB for pupils enrolled in a program established under 20-7-117(1);
9 (a) enrollment in a program that provides 360 or more aggregate hours of pupil instruction per school
10 year must be counted as one-half pupil for ANB purposes; and
- 11 (b) enrollment in a full-day program described in 20-7-117 must be counted as a regularly enrolled
12 full-time pupil.
- 13 (6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days,
14 the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes
15 attendance prior to the day of the enrollment count.
- 16 (7) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the ANB
17 calculations.
- 18 (8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a
19 district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the
20 district, except that the ANB is calculated as a separate budget unit when:
- 21 (a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town
22 located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled,
23 full-time pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must
24 receive a basic entitlement for the school calculated separately from the other schools of the district;
- 25 (ii) a school of the district is located more than 20 miles from any other school of the district and
26 incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school
27 must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school
28 calculated separately from the other schools of the district;
- 29 (iii) the superintendent of public instruction approves an application not to aggregate when conditions
30 exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any

1 other condition exists that would result in an unusual hardship to the pupils of the school if they were transported
2 to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately
3 for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the
4 other schools of the district; or

5 (iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and
6 the basic entitlements of the component districts must be calculated separately for a period of 3 years following
7 the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional
8 years as follows:

9 (A) 75% of the basic entitlement for the fourth year;

10 (B) 50% of the basic entitlement for the fifth year; and

11 (C) 25% of the basic entitlement for the sixth year.

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

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

18 (d) a school has not been accredited by the board of public education, the regularly enrolled, full-time
19 pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes,
20 nor will an average number belonging for the nonaccredited school be used in determining the BASE funding
21 program for the district.

22 (9) The district shall provide the superintendent of public instruction with semiannual reports of school
23 attendance, absence, and enrollment for regularly enrolled students, using a format determined by the
24 superintendent.

25 (10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program
26 provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes
27 only if the pupil is offered access to the complete range of educational services for the basic education program
28 required by the accreditation standards adopted by the board of public education.

29 (b) Access to school programs and services for a student placed by the trustees in a private program
30 for special education may be limited to the programs and services specified in an approved individual education

1 plan supervised by the district.

2 (c) Access to school programs and services for a student who is incarcerated in a facility, other than a
3 youth detention center, may be limited to the programs and services provided by the district at district expense
4 under an agreement with the incarcerating facility.

5 (d) This subsection (10) may not be construed to require a school district to offer access to activities
6 governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a
7 pupil who is not otherwise eligible under the rules of the organization.

8 (11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this
9 title and who is:

10 (a) a resident of the district or a nonresident student admitted by trustees under a student attendance
11 agreement and who is attending a school of the district;

12 (b) unable to attend school due to a medical reason certified by a medical doctor and receiving
13 individualized educational services supervised by the district, at district expense, at a home or facility that does
14 not offer an educational program;

15 (c) unable to attend school due to the student's incarceration in a facility, other than a youth detention
16 center, and who is receiving individualized educational services supervised by the district, at district expense, at
17 a home or facility that does not offer an educational program;

18 (d) receiving special education and related services, other than day treatment, under a placement by the
19 trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's
20 expense under an approved individual education plan supervised by the district;

21 (e) participating in the running start program at district expense under 20-9-706;

22 (f) receiving educational services, provided by the district, using appropriately licensed district staff at
23 a private residential program or private residential facility licensed by the department of public health and human
24 services;

25 (g) enrolled in an educational program or course provided at district expense using electronic or offsite
26 delivery methods, including but not limited to tutoring, distance learning programs, online programs, and
27 technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite
28 instructional setting with the approval of the trustees of the district. The pupil shall:

29 (i) meet the residency requirements for that district as provided in 1-1-215;

30 (ii) live in the district and must be eligible for educational services under the Individuals With Disabilities

1 Education Act or under 29 U.S.C. 794; or

2 (iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.

3 (h) a resident of the district attending a Montana job corps program under an interlocal agreement with
4 the district under 20-9-707.

5 (12) (a) For an elementary or high school district that has been in existence for 3 years or more, the
6 district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated
7 using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever
8 generates the greatest maximum general fund budget.

9 (b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund
10 budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and
11 high school programs pursuant to subsection (12)(a) and then combined.

12 (13) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

13 (a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the
14 previous 2 school fiscal years; and

15 (b) dividing the sum calculated under subsection (13)(a) by three. (Terminates June 30, 2007--sec. 25(2),
16 Ch. 462, L. 2005.)

17 **20-9-311. (Effective July 1, 2007) Calculation of average number belonging (ANB) -- three-year**
18 **averaging.** (1) Average number belonging (ANB) must be computed as follows:

19 (a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were
20 enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on
21 February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day, and
22 divide the sum by two; and

23 (b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved
24 pupil-instruction-related days for the current school fiscal year and divide by 180.

25 (2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related
26 days may be included in the calculation.

27 (3) When a school district has approval to operate less than the minimum aggregate hours under
28 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

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30 education program:

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2 enrollment;
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6 enrollment; and
- 7 (iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.
- 8 (b) Enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per
9 school year may not be included for purposes of ANB.
- 10 (c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on
11 the hours necessary and appropriate to provide the course within a regular classroom schedule.
- 12 (d) A pupil in grades 1 through 12 who is concurrently enrolled in more than one public school, program,
13 or district may not be counted as more than one full-time pupil for ANB purposes.
- 14 (5) In calculating the ANB for pupils enrolled in a program established under 20-7-117(1);
15 (a) enrollment in a program that provides 360 or more aggregate hours of pupil instruction per school
16 year must be counted as one-half pupil for ANB purposes; and
- 17 (b) enrollment in a full-day program described in 20-7-117 must be counted as a regularly enrolled
18 full-time pupil.
- 19 (6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days,
20 the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes
21 attendance prior to the day of the enrollment count.
- 22 (7) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the ANB
23 calculations.
- 24 (8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a
25 district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the
26 district, except that when:
- 27 (a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town
28 located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled,
29 full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic
30 entitlement for the school calculated separately from the other schools of the district;

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6 exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any
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7 plan supervised by the district.

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17 agreement and who is attending a school of the district;

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19 individualized educational services supervised by the district, at district expense, at a home or facility that does
20 not offer an educational program;

21 (c) unable to attend school due to the student's incarceration in a facility, other than a youth detention
22 center, and who is receiving individualized educational services supervised by the district, at district expense, at
23 a home or facility that does not offer an educational program;

24 (d) receiving special education and related services, other than day treatment, under a placement by the
25 trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's
26 expense under an approved individual education plan supervised by the district;

27 (e) participating in the running start program at district expense under 20-9-706;

28 (f) receiving educational services, provided by the district, using appropriately licensed district staff at
29 a private residential program or private residential facility licensed by the department of public health and human
30 services;

1 (g) enrolled in an educational program or course provided at district expense using electronic or offsite
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- 8 (iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.
- 9 (h) a resident of the district attending a Montana job corps program under an interlocal agreement with
10 the district under 20-9-707.

11 (12) (a) For an elementary or high school district that has been in existence for 3 years or more, the
12 district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated
13 using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever
14 generates the greatest maximum general fund budget.

15 (b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund
16 budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and
17 high school programs pursuant to subsection (12)(a) and then combined.

18 (13) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

- 19 (a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the
20 previous 2 school fiscal years; and
- 21 (b) dividing the sum calculated under subsection (13)(a) by three."

22
23 **NEW SECTION. Section 3. Appropriation.** The following amounts are appropriated from the general
24 fund to the office of public instruction for K-12 BASE aid to support the additional ANB funding for students
25 enrolled in full-day kindergarten programs:

26	Fiscal year 2008	\$11 million
27	Fiscal year 2009	\$11 million

28
29 **NEW SECTION. Section 4. Effective date -- applicability.** [This act] is effective July 1, 2007, and
30 applies to school budgets for the school fiscal year beginning on or after July 1, 2007.

31 - END -