EXHIBIT 7
DATE 2/4/2011
HB 288

Proposed Amendment to HB 288

1. Page 2, line 1.
Following: "minor,"
Insert: "as it pertains to enrollment in a K-12 public school system,"

2. Page 2, line 3.
Strike: "subsections (4)(c) and (4)(d)
Insert: "subsection (4)"

3. Page 2.
Following: line 5
Insert: "Except as provided in Title 20, chapter 5, part 5, and [this section] the residence of an unmarried minor who has a parent living cannot be changed by either the minor's own act or that of the minor's guardian."
Renumber: subsequent sections

4. Page 2.
Following: line 7
Insert: "**Section 2.** 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 the resident district does not provide transportation;

(b) (i) the child resides in a location where, because of geographic conditions between the child's home and the school that the child would attend within the district of residence, it is impractical to attend school in the district of residence, as determined by the county transportation committee based on the following criteria:

(A) the length of time that is in excess of the 1-hour limit for each bus trip for an elementary child as authorized under 20-10-121;

(B) whether distance traveled is greater than 40 miles one way from the child's home to school on a dirt road or greater than a total of 60 miles one way from the child's home to school in the district of residence over the shortest passable route; or

(C) whether the condition of the road or existence of a geographic barrier, such as a river or mountain pass, causes a hazard that prohibits safe travel between the home and school.

(ii) The decision of the county transportation committee is subject to appeal to the superintendent of public instruction, as provided in 20-3-107, but the decision must be considered as final for the purpose of the payment of tuition under 20-5-324(5)(a)(ii) until a decision is issued by the superintendent of public instruction. The superintendent of public instruction may review and rule upon a decision of the county transportation committee without an appeal being filed.

(c) the child is a member of a family 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 is required to move to the elementary district where the high school is located to enroll another child in high

Insert: "Decisions regarding enrollment of a child with an individualized education program shall be made in compliance with the Individuals with Disabilities Education Act and the applicable provisions of Title 20, chapter 7, part 4."