

## HOUSE BILL NO. 515

INTRODUCED BY GLASER, LEWIS, BLACK, JACOBSON, VILLA, RASER, STORY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A DISTANCE LEARNING TECHNOLOGY PAYMENT TO SCHOOL DISTRICTS; PROVIDING FOR THE CALCULATION OF THE DISTANCE LEARNING TECHNOLOGY PAYMENT; INCLUDING THE DISTANCE LEARNING TECHNOLOGY PAYMENT IN BASE AID AND THE MAXIMUM GENERAL FUND BUDGET; AMENDING SECTIONS 20-7-102 AND 20-9-306, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 20-7-102, MCA, is amended to read:

**"20-7-102. Accreditation of schools.** (1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.

(2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that multiyear accreditation may be granted only to schools that are in compliance with 20-4-101.

(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in ~~20-9-306(14)(e)(ii)~~ 20-9-306(15)(c)(ii)."

**Section 2.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment; ~~and~~

(f) the total American Indian achievement gap payment; and

(g) the total distance learning technology payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, 100% of the total distance learning technology payment, and 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) \$230,199 for each high school district;

(b) \$20,718 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(i) \$20,718 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten

through grade 8; plus

(ii) \$230,199 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, the total distance learning technology payment, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying \$200 times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total distance learning technology payment" means the payment resulting from the calculation provided for in [section 2 3].

~~(13)~~(14) "Total Indian education for all payment" means the payment resulting from multiplying \$20.40 times the ANB of the district or \$100 for each district, whichever is greater, as provided for in 20-9-329.

~~(14)~~(15) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of \$5,704 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and

accredited junior high school or middle school, a maximum rate of \$4,456 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of \$4,456 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of \$5,704 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

~~(15)(16)~~ "Total quality educator payment" means the payment resulting from multiplying \$2,000 times the number of full-time equivalent educators as provided in 20-9-327."

**NEW SECTION. Section 3. Distance learning technology payment -- calculation.** (1) The state shall provide a distance learning technology payment to public school districts, as defined in 20-6-101 and 20-6-701, for students enrolled in distance learning courses. The distance learning courses must be offered pursuant to 20-9-309(2)(e) to satisfy the academic requirements contained in the accreditation standards adopted by the board of public education.

(2) Each school district shall report to the office of public instruction the number of students enrolled in distance learning courses that comply with subsection (1) in the prior fiscal year and the number of pupil-instruction hours for those distance learning courses.

(3) The office of public instruction shall calculate a distance learning technology payment for each school district USING THE COUNT OF PUPILS WHO WERE ENROLLED IN DISTANCE LEARNING COURSES THAT COMPLY WITH SUBSECTION (1) AS OF THE FIRST MONDAY IN OCTOBER OF THE PRIOR SCHOOL FISCAL YEAR AND ON FEBRUARY 1 OF THE PRIOR SCHOOL FISCAL YEAR OR ON THE NEXT SCHOOL DAY IF THOSE DATES DO NOT FALL ON A SCHOOL DAY. ~~The calculation is the sum of the amounts determined pursuant to subsections (3)(a) and (3)(b).~~ The distance learning technology payment is:

(a) \$250 for EACH PUPIL ENROLLED IN the equivalent of at least 135 hours of pupil instruction during the school year; and

(b) \$500 for EACH PUPIL ENROLLED IN the equivalent of at least 270 hours of pupil instruction during the

school year.

NEW SECTION. **Section 4. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 3].

NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2007.

NEW SECTION. **Section 6. Applicability.** [This act] applies to school district budgets for fiscal years beginning on or after July 1, 2007.

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