

SCHOOL FUNDING FOR OLDER STUDENTS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex, and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary:

A student who turns 19 on or before September 10 of a school year is not eligible for inclusion in Average Number Belonging (ANB) calculations that are the basis for much of Montana's school funding. School district trustees may continue enrolling these older students and providing educational services, but the students do not generate funding through the funding formula.

The policy question of whether these older students should be included in ANB counts has percolated in Montana in recent years with proposals to allow any student age 19+ to generate ANB funding as well as proposals specifically aimed at this allowance for older special education students.

Legislative Services Division Materials:

[Age and Time in School brief](#) (September 2019)

[Memo to LFC Education Subcommittee](#) (March 2020; with background on HB 298 and HB 451)

Introduced Legislation

*Chapter number assigned means bill was passed and approved.

2019

[HOUSE BILL NO. 298](#) - (S) Died in Standing Committee -- AN ACT REVISING AGE REQUIREMENTS RELATED TO SCHOOL ADMISSION AND FUNDING; REVISING THE DEFINITION OF "PUPIL"; ALLOWING

CERTAIN STUDENTS WITH DISABILITIES UP TO 21 YEARS OF AGE TO BE INCLUDED IN AVERAGE NUMBER BELONGING CALCULATIONS; AMENDING SECTIONS 20-1-101 AND 20-9-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

2017

[HOUSE BILL NO. 178](#) - (H) Died in Standing Committee -- AN ACT REVISING AGE REQUIREMENTS RELATED TO SCHOOL ADMISSION AND FUNDING; REVISING THE DEFINITION OF "PUPIL"; ALLOWING KINDERGARTEN STUDENTS AGE 5 OR OLDER TO BE ADMITTED WITHOUT SPECIAL PERMISSION OF TRUSTEES; PROVIDING CONDITIONS UNDER WHICH A STUDENT 19 YEARS OF AGE MAY BE INCLUDED IN AVERAGE NUMBER BELONGING CALCULATIONS; AMENDING SECTIONS 20-1-101, 20-5-101, AND 20-9-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[HOUSE BILL NO. 274](#) - (H) Died in Standing Committee -- AN ACT REVISING AGE REQUIREMENTS RELATED TO SCHOOL ADMISSION AND FUNDING; REVISING THE DEFINITION OF "PUPIL"; ALLOWING KINDERGARTEN STUDENTS AGE 5 OR OLDER TO BE ADMITTED WITHOUT SPECIAL PERMISSION OF TRUSTEES; ALLOWING CERTAIN STUDENTS WITH DISABILITIES UP TO 21 YEARS OF AGE TO BE INCLUDED IN AVERAGE NUMBER BELONGING CALCULATIONS; AMENDING SECTIONS 20-1-101, 20-5-101, AND 20-9-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

2015

[HOUSE BILL NO. 451](#) - (H) Missed Deadline for Appropriation Bill Transmittal - AN ACT ALLOWING SPECIAL EDUCATION PUPILS UP TO 21 YEARS OF AGE TO BE INCLUDED IN AVERAGE NUMBER BELONGING CALCULATIONS; REVISING THE DEFINITION OF "PUPIL"; AMENDING SECTIONS 20-1-101 AND 20-9-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SENATE BILL NO. 12](#) - (H) Died in Standing Committee - AN ACT AMENDING THE DEFINITION OF "PUPIL" FOR THE PURPOSES OF CALCULATING THE AVERAGE NUMBER BELONGING TO INCLUDE STUDENTS 19 YEARS OF AGE ADMITTED TO A SCHOOL AT THE DISCRETION OF SCHOOL DISTRICT TRUSTEES; PROVIDING CONDITIONS UNDER WHICH A STUDENT 19 YEARS OF AGE MAY BE INCLUDED IN AVERAGE NUMBER BELONGING CALCULATIONS; PROVIDING A LIMIT ON THE NUMBER OF STUDENTS 19 YEARS OF AGE OR OLDER A DISTRICT MAY INCLUDE IN AVERAGE NUMBER BELONGING CALCULATIONS; AMENDING SECTIONS 20-1-101 AND 20-9-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

2013

[SENATE BILL NO. 14](#) - (H) Died in Standing Committee - AN ACT AMENDING THE DEFINITION OF "PUPIL" FOR THE PURPOSES OF CALCULATING THE AVERAGE NUMBER BELONGING TO INCLUDE A LIMITED NUMBER OF STUDENTS WHO ARE 19 YEARS OF AGE AND ENROLLED WITH SPECIAL PERMISSION FROM THE BOARD OF TRUSTEES FOR THE PURPOSE OF EARNING CREDITS TO MEET THE MINIMUM LOCAL REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA; AMENDING SECTIONS 20-1-101 AND 20-9-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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