



1 (g) student assessment; and

2 (h) general provisions.

3 (2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is  
4 offered or for which a pupil is enrolled.

5 (3) "Agricultural experiment station" means the agricultural experiment station established at Montana  
6 state university-Bozeman.

7 (4) "At-risk student" means any student who is affected by environmental conditions that negatively  
8 impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

9 (5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time  
10 pupils physically attending or receiving educational services at an offsite instructional setting from the public  
11 schools of a district.

12 (6) "Board of public education" means the board created by Article X, section 9, subsection (3), of the  
13 Montana constitution and 2-15-1507.

14 (7) "Board of regents" means the board of regents of higher education created by Article X, section 9,  
15 subsection (2), of the Montana constitution and 2-15-1505.

16 (8) "Commissioner" means the commissioner of higher education created by Article X, section 9,  
17 subsection (2), of the Montana constitution and 2-15-1506.

18 (9) "County superintendent" means the county government official who is the school officer of the  
19 county.

20 (10) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate  
21 with a superintendent's endorsement that has been issued by the superintendent of public instruction under the  
22 provisions of this title and the policies adopted by the board of public education and who has been employed by  
23 a district as a district superintendent.

24 (11) (a) "Educational program" means a set of educational offerings designed to meet the program  
25 area standards contained in the accreditation standards.

26 (b) The term does not include an educational program or programs used in 20-4-121 and 20-25-803.

27 (12) "K-12 career and vocational/technical education" means organized educational activities that have  
28 been approved by the office of public instruction and that:

1 (a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and  
2 skills that the pupil needs to prepare for further education and for careers in the current or emerging  
3 employment sectors; and

4 (b) include competency-based applied learning that contributes to the academic knowledge, higher-  
5 order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and  
6 occupation-specific skills of the pupil.

7 (13) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be  
8 conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between  
9 classes.

10 (b) The term does not include lunch time and periods of unstructured recess.

11 (14) "Offsite instructional setting" means an instructional setting at a location, separate from a main  
12 school site, where a school district provides for the delivery of instruction to a student who is enrolled in the  
13 district.

14 (15) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an  
15 applicable principal's endorsement that has been issued by the superintendent of public instruction under the  
16 provisions of this title and the policies adopted by the board of public education and who has been employed by  
17 a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including  
18 a principal.

19 (16) "Pupil" means ~~a child who is 5 years of age or older on or before September 10 of the year in~~  
20 ~~which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-~~  
21 ~~101(3) but who has not yet reached 19 years of age and an individual who is admitted by the board of trustees~~  
22 ~~pursuant to 20-5-101 and~~ who is enrolled in a school established and maintained under the laws of the state at  
23 public expense. ~~For purposes of calculating the average number belonging pursuant to 20-9-311, the definition~~  
24 ~~of pupil includes a person who has not yet reached 19 years of age by September 10 of the year and is enrolled~~  
25 ~~under 20-5-101(3) in a school established and maintained under the laws of the state at public expense.~~

26 (17) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools  
27 while under the supervision of a teacher.

28 (18) "Qualified and effective teacher or administrator" means an educator who is licensed and

1 endorsed in the areas in which the educator teaches, specializes, or serves in an administrative capacity as  
2 established by the board of public education.

3 (19) "Regents" means the board of regents of higher education.

4 (20) "Regular school election" or "trustee election" means the election for school board members held  
5 on the day established in 20-20-105(1).

6 (21) "School election" means a regular school election or any election conducted by a district or  
7 community college district for authorizing taxation, authorizing the issuance of bonds by an elementary, high  
8 school, or K-12 district, or accepting or rejecting any proposition that may be presented to the electorate for  
9 decision in accordance with the provisions of this title.

10 (22) "School food services" means a service of providing food for the pupils of a district on a nonprofit  
11 basis and includes any food service financially assisted through funds or commodities provided by the United  
12 States government.

13 (23) "Special school election" means an election held on a day other than the day of the regular school  
14 election, primary election, or general election.

15 (24) "State board of education" means the board composed of the board of public education and the  
16 board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

17 (25) "State university" means Montana state university-Bozeman.

18 (26) "Student with limited English proficiency" means any student:

19 (a) (i) who was not born in the United States or whose native language is a language other than  
20 English;

21 (ii) who is an American Indian and who comes from an environment in which a language other than  
22 English has had a significant impact on the individual's level of English proficiency; or

23 (iii) who is migratory, whose native language is a language other than English, and who comes from an  
24 environment in which a language other than English is dominant; and

25 (b) whose difficulties in speaking, reading, writing, or understanding the English language may be  
26 sufficient to deny the student:

27 (i) the ability to meet the state's proficiency assessments;

28 (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

1 (iii) the opportunity to participate fully in society.

2 (27) "Superintendent of public instruction" means that state government official designated as a  
3 member of the executive branch by the Montana constitution.

4 (28) "System" means the Montana university system.

5 (29) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher  
6 certificate that has been issued by the superintendent of public instruction under the provisions of this title and  
7 the policies adopted by the board of public education and who is employed by a district as a member of its  
8 instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an  
9 emergency authorization of employment has been issued under the provisions of 20-4-111.

10 (30) "Textbook" means a book or manual used as a principal source of study material for a given class  
11 or group of students.

12 (31) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to  
13 sell, or offering for adoption textbooks to districts in the state.

14 (32) "Trustees" means the governing board of a district.

15 (33) "University" means the university of Montana-Missoula.

16 (34) "Vocational-technical education" means vocational-technical education of vocational-technical  
17 students that is conducted by a unit of the Montana university system, a community college, or a tribally  
18 controlled community college, as designated by the board of regents."

19

20 **Section 2.** Section 20-1-301, MCA, is amended to read:

21 **"20-1-301. School fiscal year.** (1) The school fiscal year begins on July 1 and ends on June 30. At  
22 least the minimum aggregate hours required in subsection (2) must be conducted during each school fiscal  
23 year, except that 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient. The  
24 minimum aggregate hours required in subsection (2) are not required for any pupil demonstrating proficiency  
25 pursuant to 20-9-311(4)(d).

26 (2) The minimum aggregate hours required by grade are:

27 (a) 360 hours for a half-time kindergarten or preschool program or 720 hours for a full-time  
28 kindergarten or preschool program, as provided in 20-7-117 and [section 6];

- 1 (b) 720 hours for grades 1 through 3; and
- 2 (c) 1,080 hours for grades 4 through 12.
- 3 (3) For any elementary or high school district that fails to provide for at least the minimum aggregate
- 4 hours, as listed in subsections (1) and (2), to any pupil not demonstrating proficiency pursuant to 20-9-
- 5 311(4)(d), the superintendent of public instruction shall reduce the direct state aid for the district for that school
- 6 year by two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours
- 7 missed by each pupil not demonstrating proficiency pursuant to 20-9-311(4)(d)."

8

9 **Section 3.** Section 20-2-121, MCA, is amended to read:

10 **"20-2-121. Board of public education -- powers and duties.** The board of public education shall:

11 (1) effect an orderly and uniform system for teacher certification and specialist certification and for the

12 issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and

13 20-4-111;

14 (2) consider the suspension or revocation of teacher or specialist certificates and appeals from the

15 denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

16 (3) administer and order the distribution of BASE aid in accordance with the provisions of 20-9-344;

17 (4) adopt and enforce policies to provide uniform standards and regulations for the design,

18 construction, and operation of school buses in accordance with the provisions of 20-10-111;

19 (5) adopt policies prescribing the conditions when school may be conducted on Saturday and the

20 types of pupil-instruction-related days and approval procedure for those days in accordance with the provisions

21 of 20-1-303 and 20-1-304;

22 (6) adopt standards of accreditation and establish the accreditation status of every school in

23 accordance with the provisions of 20-7-101 and 20-7-102;

24 (7) adopt standards of accreditation for public preschool programs in consultation with the department

25 of public health and human services and establish the accreditation status of every preschool program in

26 accordance with the provisions of 20-7-101 and 20-7-102;

27 ~~(7)~~(8) approve or disapprove educational media selected by the superintendent of public instruction

28 for the educational media library in accordance with the provisions of 20-7-201;

1 ~~(8)(9)~~ adopt policies for the conduct of special education in accordance with the provisions of 20-7-  
2 402;

3 ~~(9)(10)~~ adopt rules for issuance of documents certifying equivalency of completion of secondary  
4 education in accordance with 20-7-131;

5 ~~(10)(11)~~ adopt policies for the conduct of programs for gifted and talented children in accordance with  
6 the provisions of 20-7-903 and 20-7-904;

7 ~~(11)(12)~~ adopt rules for student assessment in the public schools; and

8 ~~(12)(13)~~ perform any other duty prescribed from time to time by this title or any other act of the  
9 legislature."

10

11 **Section 4.** Section 20-5-101, MCA, is amended to read:

12 **"20-5-101. Admittance of child to school.** (1) The trustees shall assign and admit a child to a school  
13 in the district when the child is:

14 (a) 5 years of age or older on or before September 10 of the year in which the child is to enroll but is  
15 not yet 19 years of age;

16 (b) a resident of the district; and

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

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

20 (3) (a) The trustees may at their discretion assign and admit a child to a school in the district who is  
21 under 5 years of age ~~or in:~~

22 (i) a kindergarten program established under 20-7-117; or

23 (ii) a preschool program established under [section 6].

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

26 (c) The trustees may also admit an individual who has graduated from high school but is not yet 19  
27 years of age even though no special circumstances exist for waiver of the age provision of this section.

28 (4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B.

1 McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The  
2 trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

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

5 (6) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in the  
6 district outside of the adopted school boundaries applicable to the child is subject to the district's grievance  
7 policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding  
8 the assignment is final."

9

10 **Section 5.** Section 20-7-117, MCA, is amended to read:

11 **"20-7-117. Kindergarten ~~and preschool~~ programs.** (1) The trustees of an elementary district or K-  
12 12 district shall establish or make available a kindergarten program capable of accommodating, at a minimum,  
13 all the children in the district who will be 5 years old on or before September 10 of the school year for which the  
14 program is to be conducted ~~or who have been enrolled by special permission of the board of trustees~~. The  
15 kindergarten program, which the trustees may designate as either a half-time or full-time program, must be an  
16 integral part of the elementary school and must be financed and governed accordingly, ~~provided that to be~~  
17 ~~eligible for inclusion in the calculation of ANB pursuant to 20-9-311, a child must have reached 5 years of age~~  
18 ~~on or before September 10 of the school year covered by the calculation or have been enrolled by special~~  
19 ~~permission of the board of trustees~~. A kindergarten program must meet the minimum aggregate hour  
20 requirements established in 20-1-301. A kindergarten program that is designated as a full-time program must  
21 allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided  
22 in 20-5-102, to enroll the child half-time.

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

27

28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

NEW SECTION. **Section 6. Preschool programs.**

**OPTION A**

**(the various elements from options A, B, and C can mixed/matched; substitutions ARE allowed!)**

(1) The legislature intends that a board of trustees of an elementary or K-12 district that establishes a preschool program under this section does so in a collaborative manner that strengthens the existing network of early childhood care and education in the district and seeks to engage in partnerships to the greatest extent possible with the goal that each resident child of the district has access to a high-quality preschool education and enters kindergarten ready to develop the child's full educational potential.

(2) The trustees of an elementary or K-12 district may establish and operate a free preschool program for children between the ages of 3 and 5 years, which the trustees may designate as either a half-time or full-time program.

(3) A preschool program that is designated as a full-time program must allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided in 20-5-102, to enroll the child half-time.

(4) The trustees may contract with a head start provider or a community-based preschool provider to provide a preschool program under this section provided:

(a) the pupil's education program remains under the direction and supervision of the board of trustees as described in the terms of the contract;

(b) the contractor does not charge tuition or fees during any instructional time supported by public funds; and

(c) the contractor's preschool program is provided in accordance with the requirements for a nonpublic school under the provisions of 20-5-109.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**OPTION B (changes from Option A highlighted)**

(1) The legislature intends that a board of trustees of an elementary or K-12 district that establishes a preschool program under this section does so in a collaborative manner that strengthens the existing network of early childhood care and education in the district and engages in partnerships to the greatest extent possible with the goal that each resident child of the district has access to a high-quality preschool education and enters kindergarten ready to develop the child's full educational potential. The legislature also intends that state-level entities including the board of public education, superintendent of public instruction, and department of public health and human services collaborate to support the implementation of preschool programs under this section.

(2) The trustees of an elementary or K-12 district may establish and operate a free preschool program for children between the ages of 3 and 5 years, which the trustees may designate as either a half-time or full-time program, provided the district establishes a collaborative early childhood team to identify needs within the district for high-quality preschool education and coordinate efforts to address those needs. The team must include at a minimum:

- (a) a parent of a preschool-aged child;
- (b) a kindergarten teacher of the school district;
- (c) an early childhood educator;
- (d) if applicable, representation from a community-based preschool provider in the district;
- (e) if applicable, representation from a head start provider in the district; and
- (f) if applicable, representation from the child care resource and referral agency serving the district.

(3) A preschool program that is designated as a full-time program must allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided in 20-5-102, to enroll the child half-time.

(4) The trustees may contract with a head start provider or a community-based preschool provider to provide a preschool program under this section provided:

- (a) the pupil's education program remains under the direction and supervision of the board of trustees as described in the terms of the contract;

1 (b) the contractor does not charge tuition or fees during any instructional time supported by public  
2 funds; and

3 (c) the contractor's preschool program under this section is provided in accordance with:

4 (i) the standards of accreditation for preschool programs adopted by the board of public education  
5 pursuant to 20-2-121; and

6 (ii) Article X, section 7, of the Montana Constitution.

7

8

9

**OPTION C (changes from Option B highlighted)**

10

11

12

13

14

15

(1) The legislature intends that a board of trustees of an elementary or K-12 district that establishes a preschool program under this section does so in a collaborative manner that strengthens the existing network of early childhood care and education in the district and engages in partnerships to the greatest extent possible with the goal that each resident child of the district has access to a high-quality preschool education and enters kindergarten ready to develop the child's full educational potential.

16

17

18

19

20

(2) The trustees of an elementary or K-12 district may establish and operate a free preschool program for children between the ages of 3 and 5 years, which the trustees may designate as either a half-time or full-time program, provided the district establishes a collaborative early childhood team to identify needs within the district for high-quality preschool education and coordinate efforts to address those needs. The team must include at a minimum:

21

22

23

24

25

26

27

28

(a) a parent of a preschool-aged child;

(b) a kindergarten teacher of the school district;

(c) an early childhood educator;

(d) if applicable, representation from a community-based preschool provider in the district;

(e) if applicable, representation from a head start provider in the district; and

(f) if applicable, representation from the child care resource and referral agency serving the district.

(3) A preschool program that is designated as a full-time program must allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided in 20-5-102, to enroll the

1 child half-time.

2 (4) The trustees may contract with a head start provider or a community-based preschool provider to  
3 provide a preschool program under this section provided:

4 (a) the pupil's education program remains under the direction and supervision of the board of trustees  
5 as described in the terms of the contract;

6 (b) the contractor does not charge tuition or fees during any instructional time supported by public  
7 funds;

8 (c) the contractor's preschool program under this section:

9 (i) admits pupils and employs staff without regard to the pupil or staff member's sex, race, creed,  
10 religion, political beliefs, or national origin; and

11 (ii) provides only non-sectarian instruction during any instructional time supported by public funds;  
12 and

13 (d) (i) the head start provider meets all federal head start program performance standards; and

14 (ii) the community-based provider has a quality rating of at least three stars in the quality rating  
15 improvement system administered by the department of public health and human services.

16 (5) The board of public education, superintendent of public instruction, and department of public health  
17 and human services shall collaborate to support the implementation of preschool programs under this section  
18 and may utilize existing advisory councils in ensuring this collaboration. Collaborative support for  
19 implementation may include but is not limited to:

20 (a) providing curriculum guidance, including guidance related to incorporating Indian education for all  
21 and the preservation of American Indian language and culture;

22 (b) offering professional development opportunities;

23 (c) fostering continual improvement;

24 (d) developing the early educator workforce;

25 (e) selecting developmentally appropriate assessments to assure kindergarten readiness;

26 (f) expanding existing longitudinal data systems to include preschool pupils and programs;

27 (g) ensuring that federal resources are fully utilized in serving young children and families; and

28 (h) providing other technical assistance.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Section 7.** Section 20-9-311, MCA, is amended to read:

**"20-9-311. Calculation of average number belonging (ANB) -- 3-year averaging.** (1) Average

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

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

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

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

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

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

(i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

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

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

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Except as provided in subsection (4)(d), enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A school district may include in its calculation of ANB a pupil who is enrolled in a program

1 providing fewer than the required aggregate hours of pupil instruction required under subsection (4)(a) or (4)(b)  
 2 if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by  
 3 the school board using district assessments. The ANB of a pupil under this subsection (4)(d) must be converted  
 4 to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the  
 5 student has demonstrated proficiency.

6 (e) A pupil ~~in kindergarten through grade 12~~ who is concurrently enrolled in more than one public  
 7 school, program, or district may not be counted as more than one full-time pupil enrollment for ANB purposes.

8 (5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state  
 9 superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose  
 10 of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the  
 11 purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten  
 12 enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for  
 13 districts offering full-time kindergarten.

14 (6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days,  
 15 the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil  
 16 resumes attendance prior to the day of the enrollment count.

17 (7) ~~The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the ANB~~  
 18 ~~calculations. (a) A pupil who has reached 19 years of age by September 10 of the school year may not be~~  
 19 ~~included in the ANB calculations.~~

20 (b) A pupil in the following programs may be included in ANB calculations:

21 (i) a kindergarten program established under 20-7-117 provided the pupil has reached 4 years of age  
 22 on or before September 10 of the school year;

23 (ii) a special education program for a preschool child with a disability established under 20-7-411(3); or

24 (iii) a preschool program established under [section 6], provided the pupil has reached 4 years of age  
 25 on or before September 10 of the school year.

26 (8) The average number belonging of the regularly enrolled pupils for the public schools of a district  
 27 must be based on the aggregate of all the regularly enrolled pupils attending the schools of the district, except  
 28 that:

- 1 (a) the ANB is calculated as a separate budget unit when:
- 2 (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town
- 3 located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled
- 4 pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must
- 5 receive a basic entitlement for the school calculated separately from the other schools of the district;
- 6 (ii) a school of the district is located more than 20 miles from any other school of the district and
- 7 incorporated territory is not involved in the district, the number of regularly enrolled pupils of the school must be
- 8 calculated separately for ANB purposes and the district must receive a basic entitlement for the school
- 9 calculated separately from the other schools of the district;
- 10 (iii) the superintendent of public instruction approves an application not to aggregate when conditions
- 11 exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any
- 12 other condition exists that would result in an unusual hardship to the pupils of the school if they were
- 13 transported to another school, the number of regularly enrolled pupils of the school must be calculated
- 14 separately for ANB purposes and the district must receive a basic entitlement for the school calculated
- 15 separately from the other schools of the district; or
- 16 (iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB
- 17 and the basic entitlements of the component districts must be calculated separately for a period of 3 years
- 18 following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3
- 19 additional years as follows:
- 20 (A) 75% of the basic entitlement for the fourth year;
- 21 (B) 50% of the basic entitlement for the fifth year; and
- 22 (C) 25% of the basic entitlement for the sixth year.
- 23 (b) when a junior high school has been approved and accredited as a junior high school, all of the
- 24 regularly enrolled pupils of the junior high school must be considered as high school district pupils for ANB
- 25 purposes;
- 26 (c) when a middle school has been approved and accredited, all pupils below the 7th grade must be
- 27 considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered
- 28 high school pupils for ANB purposes; or

1 (d) when a school has been designated as nonaccredited by the board of public education because of  
2 failure to meet the board of public education's assurance and performance standards, the regularly enrolled  
3 pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes,  
4 nor will an average number belonging for the nonaccredited school be used in determining the BASE funding  
5 program for the district.

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

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

13 (b) Access to school programs and services for a student placed by the trustees in a private program  
14 for special education may be limited to the programs and services specified in an approved individual education  
15 plan supervised by the district.

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

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

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

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

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



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

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

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

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

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

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

16 (ii) live in the district and must be eligible for educational services under the Individuals With  
17 Disabilities Education Act or under 29 U.S.C. 794; or

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

19 (h) a resident of the district attending the Montana youth challenge program or a Montana job corps  
20 program under an interlocal agreement with the district under 20-9-707.

21 (12) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge  
22 program participant as half-time enrollment.

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

27 (b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general  
28 fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the

1 elementary and high school programs pursuant to subsection (13)(a) and then combined.

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

3 (a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the

4 previous 2 school fiscal years; and

5 (b) dividing the sum calculated under subsection (14)(a) by three."

6

7 **NEW SECTION. Section 8. Codification instruction.** [Section 6] is intended to be codified as an  
8 integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [section 6].

9

10 **NEW SECTION. Section 9. Effective date.** [This act] is effective July 1, 2021.

11

12

- END -