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As of: May 24, 2018 (2:41pm)

LCS191

**** Bill No. ****

Introduced By *****

By Request of the *****

FOR DISCUSSION PURPOSES

A Bill for an Act entitled: "An Act allowing a school district that is a member of a special education cooperative to levy within the district tuition fund for the cost of additional revenue assessments by the cooperative under certain conditions; amending section 20-5-324, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-5-324, MCA, is amended to read:

"20-5-324. Tuition report and payment provisions. (1)

Following the close of each school fiscal year, the trustees of a district shall report to the superintendent of public instruction:

(a) the name and district of residence of each child who attended a school of the district under a mandatory out-of-district attendance agreement approved under the provisions of 20-5-321(1)(d) or (1)(e) in the previous school year;

(b) the number of days of enrollment for each child reported under the provisions of subsection (1)(a);

(c) the annual tuition rate for each child's tuition payment, as determined under the provisions of 20-5-323, and the tuition cost for each child reported under the provisions of

Unofficial Draft Copy

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LCS191

subsection (1)(a);

(d) the names, districts of attendance, and amount of tuition paid by the district for resident students attending public schools out of state in the previous school year; and

(e) the names, schools of attendance, and amount of tuition to be paid by the district for resident students attending day-treatment programs under approved individualized education programs at private, nonsectarian schools in the previous school year.

(2) Subject to the limitations of 20-5-323, the superintendent of public instruction shall:

(a) pay the district of attendance the amount of the tuition obligation reported under subsection (1)(c), prorated for the actual days of enrollment;

(b) determine the total per-ANB entitlement for which the district would have been eligible if the students reported in subsections (1)(d) and (1)(e) had been enrolled in the resident district in the prior year; and

(c) reimburse the district of residence for the state portion of the per-ANB entitlement for each student, not to exceed the district's actual payment of tuition or fees for service for the student in the previous year.

(3) In order to be eligible to receive payment under subsection (2), the trustees of the district of attendance shall submit the report required by subsection (1) within the school fiscal year following the year of attendance.

(4) Notwithstanding the requirements of subsection (5)(a),

Unofficial Draft Copy

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LCS191

tuition payment provisions for out-of-district placement of students with disabilities must be determined pursuant to Title 20, chapter 7, part 4.

(5) (a) (i) When a child has approval to attend a school outside the child's district of residence at the resident district's expense under the provisions of 20-5-320 or 20-5-321(1)(a) or (1)(b) or when a child has approval to attend a day-treatment program under an approved individualized education program at a private, nonsectarian school located in or outside of the child's district of residence, the district of residence shall finance the tuition amount from the levy authorized to support the district tuition fund and any transportation amount from the levy authorized to support the transportation fund.

(ii) By December 31 of the school fiscal year following the year of attendance, the district of residence shall pay at least one-half of any tuition and transportation obligation established under subsection (5)(a)(i) out of the money realized to date from the district tuition or transportation fund levy. The remaining tuition and transportation obligation must be paid by June 15 of the school fiscal year following the year of attendance.

(iii) In addition to use of a tuition levy to pay tuition for out-of-district attendance of a resident pupil, a school district may also include in its tuition levy an amount necessary to for the following purposes:

(A) paying for assessments from a special education cooperative of which the district is a member. The amount of the levy may not exceed the amount of the assessment. Districts are

Unofficial Draft Copy

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LCS191

not eligible to levy for assessments under this subsection

(5)(a)(iii)(A) if:

(I) the district has received from the cooperative any refund of the district's required 25% match of the related services block grant pursuant to 20-9-321(6) or any other money in any of the previous two fiscal years; or

(II) the district has the amount of the required assessment in the district's impact aid fund or flexibility fund.

(B) pay paying for the full costs of providing a free appropriate public education, as defined in 20-7-401, in the district to any child with a disability who lives in the district. The amount of the levy imposed for the costs associated with educating each child with a disability under this subsection (5)(a)(iii)(B) is limited to the actual cost of service under the child's individualized education program minus:

~~(A)~~(I) the student's state special education payment;

~~(B)~~(II) the student's federal special education payment;

~~(C)~~(III) the student's per-ANB amount;

~~(D)~~(IV) the prorated portion of the district's basic entitlement for each qualifying student; and

~~(E)~~(V) the prorated portion of the district's general fund payments in 20-9-327 through 20-9-330 for each qualifying student.

(b) When a child has approval to attend a school outside the child's district of residence because of a parent's or guardian's request under the provisions of 20-5-320 or 20-5-321(1)(c), the parent or guardian of the child shall finance

Unofficial Draft Copy

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LCS191

the tuition and transportation amount.

(6) (a) Except as provided in subsections (6)(b) through (6)(d), the district shall credit tuition receipts to the district general fund and transportation receipts to the transportation fund.

(b) Any tuition receipts received under the provisions of 20-5-323(3) for the current school fiscal year that exceed the tuition receipts of the prior year may be deposited in the district miscellaneous programs fund and must be used for that year in the manner provided for in 20-9-507 to support the costs of the program for which the tuition was received.

(c) Any tuition receipts received for the current school fiscal year for a pupil who is a child with a disability that exceed the tuition amount received for a pupil without disabilities may be deposited in the district miscellaneous programs fund and must be used for that year in the manner provided for in 20-9-507 to support the costs of the program for which the tuition was received.

(d) Any other tuition receipts received for the current school fiscal year that exceed the tuition receipts of the prior year may be deposited in the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. For the ensuing school fiscal year, the receipts must be credited to the district general fund budget.

(7) The reimbursements paid under subsection (2)(c) must be deposited into the district tuition fund and must be used by the district to pay obligations for resident students attending

Unofficial Draft Copy

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LCS191

public schools out of state or for resident students attending day-treatment programs under approved individualized education programs at private, nonsectarian schools at district expense.

(8) The provisions of this section do not apply to out-of-state placements made by a state agency pursuant to 20-7-422."

{*Internal References to 20-5-324:*

20-5-320 * ok 20-5-320 ok 20-5-321 ok 20-5-321 ok
20-5-322 ok 20-6-702 * ok 20-6-702 ok 20-7-420 ok
20-9-116 ok 20-9-141 * ok 20-9-141 ok 20-9-507 ok
20-10-144 * ok 20-10-144 ok }

NEW SECTION. **Section 2.** {**standard**} **Effective date.** [This act] is effective July 1, 2019.

- END -

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