



**HB 203 Rep. David Bedey Generally
revise education laws to enhance educational opportunities.
Chapter: 368 Effective Date: July 1, 2024**

HB 203 amends sections 20-5-320, 20-5-321, 20-5-322, 20-5-323, 20-5-324, & 20-9-141, MCA,

HB 203 revises education laws related to students who attend school out of district and the associated tuition, out-of-district attendance choice, and assures taxpayer equity.

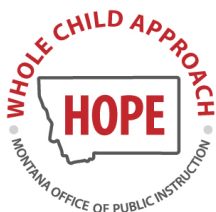
HB 203 changes section 20-5-320, MCA, amending the title to, Out-of-district attendance by parent or guardian request with no extenuating circumstances, and makes the following additional amendments. Changes include that, a child may enroll and attend a district that is the non-resident district at the request of the parent or guardian with approval of the trustees of the intended district of attendance. That the parents or guardians may be responsible for transportation of the child to the non-located district of attendance unless the district of attendance discretionarily provides transportation pursuant to 20-10-122, MCA.

Students of the resident district and those seeking enrollment under the 20-5-321, MCA, or attendance with mandatory approval are to be enrolled first, then afterward students may be enrolled under the provisions of section 20-9-320, MCA but only if the following criteria are not of concern:

The approval would result in exceeding limits if (paraphrased from the bill):

- building construction standards pursuant to Title 50, chapter 60.
- capacity and ingress and egress elements, either by individual room or by school. building, of any fire code authorized by Title 50, chapter 3.
- evacuation elements of the district's adopted school safety plan.
- truant as defined in 20-5-106 in the last school district attended.
- expelled by another school district.
- the trustees of a district that receives more applications than the district can accommodate.

Children seeking enrollment in a non-located district are obligated to the tuition requirements under 20-5-323 & 20-5-324, MCA.



Section 20-5-321, MCA, or attendance with mandatory approval is amended to strike language associated with the discretion to waive tuition, resulting in the requirement of students seeking attendance with mandatory approval will require mandatory tuition payments.

Section 20-5-322, MCA, is modified so that the district of attendance is required to notify the district of residence, the county of attendance, the county of residence and the superintendent of public instruction should the attendance agreement be accepted. If disapproved there may be appeal to the county superintendent and then to the superintendent of public instruction.

Section 20-5-323, MCA, or the calculation tuition and transportation rates is modified so that the district of residence shall pay the district of attendance a calculated amount of mandatory tuition. This amount is to be a percentage equal to the lesser of the percentage of either school district's adopted general fund budget funded by BASE and over-BASE property tax levies in the year of attendance not to exceed 35.3%.

This section is additionally amended to modify the tuition per-ANB amount by removing the data for achievement payment rate under 20-9-306 and the Indian education for all payment rate under 20-9- 306 for its calculation.

Section 20-5-324, MCA, or tuition payment provisions is modified so that when a child enrolls outside the resident district under sections 20-5-320 or 20-5-321, MCA, associated tuition is to be considered anticipated revenue in the BASE of the district's general fund. Should the amount anticipated exceed the limit of the BASE area the remainder is to be placed in the over-BASE portion of the district's general fund. It is further stated that the anticipated tuition revenue is to not affect BASE mills associated with the calculation of general fund GTB.

The superintendent of public instruction shall report annually to the education interim committee on out-of-district attendance under 20-5-320 through 20-5-324, MCA, in the prior school fiscal year.

Section 20-9-141, MCA, or the computation of general fund net levy requirement by county superintendent is modified for the following, if applicable, subtracting the result of dividing any tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, MCA, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2), MCA, that are available for reduction of the district's BASE budget levy by the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, MCA, divided by 1,000.