

1 SENATE BILL NO. 79

2 INTRODUCED BY G. BRANAE

3 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN INCREASE OF 3.9% IN FISCAL YEAR 2012 AND
6 1.53% IN FISCAL YEAR 2013 IN THE BASIC ENTITLEMENT, THE TOTAL AMERICAN INDIAN ACHIEVEMENT
7 GAP PAYMENT, THE TOTAL INDIAN EDUCATION FOR ALL PAYMENT, THE TOTAL PER-ANB
8 ENTITLEMENT, AND THE TOTAL QUALITY EDUCATOR PAYMENT; AMENDING SECTION 20-9-306, MCA;
9 AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

12

13 **Section 1.** Section 20-9-306, MCA, is amended to read:

14 **"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
15 definitions apply:

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

17 (2) "BASE aid" means:

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

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

23 (c) the total quality educator payment;

24 (d) the total at-risk student payment;

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

26 (f) the total American Indian achievement gap payment.

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

1 (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may
 2 be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through
 3 20-9-369.

4 (5) "BASE funding program" means the state program for the equitable distribution of the state's share
 5 of the cost of Montana's basic system of public elementary schools and high schools, through county equalization
 6 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
 7 BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

8 (6) "Basic entitlement" means:

9 (a) for each high school district:

10 (i) ~~\$246,085~~ \$263,450 for fiscal year ~~2010~~ 2012; and

11 (ii) ~~\$253,468~~ \$267,480 for each succeeding fiscal year;

12 (b) for each elementary school district or K-12 district elementary program without an approved and
 13 accredited junior high school, 7th and 8th grade program, or middle school:

14 (i) ~~\$22,141~~ \$23,703 for fiscal year ~~2010~~ 2012;

15 (ii) ~~\$22,805~~ \$24,066 for each succeeding fiscal year; and

16 (c) for each elementary school district or K-12 district elementary program with an approved and
 17 accredited junior high school, 7th and 8th grade program, or middle school:

18 (i) for kindergarten through grade 6 elementary program:

19 (A) ~~\$22,141~~ \$23,703 for fiscal year ~~2010~~ 2012; and

20 (B) ~~\$22,805~~ \$24,066 for each succeeding fiscal year; plus

21 (ii) for an approved and accredited junior high school program, 7th and 8th grade program, or middle
 22 school:

23 (A) ~~\$62,704~~ \$67,128 for fiscal year ~~2010~~ 2012; and

24 (B) ~~\$64,585~~ \$68,155 for each succeeding fiscal year.

25 (7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to
 26 20-9-311.

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

29 (9) "Maximum general fund budget" means a district's general fund budget amount calculated from the
 30 basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment,

1 the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement
2 gap payment, and the greater of:

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

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

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

9 (11) "Total American Indian achievement gap payment" means the payment resulting from multiplying
10 ~~\$200~~ \$204 times the number of American Indian students enrolled in the district as provided in 20-9-330.

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

13 (13) "Total Indian education for all payment" means the payment resulting from multiplying ~~\$20.40~~ \$20.80
14 times the ANB of the district or \$100 for each district, whichever is greater, as provided for in 20-9-329.

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

17 (a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$6,097~~ \$6,527
18 for fiscal year ~~2010~~ 2012 and ~~\$6,280~~ \$6,627 for each succeeding fiscal year for the first ANB, decreased at the
19 rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess
20 of 800 receiving the same amount of entitlement as the 800th ANB;

21 (b) for an elementary school district or a K-12 district elementary program without an approved and
22 accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of ~~\$4,763~~ \$5,099
23 for fiscal year ~~2010~~ 2012 and ~~\$4,906~~ \$5,177 for each succeeding fiscal year for the first ANB, decreased at the
24 rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess
25 of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

26 (c) for an elementary school district or a K-12 district elementary program with an approved and
27 accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

28 (i) a maximum rate of ~~\$4,763~~ \$5,099 for fiscal year ~~2010~~ 2012 and ~~\$4,906~~ \$5,177 for each succeeding
29 fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each
30 additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of

1 entitlement as the 1,000th ANB; and

2 (ii) a maximum rate of ~~\$6,097~~ \$6,527 for fiscal year ~~2010~~ 2012 and ~~\$6,280~~ \$6,627 for each succeeding
3 fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB
4 for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of
5 entitlement as the 800th ANB.

6 (15) "Total quality educator payment" means the payment resulting from multiplying ~~\$3,036~~ \$3,100 for
7 fiscal year ~~2008~~ 2012 and ~~\$3,042~~ \$3,147 for each succeeding fiscal year times the number of full-time equivalent
8 educators as provided in 20-9-327."

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10 NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a
11 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
12 Chippewa tribe.

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14 NEW SECTION. **Section 3. Effective date -- applicability.** [This act] is effective July 1, 2011, and
15 applies to school budgets for school fiscal years beginning on or after July 1, 2011.

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