

HOUSE BILL NO. 667

INTRODUCED BY D. BEDEY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS RELATED TO EARLY EDUCATION AND KINDERGARTEN; ESTABLISHING UNDER WHAT EXCEPTIONAL CIRCUMSTANCES A SCHOOL DISTRICT MAY ADMIT STUDENTS OUTSIDE REGULAR AGE PARAMETERS; CLARIFYING THAT KINDERGARTEN IS A SINGLE-YEAR PROGRAM; AMENDING SECTIONS 20-5-101 AND 20-7-117, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 20-5-101, MCA, is amended to read:

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

- (a) 5 years of age or older on or before September 10 of the year in which the child is to enroll but is not yet 19 years of age;
- (b) a resident of the district; and
- (c) otherwise qualified under the provisions of this title to be admitted to the school.

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

(3) (a) The trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision of this section. The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this section.

(b) As used in this subsection (3), "exceptional circumstances" means any of the following:

(i) the child is being admitted into a preschool program established by the trustees pursuant to 20-7-117;

1 (ii) the child is determined by the trustees to be ready for kindergarten and the child's parents have
2 requested early entry into the district's regular 1-year kindergarten program; or

3 (iii) the adult is 19 years of age or older and in the trustees' determination would benefit from
4 educational programs offered by a school of the district.

5 (c) The admittance of an individual under this subsection (3) does not in and of itself impact the
6 ANB calculations governed by 20-9-311.

7 (4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B.
8 McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The
9 trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

10 (5) The trustees shall assign and admit a child whose parent or guardian is being relocated to
11 Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and
12 apply for programs offered by the district prior to arrival and establishing residency.

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

15 (7) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in
16 the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance
17 policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding
18 the assignment is final."
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20 **Section 2.** Section 20-7-117, MCA, is amended to read:

21 **"20-7-117. Kindergarten and preschool programs.** (1) The trustees of an elementary district shall
22 establish or make available a kindergarten program capable of accommodating, at a minimum, all the children
23 in the district who will be 5 years old on or before September 10 of the school year for which the program is to
24 be conducted or who have been ~~enrolled by special permission of~~ admitted through the exceptional
25 circumstances provision under 20-5-101 by the board of trustees. The kindergarten program, which the trustees
26 may designate as either a half-time or full-time program, must be an integral part of the elementary school and
27 must be financed and governed accordingly, provided that to be eligible for inclusion in the calculation of ANB
28 pursuant to 20-9-311, a child must have reached 5 years of age on or before September 10 of the school year

1 covered by the calculation or have been ~~enrolled by special permission of~~ admitted to the district's kindergarten
 2 program by the board of trustees through the exceptional circumstances provision under 20-5-101. A
 3 kindergarten program must meet the minimum aggregate hour requirements established in 20-1-301. A
 4 kindergarten program that is designated as a full-time program must allow a parent, guardian, or other person
 5 who is responsible for the enrollment of a child in school, as provided in 20-5-102, to enroll the child half-time.

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

10 (3) As used in Title 20, the following definitions apply:

11 (a) "Kindergarten program" means a half-time or full-time 1-year program immediately preceding a
 12 child's entry into first grade with curriculum and instruction selected by the board of trustees and aligned to the
 13 content standards established by the board of public education.

14 (b) "Preschool program" means a half-time or full-time program to prepare children for entry into
 15 kindergarten and governed by the standards adopted by the board of public education."

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17 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2023.

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19 **NEW SECTION. Section 4. Applicability.** [This act] applies to school years beginning on or after
 20 July 1, 2023.

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