

**Amendment - 1st Reading/2nd House-blue - Requested by: David Bedey - (S) Education and Cultural Resources**

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

HB0250.001.002

HOUSE BILL NO. 250

INTRODUCED BY D. BEDEY, L. JONES

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING EDUCATION LAWS RELATED TO OUT-OF-DISTRICT ATTENDANCE; CLARIFYING THE TUITION AND TRANSPORTATION RESPONSIBILITIES OF A DISTRICT OF RESIDENCE FOR A CHILD WITH A DISABILITY; CLARIFYING AND CONSOLIDATING PROVISIONS RELATED TO TRANSPORTATION RESPONSIBILITIES; ALLOWING TRUSTEES TO DENY AN OUT-OF-DISTRICT ATTENDANCE REQUEST IF ACCEPTING THE REQUEST WOULD JEOPARDIZE THE DISTRICT'S ACCREDITATION STATUS AND FOR STUDENTS WHO HAVE BEEN SUSPENDED; CLARIFYING THE TUITION RESPONSIBILITIES FOR A NONOPERATING SCHOOL DISTRICT; CLARIFYING PRORATED TUITION FOR PARTIAL-YEAR ATTENDANCE; REVISING THE OUT-OF-DISTRICT REPORTING REQUIREMENTS BY SCHOOL DISTRICTS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; CLARIFYING REMOTE INSTRUCTION FOR STUDENTS ATTENDING OUT-OF-DISTRICT; REMOVING THE REQUIREMENT THAT A STUDENT SEEK REMOTE INSTRUCTION FROM THE NEAREST SCHOOL DISTRICT OFFERING THE REMOTE INSTRUCTION; AMENDING SECTIONS 20-5-320, 20-5-322, 20-5-323, 20-5-324, 20-7-118, 20-7-421, AND 20-9-505, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 20-5-320, MCA, is amended to read:

**"20-5-320. Out-of-district attendance by parent or guardian request with no extenuating circumstances.** (1) A child may be enrolled in and attend a school in a Montana school district that is outside of the child's district of residence at the request of the child's parent or guardian as described in this section. ~~If the trustees of the district of attendance approve of the child's attendance in a school of the district, the parent or guardian may be responsible for transportation.~~

(2) (a) Whenever a parent or guardian of a child wishes to have the child attend a school under the

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1 the reduction in BASE mills.

2 (b) Any tuition receipts received for a pupil who is a child with a disability under 20-5-323(2) or for  
3 a student without disabilities who requires a program with costs that exceed the average district costs under 20-  
4 5-323(3) that exceed the tuition amount received for a pupil without disabilities must be deposited in the district  
5 miscellaneous programs fund and must be used in the manner provided for in 20-9-507 to support the costs of  
6 the program for which the tuition was received.

7 (6) The reimbursements paid under subsection (2)(a)(iii) must be deposited into the district tuition  
8 fund and must be used by the district to pay obligations for resident students attending public schools out of  
9 state or for resident students attending day-treatment programs under approved individualized education  
10 programs at private, nonsectarian schools at district expense.

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

13 (8) (a) In accordance with 5-11-210, the superintendent of public instruction shall report annually to  
14 the education interim committee on out-of-district attendance under 20-5-320 through 20-5-324 in the prior  
15 school fiscal year. The report must include the following for each school district:

16 ~~(a)(i)~~ the total enrollment of the district;

17 ~~(b)(ii)~~ the number of nonresident students served by the district under out-of-district attendance  
18 agreements, broken down by district of residence; and

19 ~~(c)(iii)~~ the number of resident students served by other school districts under out-of-district attendance  
20 agreements, broken down by district of attendance.

21 (b) School districts shall provide the superintendent of public instruction with the information  
22 necessary to comply with this subsection (8) in a manner prescribed by the superintendent that must minimize  
23 the reporting burden on school districts."

24

25 **Section 5.** Section 20-7-118, MCA, is amended to read:

26 **"20-7-118. Remote instruction.** (1) A school district may provide remote instruction, including the  
27 provision of services through electronic means. A district shall comply with any rules adopted by the board of

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public education that specify standards for remote instruction. The provision of remote instruction by a district is limited to pupils:

(a) meeting the residency requirements for that district as provided in 1-1-215;

(b) living in the district and eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(c) enrolled in the district and physically attending a school or offsite instructional setting of the district under an attendance agreement pursuant to Title 20, chapter 5, part 3; or

(d) seeking remote instruction in the nearest another district when the pupil's district of residence does not provide remote or in-person instruction in an equivalent course. A course is not equivalent if the course does not provide the same level of advantage on successful completion, including but not limited to dual credit, advanced placement, and career certification.

(2) A school of a district providing remote instruction shall provide remote instruction to an out-of-district pupil under subsection ~~(1)(c)~~ (1)(d) unless, because of class size restrictions, the accreditation of the school would be adversely impacted by providing remote instruction to the pupil.

(3) (a) A district providing remote instruction shall include pupils in enrollment counts for ANB calculation purposes as described in 20-9-311.

(b) Except as provided in subsection (1)(c) of this section, the provisions of out-of-district attendance and tuition laws under Title 20, chapter 5, part 3, do not apply to remote instruction.

~~(3)(4)~~ (4) The superintendent of public instruction shall adopt rules for the administration and enforcement of this section."

**Section 6.** Section 20-7-421, MCA, is amended to read:

**"20-7-421. Arranging attendance in another district in lieu of a special education program -- tuition.** (1) In accordance with a placement decision made by persons determining an individualized education program for a child with a disability, the trustees may arrange for the attendance of a child in need of special education and related services in another district within the state of Montana.

(2) ~~Tuition and transportation as required under 20-5-323 may be charged as provided in 20-7-~~

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administration provisions of this title for a budgeted fund."

**NEW SECTION. Section 8. Effective date.** [This act] is effective July 1, 2025.

**COORDINATION SECTION. Section 9. Coordination instruction.** If House Bill No. 156 and [this act] are both passed and approved, then [section 3(1)(b) of this act], amending 20-5-323, is void and must be replaced with:

"(b) If the district of residence is a nonoperating district, the required tuition is the percentage of the adopted general fund budget funded by over-BASE property taxes in the district of attendance in the year of attendance, not to exceed 20% of the tuition per-ANB amount for the year of attendance as described in 20-5-324."

**NEW SECTION. Section 10. Applicability.** [This act] applies to out-of-district attendance agreements for school fiscal years beginning on or after July 1, 2025.

- END -