



ADMINISTRATIVE RULES OF MONTANA



10.16.4001 EDUCATION SAVINGS ACCOUNTS (ESA)

- (1) Application process:
 - (a) Two time periods each year are established during which a student's parent, as defined in 20-7-1703, MCA, may notify the superintendent of public instruction of their intent for their student to participate in the program through the ESA application process. Those two time periods are established as May 1 through June 1 and November 1 through December 1.
- (2) Student Eligibility:
 - (a) Eligibility under the qualified student requirements will be determined through the secure application process located on the Office of Public Instruction (OPI) website. A parent must provide all necessary documentation required in the application process and meet the disability, age, and enrollment requirements of 20-7-1703, MCA, and 20-7-1706, MCA; and
 - (b) OPI will notify the parent within 30 days of the close of the application window of their student's eligibility for the program.
- (3) ESA Contract:
 - (a) Once OPI determines that the student is qualified and eligible for the ESA program, OPI will send a contract to that student's parent for the parent to execute and return to OPI; and
 - (b) prior to the parent requesting any reimbursement, the ESA contract must be completed by all parties. Contracts must be executed and returned to OPI no later than July 15 and January 15, or the applicant must re-apply during the next application period.
- (4) The ESA student amount will be calculated per the formula established in 20-7-1703(2), MCA. The amount is calculated as the sum of:
 - (a) Data-for-achievement payment under 20-9-306, MCA;
 - (b) Indian Education For All payment under 20-9-306, MCA;
 - (c) per-ANB amounts of the instructional and related services block grants under 20-9- 321, MCA; and
 - (d) per-ANB entitlement amount under 20-9-306, MCA, multiplied by the ratio of school district adopted budget to district maximum general fund budget in the prior year in the district in which the student is included in for the ANB purposes under the program.
- (5) Notification:
 - (a) OPI will provide ESA calculations related to participating students to each affected resident school district before the August and January school base aid payments are made. If OPI

terminates a student from the ESA program in accordance with 20-7-1706(3), MCA, OPI will notify the affected resident district within 20 days of the termination date.

(6) Accounting guidance:

- (a) The school districts must remit the funds to OPI based on the allocation calculation related to the prior month BASE aid distribution received by the school district. School districts shall remit to the OPI the amount calculated for each participating student by no later than the tenth of the month following each BASE aid distribution. OPI will provide guidance to the affected resident school districts on the method for remitting the required funds to OPI.

(7) Trust account:

- (a) 95% of the money is to be deposited in the ESA trust fund account for each student and 5% of the money is to be deposited in the ESA administration state special revenue account; and
- (b) Any trust interest that is earned will be accounted for individually for each education savings account.

(8) Reimbursement procedure:

- (a) OPI will provide each participating student's parent with both electronic and paper processes to reimburse the parent for the purchase of allowable educational resources from a student's trust account. Payments may not be made that exceed the available balance in each student account. Reimbursement requests that exceed the current available balance may be distributed as partial reimbursements over multiple months as funds are deposited into the account following each BASE aid remittance as set forth in (6)(a).

Authorizing statute(s): 20-7-1706, MCA

Implementing statute(s): 20-7-1704, 20-7-1706, MCA

History: NEW, 2024 MAR p. 2052, Eff. 8/24/24.