



ADMINISTRATIVE RULES OF MONTANA

10.16.3815 SPECIAL EDUCATION TRANSFERS AND PAYMENTS TO OTHER DISTRICTS AND COOPERATIVES

- (1) To meet its obligation to provide services for students with disabilities, a district may establish its own special education program, participate in a full service cooperative for special education services established under 20-7-451 , MCA, or enter into an interlocal agreement, as defined in Title 7, chapter 11, part 1, MCA, with another district.
- (2) If a district chooses to enter into an interlocal agreement with another district to receive special education services, it may pay its state special education allowable cost payment, required block grant match and additional costs of providing services to the providing district on a reimbursement basis.
 - (a) The payment must be deposited to the miscellaneous programs fund or the interlocal agreement fund of the district providing services.
 - (b) The receipt and expenditure of the money by the district providing special education services must be identified on the accounting records using a project reporter number.
 - (i) The accumulated balance in the project account must be zero by June 30th of each fiscal year. That is, receipts must equal total expenditures.
 - (ii) Any amounts received but not obligated must be returned to the paying district by June 30th and recorded as an expenditure abatement by the paying district and a revenue abatement by the district providing the service.
- (3) When a full service cooperative for special education services established under 20-7-451 , MCA, contracts with a district to provide special education instructional and related services:
 - (a) payment received by a district from a cooperative must be deposited in the district's miscellaneous programs fund; and
 - (b) the receipt and expenditure of the money must be identified on the accounting records using a project reporter number.
 - (i) The accumulated balance in the project account must be zero by June 30th of each fiscal year. That is, receipts must equal expenditures.
 - (ii) Any amounts received but not obligated must be returned to the paying cooperative by June 30th and recorded as an expenditure abatement by the cooperative and a revenue abatement for the district providing the service.
- (4) Expenditures of special education money received as payment for services provided to other districts or cooperatives or transferred from another district or cooperative will not be considered in determining the reimbursement for disproportionate costs under 20-9-321 , MCA.

- (5) In accordance with 20-9-507 , MCA, any special education resource transferred from a district or cooperative to another district and deposited in the miscellaneous program fund must be used for special education. In no event may the transfer from a cooperative to a district circumvent the match requirement.

Authorizing statute(s): 20-7-431, MCA

Implementing statute(s): 20-7-431, MCA

History: NEW, 1995 MAR p. 356, Eff. 3/17/95; AMD, 1998 MAR p. 1719, Eff. 6/26/98; TRANS, 2000 MAR p. 1048, Eff. 7/1/00.