



ADMINISTRATIVE RULES OF MONTANA



10.7.106 CONTENTS AND LIMITATIONS OF PUPIL TRANSPORTATION CONTRACTS

- (1) Section 20-10-124, MCA, provides for contracts between a school district and a parent, legal guardian or an emancipated minor to fulfill the district's obligation to furnish transportation for an eligible transportee.
- (2) A school district may enter into a contract for the provision of individual transportation only if the student being transported is an eligible transportee of the district.
 - (a) An eligible transportee, as defined in 20-10-101, MCA, is deemed by law "to reside with a parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school."
 - (i) An emancipated minor may also be considered an eligible transportee if the other criteria of 20-10-101(2), MCA, are met.
 - (ii) Prekindergarten pupils with disabilities are considered eligible transportees regardless of distance between home and school or bus stop.
 - (b) When a student attends school outside his or her district of residence under an out-of-district attendance agreement approved by the district of residence, either the district of attendance or the district of residence, but not both, may consider the student an eligible transportee for purposes of contracting to provide transportation reimbursement or to provide bus services. Transportation arrangements must conform to ARM 10.7.106A.
 - (c) Unless a student is attending school under the mandatory provisions of 20-5-321(1)(d) or (e), MCA, or under an individual education plan (IEP), the distance from the home to the nearest operating school or bus stop will be used to calculate the reimbursement under a pupil transportation contract.
 - (i) The nearest operating school for purposes of (2)(c) is the nearest elementary or high school that the student could reasonably attend, offering educational services appropriate for the grade level of the student. Whether the school is in the district of attendance or the district of residence is irrelevant to the calculation.
 - (ii) The nearest bus stop for purposes of (2)(c) is the nearest bus stop where the student could board a bus to the elementary or high school offering educational services appropriate for the grade level of the student that the student could reasonably attend, regardless of whether the bus stop is provided by the district of attendance or the district of residence.

- (d) If the student attends under the mandatory provisions of 20-5-321(1)(d) or (e), MCA, or is placed in another district under an IEP, the distance from the home to the nearest appropriate school or bus stop will be used to calculate the amount of reimbursement under an individual contract for transportation.
 - (e) The state may honor valid individual contracts which are approved by the district after the budget has been adopted as per ARM 10.7.107.
 - (f) In no case may the district honor a contract submitted after the last pupil instruction day of the school year at the school of attendance.
- (3) If an approved out-of-district attendance agreement that includes terms for providing transportation does not exist between the district of residence and the district of attendance, the parent or guardian shall provide transportation at his own expense.
- (4) When making an individual transportation contract with the district, the parent, legal guardian or emancipated minor must sign an affidavit attesting to the place of residence of the student. No person other than the student's parent, legal guardian or an emancipated minor may enter into an individual contract for transportation or receive the transportation reimbursement. Transportation must be provided by a licensed driver in an insured vehicle.
- (5) The form for contracts between a school district and a parent, legal guardian or emancipated minor is designated form TR-4. The same contract form is used for both elementary and high school pupils and provides for contracts at the individual rate or for the increased individual rate provided by 20-10-142(3), MCA.
- (6) The maximum daily reimbursement rate a parent, legal guardian or emancipated minor may receive for a mileage contract is the daily rate he or she would receive under a room and board contract, unless the contract has been approved for isolation.
- (7) To be eligible to receive reimbursement for a mileage contract, transportation for the mileage reported on the contract must actually occur. The district may not claim state or county reimbursement or pay a parent, legal guardian or emancipated minor for transportation on days the student does not attend school.
- (8) Contracts for students with transportation listed as a related service on their individualized education plans will receive the following state/county reimbursement:
- (a) Students who live three miles or less from the school or bus stop will be eligible for the minimum state/county reimbursement rate of 35 cents per day;
 - (b) Contracts for students who live over three miles from the school or bus stop will receive a state/county reimbursement rate calculated with the same formula used for all other students.
- (9) If the distance from the student's home to the nearest bus stop or school decreases during the term of the individual contract, the district must amend the contract to reflect the lower mileage and must notify the Superintendent of Public Instruction and the county superintendent of the date the lowered mileage became effective. The Superintendent of Public Instruction will recalculate the daily reimbursement rate and will assign a new contract number to the amended contract. The school district must claim the number of days that transportation occurs at each distance on the TR-5 school district claim for individual transportation reimbursement.

(10) The contract must be completed in its entirety, signed by the parent, legal guardian, or emancipated minor, and the chairman of the board of trustees on or before July 1 of the school year for which the transportation is being provided. The signed contract is the authorization of the board of trustees to budget for that transportation expenditure necessary to meet the obligation imposed on the district by the contract. Each party to the contract and the county superintendent must receive a copy of the contract.

(11) If the contracting party applies for increased individual transportation payments due to isolation, the contract must be completed and signed in advance of the meeting of the county transportation committee at which such applications are approved or disapproved. (The date of this meeting in any county can be obtained from the county superintendent.) Approval of any increased rates by the county transportation committee precedes budget adoption.

(12) The district clerk must transmit each transportation contract to the county superintendent and submit each contract electronically to the Superintendent of Public Instruction by July 1, or as received and accepted by the board of trustees.

(13) By October 1, or as received from the district, the county superintendent must electronically verify the County Transportation Committee's receipt of each transportation contract to the Superintendent of Public Instruction. All individual contracts made between the same parent or legal guardian and different school districts (in the same county or in different counties) are gathered electronically by the Superintendent of Public Instruction and allocation of district responsibility for payment is made in compliance with the law and the Board of Public Education policy.

(14) By mid-November, the Superintendent of Public Instruction electronically provides approved contract rates to the county superintendent and to each district clerk of a district providing individual contracts for transportation.

(15) The district clerk, in writing warrants for transportation payments to the parent, legal guardian, or the emancipated minor, is guided by the approved rates; the school district may only make payments to the parent, legal guardian, or emancipated minor in accordance with the rate established in (14) for approved contracts.

(16) The district must retain a copy of each signed individual transportation contract on file for audit purposes.

Authorizing statute(s): 20-3-106, 20-10-112, MCA

Implementing statute(s): 20-5-321, 20-9-166, 20-10-101, 20-10-111, 20-10-112, 20-10-121, 20-10-124, 20-10-142, MCA

History: Eff. 2/6/53; ARM Pub. 11/26/77; AMD, 1992 MAR p. 203, Eff. 2/14/92; AMD, 1997 MAR p. 203, Eff. 1/28/97; AMD, 1998 MAR p. 1719, Eff. 6/26/98; AMD, 2000 MAR p. 632, Eff. 2/25/00; AMD, 2006 MAR p. 3070, Eff. 12/22/06; AMD, 2008 MAR p. 1692, Eff. 8/15/08.