



ADMINISTRATIVE RULES OF MONTANA



10.7.106A TRANSPORTATION COSTS ALLOCATED BY OUT-OF-DISTRICT ATTENDANCE AGREEMENTS

- (1) If trustees of a student's districts of residence and attendance sign an out-of-district attendance agreement that includes transportation, either district may provide bus transportation or a pupil transportation contract under the conditions of ARM 10.7.105.
 - (a) When a student enrolls outside their district of residence, by parent request in accordance with 20-5-320, MCA, the student is not an eligible transportee and transportation is the responsibility of the parent or guardian. A student with a disability is always an eligible transportee under 20-10-101, MCA.
 - (b) When an out-of-district attendance agreement is in place, the district of attendance may discretionarily provide transportation to the student.
 - (c) Only under an agreement between the district of residence and the district of attendance may a student be an eligible transportee of the district that is providing transportation as defined in 20-5-320, MCA.
- (2) On-schedule costs of transporting the eligible transportee may be claimed for transportation aid in accordance with 20-10-141 and 20-10-142, MCA.
- (3) Pursuant to 20-5-323, MCA, a school district transporting a student under an out-of-district attendance agreement may charge for over-schedule costs of transportation if stated in the attendance agreement. Over-schedule costs of transporting an out-of-district ineligible student, as limited by 20-5-323(5), MCA, may be charged to the parents or guardians responsible for placing the child, in accordance with 20-5-320 or 20-5-321, MCA.
- (4) In accordance with 20-5-323, MCA, the over-schedule costs charged under an attendance agreement for the school year 20XX may not exceed the lesser of:
 - (a) the transportation fund expenditures reported by the district of residence on the Trustees' Financial Summary for 20XX-2, divided by the total October 1 enrollment for the school year 20XX-2; or
 - (b) the number of miles added to a bus route or routes to accommodate students attending under attendance agreements, divided by the number of students riding the buses under the attendance agreement(s), times \$0.35, times the number of days the route or routes are conducted for the year of attendance.
- (5) A party being charged over-schedule costs of transportation on an attendance agreement may request and receive written documentation from the district of residence showing the calculation in (4) before signing the attendance agreement, agreeing to pay over-schedule costs of transportation.

- (6) The district or other party being charged for over-schedule costs is responsible for verifying that the charges do not exceed the calculation in (4) before approving the attendance agreement, thereby accepting responsibility for charges.
- (7) Transportation charges must be prorated based on the number of days the student was enrolled compared to 180 days.
- (8) If a district agrees to provide transportation, the district providing transportation must bill the party responsible for paying transportation obligations of an attendance agreement in accordance with 20-5-324, MCA.

Authorizing statute(s): 20-5-323, 20-9-201, 20-10-112, MCA

Implementing statute(s): 20-5-320, 20-5-321, 20-5-323, 20-5-324, 20-10-141, 20-10-142, MCA

History: NEW, 1997 MAR p. 203, Eff. 1/28/97; AMD, 2002 MAR p. 1662, Eff. 6/14/02; AMD, 2006 MAR p. 3070, Eff. 12/22/06; AMD, 2008 MAR p. 1692, Eff. 8/15/08; AMD, 2010 MAR p. 1990, Eff. 9/10/10; AMD, 2024 MAR p. 2182, Eff. 9/21/24.