

## 1 HOUSE BILL NO. 193

2 INTRODUCED BY F. SMITH

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE BASE RATE FOR REIMBURSEMENT FOR AN  
5 INDIVIDUAL TRANSPORTATION CONTRACT FROM 21.25 CENTS TO 32 CENTS A MILE; AMENDING  
6 SECTIONS 20-5-323 AND 20-10-142, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN  
7 APPLICABILITY DATE."

8

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

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11 **Section 1.** Section 20-5-323, MCA, is amended to read:

12 **"20-5-323. Tuition and transportation rates.** (1) Except as provided in subsections (3) through (5),  
13 whenever a child has approval to attend a school outside of the child's district of residence under the  
14 provisions of 20-5-320 or 20-5-321, the basis of the rate of tuition is a flat rate for each of the 15  
15 district-size groupings determined by rule by the superintendent of public instruction by March 15 of each  
16 year, using statewide district expenditure and revenue data for the general fund, debt service fund, and  
17 retirement fund to determine the average district contribution.

18 (2) The tuition for a child with a disability must be determined under rules adopted by the  
19 superintendent of public instruction for the calculation of tuition for special education pupils.

20 (3) The tuition rate for out-of-district placement pursuant to 20-5-321(1)(d) and (1)(e) for a  
21 student without disabilities who requires a program with costs that exceed the average district costs must  
22 be determined as the actual individual costs of providing that program according to the following:

23 (a) the district of attendance and the district, person, or entity responsible for the tuition payments  
24 shall approve an agreement with the district of attendance for the tuition cost; and

25 (b) for a Montana resident student, the average district per-ANB foundation payment amount  
26 received in the year for which the tuition charges are calculated must be subtracted from the per-student  
27 program costs for a Montana resident student.

28 (4) When a child attends a public school of another state or province, the amount of daily tuition  
29 may not be greater than the average annual cost ~~per~~ for each student in the child's district of residence.

30 This calculation for tuition purposes is determined by totaling all of the expenditures for all of the district

1 budgeted funds for the preceding school fiscal year and dividing that amount by the October 1 enrollment  
2 in the preceding school fiscal year. For the purposes of this subsection, the following do not apply:

- 3 (a) placement of a child with a disability pursuant to Title 20, chapter 7, part 4;  
4 (b) placement made in a state or province with a reciprocal tuition agreement pursuant to  
5 20-5-314;  
6 (c) an order issued under Title 40, chapter 4, part 2; or  
7 (d) out-of-state placement by a state agency.  
8 (5) When a child is placed by a state agency in an out-of-state residential facility, the state agency  
9 making the placement is responsible for the education costs resulting from the placement.  
10 (6) The amount, if any, charged for transportation may not exceed the lesser of the average  
11 transportation cost per student in the child's district of residence or ~~21.25~~ 32 cents ~~per a~~ mile. The  
12 average expenditures for the district transportation fund for the preceding school fiscal year must be  
13 calculated by dividing the transportation fund expenditures by the October 1 enrollment for the preceding  
14 fiscal year."

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16 **Section 2.** Section 20-10-142, MCA, is amended to read:

17 **"20-10-142. Schedule of maximum reimbursement for individual transportation.** The following  
18 rates for individual transportation constitute the maximum reimbursement to districts for individual  
19 transportation from state and county sources of transportation revenue under the provisions of 20-10-145  
20 and 20-10-146. These rates constitute the limitation of the budgeted amounts for individual transportation  
21 for the ensuing school fiscal year. The schedules provided in this section may not be altered by any  
22 authority other than the legislature. When the trustees contract with the parent or guardian of any eligible  
23 transportee to provide individual transportation for each day of school attendance, they shall reimburse  
24 the parent or guardian for actual miles transported on the basis of the following schedule:

25 (1) When a parent or guardian transports an eligible transportee or transportees from the residence  
26 of the parent or guardian to a school or to schools located within 3 miles of one another, the total  
27 reimbursement ~~per for each~~ day of attendance is determined by multiplying the distance in miles between  
28 the residence and the school, or the most distant school if more than one, by 2, subtracting 6 miles from  
29 the product, and multiplying the difference by ~~21.25~~ 32 cents, provided that:

30 (a) if two or more eligible transportees are transported by a parent or guardian to two or more

1 schools located within 3 miles of one another and if the schools are operated by different school districts,  
2 the total amount of the reimbursement must be divided equally between the districts;

3 (b) if two or more eligible transportees are transported by a parent or guardian to two or more  
4 schools located more than 3 miles from one another, the parent or guardian must be separately reimbursed  
5 for transporting the eligible transportee or transportees to each school;

6 (c) if a parent transports two or more eligible transportees to a school and a bus stop that are  
7 located within 3 miles of one another, the total reimbursement must be determined under the provisions  
8 of this subsection (1) and must be divided equally between the district operating the school and the district  
9 operating the bus;

10 (d) if a parent transporting two or more eligible transportees to a school or bus stop must, because  
11 of varying arrival and departure times, make more than one round-trip journey to the bus stop or school,  
12 the total reimbursement allowed by this section is limited to one round trip ~~per~~ a day for each scheduled  
13 arrival or departure time;

14 (e) notwithstanding subsection (1)(a), (1)(b), (1)(c), or (1)(d), a reimbursement may not be less  
15 than 25 cents a day.

16 (2) When the parent or guardian transports an eligible transportee or transportees from the  
17 residence to a bus stop of a bus route approved by the trustees for the transportation of the transportee  
18 or transportees, the total reimbursement ~~per~~ for each day of attendance is determined by multiplying the  
19 distance in miles between the residence and the bus stop by 2, subtracting 6 miles from the product, and  
20 multiplying the difference by ~~21-25~~ 32 cents, provided that:

21 (a) if the eligible transportees attend schools in different districts but ride on one bus, the districts  
22 shall divide the total reimbursement equally; and

23 (b) if the parent or guardian is required to transport the eligible transportees to more than one bus,  
24 the parent or guardian must be separately reimbursed for transportation to each bus.

25 (3) When, because of excessive distances, impassable roads, or other special circumstances of  
26 isolation, the rates prescribed in subsection (1) or (2) would be an inadequate reimbursement for the  
27 transportation costs or would result in a physical hardship for the eligible transportee, a parent or guardian  
28 may request an increase in the reimbursement rate. A request for increased rates because of isolation must  
29 be made by the parent or guardian on the contract for individual transportation for the ensuing school fiscal  
30 year by indicating the special facts and circumstances that exist to justify the increase. Before an

1 increased rate because of isolation may be paid to the requesting parent or guardian, the rate must be  
2 approved by the county transportation committee and the superintendent of public instruction after the  
3 trustees have indicated their approval or disapproval. Regardless of the action of the trustees and when  
4 approval is given by the committee and the superintendent of public instruction, the trustees shall pay the  
5 increased rate because of isolation. The increased rate is 1 1/2 times the rate prescribed in subsection (1).

6 (4) The state and county transportation reimbursement for an individual transportation contract  
7 may not exceed \$8 ~~per~~ for each day of attendance for the first eligible transportee and \$5 ~~per~~ for each  
8 day of attendance for each additional eligible transportee.

9 (5) When the isolated conditions of the household where an eligible transportee resides require  
10 an eligible transportee to live away from the household in order to attend school, the eligible transportee  
11 is eligible for the room and board reimbursement. Approval to receive the room and board reimbursement  
12 must be obtained in the same manner prescribed in subsection (3). The per diem rate for room and board  
13 is \$8 for one eligible transportee and \$5 for each additional eligible transportee of the same household.

14 (6) When the individual transportation provision is to be satisfied by supervised home study or  
15 supervised correspondence study, the reimbursement rate is the cost of the study, provided that the  
16 course of instruction is approved by the trustees and supervised by the district."

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18 NEW SECTION. **Section 3. Effective date -- applicability.** [This act] is effective July 1, 2001, and  
19 applies to school district transportation reimbursements for school fiscal years beginning on or after July  
20 1, 2001.

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