



OPI Guidance Temporarily Suspended School District Residency Requirements for Offsite Learning

August 6, 2020

Districts have had the ability to deliver offsite instruction since 2005 ([see 20-9-311\(11\)\(g\)](#); [20-7-118 MCA](#); [20-1-101\(5\)MCA](#). However, in close scrutiny of [20-7-118,MCA](#), districts uncovered that when attendance agreements were used for out-of-district students, offsite learning was not available and called the OPI. The OPI sent a request to the Governor asking him to suspend [parts of 20-7-118 MCA](#).

20-7-118. Offsite provision of educational services by school district. (1) A school district may provide educational services at an offsite instructional setting, including the provision of services through electronic means. A district shall comply with any rules adopted by the board of public education that specify standards for the provision of educational services at an offsite instructional setting. The provision of educational services at an offsite instructional setting by a district is limited to pupils:

- (a) meeting the residency requirements for that district as provided in [1-1-215,MCA](#);
- (b) living in the district and eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or
- (c) attending school in the district under a mandatory attendance agreement as provided in [20-5-321,MCA](#).

(2) The superintendent of public instruction shall adopt rules for the administration and enforcement of this section.

This request was honored on July 31st (Directive attached). Districts now have flexibility for offsite learning options for students who attend a district under an attendance agreement.

Students under attendance agreements can now be served through offsite learning:

- (a) Any pupil who meets the residency requirements for that district as provided in [1-1-215,MCA](#).
- (b) Any pupil who resides in the same county as the district.
- (c) Any pupil who resides in a school district immediately adjacent to the district.

The Directive is effective immediately through for the fiscal year ending June 30, 2021.

Attendance agreements are still required under [20-9-311 11 \(a\), MCA](#), in order for out-of-district students to be included for ANB purposes. This Directive does not eliminate the need to take regular attendance, follow enrollment processes or as a suspension of any other law, in Montana.

Districts should contact the OPI Chief Financial Officer Ken Bailey at kbailey@mt.gov, for additional assistance.