



Out-of-District Remote Attendance Guidance

May 2025

For the purposes of reporting ANB to the Office of Public Instruction (OPI), the following statutes govern student enrollment procedures for students who attend a district outside of their resident district on a remote basis.

[MCA § 20-7-118](#) (Remote Instruction)

OPI has not promulgated rules for this section of code but intends to this year. This statute will also be updated beginning July 1, 2025, upon the passage of [HB 250](#) (2025).

This statute says:

The provision of remote instruction by a district is limited to pupils:

- (a) meeting the residency requirements for that district as provided in [1-1-215](#);
- (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) seeking remote instruction in the nearest district when the pupil's district of residence does not provide remote or in-person instruction in an equivalent course. A course is not equivalent if the course does not provide the same level of advantage on successful completion, including but not limited to dual credit, advanced placement, and career certification.

It is the OPI's interpretation that this statute applies only to students seeking to enroll fully remote in a district outside of their residence. If a student enrolls in a district outside of their residence and physically attends a course or courses in-person, they are eligible to access that district's remote instruction courses as well under Montana's open enrollment laws pursuant to [MCA § 20-5-3](#). This interpretation is clarified by HB 250.

In addition to the above clarification, HB 250, replaces the requirement of remote instruction "in the nearest district" with a broader "in another district" when the pupil's district of residence does not provide remote or in-person instruction in an equivalent course. However, because HB 250 does not take effect until July 1, 2025, this change does not apply to this year's ANB counts.

[MCA § 20-5-101](#) (Attendance/Admittance)

This statute governs various scenarios in which a student may be enrolled in a public school. This section of code must be looked at in combination with MCA § 20-7-118 above, including the changes under HB 250 after July 1, 2025, as well as MCA § 20-9-

311(11)(g). As amended by HB 250 (2025), MCA § 20-7-118(1)(c) clarifies that remote instruction is allowed for a nonresident student who is:

(c) enrolled in the district and physically attending a school or offsite instructional setting of the district under an attendance agreement pursuant to Title 20, chapter 5, part 3.

This new language was implemented to clarify that a nonresident student attending in person in a district of attendance can still take courses online from that district as part of the student's in person enrollment.

[MCA §20-9-311, MCA](#) (Calculating ANB)

This statute governs the calculation of ANB at OPI based on enrollment figures provided by districts. The variety of ways that districts can enroll students to claim ANB funding is outlined, including partial enrollment and remote enrollment. This section of code again points back to MCA § 20-7-118, above, for consideration of how out-of-district remote students fit into the various enrollment scenarios.

Another Potential Option: [Section 20-3-363, MCA](#), (Multidistrict Agreements)

Another mechanism to broadly deal with a variety of enrollment scenarios is through multi-district agreements (MDA). This statute allows two or more districts to form an MDA for a variety of purposes, including sharing programs. In the scenario of remote, out-of-district enrollment, a district could offer courses to non-resident remote students through an MDA with other districts. The district of residence would count the students for ANB purposes and compensate the district serving the non-resident students. The effect would be the district of residence offering a course to their resident student, but through the service of another district, facilitated by an MDA.

Note: This section of code will also be updated beginning July 1, 2025 in response to [HB 567](#), which further incentivizes districts to share services through MDAs. MDAs cannot be entered into that are inconsistent with statute.

Summary

It is up to local school districts to verify the residency status of students they are enrolling in order to determine which statutes apply when reporting ANB numbers to OPI. All ANB submissions are subject to independent audits and corrections. If districts have any questions, they can visit OPI's [School Finance webpage](#) for more information or to contact OPI's school finance specialists. Additional information will be forthcoming to reflect statutory changes for the upcoming school year following the 69th legislative session.

Points of Contact

Dylan Klapmeier, Chief of Staff

Dylan.klapmeier2@mt.gov

406-444-5372

Paul Taylor, School Finance Manager

Ptaylor2@mt.gov

406-444-1257

Nicole Thuotte, EDUCATE Unit Manager (for Infinite Campus entry questions)

nthuotte@mt.gov

406-444-2080