



## OPI FAQ – Attendance Centers

Attendance centers have been a part of Montana’s educational landscape for decades. They provide a school district with flexibility to extend a school’s learning environment to an offsite location. This frequently asked questions (FAQ) document provides Montana Office of Public Instruction (OPI) guidance to assist school districts navigate the legal and financial landscape affecting attendance centers.

### *What is an attendance center?*

An attendance center is an offsite instructional setting where students regularly attend school at a location other than the main school site. An attendance center is part of a specified school of a school district.

“Attendance center” is not defined in law. However, Montana law defines “offsite instructional setting” as “an instructional setting at a location, separate from a main school site, where a school district provides for instruction to a student who is enrolled in the district.” [§ 20-1-101\(14\), MCA](#).

### *Is an attendance center a school?*

Yes, an attendance center is part of a public school and, thus, meet the definition of a public school under [§ 20-6-501, MCA](#). [In re Pet. to Transfer Territory from Vaughn Elem. Sch. Dist. No. 74, 2015 MT 313](#), ¶ 15.

### *Who oversees an attendance center?*

As part of a school of a school district, the school district trustees responsible for supervision and control of the school district under [Mont. Const. Art. X, sec. 8](#) also are responsible for the attendance centers in the school district. In addition, the county superintendent in which the school district is located has certain legal authority and duties that can impact a school and, thus, its attendance center.

### *Do attendance centers exist only in certain areas of Montana?*

No, attendance centers exist in a broad range of areas, from urban to rural settings and in all geographic regions of Montana.

*Does an attendance center count as a separate budget unit for funding purposes?*

No, an attendance center by itself cannot count as a separate budget unit and cannot establish the school as a separate budget unit.

A budget unit for a school and, thus, for its attendance center exists when “a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district.” [§ 20-9-311\(8\)\(a\)\(i\), MCA](#). OPI will accurately identify budget units for the upcoming 2023-24 school year.

*May a school district establish an attendance center in another school district?*

Yes, as long as the school districts have followed the process in [§ 20-3-363, MCA](#), for entering into a legally binding multidistrict agreement, and the process for out-of-district attendance agreements.

*May a school district establish an attendance center in another county?*

Yes, so long as the school districts have followed the process in [§ 20-3-363, MCA](#), for entering into a legally binding multidistrict agreement and so long as the multidistrict agreement includes the agreement of the county government and the county superintendent of all affected counties. [Mont. Const. Art. XI, sec. 4](#).

*May a school district “release” their students so the student can attend a school of each student’s choosing?*

No, a school district has the obligation to provide an education to all qualified students within the school district. See [§ 20-5-101\(1\), MCA](#) (“The trustees shall assign and admit a child to a school in the district when...”). A school district purporting to waive its obligation to educate qualified students is anathema to public education.