



SCHOOL DISTRICT CLOSURES - UNFORESEEN EMERGENCIES

This guidance is a reference to the statutes that govern closures of school districts for unforeseen emergencies. This document is intended to be a reference for Trustees, School district personnel and County Superintendents of Schools in Montana.

Adherence to the statutes is necessary to prevent reduction of state entitlement funding for the district.

As stated below in **20-9-805(1), MCA**, an exception exists in **20-9-806, MCA** to minimize reductions to state funding. In addition, Trustees may close school for 1 school day each year for unforeseen emergencies that is not subject to a state funding reduction **20-9-806(2), MCA**.

Trustees should notify the County Superintendent of Schools and the OPI as soon as a school district closure has been declared.

20-9-801. Purpose. This part governs a school district's entitlement to state equalization apportionment (BASE Aid) funds for any school year during which the school district is unable to conduct the minimum aggregate hours by grade required by **20-1-301, MCA** by reason of one or more unforeseen emergencies. The provisions of this part must be narrowly interpreted.

20-9-802. Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Declaration of emergency" means a declaration by a board of trustees that an unforeseen emergency has occurred in the district.

(2) "Reasonable effort" means the rescheduling or extension of the school district's instructional calendar to make up at least 75% of the hours of pupil instruction lost due to an unforeseen emergency through any combination of the following:

- (a) extending the school year beyond the last scheduled day;
- (b) the use of scheduled vacation days in the district's adopted school calendar pursuant to **20-1-302, MCA**;
- (c) the conduct of pupil instruction on Saturdays as provided in **20-1-303, MCA**; or
- (d) extending instructional hours during the school day as provided in **20-1-302, MCA**.

(3) "School day" means the school day set by the trustees as provided in **20-1-302, MCA**.

(4) "Unforeseen emergency" means a fire, flood, explosion, storm, earthquake, riot, insurrection, community disaster, or act of God or a combination of the foregoing that acts as a principal cause for a school district's inability to conduct a portion of the minimum aggregate hours of instruction required by **20-1-301, MCA**.

20-9-805, MCA. Rate of reduction in BASE aid. (1) Except as provided in **20-9-806, MCA**, for each hour short of the minimum number of aggregate hours required by law that a school district fails to conduct by reason of one or more unforeseen emergencies, the superintendent of public instruction shall reduce the BASE aid of the district for that school year by a proportionate amount.

(2) Kindergarten, grade 1 through 3, and grade 4 through 12 programs must be considered separately for the purpose of computing compliance with minimum aggregate hour requirements and any loss of BASE aid.

20-9-806, MCA. School closure by declaration of emergency. (1) (a) Except as provided in subsection (2), if a school is closed by reason of an unforeseen emergency that results in a declaration of emergency by the board of trustees, the trustees may later adopt a resolution that a reasonable effort has been made to reschedule the pupil-instruction time lost because of the unforeseen emergency. If the trustees adopt the resolution, the pupil instruction time lost during the closure need not be rescheduled to meet the minimum requirement for aggregate hours that a school district must conduct during the school year in order to be entitled to full BASE aid.

(b) At least 75% of the pupil-instruction time lost due to the unforeseen emergency must have been made up before the trustees can declare that a reasonable effort has been made.

(2) The board of trustees may close school for 1 school day each school year because of an unforeseen emergency and may not be required to reschedule the pupil-instruction time lost because of the unforeseen emergency. The 1-school-day closure under this subsection is not subject to the reduction in BASE aid pursuant to **20-9-805, MCA**.

Please read the statutes carefully and direct any questions to the OPI's School Finance inbox at opischoolfinance@mt.gov.