

1 _____ **School District**

2
3 **STUDENTS**

3141

4
5 Nonresident Student Enrollment

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7 For the purposes of this policy, except as provided in Section 20-9-707, MCA, a student’s district
8 of residence must be determined on the basis of the provisions of Section 1-1-215, MCA.

9
10 Mandatory Nonresident Enrollment for Extenuating Circumstances

11
12 The District shall enroll a student who resides outside of the District whenever the extenuating
13 circumstances listed in Section 20-5-321, MCA, exist.

14
15 Applying for Nonresident Enrollment with No Extenuating Circumstances

16
17 Whenever the extenuating circumstances listed in Section 20-5-321, MCA do not exist and
18 mandatory enrollment of a student who resides outside the District is not required, the District
19 may enroll the nonresident student at the request of the student’s parent or guardian as specified
20 in this policy. The District shall serve children who are residents of the district and nonresident
21 children seeking mandatory enrollment for extenuating circumstances prior to enrolling
22 nonresidents students seeking to apply when extenuating circumstances do not exist.

23
24 Every nonresident student who seeks to enroll in the District shall apply for admission for the
25 succeeding school year by **(date)**. All applications shall be submitted using the form found at
26 Policy 3141F as developed by the Superintendent of Public Instruction. **(Optional)** For planning
27 purposes, late applications shall not be considered. **(End Optional Language)** Nonresident
28 students shall reapply for admission each school year. Admission in one school year does not
29 infer or guarantee admission in subsequent years. Each application shall be assigned a unique
30 number distinct from a student identification number that does not disclose a student’s personally
31 identifiable information consistent with Policy 3600. Within 10 days of the initial application for
32 an attendance, the District shall notify the parent or guardian of the child and district of residence
33 involved in the out-of-district attendance agreement of application the anticipated date for
34 approval or disapproval of the agreement application.

35
36 The Board of Trustees authorizes the District Administrator to review the applications for
37 nonresident enrollment consistent with his policy and Section 20-5-320, MCA. Not more than
38 30 days following the application deadline, the District Administrator shall submit a list of
39 students to the Board of Trustees who are recommended for enrollment. The Board of Trustees
40 shall make the decision to approve or deny requests for nonresident enrollment during a meeting
41 of the Board. Each application shall be considered during a closed session consistent with Policy
42 1400 after giving prior notice to the parents that their application will be considered by the Board
43 of Trustees in a closed session of the Board. Any motion on an application shall be made
44 referring to the distinct application number.

1 In reviewing and determining whether to approve an application for attendance by a nonresident
2 child, the District Administrator shall recommend for approval and Board of Trustees shall
3 approve the application unless the Board of Trustees find that the impact of approval of the
4 application will negatively impact the quality of education for resident pupils by grade level, by
5 school, or in the District in the aggregate in one or more of the following ways:

6
7 1. The approval would result in exceeding limits of:

- 8 A. building construction standards pursuant to Title 50, chapter 60, MCA;
- 9 B. capacity and ingress and egress elements, either by individual room or by
10 school building, of any fire code authorized by Title 50, chapter 3; or
- 11 C. evacuation elements of the district's adopted school safety plan.

12 The Board authorizes the District Administrator to coordinate with the local fire
13 marshal, law enforcement, health department, and first responders when developing
14 standards under this Subsection 1. Findings shall be adopted by the Board in the
15 District's strategic action plan or plan for continuous improvement specified in Policy
16 1610.

17 2. The approval would impede meeting goals, standards, or objectives of quality
18 education adopted by the Board in the District's strategic action plan or plan for
19 continuous improvement specified in Policy 1610.

20 3. The approval would risk jeopardizing the educational quality adopted by the Board in
21 the District's strategic action plan or plan for continuous improvement specified in Policy
22 1610 because the nonresident child who is applying was:

- 23 A. truant as defined in Section 20-5-106, MCA, in the last school district
24 attended;
- 25 B. expelled by another school district at any time; or
- 26 C. suspended in another school district in any of the 3 school fiscal years
27 preceding the school fiscal year for which attendance is requested. This
28 Subsection C does not apply to a student who is eligible for special education or
29 related services.

30
31 Review and consideration of applications and the records of applicants as well as decisions
32 regarding admission cannot be inconsistent with District policies regarding nondiscrimination. In
33 the event the District receives more applications than the District can accommodate, the District
34 shall prioritize applications on the basis of the quality of education for students who are residents
35 of the district of attendance and the obligations of resident taxpayers. This priority may include
36 applications from children of District employees as well as children with siblings who have
37 previously enrolled in the District as nonresident students. This priority is specifically
38 established and shall be implemented on a rational basis to provide a quality education to
39 students enrolled in the District.

40
41 Within 10 days of approval or disapproval of an application for non-resident enrollment, District
42 shall provide copies of the approved or disapproved attendance agreement application to the
43 parent or guardian and to the district of residence. In the case of a disapproval, the District shall
44 provide the specific allowable reason for the disapproval consistent with this policy and
45 supporting documentation.

1 For an approved application and out-of-district attendance agreement application the District
2 shall provide a copy of the completed agreement to the county superintendent of schools of the
3 county of residence, county superintendent of schools of the county of attendance, and the
4 Superintendent of Public Instruction. Whenever a student enrolls in and attends a school outside
5 of the student’s district of residence under the provisions of this policy, by July 15 following the
6 year of attendance, the district of attendance shall notify the district of residence of an obligation
7 under Section 20-5-323, MCA.

8
9 If an out-of-district attendance agreement application is disapproved or no action is taken, the
10 parent or guardian may appeal the disapproval or lack of action in accordance with Montana law.

11
12 Unless otherwise agreed by the district of residence and the district of attendance, the family of a
13 nonresident child whose application for attendance has been approved is responsible for
14 transportation of the child and the child is not an eligible transportee as defined in Section 20-10-
15 101, MCA. The district of attendance may discretionarily provide transportation pursuant to
16 Section 20-10-122, MCA.

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19	Cross Reference:	2161 – 2161P	Special Education
20		3110	Entrance, Placement, and Transfer
21		3125	Education of Homeless Children
22		3210	Equal Education, Nondiscrimination and Sex
23			Equity
24		3600	Student Records
25		1400	Board Meetings
26			
27	Legal Reference:	§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining
28			state or province
29		§ 20-5-320, MCA	Out-of-district attendance by parent or guardian
30			request with no extenuating circumstances.
31		§ 20-5-321, MCA	Attendance with mandatory approval – tuition and
32			transportation
33		§ 20-5-322, MCA	Residency determination – notification – appeal for
34			attendance agreement
35		§ 20-5-323, MCA	Tuition and transportation rates
36		10.55.712, ARM	Class Size Elementary
37		10.55.713, ARM	Teacher Load and Class Size – High School
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39
40 Policy History:

41 Adopted on:

42 Reviewed on:

43 Revised on: