

## **STUDENTS**

### Out-Of-District Student Enrollment

The Board will enroll out-of-district students in accordance with Montana law and this policy. A student's residence shall be determined pursuant to MCA § 1-1-215 except as otherwise provided by MCA § 20-9-207.

#### *Out-of-District Student Enrollment with Extenuating Circumstances*

The District shall enroll out-of-district students when extenuating circumstances exist pursuant to MCA § 20-5-321.

#### *Out-of-District Student Enrollment with no Extenuating Circumstances*

The Superintendent or designee shall review all applications for out-of-district enrollment when it is not mandatory and shall recommend approval or denial of each application to the Board as provided in this policy. As part of the review, the District shall request and review the student records of out-of-district students applying for enrollment prior to making the recommendation to the Board.

The Board shall approve an application for out-of-district attendance unless the trustees find that the impact of approval of the application will negatively impact the quality of education for resident students by grade level, by school, or in the District in the aggregate in one or more of the following ways:

1. The approval would result in exceeding the limits of:
  - a) Building construction standards pursuant to Title 50, Chapter 60, MCA;
  - b) Capacity and ingress and egress elements, either by individual room or by school building of any fire code authorized by Title 50, Chapter 3, MCA; or
  - c) Evacuation elements of the District's adopted school safety plan.
2. The approval would impede meeting goals, standards, or objectives of quality that the trustees have previously adopted in a plan for ISAP (Integrated Strategic Action Plan) required under the rules adopted by the Board of Public Education.
3. The approval would risk jeopardizing the educational quality within the District because the out-of-district student applying was:
  - a) Truant as defined in MCA § 20-5-106 in the last school district attended;
  - b) Expelled by another school district at any time; or
  - c) Suspended in another school district in any of the three (3) school fiscal years preceding the school fiscal year for which attendance is requested. This subsection (c) does not apply to a student eligible for special education or related services.

Within 10 days of receipt of an out-of-district enrollment application, the District shall notify the parent or guardian and the trustees of the student's district of residence of the anticipated date for approval or denial of the application. The Board will consider the recommendation for denial of an out-of-district application during the first board meeting of March, in a closed session of the Board, unless the parent or guardian waives their respective rights of privacy.

In the event that the District receives more applications for out-of-district students than it can accommodate, the District shall prioritize applications on the basis of the quality of education for students who are residents of the District and obligations of resident taxpayers. The District shall prioritize applications for the enrollment of out-of-district students in the following order provided the criteria established in this policy has been satisfied:

1. Students who attended school within the District the preceding year. In giving priority to students who have attended school within the District, the District will consider the number of years of attendance. Out-of-district students who are currently attending school within the District shall submit an application by January 31st prior to the start of the school year in which attendance is sought in order to retain their priority status. If an application for an out-of-district student currently attending school within the District is not submitted by January 31st, the application will be considered on the same basis as all other applications and subject to the annual deadline stated in this policy.
2. Students who are the children or step-children of nonresident District employees.
3. Students who have siblings attending school within the District.
4. Students who have previously attended school within the District.
5. Students whose parents or guardians own property within the District.
6. Students whose legal residence is adjacent to the boundaries of the District.
7. Students entering kindergarten or grades 6, 7, or 8 and whose district of residence does not provide an equivalent program.
8. When all of the above priorities are equal or not satisfied, the District shall give priority to applications on the basis of time of receipt by the District.

Within 10 days of the decision to approve or deny the enrollment of an out-of-district student and to enter into an out-of-district attendance agreement, the District shall provide copies of the approved or denied attendance agreement to the student's parent or guardian and the student's district of residence. In the event of a denial, the District shall provide the reason permitted by Montana and this policy and supporting documentation.

The District shall notify the district of residence for all out-of-district students enrolled under this policy regarding their tuition obligations under Montana law by July 15 following the year of attendance.

Unless otherwise agreed by the District and the district of residence in the out-of-district attendance agreement, the family of the out-of-district student whose application has been approved is responsible for transportation of the student and the student is not an eligible transportee under Montana law.

Legal Reference:

- § 1-1-215, MCA Residence – rules for determining
- § 20-5-314, MCA Reciprocal attendance agreement with adjoining state or province
- § 20-5-320, MCA Out-of-district attendance by parent or guardian request with no extenuating circumstances
- § 20-5-321, MCA Attendance with mandatory approval – tuition and transportation
- § 20-5-322, MCA Residency determination – notification – appeal for attendance agreement
- § 20-5-323, MCA Tuition and transportation rates
- § 20-5-324, MCA Tuition payment provisions -- state obligations -- district obligations -- financing -- reporting
- § 20-9-707, MCA Agreement with Montana youth challenge program or accredited Montana job corps program
- 10.10.301B, ARM Out-of-District Attendance Agreements
- 10.55.712, ARM Class Size Elementary
- 10.55.713, ARM Teacher load and class size: high school, junior high, middle school, and grades 7 and 8 funded at high school rates

Policy History:

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