

Policy 3141: Nonresident Student Enrollment**Status: ADOPTED****Original Adopted Date:** 09/09/2022 | **Last Revised Date:** 2/20/2024 |**Last Reviewed Date:** 2/20/2024Nonresident Student Enrollment

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

Mandatory Nonresident Enrollment for Extenuating Circumstances

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

Applying for Nonresident Enrollment with No Extenuating Circumstances

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

Every nonresident student who seeks to enroll in the District shall apply for admission for the succeeding school year by May 1st. All applications shall be submitted using the form found at Policy 3141F as developed by the Superintendent of Public Instruction. Nonresident students shall reapply for admission each school year. Admission in one school year does not infer or guarantee admission in subsequent years. Each application shall be assigned a unique number distinct from a student identification number that does not disclose a student's personally identifiable information consistent with Policy 3600. Within 10 days of the initial application for an attendance, the District shall notify the parent or guardian of the child and district of residence involved in the out-of-district attendance agreement of application the anticipated date for approval or disapproval of the agreement application.

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

In reviewing and determining whether to approve an application for attendance by a nonresident child, the District Administrator shall recommend for approval and Board of Trustees shall approve the application unless the Board of Trustees find that the impact of approval of the application will negatively impact the quality of education for resident pupils 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 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; or

C. evacuation elements of the district's adopted school safety plan.

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

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

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

A. truant as defined in Section 20-5-106, MCA, 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 3 school fiscal years preceding the school fiscal year for which attendance is requested. This Subsection C does not apply to a student who is eligible for special education or related services.

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

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

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

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

Unless otherwise agreed by the district of residence and the district of attendance, the family of a nonresident child whose application for attendance has been approved is responsible for

transportation of the child and the child is not an eligible transportee as defined in Section 20-10-101, MCA. The district of attendance may discretionarily provide transportation pursuant to Section 20-10-122, MCA.

Montana Code Annotated	Description
1-1-215	Residence - rules for determining
20-5-314	Reciprocal attendance agreement with adjoining state or province
20-5-320	Non-Resident Enrollment
20-5-320	Attendance with discretionary approval
20-5-321	Attendance with mandatory approval – tuition and transportation
20-5-322	Residency determination – notification – appeal for attendance agreement
20-5-323	Tuition and transportation rates
Administrative Rules of Montana	Description
10.10.301B	Out-of-District Attendance Agreements
10.55.712	Class Size Elementary
10.55.713	Teacher load and class size

Cross References

Code	Description
2158	Parent and Family Engagement and Educational Involvement
2161	Special Education
2161-P(1)	Special Education - Procedure
2413	Credit Transfer and Assessment for Placement
3110	Entrance, Placement, and Transfer
3110-NF(1)	Entrance, Placement, and Transfer - Education Authorization Affidavit
3125	Education of Homeless Children
3125-NF(1)	Education of Homeless Children - McKinney-Vento Homeless Education Assistance Dispute Resolution Form
3150	Part-Time Enrollment
7008	Nonresident Student Attendance Agreement, Tuition, and Transportation Costs.