

**Billings School District 2**

**STUDENTS**

Discretionary Nonresident Student Attendance Policy

The Board, recognizing that its resident students need an orderly educational process and environment, free from disruption, overcrowding, and any kind of violence or disruptive influences, hereby establishes criteria for the discretionary admission of nonresident students. The residence of a student is determined by Montana law. The residence of a minor student is the residence of the student's parents or, if one of the parents is deceased or the parents do not share the same residence, the residence of the parent with whom the student customarily resides.

1. Except as required by § 20-5-321, MCA, the District will admit nonresident students at its discretion. As such, the District will screen all nonresident students and consider only those who meet the criteria set forth in this policy.
2. The Superintendent will recommend to the Board any nonresident student admission in accordance with this policy, with the Board making the final decision on admission.
3. Except for students attending the District under established attendance agreements and/or interlocal agreements, the District will examine a student's records from previous school districts before any District approval for admission.
4. The District has the option of accepting a nonresident student who does not meet the criteria set forth by the administration, if the student agrees to special conditions of admission as set forth by the District.
5. Admission in one school year does not infer or guarantee admission in subsequent years. Every nonresident student who attends District schools must renew their attendance agreement for the succeeding school year by June 15.
6. The District will not admit nonresident students when doing so would require hiring additional staff or providing educational services not currently offered or would create crowding of existing classes.
7. All resident students who become nonresidents because their parents or guardians move out of the District may continue attendance on a prorated tuition basis for the remainder of the school year.
8. The Board reserves the right to charge tuition for nonresident students. At its discretion, the Board may charge or waive tuition for all students whose tuition is required to be paid by one kind of entity, defined as either a parent or guardian or a school district. Any waiver of tuition will be applied equally to all students whose tuition is paid by the same kind of entity (i.e., if the District charges tuition in those circumstances where a resident

district pays but waives tuition in those circumstances where a parent or guardian is responsible for tuition, the tuition waiver will be applicable to all students whose parents or guardians bear the responsibility for payment).

9. All nonresident students will be considered ineligible transportees for school transportation services (20-10-101, MCA).
10. The Board may declare an emergency which, in its opinion, necessitates the removal of all nonresident students from District schools.

<u>Legal References:</u>	§1-1-215, MCA	Residence – rules for determining
	§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining State or province
	§ 20-5-320, MCA	Attendance with discretionary approval
	§ 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 10.10.301B, ARM	Tuition and transportation rates Out-of-District Attendance Agreements

Policy History:

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