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. If denied enrollment, the District will notify applicants of the reason(s) for the District’s denial.

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 as provided for in Montana law. 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), except as otherwise provided for in a student’s individualized education program pursuant to IDEA.

10. The Board may declare an emergency which, in its opinion, necessitates the removal of all nonresident students from District schools.

11. Application of this Policy to Nonresident Students with Disabilities.


B. Nonresident students with disabilities shall not be denied enrollment unless the District has made an individual determination that the disability-related needs of the particular student cannot be reasonably met by the District due to appropriate considerations of staffing, program and resource availability, and/or other non-discriminatory factors delineated by the Superintendent.

C. Decisions regarding enrollment of nonresident students with disabilities shall be made only after considering all information necessary to make an individualized assessment of the student’s disability-related needs, which may include convening a group of persons knowledgeable about the student and considering the student’s disability evaluation data and the District’s enrollment options.

D. Details regarding enrollment decisions of students with disabilities, including decisions to revoke enrollment, shall be documented and recorded in the Superintendent’s office as part of the District’s nonresident enrollment record-keeping.

E. The District shall charge only the tuition permitted by state law for students with disabilities who are enrolled pursuant this policy and shall not include the cost of disability-related specialized instruction or related services.

F. Transportation decisions concerning nonresident students with disabilities enrolled pursuant to this policy shall be on an individual basis considering all information necessary to make an individualized assessment of the student’s disability-related needs as provided for under IDEA and Section 504.
Legal References:

§ 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  Tuition and transportation rates
§ 49-2-307, MCA  Discrimination in education
§ 49-3-203, MCA  Educational, counseling, and training programs
29 USC § 701 et seq  Section 504 of the Rehabilitation Act of 1973
10.10.301B, ARM  Out-of-District Attendance Agreements
Policy 3220     Equal Educational Opportunity

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