Policy 3141: Nonresident Student Enrollment

Nonresident 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 April 15th. All applications shall be submitted using the form found at Form 3141 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 by the Board of Trustees.

The Board of Trustees authorizes the District Administrator to review the applications for nonresident enrollment consistent with this policy and Section 20-5-320, MCA. Not more than 60 days following the application deadline, the District Administrator shall submit a list of students to the Board of Trustees who are recommended for enrollment., and a list of students who are not recommended for enrollment based on the factors established in this policy and the District's integrated strategic action plan. The Board of Trustees shall make the decision to approve or deny requests for nonresident enrollment during a properly noticed meeting of the Board. Each application requiring discussion of confidential student information 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 must be made in open session and 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;
C. maximum student contact hours for a teacher of the class or maximum class sizes under accreditation standards of the board of public education; or
D. 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.

The Board finds that expulsion or suspension from this District would impede in meeting goals standards, or objectives of quality education stated in the plan.

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 or out of school in any school district in which the nonresident child was enrolled 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 shall be consistent 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.

Priority shall be implemented on a rational basis to provide a quality education to students enrolled in the District and may include applications from children of District employees, applications from previously enrolled students with demonstrated good behavior, and children with siblings who have previously enrolled in the District as nonresident students.

Within 10 days of approval or disapproval of an application for non-resident enrollment, the 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.

Transportation

~~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.~~

(a) An attendance agreement established under 20-5-320 or 20-5-321 must set forth the financial obligations, if any, for costs incurred for transportation as provided in § 20-5-323 (6), MCA and Title 20, chapter 10, MCA.

(b) If the attendance agreement is for a child with a disability who has transportation included in the child's individualized education program, transportation or the costs of transportation must be paid by the child's district of residence.

(c) Unless the attendance agreement is for a child with a disability who has transportation included in the child's individualized education program and unless otherwise agreed to in the out-of-district attendance agreement:

(i) when a child has approval to attend a school outside the child's district of residence because of a parent's or guardian's request under the provisions of §§ 20-5-320 or 20-5-321(1)(c), MCA, the parent or guardian of the child is responsible for transportation and the child is not an eligible transportee as defined in § 20-10-101, MCA. The district of attendance may discretionarily provide transportation for a child who is not an eligible transportee pursuant to § 20-10-122, MCA.

(ii) when a child attends a school outside the child's district of residence under the provisions of § 20-5-321(1)(a) or (1)(b), MCA, the district of residence is responsible for transportation; and

(iii) when a child attends a school outside the child's district of residence under the provisions of § 20-5-321(1)(d) or (1)(e), MCA, the district of attendance is responsible for transportation consistent with and subject to the provisions of 20 U.S.C. 6312(c)(5).

(d) The amount, if any, charged for transportation may not exceed the lesser of the average transportation cost for each student in the child's district of residence or 35 cents a mile. The average expenditures for the district transportation fund for the preceding school fiscal year must be calculated by dividing the transportation fund expenditures by the October 1 enrollment count for the preceding fiscal year.

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

1 **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

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Policy 3310: Student Discipline

Student Discipline

The Board grants authority to a teacher or principal to hold a student to strict accountability for disorderly conduct in a school building, on property owned or leased by a school district, on a school bus, on the way to or from school, or during intermission or recess.

Disciplinary action may be taken against any student guilty of gross disobedience or misconduct, including but not limited to instances set forth below:

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.

- Using, possessing, distributing, purchasing, or selling alcoholic beverages, including powdered alcohol. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.

- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, marijuana, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.

- Using, possessing, controlling, or transferring a firearm or other weapon in violation of Policy 3311.

- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in Policy 3311.

- Disobeying directives from staff members or school officials or disobeying rules, violating state or federal law, or not honoring regulations governing student conduct.

- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct unless such force is determined, following investigation, to be for self-defense or defense of others as defined by law.

- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property.

- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.

- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.

- Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or retaliation against any person who alleged misconduct under Policy 3225 or 3226 or participated in an investigation into alleged misconduct under Policy 3225 or 3226.

- Defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district.

- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.

- Records or causes to be recorded a conversation by use of a hidden electronic or mechanical device which may include any combination of audio or video that reproduces a human conversation without the knowledge of all parties to the conversation.

- Engaging in academic misconduct which may include but is not limited to: cheating, unauthorized sharing of exam responses or graded assignment work; plagiarism, accessing websites or electronic resources without authorization to complete assigned coursework, and any other act designed to give unfair academic advantage to the student.

These grounds stated above for disciplinary action apply whenever a student's conduct is reasonably related to school or school activities, including but not limited to the circumstances set forth below:

- On school grounds before, during, or after school hours or at any other time when school is being used by a school group.

- Off school grounds at a school-sponsored activity or event or any activity or event that bears a reasonable relationship to school.

- Travel to and from school or a school activity, function, or event.

- Anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of bullying of a staff member or student, or an interference with school purposes or an educational function.

Exceptions: A student may not be subject to a disciplinary action for declining to: (a) identify the student's pronouns; or (b) address a person by using a name other than the person's legal name or a derivative of the person's legal name or by using a pronoun or a title that is inconsistent with the person's sex.

Disciplinary Measures

Disciplinary measures include but are not limited to:

- Expulsion

- Suspension

- Detention, including Saturday school

- Clean-up duty

- Loss of student privileges
- Loss of bus privileges
- Notification to juvenile authorities and/or police
- Restitution for damages to school property

No District employee or person engaged by the District may inflict or cause to be inflicted corporal punishment on a student. Corporal punishment does not include reasonable force District personnel are permitted to use as needed to maintain safety for other students, school personnel, or other persons or for the purpose of self-defense.

Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite instruction pending the results of an investigation or for reasons related to the safety or well-being of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.

Delegation of Authority

The Board grants authority to any teacher and to any other school personnel to impose on students under their charge any disciplinary measure, other than suspension or expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with policies and rules on student discipline. The Board authorizes teachers to remove students from classrooms for disruptive behavior.

Montana Code Annotated	**Description**
16-11-302	Definition of tobacco and vapor products
16-12-108	Limitations of Marijuana Regulation Act
20-3-324	Powers and duties
20-4-302	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
20-5-202	Suspension and expulsion
20-7-118	Offsite Provision of Educational Services
20-9-205	Self-defense in schools
40-6-701	Interference with fundamental parental rights restricted
45-5-624	Possession of intoxicating substance
45-5-637	Possession of tobacco products
45-8-213	Privacy in communications
45-8-361	Possession of weapon in a school building
Administrative Rules of Montana	**Description**

10.16.3346	Aversive Treatment Procedures

United States Code	**Description**
20 U.S.C. § 1232g, et seq.	Family Education Rights and Privacy Act
20 USC 1232h	Protection of pupil rights
29 USC 701, et seq	Section 504 of the Rehabilitation Act

1 **Cross References**

Code	**Description**
2158	Parent and Family Engagement and Educational Involvement
3225	Sexual Harassment of Students
3225-P(1)	Sexual Harassment of Students - Procedure
3225-NF(1)	Sexual Harassment of Students - Sexual Harassment Reporting/Intake Form for Students
3226	Bullying
3300	Suspension and Expulsion
3305	Seclusion and Restraint
3330	Use of Alcohol Sensor Device
3340	Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use
3630	Cell Phone and Other Electronic Devices
4410	Relations With Law Enforcement and Child Protective Agencies
4411	Interrogation and Investigations Conducted by School Officials
8124	Student Conduct on Buses
8225	Tobacco Free Policy

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Policy 8560: Display of Flags and Banners on District Property

Definitions

"Flag" means any physical or digital material designed for display on a flagpole, building, wall, vehicle, or other structure.

"District property" means buildings, grounds, vehicles, uniforms, and any other property owned, leased, or controlled by the District.

Display of Flags and Banners

No flag or banner may be displayed in or on District property other than the following flags and banners:

a. the United States flag;
b. the official flag of the state of Montana, or any county, municipality, special district, or other political subdivision within the state;
c. the official flag of a school district, public university, or community college;
d. the official flag of any state in the United States;
e. the official flag of any federally recognized tribal nation;
f. the official flag of any federally recognized foreign nation;
g. the official flag of any of the branches and units of the United States military;
h. official historical flags of the United States and the state of Montana, including but not limited to the Betsy Ross flag, Gadsden flag, and other flags of historical significance;
a. the POW/MIA flag, as provided in § 1-1-541, MCA;
j. flags or banners representing official school mascots and colors; and
k. official law enforcement flags, including but not limited to flags honoring law enforcement officers and fallen officers.

No flags or banners may be displayed on District property that represent a political viewpoint, including but not limited to flags or banners regarding a political party, race, sexual orientation, gender, or political ideology. This restriction does not apply to flags recognizing official government entities, law enforcement agencies, military branches, or public service organizations.

Nothing in this policy may be construed to limit the private speech of individuals, and nothing in this policy may be interpreted to restrict expressions of personal belief outside of official government displays.

The restrictions in this policy do not apply to personal clothing, jewelry, or accessories worn by government employees, except where specific uniform policies or official dress codes apply.