Billings School District 2 STUDENTS

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 (date). All applications shall be submitted using the form found at Policy 3141F as developed by the Superintendent of Public Instruction. (Optional) For planning purposes, late applications shall not be considered. (End Optional Language) (Optional) Late applications may be considered. (End Optional Language) 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 30 days following the application deadline or the receipt of an application, the District Administrator shall submit to the Board of Trustees a list of students 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; 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.

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.

2. 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 shall be consistent with District policies regarding nondiscrimination.

In the event the District receives more applications under this policy than the District can accommodate, for any of the reasons specified above, 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, applications from previously enrolled students with demonstrated good behavior, and 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. Transportation (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. 2

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
Mont. Admin Rule	10.55.601. *et seg.*
Policy 3220	Equal Educational Opportunity

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