

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.

Nonresident Enrollment with No Extenuating Circumstances

Beginning with enrollment for the 2024-2025 school year, 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(s)/guardian(s) 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 nonresident students seeking to apply when extenuating circumstances do not exist.

Applications for enrollment of out-of-district students must be submitted to the District for consideration for enrollment for the fall semester in the subsequent school year no later than June 1; an out-of-district student enrolled before the fall semester shall be considered to be enrolled for the entirety of the school year. Applications for enrollment of out-of-district students must be submitted to the District for consideration for enrollment for the spring semester in the subsequent school year by November 15. All applications shall be submitted using the forms [K-12 Student Out-of-District Transfer Request](#) (HPS form) and the [Out-Of District Attendance Agreement](#) (OPI form FP-14.1) Both forms can be found on the District webpage. For planning purposes, late applications will be accepted only at the Superintendent or designee’s discretion and shall only be considered in extreme and extenuating circumstances.

An eligible child who is not a resident of the District may be accepted by the District to participate in a summer jumpstart program without an out-of-district attendance agreement and without the payment of tuition.

Nonresident students must reapply for admission each school year. Admission in one school year does not infer or guarantee admission in subsequent years. Nonresident students who were accepted prior to the 2024-2025 school year will be grandfathered but must complete Form 3141F annually and must remain in good standing.

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 2600, Student & Family Privacy Rights. Within 10 days of receipt of the initial application for an agreement, the District shall notify the parent(s)/guardian(s) of the child and district of residence involved in the out-of-district attendance agreement of the anticipated date for approval or disapproval of the agreement.

The Board of Trustees (Board) authorizes the Superintendent 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, the Superintendent shall submit a list of students to the Board who applied for enrollment along with recommendations for or against approval for each applicant. The Board shall make the decision to approve or deny requests for nonresident enrollment during a meeting of the Board. If individual application review is needed, that review shall be considered during a closed session consistent with Policy 1065, Board Meetings and after giving prior required notice to the parent(s)/guardian(s) of the anticipated review. Any motion on an application shall be made in open session referring to the distinct application number.

In reviewing and determining whether to approve an application for attendance by a nonresident child, the Superintendent or designee shall recommend for approval and the Board shall approve the application unless 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. Evacuation elements of the district's adopted school safety plan; or
 - d. Maximum student contract hours for a teacher of the class or maximum class sizes under accreditation standards of the Board of Public Education.

The Board authorizes the Superintendent 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 Goals Plan and/or the District's Long Range Facility Plan.

2. The approval would impede meeting goals, standards, or objectives of quality education adopted by the Board in the District's Strategic Goals Plan or plan for continuous improvement required under the rules adopted by the Board of Public Education.
3. The approval would risk jeopardizing the educational quality adopted by the Board in the District's Strategic Goals Plan or plan for continuous improvement 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 school or out of school in any school district in which the nonresident student was enrolled in any of the three (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 as defined by the District's Strategic Goals Plan. This priority may include applications from students whose parent(s)/guardian(s) are at least .75 FTE employees of the District and employees of the District's contracted transportation and food service provider who are scheduled at least 20 hours per week, as well as students with siblings who are currently 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. The District may also prioritize applications based on the anticipated obligations of resident taxpayers.

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 to the parent(s)/guardian(s) 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 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 any financial obligation under Section 20-5-323, MCA.

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

An out-of-district student may not be enrolled for remote instruction unless the student is physically attending a school or offsite instructional setting pursuant to an out-of-district attendance agreement. An out-of-district student may be accepted to participate in a remote instruction course without an out-of-district agreement when the student's district of residence does not provide remote or in-person instruction in an equivalent course.

The out-of-district attendance agreement shall address any transportation obligations of either the district of attendance or the district of residence required by law.

Reference:	1065	Board Meetings
	2040	Special Education and Accommodations
	3000	Equal Educational Opportunities
	3010	School Admissions: Entrance, Placement, and Transfer
	3020	Education of Homeless Children
	3022	Children of Military Families
	3023	Education of Children in Foster Care
	3085	Transfer of Student Records
Legal Reference:	§ 1-1-215, MCA	Residence – rules for determining
	§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining state or province
	§ 20-5-320, MCA	Out-of-district attendance by parent or guardian request with no extenuating circumstances.
	§ 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
	§20-5-324, MCA	Tuition payment provisions – state obligations – district obligations – financing -- reporting
	§20-7-118, MCA	Remote Instruction
	§20-9-707, MCA	Agreement with Montana youth challenge program or accredited Montana job corps program
	10.10.301B, ARM	Out-of-District Attendance Agreements
	10.55.712, ARM	Class Size Elementary
	10.55.713, ARM	Teacher load and class size – high school, junior high, middle school, and grades 7 and 8 funded at high school rates

Policy History:

Adopted on:	04.09.2024
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