

## Bigfork School District #38

### STUDENTS

3141

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#### Out-Of-District Student Enrollment

The Board will enroll out-of-district students in accordance with Montana law and this policy. A student's residence shall be determined pursuant to MCA § 1-1-215 except as otherwise provided by MCA § 20-9-207.

#### *Out-of-District Student Enrollment with Extenuating Circumstances*

The District shall enroll out-of-district students when extenuating circumstances exist pursuant to MCA § 20-5-321.

#### *Out-of-District Student Enrollment with no Extenuating Circumstances*

The District shall serve students who are residents of the District and out-of-district students who are subject to mandatory enrollment due to extenuating circumstances under MCA § 20-5-321 prior to enrolling other out-of-district students. The District may enroll out-of-district students at the request of the student's parent or guardian as provided in this policy when it is not mandatory because no extenuating circumstances exist. A parent or guardian seeking out-of-district enrollment when not mandatory shall apply on the out-of-district attendance agreement form approved by the Office of Public Instruction to the Board for approval on an annual basis. Out-of-district students shall reapply for admission for each school year. Admission in one school year does not imply or guarantee admission in subsequent years.

Currently enrolled students who move out of District at anytime throughout the school year shall be required to complete an Out-Of-District Attendance Agreement (FP-14.1) application. A 30 day grace period beginning on the date of change of residence to complete this application shall be afforded. Failure to submit the application within the grace period shall make the student ineligible for continued enrollment with readmission only upon the District accepting a completed Out-Of-District Attendance Agreement application.

Applications for enrollment of out-of-district students must be submitted to the District for consideration.

The Superintendent or designee shall review all applications for out-of-district enrollment when it is not mandatory and shall recommend approval or denial of each application to the Board as provided in this policy. As part of the review, the District shall request and review the student records of out-of-district students applying for enrollment prior to making the recommendation to the Board.

The Board shall approve an application for out-of-district attendance unless the trustees find that the impact of approval of the application will negatively impact the quality of education for resident students 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 the 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, MCA; or
  - c. Evacuation elements of the District's adopted school safety plan.

2. The approval would impede meeting goals, standards, or objectives of quality that the trustees have previously adopted in a plan for continuous educational improvement required under the rules adopted by the Board of Public Education.
3. The approval would risk jeopardizing the educational quality within the District because the out-of-district student applying was:
  - a. Truant as defined in MCA § 20-5-106 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 three (3) school fiscal years preceding the school fiscal year for which attendance is requested. This subsection (c) does not apply to a student eligible for special education or related services.

Within 10 days of receipt of an out-of-district enrollment application, the District shall notify the parent or guardian and the trustees of the student's district of residence of the anticipated date for approval or denial of the application. The Board will consider the recommendation for denial of an out-of-district application in a closed session of the Board unless the parent or guardian waives their respective rights of privacy.

In the event that the District receives more applications for out-of-district students than it can accommodate, the District shall prioritize applications on the basis of the quality of education for students who are residents of the District and obligations of resident taxpayers. The District shall prioritize applications for the enrollment of out-of-district students in the following order provided the criteria established in this policy has been satisfied:

1. Students who attended school within the District the preceding year. In giving priority to students who have attended school within the District, the District will consider the number of years of attendance. Out-of-district students who are currently attending school within the District shall submit an application by May 1 prior to the start of the school year in which attendance is sought in order to retain their priority status. If an application for an out-of-district student currently attending school within the District is not submitted by May 1, the application will be considered on the same basis as all other applications.
2. Students who are the children or step-children of nonresident District employees.
3. Students who have siblings attending school within the District.
4. Students who have previously attended school within the District.
5. Students whose parents or guardians own property within the District.
6. Students whose legal residence is adjacent to the boundaries of the District.
7. When all of the above priorities are equal or not satisfied, the District shall give priority to applications on the basis of time of receipt by the District.

Within 10 days of the decision to approve or deny the enrollment of an out-of-district student and to enter into an out-of-district attendance agreement, the District shall provide copies of the approved or denied attendance agreement to the student's parent or guardian and the student's district of residence. In the event of a denial, the District shall provide the reason permitted by Montana and this policy and supporting documentation.

The District shall notify the district of residence for all out-of-district students enrolled under this policy regarding their tuition obligations under Montana law by July 15 following the year of attendance.

Unless otherwise agreed by the District and the district of residence in the out-of-district attendance agreement, the family of the out-of-district student whose application has been approved is responsible for transportation of the student and the student is not an eligible transportee under Montana law.

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
	§ 20-9-707, 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:

First reading on: 2/14/24

Second reading/Adopted on: 4/10/24

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  - ~~c. Suspended in another school district 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 eligible for special education or related services.~~
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