

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.

Discretionary Nonresident Student Attendance Policy

Except as otherwise provided by law, admission to the Cottonwood School District as a nonresident student is a privilege. The Board, recognizing that an educational requirement of its resident students includes the need for an orderly educational process and environment, free from disruption, overcrowding, and any kind of violence or disruptive influences, hereby establishes criteria on the discretionary admission of nonresident students.

Determination of District Residency

The place where a student and his/her parent or guardian reside is presumed to be that student's place of residence unless otherwise provided by law. In a case of dual guardianship created by a split custody decree from a court of competent jurisdiction, in which the two parents or guardians live in different school districts, one of which is Cottonwood School District, the residence shall be deemed to be the residence of the parent with whom the student customarily resides.

Out-of-District Policy

The primary responsibility of the Board is to provide an educational program which is in the best interest of the Cottonwood School District students. Because of the need to keep the educational program at the highest quality possible, it is the policy of the Board to accept only those out-of-district students as required by Section 20-5-301, MCA, or that meet the requirements of this Policy.

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 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 *between January 31 to May 31*. Completed student applications will be reviewed at the monthly Board meetings and approved or denied until the school is at capacity. All applications shall be submitted using the form found on the school website. For planning purposes, late applications will be accepted only at the discretion of the Board.

Returning students must reapply for admission each school year by February 28. Admission in one school year does not infer or guarantee admission in subsequent years. All applications 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 agreement, the District shall notify the parent or guardian 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 will review the applications for nonresident enrollment consistent with this policy and Section 20-5-320, MCA. The Board, in collaboration with the staff, will review the applications and make the decision to approve or deny the request for nonresident enrollment during the meeting of the Board. Parents have the right to meet with the Board if the application has been denied. The Board reserves the right to go into a closed session for this process.

In reviewing and determining whether to approve an application for attendance by a nonresident child, the Board or designee shall recommend for approval and Board of Trustees 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; or
- C. evacuation elements of the district's adopted school safety plan.

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 Mission Statement

2. The approval would impede meeting goals, standards, or objectives of quality education adopted by the Board in the District's Mission Statement or plan for continuous improvement.

3. The approval would risk jeopardizing the educational quality adopted by the Board in the District's Mission Statement 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 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 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 Mission Statement.

Placement Priorities

The Board recognizes its obligation to accept out-of-district students who meet mandatory placement criteria established by state law. Once these obligations have been met, applications will be given priority in the following order;

1. Children of the teaching staff (teachers, teacher's aides, etc.);
2. Students who attended the school the preceding year. The number of years attending will also be considered a factor in favor of continued placement.
3. Applicants who have siblings currently attending the school.
4. The Board may at its sole discretion decide to hold a lottery for any available openings.

Notwithstanding the preceding items, the Board has the right and responsibility to make acceptance decisions that will provide the most effective educational experience for the entire student population. Areas of consideration include but are not limited to class size, teaching resources, teacher assessment of an applicant, and a long term view of the best interests of the District

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 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 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 or guardian may appeal the disapproval or lack of action in accordance with Montana law.

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.

Conditions for Accepting Out-of-District Students

The following conditions must be met before an out-of-district request will be approved:

1. The School must have adequate resources and facilities to properly serve the student;
2. Acceptance of the student will not violate class size and total student population size limitations;
3. Acceptance of the student will not cause any class or total student population size to exceed fire, health code, occupancy limits, or accreditation status;
4. The student must be able to demonstrate good standing in his/her current school in terms of academics, conduct and attendance;
5. The student must have passing grades in the school previously attended;
6. The parent or guardian must have correctly completed the application process;
7. A parent or guardian must agree to provide transportation for the student to and from the school;
8. The student and/or their family must present no other educational or behavioral related detriment to the students or staff of the District;
9. The admission of non-resident students must not require the hiring of additional staff or the provision of educational services not currently provided in the school;
10. The candidate may be requested to spend two to three hours at the school to allow the Lead Teacher to evaluate the candidate.

Conditions for Terminating Out-of-District Student Positions

Out of District students will be discharged:

1. If the school is unable to provide the resources and facilities specified in policy criteria for class/school size. Students will be discharged in reverse order of the placement policies when practical, at the end of the school year;
2. If the student exhibits inappropriate department;
3. The Board may declare an emergency, which, in its opinion, necessitates the removal of any or all out of district students from the school;
4. When, by law, the school must admit in-district students, and thereby would exceed class size limits, fire, health or safety or accreditation standards, students will be discharged in reverse order of our placement policies when possible, however, the Board has sole discretion regarding enrollment decisions.

Waiting List

Otherwise acceptable applicants shall be placed on a waiting list after opens have been filled. If openings occur, school placement will be offered according to the "Placement Priorities" above and, secondarily, by position on the list. The waiting list terminates at the end of each school year. Being on the waiting list in a prior year has no bearing on placement in subsequent years.

Transfer and Out-of-District Student Probationary Period

Any transfer of out-of-district students new to the District shall be admitted and placed on a probationary basis for two (2) weeks. During the probationary period, the student shall be observed by the Lead Teacher. If there is any doubt about the grade-level placement of the student, the student shall be the subject of an educational assessment to determine appropriate grade-level placement. If there are doubts about the students behavior and /or a detrimental impact on the school experience for the student body at large, the Board reserves the right to terminate the student's out-of-district acceptance.

Parental Disagreement with Placement

If a parent or guardian does not agree with the grade-level placement determined appropriate after

assessment, the parent or guardian may request a hearing before the Board and Lead Teacher. At all times, primary consideration will be given to the welfare of the student. Except as provided by law, admission to the District as a nonresident student is a privilege, unless required by §20-5-321, MCA. As such, the District will screen all discretionary nonresident students and only consider those who meet the criteria set forth in this policy.

Cross Reference:	2161	Special Education
	3110	Entrance, Placement, and Transfer
	3125	Education of Homeless Children
	3210	Equal Education, Nondiscrimination and Sex Equity
	3600	Student Records
	1400	Board Meetings

Legal Reference:	§20-5-314, MCA	Reciprocal Attendance Agreement
	§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
	10.55.712, ARM	Class Size Elementary
	10.55.713, ARM	Teacher Load and Class Size – High School

Policy History
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