

STUDENTS

Out-of-District Attendance with Discretionary Approval

The Board of Trustees of the Bozeman Public Schools, 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 admission of out-of-district students. The Board recognizes that out-of-district student sections of the statutes contain both mandatory and discretionary provisions and directs the administration to follow the following definitions and procedures in discretionary situations.

Definitions

An out-of-district student is one who lives with a parent, legal guardian or spouse outside of the District boundaries or who lives in the District but whose parent, legal guardian (see Policy #3114 for Guardian definition) or spouse resides elsewhere.

A minor child's district of residence is generally determined by the residence of the parents or legal guardians or a marital relationship with an adult, or as otherwise determined by Court Order. A person's residence is the place where a person remains when not called elsewhere for labor or other special or temporary purpose and to which the person returns in seasons of repose (Sec. 1-1-215, M.C.A.)

A Special Power of Attorney conveys certain enumerated powers and authority to a third party to act on behalf of a minor child for school purposes. For a child in the care of a third party with a Special Power of Attorney the residence of the legal parent or legal guardian determines the residency of the child for purposes of tuition. A Special Power of Attorney does not create the relationship of Guardian to the holder thereof.

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Out-of-district students not falling under mandatory provisions of Montana State Law, Administrative Rule or Board Policy #3114 will be denied enrollment with the following exceptions:

- A. Students, in grade 12 who have been residents of the School District for at least one full semester immediately prior to moving from the District, will be allowed to attend BSD7 on a tuition basis, for their final year of high school. Students, in grade 8 who have been residents of the School District for at least one full semester immediately prior to moving from the District and who move to a K-8 District that feeds into Bozeman High School District, will be allowed to attend 8th grade in Bozeman on a tuition basis.
- B. Out-of-district, Belgrade students who have been attending the Belgrade School District for at least one semester may be allowed to attend Bozeman on a tuition basis at the request of the Superintendent of the Belgrade School District and upon approval of the Bozeman Superintendent of Schools as part of an at-risk exchange program.
- C. Students who live full time within the Bozeman School District boundaries, but whose parents live outside the District may be admitted and charged tuition.
- D. Students in grades 6-8 whose resident district is a non-operating district within Bozeman High School District #7 will be allowed to attend Bozeman Public Schools provided the resident district agrees to pay the tuition.

- E. Students whose parents are at least .75 FTE employees of the District and employees of the District's contracted transportation provider who are scheduled at least 20 hours per week may attend on a tuition basis.
- F. A student who lives within the District with their parent(s) during the school week may be admitted with the payment of tuition. Parents will be required to complete a declaration under penalty of perjury that the student and parent(s) live in the District during the school week.
- G. On a space available basis, out-of-district students (from Belgrade, Livingston, and member districts of the Park County Special Education Cooperative and Gallatin-Madison Special Education Cooperative) may enroll within the Bozeman School District if placed by their resident district through an IEP process in a specialized day treatment program designed to address low-incidence mental health needs, provided the resident district agrees to pay tuition. Placement within the program will involve an intake process that includes representatives from the resident district, the Bozeman School District, and the mental health provider.

General Provisions

1. An out-of-district student will not be admitted until an Out-of-District Attendance Agreement has been completed. When admitting an out-of-district student, the District shall utilize form FP-14 prepared by the Office of Public Instruction.
2. Except as provided by law, admission to Bozeman Public Schools as an out-of-district student is a privilege (MCA 20-5-320). As such, the Bozeman School District will screen all out-of-district students and only consider those who meet the criteria set forth in this policy.
3. The Superintendent or designee is hereby given the authority to admit or deny any student's admission in accordance with this policy.
4. The District will charge tuition for out-of-district students per statute. The tuition for a child with a disability will be determined under the rules adopted by the Superintendent of Public Instruction for the calculation of tuition for special education pupils.
5. Acceptance of out-of-district students will be contingent on the student's good behavior, regular attendance and passing grades, and adherence to school and District policies. Violation of any of these contingencies or truancy violations may result in a student being dropped from school immediately and the unused portion of the tuition refunded.
6. Acceptance of an out-of-district Student is for one school year. All out-of-district students must apply for enrollment at the beginning of each school year and acceptance shall be based on compliance with the applicable criteria for admission of out-of-district students and space availability. Admission for one school year does not mean the student will be accepted the following school year.
7. Any out-of-district attendance may be disapproved whenever the accreditation of the school will be adversely affected by acceptance of the child due to insufficient room, overcrowding or when to do so would require the hiring of additional staff.
8. Acceptance of an out-of-district student does not imply or guarantee that transportation will be provided. Any transportation that is provided to an out-of-district student may be charged to and paid by the parent, guardian

or entity paying tuition in accordance with the District's Transportation policies.

9. The Montana High School Association sets regulations pertaining to student eligibility for participation in speech and athletics. The District follows those regulations and does not assure that out-of-district students will be eligible for participation in MHSА-sanctioned activities.
10. The District has a right to refuse a student who is on the Sex or Violent Offender Registry or whose name has been expunged from the Registry.
11. All out-of-district students allowed to enroll pursuant to this policy shall be subject to the same rules and regulation as all other students and subject to the same disciplinary rules and procedures.
12. Where tuition is required to be paid by a parent or guardian, the full amount of tuition may be paid in full at the time of enrollment or in monthly installments to be paid in full according to the payment agreement. For all students attending with discretionary approval, if tuition is not paid in full according to the payment agreement the student shall be dropped from the rolls of the District and the student will not be considered for future enrollment. The Superintendent or designee shall adopt procedures for consistent payment deadlines.

Cross Reference: 3114 Out-of-District Attendance with Mandatory Approval
 3124 Bridger Program Admissions
 4550 Registered Sex or Violent Offenders
 3120 Compulsory Attendance

Legal Reference: MCA 20-5-314 Reciprocal Attendance Agreement
 MCA 20-5-316 Out-of-State Tuition
 MCA 20-5-320 Attendance with Discretionary Approval
 MCA 20-5-321 Attendance with Mandatory Approval
 MCA 20-5-322 Residence Determination Notification-Appeal for Attendance Agreement
 MCA 20-5-323 Tuition and Transportation Rates
 MCA 20-7-401 Definitions
 ARM 10.10.301 Calculating Tuition Rates
 ARM 10.10.301B Out-of-District Attendance Agreements
 ARM 10.16.1314 Special Education Tuition Rates
 ARM 10.16.3122 LEA Responsibility for Students with Disabilities
 McKinney-Vento Homeless Assistance Act 42 USC 11431 et seq

Adopted: 11/24/86

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