

## STUDENTS

Out-of-District Attendance with Mandatory 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 mandatory 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 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 Caretaker Relative is an individual related by blood, marriage or adoption by another individual to the child whose care is undertaken by the relative, but who is not a parent, foster parent, stepparent, or legal guardian of the child who has duly completed a notarized Caretaker Relative Educational Authorization Affidavit.

A Guardian is an individual appointed by a Court after petition who may be either a full guardian or limited guardian. A Full Guardian possesses all the legal duties and powers enumerated by 72-5-321 M.C.A. A Limited Guardian possesses fewer than all of the legal duties and powers of a full guardian. The extent of the rights, powers and duties of a limited guardian have been specifically enumerated by the Court in the Letters of Guardianship. Both Full and Limited Guardians may be permanent or temporary.

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- A. Out-of-district students who qualify for mandatory admission under MCA 20-5-321 and ARM 10.10.301B will be admitted. Tuition will be billed to the responsible party at the maximum amount allowed by law.
- B. A student who resides full time with a caretaker relative and the caretaker relative has executed the Caretaker Relative Educational Authorization Affidavit in compliance with §20-5-501 through 503, MCA, will be admitted, regardless of the parent's residence without the payment of tuition.
- C. Students who meet the definition and criteria of the McKinney-Vento Homeless Assistance Act, living within the boundaries of the District, regardless of the residency of their parents, shall be enrolled in the District without the payment of tuition or transportation costs for the school year in which they are determined to be homeless.
- D. A student with a disability in accordance with the Individuals with Disabilities Education Act will be admitted with the payment of regular education tuition provided the student lives within the District during the school week. Pursuant to the definition of free appropriate public education (FAPE) provided in 20-7-401, MCA, special education services must be provided at public expense. That statute does not prohibit charging the regular education tuition for those students. Parents will be required to complete a declaration under penalty of perjury that they live in the district during the school week.

### 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 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. Out-of-district students accepted under this policy will be subject to adherence to school and District policies.
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. Admission for one school year does not mean the student will be accepted the following school year.
7. Except students with disabilities admitted based on situation D above, 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 MHSA-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 seven monthly installments to be paid in full no later than March 1 of the school year. For all students attending with discretionary approval, if tuition is not paid in full by March 1, of the school year the student shall be dropped from the rolls of the District and the student will not be considered for future enrollment.

Cross Reference: 3115 Out-of-District Attendance with Discretionary 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 20-5-503 Caretaker relative educational authorization affidavit – use – immunity - format  
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