

Admission to School and Residency

Attendance in Montana is controlled by law. If the student resides inside of the District, the student is entitled to attend a school within the District unless that student has been expelled by the Board or is otherwise ineligible. If the student resides outside of the District, attendance is usually within the discretion of the Board of Trustees. Section 20-5-320, MCA, discusses the criteria for discretionary non-resident attendance, and Section 20-5-321, MCA, discusses the criteria for mandatory non-resident attendance.

Under Montana law, a person can have only one residence, and a minor's residence is generally the residence of his or her parents. There are some exceptions to when a minor's residence can be other than that of his or her parents.

In determining the place of residence the following rules, based on Section 1-1-215, MCA, will be observed:

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
2. There can only be one residence.
3. A residence cannot be lost until another is gained.
4. The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of such unmarried minor child.
5. If neither parent has legal custody, it is the residence of the legal guardian or custodian appointed by a court of competent jurisdiction.
6. If an adult qualifies as a caretaker relative, it is the residence of the caretaker relative.
7. Unless there is a caretaker relative or a guardian appointed by a court, the residence of an unmarried minor who has a parent living cannot be changed by the minor's own act or any other person who does not have a recognized legal relationship with the student.
8. The residence can be changed only by the union of act or intent.

Prior to admission of any student, the District will require proof of residency or qualification for admission under Section 20-5-321, MCA. A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside within district boundaries.
2. The student is an emancipated minor residing within district boundaries.

Proof of Residency

The Superintendent or designee shall retain a copy of the initial document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify the student's residency as needed. When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication, correspondence, and in all public records. If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student meets

legal residency requirements. Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts, deeds or escrow papers
2. Rent payment receipts and rental agreements
3. Utility service payment receipts
4. Declaration of residency executed by the student's parent/guardian and property owner

If a student is seeking admission on the basis of the residency of his or her court-appointed guardian or custodian, the guardian or custodian shall be required to present to the Superintendent or designee all court orders appointing that individual as the student's guardian.

Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, within five school days, to schedule an appeal with the School Board.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked ten school days after the date of the notice. A parent/guardian who appeals to the Board shall have the right to have a representative present. The student may continue to attend school during the period of the appeal. The Board's decision shall be final.