

## Clark County School District No. 161

### STUDENTS

3080

#### Nonresident Student Attendance Policy

Students may attend school in other than the resident student's school under the following circumstances:

1. State Enrollment Options Program;
2. When the resident and non-resident districts mutually agree;
3. When the resident district and an out-of-state school district mutual agree;
4. Except when such transfer would work a hardship on the receiving school district

#### State Enrollment Options Program – choose one

Whenever the parent or guardian of a student determines it is in the best interest of the student to attend a school other than the student's resident school, the parent/guardian must apply annually for admission to the non-resident school on a form provided by the state department of education. The application, together with the student's cumulative record, shall be submitted to the receiving district no later than February 1 for enrollment during the following school year. The February 1 deadline may be modified by mutual agreement of the resident and non-resident school. Notice of the application must be given to the student's residence district. The non-resident school will have sixty (60) days in which to consider the application. If the application is denied, the non-resident school must provide a written explanation of the denial of enrollment.

No tuition shall be charged when a student attends a non-resident school under the State's Enrollment Options Program.

The parent/guardian of a non-resident student is responsible for transporting the student to/from the school or to a bus stop within the non-resident district.

Eligibility rules for participating in extra-curricular activities shall apply to non-resident students. Any suspended/expelled student will not be eligible to attend a non-resident school under the provisions of this law.

#### Mutual Agreement Of Resident And Non-Resident Idaho Districts

The boards of trustees of a resident and non-resident district may agree in writing, on an annual basis, that students may be allowed to attend school in the non-resident district.

#### Mutual Agreement Of Resident District And An Out-Of-State District

The board of trustees may agree in writing, on annual basis, that a resident student attend school in the nearest appropriate school district in a neighboring state. Such agreement shall state the rate of tuition and cost of transportation, if any, to be paid by the District. The agreement will be entered into the records of the board of trustees. A copy must be filed with the State Board of

## Education.

The board of trustees may, upon approval of the State Board of Education, enter into an agreement with the governing body of a school district in another state for education and/or transportation of an out-of-state student. The rate of tuition, cost of transportation as well as other appropriate costs shall be specifically addressed in the agreement. The agreement will be entered into the records of the board of trustees with a copy to be filed with the State Board of Education.

### Hardship Exception

When tuition is to be paid by the resident district, or waived by this District, the District will admit students except when any such transfer would constitute a hardship. In the following circumstances, the District may determine that a hardship exists when acceptance of a non-resident student(s) would:

1. require the hiring of additional staff, the provision of educational services not currently provided in the school, or the crowding of existing classes;
2. cause an excessive number of students in a particular building (i.e., when the total number of students exceeds the following numbers:  
**Lindy Ross Elementary – 138**  
**Clark County Jr/Sr High School - 262**
3. cause the total enrollment in the District to exceed 300;
4. cause the total enrollment in a particular class to exceed 23;
5. cause the teacher-student ratio to exceed 1 to 20;
6. cause the total enrollment in a specialized program to exceed the limits below:  
**Special Education to exceed the capacity of current faculty**
7. would cause disruption of the education process. The District will consider the following criteria in making this determination:
  - a. Is the student in good standing with the most recently attended school in terms of academics, conduct, and attendance;
  - b. Can the student demonstrate a record free of truancy;
  - c. Can the student demonstrate a clean behavior record in the school last attended for a period of at least one (1) year;
  - d. Would the student's presence pose a detriment to the health and safety of other students and/or staff.;
  - e. Has the student been suspended/expelled from any other school district.

### Idaho Youth Rehabilitation/Child Protective Act

Any non-resident student placed by court order under the Idaho Youth Rehabilitation Act or the Child Protection Act and residing in a licensed home, agency or institution located within the District shall be enrolled and shall not be charged tuition.

### Homeless Children

Homeless children as defined by the Steward B. McKinney homeless assistance act (P.L. 100-77), may attend any school district or school within a district without payment of tuition when it is

determined to be in the best interest of such homeless child.

Other conditions:

The Board will not admit any student prior to viewing that student's records from the student's previous school districts.

The District has the option of accepting a nonresident student who does not meet the criteria set forth herein, if the student agrees to special conditions of admission, as set forth by the District.

The Board will not admit any student who is expelled from another school district.

Legal Reference: I.C. § 33-1400 et seq.      Transfer of pupils  
                          I.C. § 33-205                      Denial of school attendance

Policy History:

Adopted on: 05/13/2013

Revised on: