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6 Early Childhood Education Enrollment Exceptional Circumstances

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8 It is the policy of the District to provide enhanced educational opportunities to students under the age of 5  
9 when either individual exceptional circumstances exist and/or when Community-Based exceptional  
10 circumstances are present.

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12 ***Prohibition:** This policy cannot be used to provide what is otherwise characterized or referred to as a*  
13 *pre-school, pursuant to 20-7-117(2), MCA, which specifically prohibits the use of state equalization aid*  
14 *for preschool. This policy is intended for use to enroll students under the age of 5 when statutory criteria*  
15 *are met.*

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17 The administration shall ensure admission, enrollment and assignment of all qualifying children  
18 referenced in this policy. The administration shall place children enrolled pursuant to this policy in either  
19 a half-time or full-time kindergarten program as an integral part of the elementary school program. The  
20 administration shall also ensure provision of a free appropriate public education in the least restrictive  
21 environment possible, pursuant to terms of each student’s individualized education program, for all  
22 children enrolled under this policy who are qualified for services under the Individuals with Disabilities  
23 Education Act.

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25 The administration shall include children enrolled pursuant to this policy in the district’s calculation of  
26 average number belonging (ANB) as reported to OPI.

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28 **Exceptional Circumstances Present in the Community:** To be used when in-district students or homeless  
29 students under the McKinney Homeless Assistance Act when the board of trustees wants to define  
30 exceptional circumstances applicable to the community’s characteristics, as opposed to the individual  
31 characteristics of a particular student or sub-group of students.

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33 The Board of Trustees declares the following to be qualifying “exceptional circumstances” within the  
34 meaning of that term as used in 20-5-101(3), that merit waiving the age provisions of 20-5-101(1), MCA  
35 for children under 6 years of age who are either 4 years of age or older on or before September 10 of the  
36 school year in which enrollment is to occur or who are at least 3 years of age with a disability qualifying  
37 the child for services under Section 504 of the Federal Rehabilitation Act of 1973 or the federal  
38 Individuals with Disabilities Education Act. These qualifying exceptional circumstances are based on the  
39 educationally relevant factors to establish a basic system of free quality public elementary and secondary  
40 school specified in Section 20-9-309, MCA and as required by Article X, section 1, of the Montana  
41 Constitution:

- 42  
43 1. The following circumstances exist within the community affecting student learning identified by  
44 the local board of trustees pursuant to Section 20-9-309(2)(h), MCA, and identified within  
45 federal law pursuant to Section 20-9-309(4)(a)(v), MCA, including but not limited to educational  
46 priorities identified within the Elementary and Secondary School Emergency Relief Fund  
47 established by American Rescue Plan Act, Public Law 117-2 and demonstrated by peer reviewed  
48 and academic studies on the impacts of community health crises:  
49 a. Anticipated learning loss resulting from a public health emergency or other community  
50 disaster.  
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- b. Basic literacy and numeracy are critical skills needed to advance learning and if not attained in the early grades, will put students at lifelong disadvantage in pursuing success in career and life.
- c. Absence of available early childhood education opportunities in the community results in anticipated learning loss or lack of school readiness.
- d. Cost prohibitive nature of early childhood education opportunities in the community results in disparity of access that contributes to anticipated learning loss or lack of school readiness.
- e. Improved access to early childhood education opportunities in the community will encourage or expand parent entry into workforce and allow for further development of the community's economy.

The trustees shall annually review this policy based on changing circumstances pertaining to the criteria used for determination of the program. The administration is authorized to enroll students in a manner consistent with this policy and to develop procedures to implement this policy.

Legal Reference:           § 20-4-101, MCA                           Definitions  
                                  § 20-5-101, MCA                           Admittance of child to school  
                                  § 20-6-501, MCA                           Definition of various schools  
                                  § 20-7-117, MCA                           Kindergarten and preschool programs  
                                  § 20-9-309, MCA                           Basic system of free quality public elementary and secondary schools defined

Article X, section 1, of the Montana constitution  
Individual with Disabilities Act Federal Rehabilitation Act of 1973  
National School Lunch Act (Public Law 396, 79<sup>th</sup> congress, chapter 281)  
Title III, ESEA (English language Acquisition, language Enhancement, and Academic Achievement Act)  
McKinney-Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, U.S.C. § 11301 et seq.

Data/Study Reference: Engzell, P., Frey, A. & Verhagen, M. D. [“Learning loss due to school closures during the COVID-19 pandemic”](#) *Proc. Natl Acad. Sci. USA* 118, e2022376118 (2021).  
Melinda Wenner Moyer, [“The COVID generation: how is the pandemic affecting kids’ brains?”](#), *Nature*, 10.1038/d41586-022-00027-4, 601, 7892, (180-183), (2022).

Policy History:  
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