

# HOUSE BILL No. 4653

May 7, 2003, Introduced by Reps. Milosch, Hoogendyk, Brandenburg, Caswell, Sheen and Drolet and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
by amending sections 105 and 105c (MCL 388.1705 and 388.1705c),  
section 105 as amended by 2002 PA 191 and section 105c as amended  
by 2000 PA 297.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 105. (1) In order to avoid a penalty under this  
2 section, and in order to count a nonresident pupil residing  
3 within the same intermediate district in membership without the  
4 approval of the pupil's district of residence, a district shall  
5 comply with this section.

6       (2) Except as otherwise provided in this section, a district  
7 ~~shall determine whether or not it will~~ **that has space available**  
8 **in 1 or more grades, schools, or special programs shall** accept  
9 applications for enrollment by nonresident applicants residing

1 within the same intermediate district for the next school year in  
2 **those grades, schools, or programs.** ~~If the district determines~~  
3 ~~to accept applications for enrollment of a number of~~  
4 ~~nonresidents, beyond those entitled to~~ **Subject to enrollment**  
5 preference under this section, the district shall use the  
6 following procedures for accepting applications from and  
7 enrolling nonresidents:

8 (a) The district shall publish the grades, schools, and  
9 special programs ~~—, if any,—~~ for which enrollment may be  
10 available to, and for which applications will be accepted from,  
11 nonresident applicants residing within the same intermediate  
12 district.

13 (b) If the district has a limited number of positions  
14 available for nonresidents residing within the same intermediate  
15 district in a grade, school, or program, all of the following  
16 apply to accepting applications for and enrollment of  
17 nonresidents in that grade, school, or program:

18 (i) The district shall do all of the following not later than  
19 the second Friday in August:

20 (A) Provide notice to the general public that applications  
21 will be taken for a 15-day period from nonresidents residing  
22 within the same intermediate district for enrollment in that  
23 grade, school, or program. The notice shall identify the 15-day  
24 period and the place and manner for submitting applications.

25 (B) During the application period under sub-subparagraph (A),  
26 accept applications from nonresidents residing within the same  
27 intermediate district for enrollment in that grade, school, or

1 program.

2 (C) Within 15 days after the end of the application period  
3 under sub-subparagraph (A), using the procedures and preferences  
4 required under this section, determine which nonresident  
5 applicants will be allowed to enroll in that grade, school, or  
6 program, using the random draw system required under subsection  
7 ~~-(13)-~~ (12) as necessary, and notify the parent or legal guardian  
8 of each nonresident applicant of whether or not the applicant may  
9 enroll in the district. The notification to parents or legal  
10 guardians of nonresident applicants accepted for enrollment shall  
11 contain notification of the date by which the applicant must  
12 enroll in the district and procedures for enrollment.

13 (ii) Beginning on the third Monday in August and not later  
14 than the end of the first week of school, if any positions become  
15 available in a grade, school, or program due to accepted  
16 applicants failing to enroll or to more positions being added,  
17 the district may enroll nonresident applicants from the waiting  
18 list maintained under subsection ~~-(13)-~~ (12), offering enrollment  
19 in the order that applicants appear on the waiting list. If  
20 there are still positions available after enrolling all  
21 applicants from the waiting list who desire to enroll, the  
22 district may not fill those positions until the second semester  
23 enrollment under subsection (3), as provided under that  
24 subsection, or until the next school year.

25 (c) For a grade, school, or program that has an unlimited  
26 number of positions available for nonresidents residing within  
27 the same intermediate district, all of the following apply to

1 enrollment of nonresidents in that grade, school, or program:

2       (i) The district may accept applications for enrollment in  
3 that grade, school, or program, and may enroll nonresidents  
4 residing within the same intermediate district in that grade,  
5 school, or program, until the end of the first week of school.  
6 The district shall provide notice to the general public of the  
7 place and manner for submitting applications and, if the district  
8 has a limited application period, the notice shall include the  
9 dates of the application period. The application period shall be  
10 at least a 15-day period.

11       (ii) Not later than the end of the first week of school, the  
12 district shall notify the parent or legal guardian of each  
13 nonresident applicant who is accepted for enrollment that the  
14 applicant has been accepted for enrollment in the grade, school,  
15 or program and of the date by which the applicant must enroll in  
16 the district and the procedures for enrollment.

17       (3) If a district determines during the first semester of a  
18 school year that it has positions available for enrollment of a  
19 number of nonresidents residing within the same intermediate  
20 district, beyond those entitled to preference under this section,  
21 for the second semester of the school year, the district ~~may~~  
22 **shall** accept applications from and enroll nonresidents residing  
23 within the same intermediate district for the second semester  
24 using the following procedures:

25       (a) Not later than 2 weeks before the end of the first  
26 semester, the district shall publish the grades, schools, and  
27 special programs, if any, for which enrollment for the second

1 semester may be available to, and for which applications will be  
2 accepted from, nonresident applicants residing within the same  
3 intermediate district.

4 (b) During the last 2 weeks of the first semester, the  
5 district shall accept applications from nonresidents residing  
6 within the same intermediate district for enrollment for the  
7 second semester in the available grades, schools, and programs.

8 (c) By the beginning of the second semester, using the  
9 procedures and preferences required under this section, the  
10 district shall determine which nonresident applicants will be  
11 allowed to enroll in the district for the second semester and  
12 notify the parent or legal guardian of each nonresident applicant  
13 residing within the same intermediate district of whether or not  
14 the applicant may enroll in the district. The notification to  
15 parents or legal guardians of nonresident applicants accepted for  
16 enrollment shall contain notification of the date by which the  
17 applicant must enroll in the district and procedures for  
18 enrollment.

19 (4) If deadlines similar to those described in subsection (2)  
20 or (3) have been established in an intermediate district, and if  
21 those deadlines are not later than the deadlines under  
22 subsection (2) or (3), the districts within the intermediate  
23 district may use those deadlines.

24 ~~(5) A district offering to enroll nonresident applicants~~  
25 ~~residing within the same intermediate district may limit the~~  
26 ~~number of nonresident pupils it accepts in a grade, school, or~~  
27 ~~program, at its discretion, and may use that limit as the reason~~

1 ~~for refusal to enroll an applicant.~~

2       (5) ~~—(6)—~~ A nonresident applicant residing within the same  
3 intermediate district shall not be granted or refused enrollment  
4 based on intellectual, academic, artistic, or other ability,  
5 talent, or accomplishment, or lack thereof, or based on a mental  
6 or physical disability, except that a district may refuse to  
7 admit a nonresident applicant if the applicant does not meet the  
8 same criteria, other than residence, that an applicant who is a  
9 resident of the district must meet to be accepted for enrollment  
10 in a grade or a specialized, magnet, or intra-district choice  
11 school or program to which the applicant applies.

12       (6) ~~—(7)—~~ A nonresident applicant residing within the same  
13 intermediate district shall not be granted or refused enrollment  
14 based on age, except that a district may refuse to admit a  
15 nonresident applicant applying for a program that is not  
16 appropriate for the age of the applicant.

17       (7) ~~—(8)—~~ A nonresident applicant residing within the same  
18 intermediate district shall not be granted or refused enrollment  
19 based upon religion, race, color, national origin, sex, height,  
20 weight, marital status, or athletic ability, or, generally, in  
21 violation of any state or federal law prohibiting  
22 discrimination.

23       (8) ~~—(9)—~~ A district may refuse to enroll a nonresident  
24 applicant if the applicant is, or has been within the preceding 2  
25 years, suspended from another school or if the applicant has ever  
26 been expelled from another school.

27       (9) ~~—(10)—~~ A district shall continue to allow a pupil who was

1 enrolled in and attended the district under this section in the  
2 school year or semester immediately preceding the school year or  
3 semester in question to enroll in the district until the pupil  
4 graduates from high school. This subsection does not prohibit a  
5 district from expelling a pupil described in this subsection for  
6 disciplinary reasons.

7       (10) ~~—(11)—~~ A district shall give preference for enrollment  
8 under this section over all other nonresident applicants residing  
9 within the same intermediate district to other school-age  
10 children who reside in the same household as a pupil described in  
11 subsection ~~—(10)—~~ (9).

12       (11) ~~—(12)—~~ If a nonresident pupil was enrolled in and  
13 attending school in a district as a nonresident pupil in the  
14 1995-96 school year and continues to be enrolled continuously  
15 each school year in that district, the district shall allow that  
16 nonresident pupil to continue to enroll in and attend school in  
17 the district until high school graduation, without requiring the  
18 nonresident pupil to apply for enrollment under this section.  
19 This subsection does not prohibit a district from expelling a  
20 pupil described in this subsection for disciplinary reasons.

21       (12) ~~—(13)—~~ If the number of qualified nonresident applicants  
22 eligible for acceptance in a school, grade, or program does not  
23 exceed the positions available for nonresident pupils in the  
24 school, grade, or program, the school district shall accept for  
25 enrollment all of the qualified nonresident applicants eligible  
26 for acceptance. If the number of qualified nonresident  
27 applicants residing within the same intermediate district

1 eligible for acceptance exceeds the positions available in a  
2 grade, school, or program in a district for nonresident pupils,  
3 the district shall use a random draw system, subject to ~~the need~~  
4 ~~to abide by~~ **compliance with** state and federal antidiscrimination  
5 laws and court orders and subject to preferences allowed by this  
6 section. The district shall develop and maintain a waiting list  
7 based on the order in which nonresident applicants were drawn  
8 under this random draw system.

9       (13) ~~—(14)—~~ If a district, or the nonresident applicant,  
10 requests the district in which a nonresident applicant resides to  
11 supply information needed by the district for evaluating the  
12 applicant's application for enrollment or for enrolling the  
13 applicant, the district of residence shall provide that  
14 information on a timely basis.

15       (14) ~~—(15)—~~ If a district is subject to a court-ordered  
16 desegregation plan, and if the court issues an order prohibiting  
17 pupils residing in that district from enrolling in another  
18 district or prohibiting pupils residing in another district from  
19 enrolling in that district, this section is subject to the court  
20 order.

21       (15) ~~—(16)—~~ This section does not require a district to  
22 provide transportation for a nonresident pupil enrolled in the  
23 district under this section or for a resident pupil enrolled in  
24 another district under this section. However, at the time a  
25 nonresident pupil enrolls in the district, a district shall  
26 provide to the pupil's parent or legal guardian information on  
27 available transportation to and from the school in which the



1 pupil enrolls.

2 ~~(17) If the total number of pupils enrolled and counted in~~  
3 ~~membership in a district for 2001-2002 is less than 90% of the~~  
4 ~~total number of pupils residing in the district who are enrolled~~  
5 ~~and counted in membership in either that district or 1 or more~~  
6 ~~other districts for 2001-2002, the total amount of money~~  
7 ~~allocated to that district for 2001-2002 under sections 22a and~~  
8 ~~22b shall be adjusted so that the district receives a total~~  
9 ~~allocation under those sections equal to the amount the district~~  
10 ~~would receive under those sections if exactly 90% of the pupils~~  
11 ~~residing in the district who are enrolled and counted in either~~  
12 ~~that district or 1 or more other districts were enrolled and~~  
13 ~~counted in membership in that district.~~

14 **(16)** ~~-(18)-~~ Beginning in 2002-2003, if the total number of  
15 pupils enrolled and counted in membership in a district for a  
16 fiscal year is less than 90% of the sum of the total number of  
17 pupils residing in the district who are enrolled and counted in  
18 membership for the fiscal year in that district plus the total  
19 number of pupils residing in that district who are enrolled and  
20 counted in membership for the fiscal year in 1 or more other  
21 districts under this section or section 105c, the department  
22 shall calculate the total amount of money that would be allocated  
23 to that district for the fiscal year under sections 22a and 22b  
24 if exactly 90% of the sum of the total number of pupils residing  
25 in the district who are enrolled and counted in membership for  
26 the fiscal year in that district plus the total number of pupils  
27 residing in that district who are enrolled and counted in

1 membership for the fiscal year in 1 or more other districts under  
2 this section or section 105c were enrolled and counted in  
3 membership in that district for the fiscal year. The department  
4 shall use this calculation to calculate a payment under  
5 subsection ~~-(19)-~~ (17).

6 (17) ~~-(19)-~~ Subject to subsection ~~-(20)-~~ (18), beginning in  
7 2002-2003, the department shall make a payment to a district  
8 described in subsection ~~-(18)-~~ (16) in an amount equal to a  
9 percentage of the difference between the total amount of money  
10 the district would receive under sections 22a and 22b for the  
11 particular fiscal year as otherwise calculated under this act and  
12 the amount calculated under subsection ~~-(18)-~~ (16). This  
13 percentage is as follows:

14 (a) For 2002-2003, 75%.

15 (b) For 2003-2004, 50%.

16 (c) For 2004-2005, 25%.

17 (d) For 2005-2006 and succeeding fiscal years, 0%.

18 (18) ~~-(20)-~~ A district is not eligible for a payment under  
19 subsection ~~-(19)-~~ (17) if the district receives additional  
20 funding for the applicable fiscal year due to the membership  
21 calculation under section 6(4)(y).

22 (19) ~~-(21)-~~ A district may participate in a cooperative  
23 education program with 1 or more other districts or intermediate  
24 districts whether or not the district enrolls any nonresidents  
25 pursuant to this section.

26 (20) ~~-(22)-~~ A district that, pursuant to this section,  
27 enrolls a nonresident pupil who is eligible for special education

1 programs and services according to statute or rule, or who is a  
2 child with disabilities, as defined under the individuals with  
3 disabilities education act, title VI of Public Law 91-230, shall  
4 be considered to be the resident district of the pupil for the  
5 purpose of providing the pupil with a free appropriate public  
6 education. Consistent with state and federal law, that district  
7 is responsible for developing and implementing an individualized  
8 education plan annually for a nonresident pupil described in this  
9 subsection.

10 (21) ~~-(23)-~~ If a district does not comply with this section,  
11 the district forfeits 5% of the total state school aid allocation  
12 to the district under this act.

13 (22) ~~-(24)-~~ Upon application by a district, the  
14 superintendent may grant a waiver for the district from a  
15 specific requirement under this section for not more than 1  
16 year.

17 Sec. 105c. (1) In order to avoid a penalty under this  
18 section, and in order to count a nonresident pupil residing in a  
19 district located in a contiguous intermediate district in  
20 membership without the approval of the pupil's district of  
21 residence, a district shall comply with this section.

22 (2) Except as otherwise provided in this section, a district  
23 ~~shall determine whether or not it will~~ **that has space available**  
24 **in 1 or more grades, schools, or special programs shall** accept  
25 applications for enrollment by nonresident applicants residing in  
26 a district located in a contiguous intermediate district for the  
27 next school year **in those grades, schools, or programs.** ~~If the~~

1 ~~district determines to accept applications for enrollment of a~~  
2 ~~number of nonresidents under this section, beyond those entitled~~  
3 ~~to~~ **Subject to enrollment** preference under this section, the  
4 district shall use the following procedures for accepting  
5 applications from and enrolling nonresidents under this section:

6 (a) The district shall publish the grades, schools, and  
7 special programs ~~—, if any,—~~ for which enrollment may be  
8 available to, and for which applications will be accepted from,  
9 nonresident applicants residing in a district located in a  
10 contiguous intermediate district.

11 (b) If the district has a limited number of positions  
12 available for nonresidents residing in a district located in a  
13 contiguous intermediate district in a grade, school, or program,  
14 all of the following apply to accepting applications for and  
15 enrollment of nonresidents under this section in that grade,  
16 school, or program:

17 (i) The district shall do all of the following not later than  
18 the second Friday in August:

19 (A) Provide notice to the general public that applications  
20 will be taken for a 15-day period from nonresidents residing in a  
21 district located in a contiguous intermediate district for  
22 enrollment in that grade, school, or program. The notice shall  
23 identify the 15-day period and the place and manner for  
24 submitting applications.

25 (B) During the application period under sub-subparagraph (A),  
26 accept applications from nonresidents residing in a district  
27 located in a contiguous intermediate district for enrollment in

1 that grade, school, or program.

2 (C) Within 15 days after the end of the application period  
3 under sub-subparagraph (A), using the procedures and preferences  
4 required under this section, determine which nonresident  
5 applicants will be allowed to enroll under this section in that  
6 grade, school, or program, using the random draw system required  
7 under subsection ~~-(13)-~~ (12) as necessary, and notify the parent  
8 or legal guardian of each nonresident applicant of whether or not  
9 the applicant may enroll in the district. The notification to  
10 parents or legal guardians of nonresident applicants accepted for  
11 enrollment under this section shall contain notification of the  
12 date by which the applicant must enroll in the district and  
13 procedures for enrollment.

14 (ii) Beginning on the third Monday in August and not later  
15 than the end of the first week of school, if any positions become  
16 available in a grade, school, or program due to accepted  
17 applicants failing to enroll or to more positions being added,  
18 the district may enroll nonresident applicants from the waiting  
19 list maintained under subsection ~~-(13)-~~ (12), offering enrollment  
20 in the order that applicants appear on the waiting list. If  
21 there are still positions available after enrolling all  
22 applicants from the waiting list who desire to enroll, the  
23 district may not fill those positions until the second semester  
24 enrollment under subsection (3), as provided under that  
25 subsection, or until the next school year.

26 (c) For a grade, school, or program that has an unlimited  
27 number of positions available for nonresidents residing in a

1 district located in a contiguous intermediate district, all of  
2 the following apply to enrollment of nonresidents in that grade,  
3 school, or program under this section:

4 (i) The district may accept applications for enrollment in  
5 that grade, school, or program, and may enroll nonresidents  
6 residing in a district located in a contiguous intermediate  
7 district in that grade, school, or program, until the end of the  
8 first week of school. The district shall provide notice to the  
9 general public of the place and manner for submitting  
10 applications and, if the district has a limited application  
11 period, the notice shall include the dates of the application  
12 period. The application period shall be at least a 15-day  
13 period.

14 (ii) Not later than the end of the first week of school, the  
15 district shall notify the parent or legal guardian of each  
16 nonresident applicant who is accepted for enrollment under this  
17 section that the applicant has been accepted for enrollment in  
18 the grade, school, or program and of the date by which the  
19 applicant must enroll in the district and the procedures for  
20 enrollment.

21 (3) If a district determines during the first semester of a  
22 school year that it has positions available for enrollment of a  
23 number of nonresidents residing in a district located in a  
24 contiguous intermediate district, beyond those entitled to  
25 preference under this section, for the second semester of the  
26 school year, the district ~~may~~ **shall** accept applications from  
27 and enroll nonresidents residing in a district located in a

1 contiguous intermediate district for the second semester using  
2 the following procedures:

3 (a) Not later than 2 weeks before the end of the first  
4 semester, the district shall publish the grades, schools, and  
5 special programs, if any, for which enrollment for the second  
6 semester may be available to, and for which applications will be  
7 accepted from, nonresident applicants residing in a district  
8 located in a contiguous intermediate district.

9 (b) During the last 2 weeks of the first semester, the  
10 district shall accept applications from nonresidents residing in  
11 a district located in a contiguous intermediate district for  
12 enrollment for the second semester in the available grades,  
13 schools, and programs.

14 (c) By the beginning of the second semester, using the  
15 procedures and preferences required under this section, the  
16 district shall determine which nonresident applicants will be  
17 allowed to enroll under this section in the district for the  
18 second semester and notify the parent or legal guardian of each  
19 nonresident applicant residing in a district located in a  
20 contiguous intermediate district of whether or not the applicant  
21 may enroll in the district. The notification to parents or legal  
22 guardians of nonresident applicants accepted for enrollment shall  
23 contain notification of the date by which the applicant must  
24 enroll in the district and procedures for enrollment.

25 (4) If deadlines similar to those described in subsection (2)  
26 or (3) have been established in an intermediate district, and if  
27 those deadlines are not later than the deadlines under

1 subsection (2) or (3), the districts within the intermediate  
2 district may use those deadlines.

3 ~~(5) A district offering to enroll nonresident applicants~~  
4 ~~residing in a district located in a contiguous intermediate~~  
5 ~~district may limit the number of those nonresident pupils it~~  
6 ~~accepts in a grade, school, or program, at its discretion, and~~  
7 ~~may use that limit as the reason for refusal to enroll an~~  
8 ~~applicant under this section.~~

9 (5) ~~—(6)—~~ A nonresident applicant residing in a district  
10 located in a contiguous intermediate district shall not be  
11 granted or refused enrollment based on intellectual, academic,  
12 artistic, or other ability, talent, or accomplishment, or lack  
13 thereof, or based on a mental or physical disability, except that  
14 a district may refuse to admit a nonresident applicant under this  
15 section if the applicant does not meet the same criteria, other  
16 than residence, that an applicant who is a resident of the  
17 district must meet to be accepted for enrollment in a grade or a  
18 specialized, magnet, or intra-district choice school or program  
19 to which the applicant applies.

20 (6) ~~—(7)—~~ A nonresident applicant residing in a district  
21 located in a contiguous intermediate district shall not be  
22 granted or refused enrollment under this section based on age,  
23 except that a district may refuse to admit a nonresident  
24 applicant applying for a program that is not appropriate for the  
25 age of the applicant.

26 (7) ~~—(8)—~~ A nonresident applicant residing in a district  
27 located in a contiguous intermediate district shall not be



1 granted or refused enrollment under this section based upon  
2 religion, race, color, national origin, sex, height, weight,  
3 marital status, or athletic ability, or, generally, in violation  
4 of any state or federal law prohibiting discrimination.

5       (8) ~~-(9)-~~ A district may refuse to enroll a nonresident  
6 applicant under this section if the applicant is, or has been  
7 within the preceding 2 years, suspended from another school or if  
8 the applicant has ever been expelled from another school.

9       (9) ~~-(10)-~~ A district shall continue to allow a pupil who was  
10 enrolled in and attended the district under this section in the  
11 school year or semester immediately preceding the school year or  
12 semester in question to enroll in the district until the pupil  
13 graduates from high school. This subsection does not prohibit a  
14 district from expelling a pupil described in this subsection for  
15 disciplinary reasons.

16       (10) ~~-(11)-~~ A district shall give preference for enrollment  
17 under this section over all other nonresident applicants residing  
18 in a district located in a contiguous intermediate district to  
19 other school-age children who reside in the same household as a  
20 pupil described in subsection ~~-(10)-~~ (9).

21       (11) ~~-(12)-~~ If a nonresident pupil was enrolled in and  
22 attending school in a district as a nonresident pupil in the  
23 1995-96 school year and continues to be enrolled continuously  
24 each school year in that district, the district shall allow that  
25 nonresident pupil to continue to enroll in and attend school in  
26 the district until high school graduation, without requiring the  
27 nonresident pupil to apply for enrollment under this section.

1 This subsection does not prohibit a district from expelling a  
2 pupil described in this subsection for disciplinary reasons.

3       (12) ~~—(13)—~~ If the number of qualified nonresident applicants  
4 eligible for acceptance under this section in a school, grade, or  
5 program does not exceed the positions available for nonresident  
6 pupils under this section in the school, grade, or program, the  
7 school district shall accept for enrollment all of the qualified  
8 nonresident applicants eligible for acceptance. If the number of  
9 qualified nonresident applicants residing in a district located  
10 in a contiguous intermediate district eligible for acceptance  
11 under this section exceeds the positions available in a grade,  
12 school, or program in a district for nonresident pupils, the  
13 district shall use a random draw system, subject to ~~the need to~~  
14 ~~abide by~~ **compliance with** state and federal antidiscrimination  
15 laws and court orders and subject to preferences allowed by this  
16 section. The district shall develop and maintain a waiting list  
17 based on the order in which nonresident applicants were drawn  
18 under this random draw system.

19       (13) ~~—(14)—~~ If a district, or the nonresident applicant,  
20 requests the district in which a nonresident applicant resides to  
21 supply information needed by the district for evaluating the  
22 applicant's application for enrollment or for enrolling the  
23 applicant under this section, the district of residence shall  
24 provide that information on a timely basis.

25       (14) ~~—(15)—~~ If a district is subject to a court-ordered  
26 desegregation plan, and if the court issues an order prohibiting  
27 pupils residing in that district from enrolling in another

1 district or prohibiting pupils residing in another district from  
2 enrolling in that district, this section is subject to the court  
3 order.

4       **(15)** ~~—(16)—~~ This section does not require a district to  
5 provide transportation for a nonresident pupil enrolled in the  
6 district under this section or for a resident pupil enrolled in  
7 another district under this section. However, at the time a  
8 nonresident pupil enrolls in the district, a district shall  
9 provide to the pupil's parent or legal guardian information on  
10 available transportation to and from the school in which the  
11 pupil enrolls.

12       **(16)** ~~—(17)—~~ A district may participate in a cooperative  
13 education program with 1 or more other districts or intermediate  
14 districts whether or not the district enrolls any nonresidents  
15 pursuant to this section.

16       **(17)** ~~—(18)—~~ In order for a district or intermediate district  
17 to enroll pursuant to this section a nonresident pupil who  
18 resides in a district located in a contiguous intermediate  
19 district and who is eligible for special education programs and  
20 services according to statute or rule, or who is a child with  
21 disabilities, as defined under the individuals with disabilities  
22 education act, title VI of Public Law 91-230, the enrolling  
23 district shall have a written agreement with the resident  
24 district of the pupil for the purpose of providing the pupil with  
25 a free appropriate public education. The written agreement shall  
26 include, but is not limited to, an agreement on the  
27 responsibility for the payment of the added costs of special

1 education programs and services for the pupil.

2       **(18)** ~~—(19)—~~ If a district does not comply with this section,  
3 the district forfeits 5% of the total state school aid allocation  
4 to the district under this act.

5       **(19)** ~~—(20)—~~ Upon application by a district, the  
6 superintendent may grant a waiver for the district from a  
7 specific requirement under this section for not more than 1  
8 year.

9       **(20)** ~~—(21)—~~ This section is repealed if the final decision of  
10 a court of competent jurisdiction holds that any portion of this  
11 section is unconstitutional, ineffective, invalid, or in  
12 violation of federal law.

13       **(21)** ~~—(22)—~~ As used in this section, "district located in a  
14 contiguous intermediate district" means a district located in an  
15 intermediate district that is contiguous to the intermediate  
16 district in which a pupil's district of residence is located.