

SENATE BILL No. 1121

October 18, 2016, Introduced by Senator JONES and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 105c (MCL 388.1705c), as amended by 2008 PA
268.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 105c. (1) In order to avoid a penalty under this section,
2 and in order to count a nonresident pupil residing in a district
3 located in a contiguous intermediate district in membership without
4 the 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 accept applications for
8 enrollment by nonresident applicants residing in a district located
9 in a contiguous intermediate district for the next school year. If
10 the district determines to accept applications for enrollment of a

1 number of nonresidents under this section, beyond those entitled to
2 preference under this section, the district shall use the following
3 procedures for accepting applications from and enrolling
4 nonresidents under this section:

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

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

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

18 (A) Provide notice to the general public that applications
19 will be taken for a period of at least 15 calendar days but not
20 more than 30 calendar days from nonresidents residing in a district
21 located in a contiguous intermediate district for enrollment in
22 that grade, school, or program. The notice shall identify the dates
23 of the application period and the place and manner for submitting
24 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 calendar days after the end of the application
3 period under sub-subparagraph (A), using the procedures and
4 preferences required under this section, determine which
5 nonresident applicants will be allowed to enroll under this section
6 in that grade, school, or program, using the random draw system
7 required under subsection (14) 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. The date for enrollment shall be no
14 later than the end of the first week of school.

15 (ii) Beginning on the third Monday in August and not later
16 than the end of the first week of school, if any positions become
17 available in a grade, school, or program due to accepted applicants
18 failing to enroll or to more positions being added, the district
19 may enroll nonresident applicants from the waiting list maintained
20 under subsection (14), offering enrollment in the order that
21 applicants appear on the waiting list. If there are still positions
22 available after enrolling all applicants from the waiting list who
23 desire to enroll, the district may not fill those positions until
24 the second semester or trimester enrollment under subsection (3),
25 as provided under that 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 the
2 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 applications
10 and, if the district has a limited application period, the notice
11 shall include the dates of the application period. The application
12 period shall be at least a 15-calendar-day period.

13 (ii) Not later than the end of the first week of school, the
14 district shall notify the parent or legal guardian of each
15 nonresident applicant who is accepted for enrollment under this
16 section that the applicant has been accepted for enrollment in the
17 grade, school, or program and of the date by which the applicant
18 must enroll in the district and the procedures for enrollment. The
19 date for enrollment shall be no later than the end of the first
20 week of school.

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

1 located in a contiguous intermediate district for the second
2 semester or trimester using the following procedures:

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

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

14 (c) By the beginning of the second semester or trimester,
15 using the procedures and preferences required under this section,
16 the district shall determine which nonresident applicants will be
17 allowed to enroll under this section in the district for the second
18 semester or trimester and notify the parent or legal guardian of
19 each 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 enroll
24 in the district and procedures for enrollment. The date for
25 enrollment shall be no later than the end of the first week of
26 school.

27 (4) If deadlines similar to those described in subsection (2)

1 or (3) have been established in an intermediate district, and if
2 those deadlines are not later than the deadlines under subsection
3 (2) or (3), the districts within the intermediate district may use
4 those deadlines.

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

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

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

27 (8) A nonresident applicant residing in a district located in

1 a contiguous intermediate district shall not be granted or refused
2 enrollment under this section based upon religion, race, color,
3 national origin, sex, height, weight, marital status, or athletic
4 ability, or, generally, in violation of any state or federal law
5 prohibiting discrimination.

6 (9) Subject to subsection (10), a district may refuse to
7 enroll a nonresident applicant under this section if any of the
8 following are met:

9 (a) The applicant is, or has been within the preceding 2
10 years, suspended from another school.

11 (b) The applicant, at any time before enrolling under this
12 section, has been expelled from another school.

13 (c) The applicant, at any time before enrolling under this
14 section, has been convicted of a felony.

15 (10) If a district has counted a pupil in membership on either
16 the pupil membership count day or the supplemental count day, the
17 district shall not refuse to enroll or refuse to continue to enroll
18 that pupil for a reason specified in subsection (9). This
19 subsection does not prohibit a district from expelling a pupil
20 described in this subsection for disciplinary reasons.

21 (11) A district shall continue to allow a pupil who was
22 enrolled in and attended the district under this section in the
23 school year or semester or trimester immediately preceding the
24 school year or semester or trimester in question to enroll in the
25 district until the pupil graduates from high school. This
26 subsection does not prohibit a district from expelling a pupil
27 described in this subsection for disciplinary reasons.

1 (12) A district shall give preference for enrollment under
2 this section over all other nonresident applicants residing in a
3 district located in a contiguous intermediate district to other
4 school-age children who reside in the same household as a pupil
5 described in subsection (11).

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

15 (14) If the number of qualified nonresident applicants
16 eligible for acceptance under this section in a school, grade, or
17 program does not exceed the positions available for nonresident
18 pupils under this section in the school, grade, or program, the
19 school district shall accept for enrollment all of the qualified
20 nonresident applicants eligible for acceptance. If the number of
21 qualified nonresident applicants residing in a district located in
22 a contiguous intermediate district eligible for acceptance under
23 this section exceeds the positions available in a grade, school, or
24 program in a district for nonresident pupils, the district shall
25 use a random draw system, subject to the need to abide by state and
26 federal antidiscrimination laws and court orders and subject to
27 preferences allowed by this section. The district shall develop and

1 maintain a waiting list based on the order in which nonresident
2 applicants were drawn under this random draw system.

3 (15) If a district, or the nonresident applicant, requests the
4 district in which a nonresident applicant resides to supply
5 information needed by the district for evaluating the applicant's
6 application for enrollment or for enrolling the applicant under
7 this section, the district of residence shall provide that
8 information on a timely basis.

9 (16) If a district is subject to a court-ordered desegregation
10 plan, and if the court issues an order prohibiting pupils residing
11 in that district from enrolling in another district or prohibiting
12 pupils residing in another district from enrolling in that
13 district, this section is subject to the court order.

14 (17) This section does not require a district to provide
15 transportation for a nonresident pupil enrolled in the district
16 under this section or for a resident pupil enrolled in another
17 district under this section. However, at the time a nonresident
18 pupil enrolls in the district, a district shall provide to the
19 pupil's parent or legal guardian information on available
20 transportation to and from the school in which the pupil enrolls.

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

25 ~~— (19) In order for a district or intermediate district to~~
26 ~~enroll pursuant to this section a nonresident pupil who resides in~~
27 ~~a district located in a contiguous intermediate district and who is~~

~~1 eligible for special education programs and services according to
2 statute or rule, or who is a child with disabilities, as defined
3 under the individuals with disabilities education act, Public Law
4 108 446, the enrolling district shall have a written agreement with
5 the resident district of the pupil for the purpose of providing the
6 pupil with a free appropriate public education. The written
7 agreement shall include, but is not limited to, an agreement on the
8 responsibility for the payment of the added costs of special
9 education programs and services for the pupil. The written
10 agreement shall address how the agreement shall be amended in the
11 event of significant changes in the costs or level of special
12 education programs or services required by the pupil.~~

13 (19) ~~(20)~~ If a district does not comply with this section, the
14 district forfeits 5% of the total state school aid allocation to
15 the district under this act.

16 (20) ~~(21)~~ Upon application by a district, the superintendent
17 may grant a waiver for the district from a specific requirement
18 under this section for not more than 1 year.

19 (21) ~~(22)~~ This section is repealed if the final decision of a
20 court of competent jurisdiction holds that any portion of this
21 section is unconstitutional, ineffective, invalid, or in violation
22 of federal law.

23 (22) ~~(23)~~ As used in this section, "district located in a
24 contiguous intermediate district" means a district located in an
25 intermediate district that is contiguous to the intermediate
26 district in which a pupil's district of residence is located.