

HOUSE BILL No. 5865

May 14, 1998, Introduced by Reps. Jelinek, Johnson, McBryde, Hammerstrom, Cassis, Voorhees, Gernaat and Birkholz 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 105 (MCL 388.1705), as added by 1996 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 (2) Except as otherwise provided in subsection (3) or (4), a
7 district shall determine by June 1 whether or not it will accept
8 applications for enrollment by nonresident applicants residing
9 within the same intermediate district for the next school year.
10 If the district determines to accept applications for enrollment

1 of a number of nonresidents, beyond those entitled to preference
2 under this section, the district shall do all of the following:

3 (a) By June 15, publish the grades, schools, and special
4 programs, if any, for which enrollment may be available to, and
5 for which applications will be accepted from, nonresident appli-
6 cants residing within the same intermediate district.

7 (b) At least until July 1, accept applications from nonresi-
8 dents residing within the same intermediate district for enroll-
9 ment in the available grades, schools, and programs.

10 (c) By ~~July 15~~ SEPTEMBER 30, using the procedures and
11 preferences required under this section, determine which nonresi-
12 dent applicants will be allowed to enroll in the district and
13 notify the parent or legal guardian of each nonresident applicant
14 of whether or not the applicant may enroll in the district. The
15 notification to parents or legal guardians of nonresident appli-
16 cants accepted for enrollment shall contain notification of the
17 date by which the applicant must enroll in the district and pro-
18 cedures for enrollment.

19 ~~(3) For 1996 only, the deadlines for the process described~~
20 ~~in subsection (2) are as follows:~~

21 ~~(a) July 1 for determining whether or not the district will~~
22 ~~accept applications.~~

23 ~~(b) July 15 for publishing the grades, schools, and special~~
24 ~~programs, if any, for which applications will be accepted.~~

25 ~~(c) At least until August 1 for accepting applications.~~

1 ~~(d) August 15 for determining which nonresident applicants~~
2 ~~will be allowed to enroll and notifying parents and legal~~
3 ~~guardians.~~

4 (3) IF A DISTRICT DETERMINES DURING THE FIRST SEMESTER OF A
5 SCHOOL YEAR THAT IT HAS POSITIONS AVAILABLE FOR ENROLLMENT BY
6 NONRESIDENT APPLICANTS RESIDING WITHIN THE SAME INTERMEDIATE DIS-
7 TRICT FOR THE SECOND SEMESTER OF THE SCHOOL YEAR, THE DISTRICT
8 MAY ACCEPT APPLICATIONS FROM AND ENROLL NONRESIDENT APPLICANTS
9 RESIDING WITHIN THE SAME INTERMEDIATE DISTRICT FOR THE SECOND
10 SEMESTER USING THE FOLLOWING PROCEDURES:

11 (A) NOT LATER THAN 2 WEEKS BEFORE THE END OF THE FIRST
12 SEMESTER, THE DISTRICT SHALL PUBLISH THE GRADES, SCHOOLS, AND
13 SPECIAL PROGRAMS, IF ANY, FOR WHICH ENROLLMENT FOR THE SECOND
14 SEMESTER MAY BE AVAILABLE TO, AND FOR WHICH APPLICATIONS WILL BE
15 ACCEPTED FROM, NONRESIDENT APPLICANTS RESIDING WITHIN THE SAME
16 INTERMEDIATE DISTRICT.

17 (B) DURING THE LAST 2 WEEKS OF THE FIRST SEMESTER, THE DIS-
18 TRICT SHALL ACCEPT APPLICATIONS FROM NONRESIDENTS RESIDING WITHIN
19 THE SAME INTERMEDIATE DISTRICT FOR ENROLLMENT FOR THE SECOND
20 SEMESTER IN THE AVAILABLE GRADES, SCHOOLS, AND PROGRAMS.

21 (C) BY THE BEGINNING OF THE SECOND SEMESTER, USING THE PRO-
22 CEDURES AND PREFERENCES REQUIRED UNDER THIS SECTION, THE DISTRICT
23 SHALL DETERMINE WHICH NONRESIDENT APPLICANTS WILL BE ALLOWED TO
24 ENROLL IN THE DISTRICT FOR THE SECOND SEMESTER AND NOTIFY THE
25 PARENT OR LEGAL GUARDIAN OF EACH NONRESIDENT APPLICANT OF WHETHER
26 OR NOT THE APPLICANT MAY ENROLL IN THE DISTRICT. THE
27 NOTIFICATION TO PARENTS OR LEGAL GUARDIANS OF NONRESIDENT

1 APPLICANTS ACCEPTED FOR ENROLLMENT SHALL CONTAIN NOTIFICATION OF
2 THE DATE BY WHICH THE APPLICANT MUST ENROLL IN THE DISTRICT AND
3 PROCEDURES FOR ENROLLMENT.

4 (4) If deadlines similar to those described in subsection
5 (2) OR (3) have been established in an intermediate district pur-
6 suant to a pilot intermediate district schools of choice program
7 under former section 91, and if those deadlines are not later
8 than the deadlines under subsection (2) OR (3), the districts
9 within the intermediate district may continue to use those
10 deadlines.

11 (5) A district offering to enroll nonresident applicants
12 residing within the same intermediate district may limit the
13 number of nonresident pupils it accepts in a grade, school, or
14 program, at its discretion, and may use that limit as the reason
15 for refusal to enroll an applicant.

16 (6) A nonresident applicant residing within the same inter-
17 mediate district shall not be granted or refused enrollment based
18 on intellectual, academic, artistic, or other ability, talent, or
19 accomplishment, or lack thereof, or based on a mental or physical
20 disability, except that a district may refuse to admit a nonresi-
21 dent applicant if the applicant does not meet the same criteria,
22 other than residence, that an applicant who is a resident of the
23 district must meet to be accepted for enrollment in a grade or a
24 specialized, magnet, or intra-district choice school or program
25 to which the applicant applies.

26 (7) A nonresident applicant residing within the same
27 intermediate district shall not be granted or refused enrollment

1 based on age, except that a district may refuse to admit a
2 nonresident applicant applying for a program that is not appro-
3 priate for the age of the applicant.

4 (8) A nonresident applicant residing within the same inter-
5 mediate district shall not be granted or refused enrollment based
6 upon religion, race, color, national origin, sex, height, weight,
7 marital status, or athletic ability, or, generally, in violation
8 of any state or federal law prohibiting discrimination.

9 (9) A district may refuse to enroll a nonresident applicant
10 if the applicant is, or has been within the preceding 2 years,
11 suspended from another school or if the applicant has ever been
12 expelled from another school.

13 (10) A district shall give preference for enrollment over
14 all other nonresident applicants residing within the same inter-
15 mediate district to pupils who were enrolled in and attended the
16 district in the school year OR SEMESTER immediately preceding the
17 school year OR SEMESTER in question and to other school-age chil-
18 dren who reside in the same household as the pupil.

19 (11) If a nonresident pupil was enrolled in and attending
20 school in a district as a nonresident pupil in the 1995-96 school
21 year and continues to be enrolled continuously each school year
22 in that district, the district shall allow that nonresident pupil
23 to continue to enroll in and attend school in the district until
24 high school graduation, without requiring the nonresident pupil
25 to apply for enrollment under this section. This subsection does
26 not prohibit a district from expelling a pupil described in this
27 subsection for disciplinary reasons.

1 (12) If the number of qualified nonresident applicants
2 eligible for acceptance in a school, grade, or program does not
3 exceed the positions available for nonresident pupils in the
4 school, grade, or program, the school district shall accept for
5 enrollment all of the qualified nonresident applicants eligible
6 for acceptance. If the number of qualified nonresident appli-
7 cants residing within the same intermediate district eligible for
8 acceptance exceeds the positions available in a grade, school, or
9 program in a district for nonresident pupils, the district shall
10 use a random draw system, subject to the need to abide by state
11 and federal antidiscrimination laws and court orders and subject
12 to preferences allowed by this section.

13 (13) If a district, or the nonresident applicant, requests
14 the district in which a nonresident applicant resides to supply
15 information needed by the district for evaluating the applicant's
16 application for enrollment or for enrolling the applicant, the
17 district of residence shall provide that information on a timely
18 basis.

19 (14) If a district is subject to a court-ordered desegrega-
20 tion plan, and if the court issues an order prohibiting pupils
21 residing in that district from enrolling in another district or
22 prohibiting pupils residing in another district from enrolling in
23 that district, this section is subject to the court order.

24 (15) This section does not require a district to provide
25 transportation for a nonresident pupil enrolled in the district
26 under this section or for a resident pupil enrolled in another
27 district under this section. However, at the time a nonresident

1 pupil enrolls in the district, a district shall provide to the
2 pupil's parent or legal guardian information on available trans-
3 portation to and from the school in which the pupil enrolls.

4 (16) If, in a particular state fiscal year, the total number
5 of pupils enrolled and counted in membership in a district is
6 less than 90% of the total number of pupils residing in the dis-
7 trict who are enrolled and counted in membership in either that
8 district or 1 or more other districts, the total amount of money
9 allocated to that district under section 20 shall be adjusted so
10 that the district receives a total allocation under section 20
11 equal to the amount the district would receive under section 20
12 if exactly 90% of the pupils residing in the district who are
13 enrolled and counted in either that district or 1 or more other
14 districts were enrolled and counted in membership in that
15 district.

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

20 (18) A district that, pursuant to this section, enrolls a
21 nonresident pupil who is a handicapped person, as defined in sec-
22 tion 4 of the revised school code, ~~being section 380.4 of the~~
23 ~~Michigan Compiled Laws~~ MCL 380.4, or who is a child with dis-
24 abilities, as defined under the individuals with disabilities
25 education act, Public Law 91-230, shall be considered to be the
26 resident district of the pupil for the purpose of providing the
27 pupil with a free appropriate public education. Consistent with

1 state and federal law, that district is responsible for
2 developing and implementing an individualized education plan
3 annually for a nonresident pupil described in this subsection.

4 ~~(19) If a district does not comply with this section, the~~
5 ~~district forfeits 10% of the total amount due to the district~~
6 ~~under section 20c.~~

7 (19) ~~(20)~~ Upon application by a district, the superinten-
8 dent of public instruction may grant a waiver for the district
9 from a specific requirement under this section for not more than
10 1 year.

11 (20) ~~(21)~~ If an intermediate district is operating under
12 an intermediate district pilot schools of choice program estab-
13 lished under former section 91 or as described in section 91a,
14 and if the superintendent of public instruction determines that
15 the program is substantially similar to intermediate district
16 schools of choice under this section, the superintendent of
17 public instruction may exempt the intermediate district and its
18 constituent districts from this section for not more than 1
19 year.

20 (21) ~~(22)~~ It is the intent of the legislature that this
21 section will be reviewed before the 1999-2000 state fiscal year.