

HOUSE BILL No. 4529

March 22, 2007, Introduced by Reps. Amos, Opsommer, Hopgood, Miller, Meadows, Robert Jones, Griffin, Vagnozzi, Cheeks, Rick Jones, Stahl, David Law, LaJoy, Wenke, Pearce, Pastor, Robertson, Nofs, Gaffney, Hune, Shaffer, Knollenberg, Calley, Agema, Marleau, Palmer, Garfield, Meekhof, Nitz, Espinoza, Gonzales, Meisner, Jackson, Cushingberry, Alma Smith, Spade, Bauer, McDowell, Johnson, Virgil Smith, Farrah, Sheltroun, Meltzer, Byrnes, Casperson, Green, Leland, Condino, Angerer, Huizenga, Mayes, Walker, Sheen, Moolenaar, Acciavatti, Elsenheimer, Ward, Horn, Warren, Bieda, Sak and Hammon 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 2006 PA
342.

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

1 enrollment by nonresident applicants residing in a district located
2 in a contiguous intermediate district for the next school year. If
3 the district determines to accept applications for enrollment of a
4 number of nonresidents under this section, beyond those entitled to
5 preference under this section, the district shall use the following
6 procedures for accepting applications from and enrolling
7 nonresidents under this section:

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

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

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

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

27 (B) During the application period under sub-subparagraph (A),

1 accept applications from nonresidents residing in a district
2 located in a contiguous intermediate district for enrollment in
3 that grade, school, or program.

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

15 (ii) Beginning on the third Monday in August and not later than
16 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 enrollment under subsection (3), as provided
25 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 that
5 grade, school, or program, and may enroll nonresidents residing in
6 a district located in a contiguous intermediate district in that
7 grade, school, or program, until the end of the first week of
8 school. The district shall provide notice to the general public of
9 the place and manner for submitting applications and, if the
10 district has a limited application period, the notice shall include
11 the dates of the application period. The application period shall
12 be at least a 15-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.

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

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

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

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

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

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

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

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

23 (8) A nonresident applicant residing in a district located in
24 a contiguous intermediate district shall not be granted or refused
25 enrollment under this section based upon religion, race, color,
26 national origin, sex, height, weight, marital status, or athletic
27 ability, or, generally, in violation of any state or federal law

1 prohibiting discrimination.

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

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

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

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

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

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

24 (12) A district shall give preference for enrollment under
25 this section over all other nonresident applicants residing in a
26 district located in a contiguous intermediate district to other
27 school-age children who reside in the same household as a pupil

1 described in subsection (11).

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

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

26 (15) If a district, or the nonresident applicant, requests the
27 district in which a nonresident applicant resides to supply

1 information needed by the district for evaluating the applicant's
2 application for enrollment or for enrolling the applicant under
3 this section, the district of residence shall provide that
4 information on a timely basis.

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

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

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

21 ~~———— (19) In order for a district or intermediate district to~~
22 ~~enroll pursuant to this section a nonresident pupil who resides in~~
23 ~~a district located in a contiguous intermediate district and who is~~
24 ~~eligible for special education programs and services according to~~
25 ~~statute or rule, or who is a child with disabilities, as defined~~
26 ~~under the individuals with disabilities education act, Public Law~~
27 ~~108 446, the enrolling district shall have a written agreement with~~

1 ~~the resident district of the pupil for the purpose of providing the~~
2 ~~pupil with a free appropriate public education. The written~~
3 ~~agreement shall include, but is not limited to, an agreement on the~~
4 ~~responsibility for the payment of the added costs of special~~
5 ~~education programs and services for the pupil.~~

6 (19) ~~(20)~~ If a district does not comply with this section, the
7 district forfeits 5% of the total state school aid allocation to
8 the district under this act.

9 (20) ~~(21)~~ Upon application by a district, the superintendent
10 may grant a waiver for the district from a specific requirement
11 under this section for not more than 1 year.

12 (21) ~~(22)~~ This section is repealed if the final decision of a
13 court of competent jurisdiction holds that any portion of this
14 section is unconstitutional, ineffective, invalid, or in violation
15 of federal law.

16 (22) ~~(23)~~ As used in this section, "district located in a
17 contiguous intermediate district" means a district located in an
18 intermediate district that is contiguous to the intermediate
19 district in which a pupil's district of residence is located.