MPAAA SPRING CONFERENCE 2019
STATE SCHOOL OF CHOICE 105/105C AND NON-RESIDENTS

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IN OUR DISCUSSION TODAY

- RESIDENTS vs. NON-RESIDENTS
- SCHOOL OF CHOICE vs NON-RESIDENTS
- SCHOOL OF CHOICE 105 vs 105c

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RESIDENCY

In order to be considered a resident a student must have a parent or legal guardian residing in the district.

- If a student's parent(s) or legal guardian(s) reside in 2 different districts, the student is a resident of each and may enroll in either district

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RESIDENCY

A STUDENT CAN BE :

- Placed in foster care- placed by the courts, DHS or other child placing agency and the agencies can select the school even if child is not residing in that district

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RESIDENCY

A STUDENT CAN BE:

- Placed in the home of a relative in the district by the parents or legal guardian for the purpose of securing a suitable home and not for an educational purpose.

(School district cannot require the relative to obtain guardianship.)
Feaster v. Portage Public Schools, 451 Mich 351 (1996)

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RESIDENCY

A STUDENT CAN BE:

- An emancipated minor living in the district.

FYI -Emancipation occurs automatically when a child turns 18, gets married or while serving in the armed forces

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RESIDENCY-P.O.A.

A power of attorney is temporary and does NOT create a guardianship and does not necessarily establish residency HOWEVER a parent assigned to active duty can place a child with an adult under special **Military Power of Attorney**

Federal law states that a Military Power of Attorney is legally effective regardless to specific state law.
(10 U.S.C. §1044b).

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OTHER RESIDENCY-HOMELESS

- Homeless under McKinney Vento Act
- The student has the right to attend the school last attended or in the school district now living

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OTHER RESIDENCY-FOREIGN EXCHANGE

- Foreign exchange students residing with a host family living in the district or a SOC family.

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OTHER RESIDENCY –UNDOCUMENTED ALIEN

- Present in the US without permission –they are entitled to free public education

  Plyler v. Doe 457 US 202 (1982) reh den 458 USC 1131 (1982)

- Regardless of immigration status, just determine if living in the district.
- foreign_students_3-06_ada_502433_7.pdf

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DISTRICT OF RESIDENCY APPROVAL NOT NEEDED

a. Shared Time Pupils
b. Part Time Pupils
c. Pupil Enrolled in PSA
d. Section 105/105c School of Choice Pupils
e. Criminal Sexual Assault or Serious Assault
f. Pupil Moved out of the District after Count Day

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DISTRICT OF RESIDENCY APPROVAL NOT NEEDED (CON'T)

g. Alt Ed Program Pupils-suspended or expelled from another district, reported as a drop out, is pregnant or a parent or referred by the court. (PAM section 5-A)
h. Pupil Enrolls in the Michigan Virtual HS
i. Child of an Employee
j. Pupils Expelled from Other Districts
k. Pupils Enrolled in an Early Middle College Program
l. Pupils in Olympic Training

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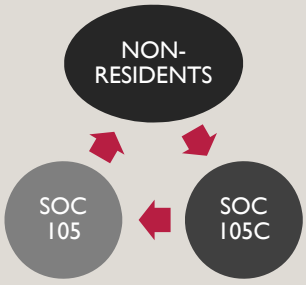
DISTRICT OF RESIDENCY APPROVAL NOT NEEDED (CON'T)

m. Pupils Placed in Foster Care
n. Cooperative Education Programs
o. Pupils Educated by the Intermediate School District
p. Pupils Educated at the Michigan Schools for the Deaf and Blind
q. Special Education Center Program

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WHICH IS WHICH…



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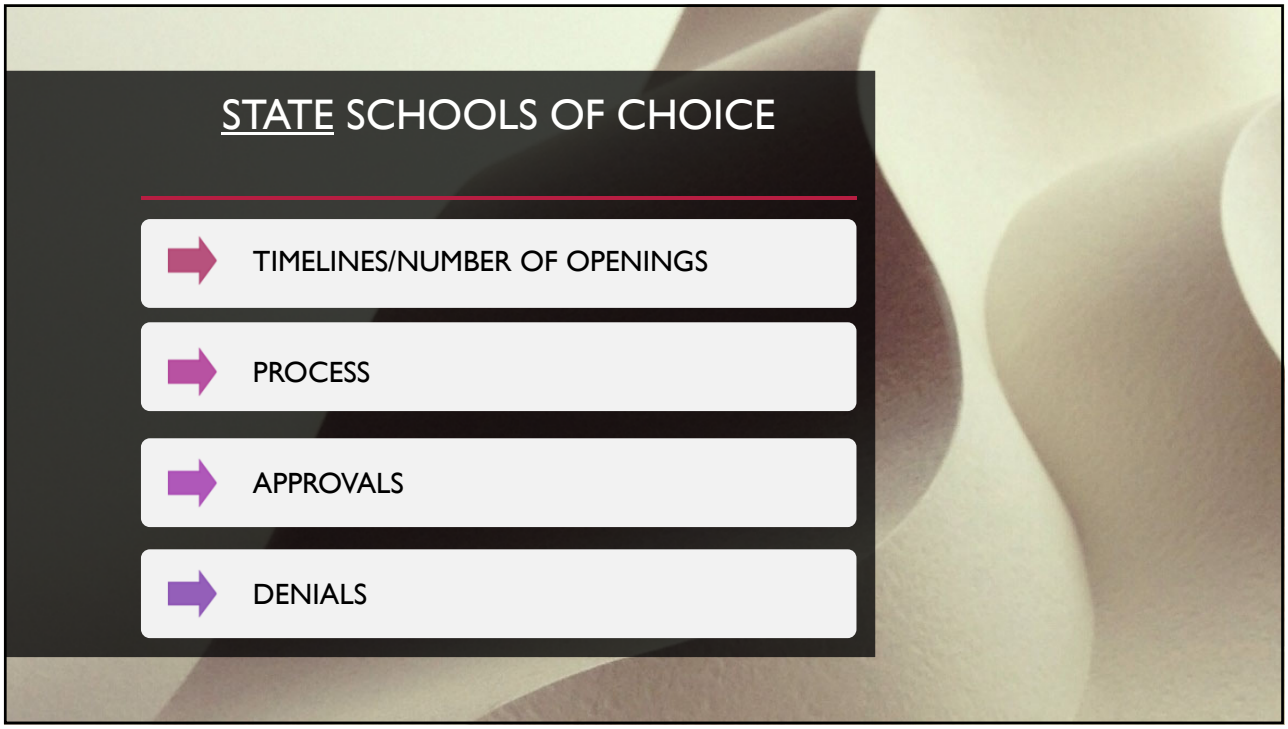
NON-RESIDENTS

- Non-resident students can attend another district if they first get permission (a release) from their resident district and then the receiving district approves the request to attend.
- This is an annual release and must be renewed each school year.
- There are no specific 'windows' for this process

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SCHOOLS OF CHOICE
MDE: SCHOOLS OF CHOICE DEFINITIONS

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STATE SCHOOLS OF CHOICE
TIMELINES/NUMBER OF OPENINGS
PROCESS
APPROVALS
DENIALS

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SCHOOL OF CHOICE 105/105C

- SOC 105/105C is not an option year round, there are set application windows.
- The windows are different based on the type of offerings

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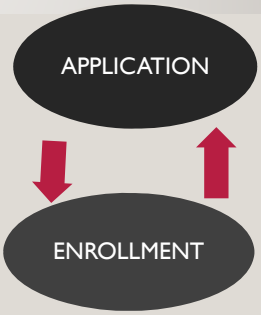
SCHOOL OF CHOICE 105/105C

- Section 105 SOC within ISD (limited, unlimited, second semester) MCL 388.1705
- Section 105c SOC across contiguous ISDs (special ed. agreement) MCL 388.1705c
- DECISIONS

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TIMELINES/DEADLINES



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SCHOOLS OF CHOICE 105/105C

- Once a district decides to participate in 105/105c
  - Grades, schools, second semester, number of students, application deadlines, etc.
  - There needs to be a Board Resolution with these specifics indicated for that school year.

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SCHOOLS OF CHOICE APPLICATION

- If a district decides to participate in one or both Section 105 and/or 105c they must provide notice to the public the grades and schools, for which it will accept non-resident students as well as the number of openings if they will be 'Limited' in some categories
- The notice must include the dates of the application period as well as the manner and place for submitting applications.

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SCHOOL OF CHOICE 105/105C

- First Semester Limited vs Unlimited –

  2 week application window vs. any length of time but with both enrollment completed and attend by end of first week of school

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SCHOOL OF CHOICE 105/105C

- Second Semester/Trimester Limited or Unlimited- application window is the 2 weeks before end of first semester/trimester

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SCHOOL OF CHOICE APPLICATION

- Application period for limited:
- Limited openings must limit the application period to at least, but no more than 30 days
- Within 15 days, notify each applicant whether accepted for enrollment

  and, if accepted student must be enrolled by the last day of the first week of school
- If applicants do not exceed number of positions, must accept all eligible applicants

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SCHOOLS OF CHOICE APPLICATION

- Application period for limited:
- If qualified applicants exceed positions, the district must fill positions in this order:

  1. Preference given to other school age children who reside in the same household as a pupil who is a returning 105/105c student from preceding year, preference not limited to siblings– ex. student is "doubled-up" with another family)

  2. Other students selected by random draw system which is also used to create a wait list.

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SCHOOL OF CHOICE APPLICATION

- Application period for unlimited:
- Identify application period of at least 15 calendar days
- Must end by last day of first week of school
- Student must be enrolled by the last day of the first week of school

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SCHOOL OF CHOICE 2ND SEMESTER (OR TRIMESTER)

- Not later than 2 weeks before end of first semester provide public notice of grades, schools and special programs for which applications will be accepted.
- During last 2 weeks (14 calendar days) of semester accept applications.
- Using same procedures as for fall, by beginning of second semester notify each applicant whether accepted and student must be enrolled by the last day of the first week of school

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SCHOOL OF CHOICE 105/105C

- District can't 'discriminate' but can exclude those who have been expelled or those suspended in the last 2 years (The suspension can **NOT** be from your own district) or convicted of a felony before enrolling under schools of choice.
- PAM: Denials

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SCHOOL OF CHOICE 105/105C

- Discriminate means…not just by the familiar definitions: sex, race, color, religion, national origin, height , weight, marital status, athletic ability, or in violation of any state or federal law-but ALSO- cannot discriminate based on intellectual, academic, artistic or other ability, talent, or accomplishment or lack thereof, or based on a mental or physical disability. (MCL 388.1705 (6), (8); MCL 388.1705c (6), (8)

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SCHOOL OF CHOICE SPECIAL ED STUDENTS



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SCHOOL OF CHOICE 105 /SPECIAL ED STUDENT

- A district that enrolls an in county, non-resident pupil (by release or 105) who is eligible for SE programs and services shall be considered to be the 'resident district' of the pupil for the purpose of providing the pupil with a FAPE (Free and Appropriate Public Education).

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SCHOOL OF CHOICE 105C /SPECIAL ED STUDENT

- For an out of county non-resident (by release or105c) if a student is SE, then a cost sharing agreement with the resident district is needed.

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SCHOOL OF CHOICE 105C /SPECIAL ED STUDENT

- To enroll a non-resident pupil who resides in a district located in a contiguous ISD and who is eligible for special education programs-or is a child with disabilities, as defined under IDEA-the enrolling district shall have a written agreement with the resident district of the pupil for the purpose of providing the pupil with a FAPE (Free and Appropriate Public Education). (MCL 388.1705c (19)

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SCHOOL OF CHOICE 105C /SPECIAL ED STUDENT

- The written agreement shall include, but is not limited to, an agreement on the responsibility for the payment of the added costs of special education programs and services for the pupil.

MCL 388.1705c(19)

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SCHOOL OF CHOICE 105C /SPECIAL ED STUDENT

- The written agreement shall address how the shall be amended in the event of significant changes in the costs or level of special education programs or services required by the pupil.

MCL 388.1705c(19)

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SCHOOL OF CHOICE 105C /SPECIAL ED STUDENT

- If a cooperative agreement can not be obtained, the pupil shall NOT be enrolled in the nonresident district beginning on the next count date

PAM 5I-3

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SCHOOL OF CHOICE 105C /SPECIAL ED STUDENT

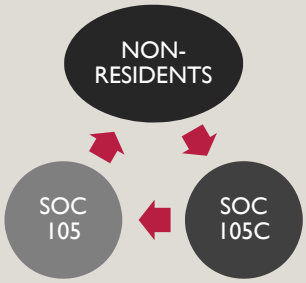
- If a district does not comply with this section, the district forfeits 5% of the total state school aid allocation under this act.

MCL 388.1705(20), MCL 388.1705c(20)

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APPROVAL AND DENIALS



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SCHOOL OF CHOICE 105/105C

- Typically once an application is received it will proceed to a building principal who will request from the sending district a behavior and attendance report.

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SCHOOL OF CHOICE 105/105C

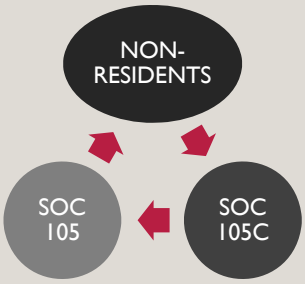
- If a district, or the non-resident applicant requests the district of residence to supply information needed by the district for evaluating the applicant's application…the district of residence **shall** provide that information on a timely basis.

MCL 388.1705(15;MCL388.1705c(15)

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ACCEPTANCE



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SCHOOL OF CHOICE ACCEPTANCE

- Notify the parent or legal guardian of each nonresident applicant of whether the applicant may enroll in the district.
- The notification to the parents or legal guardians of nonresident applicants accepted for enrollment shall contain notification of the date by which the applicant must enroll in the district and the procedures for enrollment.

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SCHOOL OF CHOICE ACCEPTANCE

- Beginning on the third Monday in August through the end of the first week of school, if any positions become available in a grade, school, or program due to accepted applicants failing to enroll or more positions being added, the district may enroll nonresident applicants from the waiting list determined during the random draw, offering enrollment in the order that applicants appear on the waiting list.
- The date for enrollment shall be no later than the end of the first week of school.

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SCHOOL OF CHOICE 105/105C

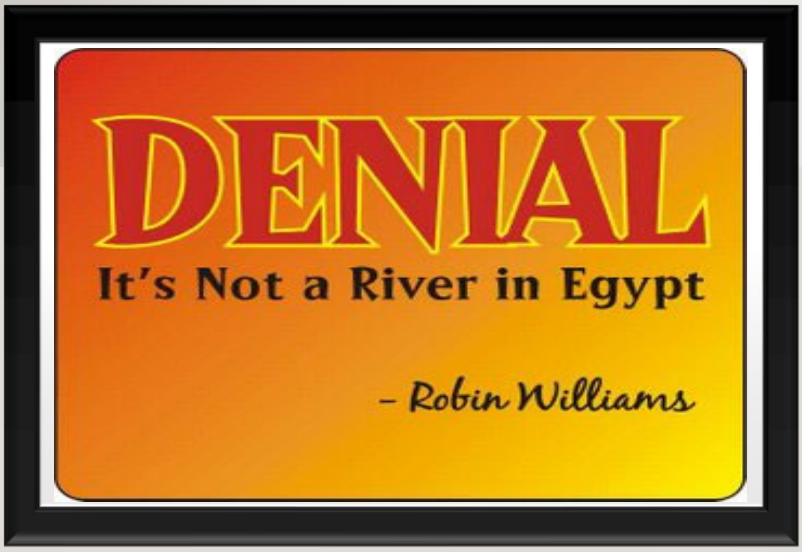
- Acceptance means the student is entitled to stay until graduation unless there is a break in enrollment or if expelled

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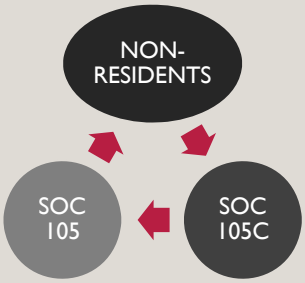
SCHOOL OF CHOICE ACCEPTANCE

- District must provide information on available transportation to the parents of accepted students.
- Districts are NOT required to provide transportation
- A student enrolled under 105/105c that relocates to another district shall continue to be enrolled.

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DENIALS



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SCHOOL OF CHOICE 105/105C DENIALS

A district may refuse to enroll a pupil as a schools of choice pupil if any of the following apply:

1. The applicant is or has been within the preceding 2 years suspended from another school.
2. The applicant has been expelled from school.
3. The applicant has been convicted of a felony

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ALMOST DONE…LOL

- Any Questions???

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