

Schools of Choice

The schools of choice provisions in Section 105 and 105c of the State School Aid Act are designed to allow local school districts to enroll nonresident students and count them in membership without having to obtain approval from the district of residence. Section 105 permits local school districts to enroll students who reside in other local school districts within the same intermediate school district. Section 105c allows enrollment of students who reside in school districts located in contiguous intermediate school districts. Local school districts may also participate in cooperative education programs with other local or intermediate school districts that permit them to enroll and count each other's resident students. Cooperative education programs are not governed by the Section 105 or 105c requirements.

Each local school district decides whether or not it will participate in schools of choice under Section 105 and/or 105c. If a district decides to participate in one or both of these programs, it must do the following:

- Publish the grades, schools and special programs, if any, for which it will accept nonresident students.
- Provide notice to the general public that it is accepting applications under Section 105 and/or 105c and the dates of the application period, and place and manner for submitting applications. Published notice may precede the application period.
- Determine whether it has a limited or unlimited number of positions available for nonresident applicants.
- Follow the specific application procedures and timelines described in the legislation. These procedures and timelines are different for districts with limited and unlimited numbers of positions available. See Section 51 of the [Pupil Accounting Manual](#) , [SOC Waiver Request Form](#) and the [Schools of Choice Deadlines document](#) for the specific requirements. **Note:** Time frames referenced in the statute are calendar days.
- Determine which students will be offered enrollment and notify the parents. **The date for enrollment shall be no later than the end of the first week of school.** If the number of applicants does not exceed the number of positions available, the district must accept all eligible applicants. If the number of applicants exceeds the number of positions available, the district must accept eligible applicants in the following order:
 1. Students who reside in the same household as students enrolled under section 105 or 105c in the immediately preceding school year, ~~or~~ semester **or Trimester**;
 2. Other students selected according to a random draw system, which must also be used to establish a waiting list.

Note: A district may not grant or refuse enrollment based on age, except in the case of an applicant for a program not appropriate for his/her age. A district may not grant or refuse enrollment based upon religion, race, color, national origin, sex, height, weight, marital status or athletic ability, or, generally, in violation of any state or federal law prohibiting discrimination. A district may not refuse enrollment to a student eligible for special education programs and services, unless the application is under Section 105c and there is no written agreement with the district of residence. Special education programs and services are not considered "special programs" under Section 105 or 105c. A district may refuse to enroll an applicant who has been suspended within the preceding two years or who has ever

been expelled.

- Provide information on available transportation to the parents of accepted students. Districts are **not** required to provide transportation for students under Section 105 or 105c.

- If a student is eligible for special education programs and services, or is a child with disabilities under the *Individuals with Disabilities Education Act*, develop and implement an individualized education plan for that student.

Note: If the student resides in a contiguous intermediate school district and is enrolled under Section 105c, the enrolling district and district of residence must have a written agreement regarding the payment of added costs of special education programs and services. It is recommended that written agreements regarding the payment of added costs of special education programs and services are specific to the individual student. The written agreement shall address how the agreement shall be amended in the event of significant changes in the costs or level of special education programs or services required by the pupil. If a student enrolled under Section 105c becomes eligible for special education services following enrollment, the enrolling district and the resident district must have a written agreement in order for the enrolling district to continue to count the student in membership.

- Allow nonresident students who were enrolled in and attended the district under Section 105 or 105c in the immediately preceding school year, ~~or~~ semester or trimester, to continue to enroll until they graduate from high school. This requirement does not prohibit a district from expelling a student for disciplinary reasons.

Note: Non-resident students enrolled under Section 105 or 105c that have been counted in membership on either the pupil membership count day or the supplemental count day shall continue to be enrolled. A district may expel a student for disciplinary reasons. A student enrolled under Section 105 or 105c that relocates to another resident district shall continue to be enrolled.

If a student enrolled under Section 105 is eligible, or becomes eligible, for special education services and relocates to a resident district outside of the boundaries of the intermediate school district, then the enrolling district and the district of residence must have a written agreement regarding the payment of added costs of special education programs and services in order for the student to continue to be counted in membership by the enrolling district.

If a student enrolled under Section 105c relocates to another resident district outside of the boundaries of the intermediate school district in which the enrolling district is located, then the enrolling district and the district of residence must have a written agreement regarding the payment of added costs of special education programs and services in order for the student to continue to be counted in membership by the enrolling district.

School districts that enroll nonresident students under Section 105 or 105c receive the lesser of their own foundation allowance or the foundation allowance of the district of residence. Districts that enroll nonresident students under cooperative education programs receive the foundation allowance of the district of residence. Districts may not charge tuition for nonresident students enrolled under Section 105 or 105c, or under cooperative education programs.

For additional details regarding the schools of choice provisions, see [Sections 105](#) and [105c](#) of the State School Aid Act (MCL 388.1705 and 388.1705c). **If you have questions about participating school districts in your area, please contact your intermediate school district.**