

RESIDENCY

The sections of the Revised School Code and State School Aid Act that address these issues are contained in the Michigan Compiled Laws under MCL 380.951-380.956, 380.1148, 380.1148a, 380.1401-380.1416, 380.1561, 388.1603, 388.1606, 388.1705, 388.1707 and 388.1763a.

Resident Students

“District of residence” means the district in which a student’s custodial parent or parents or legal guardian resides [MCL 388.1603]. If a student’s parent or legal guardian reside in different districts, either district may enroll the student as a resident, regardless of which parent or legal guardian has custody [MCL 380.1148a]. A student who has reached age 18 or who is an emancipated minor is a resident of the district in which he or she resides.

Placement in a Licensed Home or With a Relative

If a child resides in a licensed home in which he or she was placed by court order or by a child placing agency, the child is considered a resident of the district where the home in which the child is living is located. This is also true in the case where a child’s parent or legal guardian is unable to provide a suitable home for the child and the child is placed with a relative for the purpose of providing a suitable home [MCL 380.1148]. When a child is placed with a relative or in a licensed home by the child’s parent or guardian, the child will be considered a resident of the district where the child is residing. The placement must be for the purpose of providing a suitable home. The child will not be considered a resident of the district where he or she is placed if the placement is for educational purposes, such as taking advantage of an educational program.

Verification of Residency

A school district may require reasonable verification that a student meets the requirements for being considered a resident of the school district. Sources of documentation to verify residency status may include: rent receipts, mortgage payment receipts, utility bills, property tax bills, voter registration, and driver’s license address. Verification may also include, for example, establishing that the placement with a relative is for the purpose of providing the student with a suitable home. A district cannot, however, require the relative to be appointed as legal guardian of the child because it imposes requirements not authorized by law [MCL 380.1148 and *Feaster v Portage Public Schools*, 451 Mich 351, 1996].

Children of School Employees

A district may enroll and count in membership children of district employees who reside in another Michigan school district without requiring a release from the resident district [MCL 388.1606(6)(j)]. The district would receive the foundation allowance amount of the resident district. Tuition may not be charged. The district is not required to enroll employees’ children but the district should have a board adopted policy to ensure equitable treatment of this group of nonresident students.

Assault Victim

A nonresident student may be counted in membership if the student was a victim of criminal sexual assault or other serious assault at school or an assault committed by a student or an employee of the resident district [MCL 388.1606(6)(f)]. A release from the district of residence is not required when an official written complaint of a serious assault is made to law enforcement and the student's resident district. A "serious assault" is defined as an act that constitutes a felony violation or that constitutes an assault and infliction of serious or aggravated injury under the Michigan Penal Code [MCL 750.81-750.90g]. A person that intentionally makes a false report to law enforcement officials is subject to penalties under the Michigan Penal Code [MCL 750.411a].

Alternative Education

A student who has been suspended or expelled from his or her resident district for any reason may attend a nonresident alternative education program without the resident district's approval [MCL 388.1606(6)(h)]. In addition, a student who previously dropped out of school, is pregnant or is a parent, or has been referred to the program by the court may attend a nonresident alternative education program without the resident district's approval.

If there is no available alternative education program through his or her resident district, an expelled student may enroll in an adult education program [MCL 388.1707(3)(b)(ii)]. The expelled student must be at least 16 years of age on September 1 of the school year. The reason of expulsion must be due to weapons, arson, criminal sexual assault or physical assault against an employee or a volunteer of the district.

Homeless Student

The Stewart B. McKinney Homeless Assistance Act ensures that homeless children and youth who lack a fixed, regular and adequate residence have access to a free and appropriate public school education. The Act requires the removal of barriers in public schools so that homeless children and youth can enroll and receive successful educational opportunities [42 USC 11302]. For further information, contact the Homeless Education Office at (517) 241-1162; Web information address: www.michigan.gov/homeless.

Home Schools

Section 380.1561(3)(f) of the Revised School Code states that a child shall not be required to attend a public school if the child is being educated by his or her parent or legal guardian at the child's home in an organized educational program that is appropriate given the age, intelligence, ability, and any psychological limitation of the child, in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. Students in home school families operating under the exemption are not entitled to Auxiliary Services. Information regarding home schools can be obtained from the Department at (517) 373-1833.

Tuition Students

The board of a school district may admit nonresident students to the schools of the district. The board shall determine the rates of tuition of the nonresident student and shall collect the tuition [MCL 380.1401].

Property Transfers

Property owners who reside on the border that is contiguous to school districts may seek to have their property transferred to the neighboring school district. Information regarding property transfer requests and requirements can be obtained from the local school district or from the Department at (517) 373-8369. [MCL 380.951-380.956].

This information is provided as a service of the Michigan Department of Education and is distributed with the understanding that the Department is not engaged in rendering legal advice. Those individuals desiring or requiring legal advice should seek the services of an attorney.

FINAL November 2011