

STATE OF MICHIGAN
SUPERINTENDENT OF PUBLIC INSTRUCTION

ADAM AND NICOLE VOLLMER,
Appellants

v

GRAND LEDGE PUBLIC SCHOOLS AND
DEWITT PUBLIC SCHOOLS,
Appellees

Property Transfer
Case No. C-2822

FINAL DECISION AND ORDER

This matter is before me on review from a recommended decision and order of Administrative Law Judge Eric J. Feldman (ALJ) issued on May 20, 2019. The matter began with the filing of a petition by Adam and Nicole Vollmer (appellants) seeking transfer of their property from Grand Ledge Public Schools to DeWitt Public Schools pursuant to MCL 380.971. Grand Ledge Public Schools, which is located in Eaton County Regional Education Service Agency, opposes the petition. DeWitt Public Schools, which is in Clinton County Regional Education Service Agency, has taken a neutral position on the proposed transfer. Appellants filed their petition with Eaton Regional Education Service Agency, which took no action on the petition. Clinton County Regional Education Service Agency also took no action on the petition.

Following a hearing on April 30, 2019, the ALJ recommended denial of appellants' petition. In support of his recommendation, the ALJ found that the petition was premature in that, at the time of the hearing, appellants were awaiting the results of their request that their oldest child attend DeWitt Public Schools through its schools of choice program and they had not pursued a tuition release

option for her. The ALJ also found that there is no significant difference in the commutes from appellants' property to and from Grand Ledge Public Schools and to and from DeWitt Public Schools; that no safety reasons support the transfer petition; that transfer would increase the irregularity of the border between the two school districts; that there was no evidence that Grand Ledge Public Schools cannot meet the educational needs of appellants' children and no evidence of educational benefits that would be gained by transfer; and that appellants were aware of the property's location in Grand Ledge Public Schools at the time of purchase. Objections to the ALJ's recommended decision were due on June 10, 2019, but none were filed.

As found by the ALJ, DeWitt Public Schools has a schools of choice program that had limited openings at the kindergarten level for the 2019-2020 school year. On April 11, 2019, appellants applied to the program on behalf of their oldest child, who was five years old at the time of the hearing.¹ The application period for the program did not end until May 10, 2019, and decisions on applications were to be announced within two weeks of that date. There had therefore been no decision on their application at the time of the hearing and, as noted, appellants filed no objections to the ALJ's recommendation that their petition be denied. (Tr, pp 56-57, 67, 137; Appellees' Exhibit S). As further found by the ALJ, there was evidence that Grand Ledge Public Schools readily grants tuition releases allowing resident pupils to transfer to schools in other districts and that DeWitt Public Schools has granted requests for released pupils to attend school in DeWitt. At the time of the hearing, appellants had not asked Grand Ledge Public Schools to release their

¹ Appellants have two other children, twin infants. (Tr, pp 58-59).

oldest child and they had not talked with DeWitt Public Schools about that option. (Tr, pp 58, 94, 105-107, 126-129).

In *Cook* Property Transfer C-2807, the Superintendent of Public Instruction discussed the requirement that property owners exhaust less drastic means than property transfer to gain access to schools outside their district of residence for their children.

Even in cases where property owners have established factors generally viewed as valid grounds supporting a property transfer, as found by the ALJ in this case, transfers have been denied where less drastic means were available to meet the needs of the involved families. *Schafsnitz* Property Transfer C-2659; *Lounds* Property Transfer C-2765; *Battle* Property Transfer C-2552. It has been the consistent, long-standing policy of the State Board of Education and the Superintendent of Public Instruction to encourage local accommodations to meet families' needs in lieu of the more drastic measure of the removal at the state level of property from a school district. *Cavanaugh* Property Transfer C-2700 and the cases cited therein; *Thompson* Property Transfer C-2785-R. Accordingly, the Superintendent of Public Instruction has required property owners seeking a property transfer to provide evidence that, before their request is considered, they have applied and been rejected for schools of choice enrollment when such a plan is offered by the receiving school district, or that they have pursued a reasonable release arrangement where one is available. *Cavanaugh, supra*; *Lounds, supra*; *Weber* Property Transfer C-2749; *Tucker supra*; *Valley* [Property Transfer C-2609]; *King-Caise* Property Transfer C-2756; *Schafsnitz, supra*; *Franks* Property Transfer C-2770; *Chapman* Property Transfer C-2796. Previous cases have rejected as speculative and premature arguments that there may not be sufficient openings in the receiving school district. *Cavanaugh, supra*; *Albrecht* Property Transfer C-2582.

Thus, the ALJ's recommended decision is in accord with long-standing policy and case precedent of the State Board of Education and the Superintendent of Public Instruction. Appellants' failure to pursue a tuition release arrangement and

the fact that the record contains no evidence of the result of their schools of choice application provide adequate bases for denial of their petition at this time.

ORDER

Now therefore, it is ordered that:

1. To the extent it is consistent with this Final Decision and Order, the ALJ's Proposal for Decision is adopted and incorporated herein.
2. The petition of Adam and Nicole Vollmer for transfer of their property from Grand Ledge Public Schools to DeWitt Public Schools is denied.

Sheila A. Alles
Interim Superintendent of Public Instruction

DATED: July 18, 2019