

Section 105/105C – Schools of Choice Definitions

The schools of choice provisions in Section 105 and 105c of the State School Aid Act allow local school districts to enroll non-resident 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. The requirements of Sections 105 and 105c do not govern cooperative education programs.

Each local school district decides whether 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 non-resident students.
- Determine whether it has a limited or unlimited number of positions available for non-resident applicants.
- Provide notice to the public that applications will be taken for a period of at least 15 calendar days. The notice must include the dates of the application period, as well as the place and manner for submitting applications. Published notice may precede the application period. **Note:** Programs with limited enrollment must limit the application period to no more than 30 days.
- 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, semester or Trimester;
 2. Other students selected according to a random draw system, which must also be used to establish a waiting list.
- 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. **Note:** Periods referenced in the statute are calendar days.
- Determine which students met the enrollment requirements and notify parents of their child's acceptance in the program. **The date for enrollment shall be no later than the end of the first week of school.**

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 refuse to enroll an applicant who has been suspended within the preceding two years or who has ever been expelled.

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- 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.
- Allow students who enrolled 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 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.

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.

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.

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 non-resident 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 non-resident students under cooperative education programs receive the foundation allowance of the district of residence. Districts may not charge tuition for non-resident 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.**

Schools of Choice Deadlines

IF LIMITED POSITIONS ARE AVAILABLE	
Deadline Date	Description
No Specific Date Stated	Decision by school district whether or not to become a "Schools of Choice" district under section 105 or 105c.
Prior to the Application Process	Publication of the grades, schools, and special programs for which applications for enrollment of nonresident pupils will be accepted. Publication shall identify the dates of the application period.
Not Later than the Second Friday in August	Provide notification to the public that applications will be taken during at least a 15 calendar day period and not more than 30 day calendar period , and the place and manner for submitting applications.
Within 15 Calendar Days After the Application Period	Determine which nonresident applicants will be allowed to enroll under the "Schools of Choice" program and notify the parents or legal guardians. The date for enrollment shall be no later than the end of the first week of school.
Beginning the third Monday in August and Not Later than the End of the First Week of School	Allow additional pupils from a waiting list to enroll if positions become available. The date for enrollment shall be no later than the first week of school.

IF UNLIMITED POSITIONS ARE AVAILABLE	
Deadline Date	Description
No Specific Date Stated	Decision by school district whether or not to become a "Schools of Choice" district under section 105 or 105c.
Application Period	Provide notification to the public the place and manner for submitting applications and dates of the application period. Applications must be taken for at least a 15 calendar day period.
Not Later than the End of the First Week of School	Acceptance of applications and enrollment of pupils until the end of the first week of school.

Schools of Choice Deadlines

FOR SECOND SEMESTER OR TRIMESTER ENROLLMENT	
Deadline Date	Description
Not Later than Two Weeks (14 calendar days) Before the End of the First Semester or Trimester	Publication of the grades, schools, and special programs for which applications for enrollment of nonresident pupils will be accepted.
Last Two Weeks (14 calendar days) of the First Semester or Trimester	Acceptance of applications.
The Beginning of the Second Semester or Trimester	Determine which nonresident applicants will be allowed to enroll under the "Schools of Choice" program and notify the parents or legal guardians. The date for enrollment shall be no later than the end of the first week of school in the second semester or trimester.

Notes:

- 1) Deadlines may be established and followed within an intermediate district if those deadlines do not exceed the limits provided in legislation.
- 2) A district may apply to the State Superintendent of Public Instruction for a waiver of a specific requirement for one year.