

MASON COUNTY EASTERN SCHOOLS

INTER-DISTRICT OPEN ENROLLMENT POLICY

The Board of Education of the Mason County Eastern School District, herein after known as the District, in conjunction and cooperation with the Boards of Education which are constituent to the West Shore Educational Service District and which have adopted an identical and reciprocal policy, shall permit the enrollment of non-resident students from any participating district in accordance with this policy and the administrative guidelines established to implement this policy.

A. DEFINITIONS

1. Non-Resident Student - is a pupil who is not a legal resident or otherwise legally entitled to attend school in this District and who seeks admission to this District as a tuition student.
2. Participating District - is any and all of the eight constituent school districts within the West Shore Educational Service District which have adopted a policy and implemented administrative guidelines which are identical and reciprocal to the provisions of this policy.
3. Program Size - means enrollment or size restrictions in a specific program, course, class, or building. The District reserves the exclusive right to establish program size and to limit enrollment of non-resident pupils based upon its determinations regarding the proper allocation of financial and human resources, the creation and maintenance of a proper learning environment and in order to effectuate compliance with contracts, grants, and other applicable sources of legal and regulatory authority.
4. Resident School District - means this district, provided that a resident student has established and maintains legal residence here and is entitled to enroll in school on a non-tuition basis.
5. Resident Student - is a pupil who is a legal resident of this District and is consequently entitled to attend school in this District, on a non-tuition basis, pursuant to Section 1147 of the School Code of 1976 or its successor provision.

B. ENROLLMENT OF NON-RESIDENT STUDENTS

1. Subject to the provisions of this policy, this District will permit enrollment for educational purposes of full-time non-resident students from participating districts. The number of non-resident students allowed to enroll will be established annually by this District, based upon program size.
2. The superintendent shall annually determine the number of available enrollment opportunities (if any) for non-resident students under this policy and shall convey that information to this Board and to the superintendent of each participating district.

3. If the number of applications for admission from non-resident students exceeds the number of available enrollment opportunities, non-resident pupils shall be selected for admission using a random selection process. Enrollment priority shall be given to the sibling of a non-resident pupil from a participating district already admitted to attend school in this District.
4. The superintendent shall be responsible for the formulation, dissemination, and implementation of administrative guidelines in furtherance of this policy. Those administrative guidelines shall incorporate at least the following standards.
 - a. Communication with the parent/legal guardian of non-resident students seeking admission (or the student, if legally emancipated) concerning this policy and the timelines and other requirements for application.
 - b. Establishing that this District complies with and will enforce pertinent regulations of the Michigan High School Athletic Association and any relevant league standards regarding eligibility or transfer students for participation in interscholastic athletics.
 - c. Establishing that applications from non-resident students for admission to this District must be initiated by the parent/legal guardian of that pupil (or the student, if legally emancipated) and such person making application bears contractual and or other legal responsibility for the payment of tuition (as established by this District) of the non-resident student if accepted for enrollment in this District.
 - d. Non-resident students seeking admission are subject to the academic and program size standards of this District in terms of grade and program size or course placement.
 - e. Non-resident students accepted for enrollment in this District are subject to the determinations of this District in respect to the awarding of transfer of academic credit and academic assignment or placement based upon completion of courses or grades in districts or schools which the non-resident student has previously attended.
 - f. Non-resident students accepted for enrollment in this District are subject to facility, grade, and course assignments within this District according to the same policies and procedures applied to intra-district enrollment of resident students.
 - g. That the parent/legal guardian of the applicant non-resident student (or the student, if legally emancipated) is required, immediately upon notification of acceptance for enrollment in this District, to furnish a written statement to this District authorizing release of all records of the student from the non-resident participating district (or other educational institution) where the student is currently enrolled.
5. Applicants for admission as non-resident students and their parent/legal guardians are hereby notified that the District does not discriminate on the basis of race, color, national origin, sex, religion, or disability in admission or access to programs, activities, or

policies. Any person having inquiries concerning the District's compliance with the regulations implementing Title VI, Title IX, Section 504 of the Rehabilitation Act or the Americans With Disabilities Act are directed to contact the Superintendent of Schools, Mason County Eastern Schools, 18 South Main Street, Custer, Michigan 49405-0111, who has been designated by the District to coordinate the District's efforts to comply with the regulations implementing the above statutes.

6. This District will not accept, for enrollment, any non-resident student who has been suspended, expelled, or otherwise released or excluded from the student's resident school district due to disciplinary reasons.

C. TUITION

1. All non-resident students admitted pursuant to this policy shall be subject to the following tuition charges.
 - a. Where the non-resident student is on the membership count of this District, for purposes of current receipt of a foundation allowance under the State School Aid Act, tuition shall be established in an amount determined annually by the Board of Education of this District, subject to the maximum tuition charges permitted by law. In establishing tuition charges under this section, recognition shall be given to receipt of a foundation allowance by this District attributable to the enrollment of the non-resident student.
 - b. Where the non-resident student is admitted to this District but is not on the current membership count of this District for purposes of receipt of a foundation allowance under the State School Aid Act, tuition shall be set annually by the Board of Education of this District in an amount not to exceed the maximum levels permitted by law.
 - c. The superintendent shall be responsible for notifying the parent/legal guardian of the applicant non-resident student (or the applicant, if legally emancipated) of the applicable tuition charges and to secure, in writing, a contract for each admitted non-resident student obligating the parent/legal guardian (or the non-resident student, if legally emancipated) to remit tuition on a specified schedule. The superintendent is hereby authorized to undertake collection procedures, including the commencement of litigation, if necessary, to collect tuition amounts which are in default or arrears.

D. TRANSPORTATION

Non-resident pupils admitted to attend school in this District, pursuant to this policy, shall not be entitled to transportation services from this District for the purposes of arriving at and departing from regularly scheduled classes. Resident pupils of this District who are released to attend school in another participating district, pursuant to this policy, shall not be entitled to transportation services from this District for purposes of arriving at and departing

from regularly scheduled classes in the non-resident participating district. However, the superintendent may approve transportation within this District for the above students, provided that the same occurs along previously established bus routes and stops within this District.

E. RELEASE OF RESIDENT STUDENTS

1. In order to implement and effectuate the terms of this policy, the Board of Education of this District consents to release a total of up to one percent (1%) of its audited number of K-12 resident students (based upon the enrollment for the immediately preceding school year) to non-resident participating districts, in conformance with the requirements for release set forth in Section 6(6) of the State School Aid Act or any applicable successor statute. This calculation shall be cumulative but shall exclude any resident students released to other participating districts on or before June 30, 1995. At no point shall this District be obligated to release more than one percent (1%) of its resident pupils to other participating districts under this policy, inclusive of all such resident students so released on or after July 1, 1995. However, a decline in aggregate enrollment in this District shall not be applied to revoke any previously granted release to a resident student to attend a participating district pursuant to this policy, for purposes of calculating the one percent (1%) release limitation described above.

Should the number of requests by resident students for release to attend a non-resident participating district exceed the foregoing one percent (1%) quota, resident pupils shall be selected for release using a random selection process provided that priority for release shall be given to the sibling of a resident pupil who has been previously released by this District, pursuant to this policy, to attend the same non-resident participating district.

2. Any resident student released, pursuant to this policy, for attendance in a participating district shall not be required to be readmitted to this District until the beginning of the next academic year following the admission to and enrollment in the non-resident participating district.
3. A resident student released to a participating district and enrolled there, pursuant to this policy, need not make reapplication for release to attend that participating district in subsequent school years after the initial granting of a release by this District and initial acceptance by the participating district. If a resident student so released wishes to return to his/her resident school district in a subsequent school year, his/her parent/legal guardian (or student, if legally emancipated) shall give written notice to the resident school district as soon as possible but not later than July 1 immediately preceding the date of re-enrollment.

F. EFFECTIVENESS OF POLICY

1. This policy shall become effective upon the enactment and effectiveness of a reciprocal and identical policy by one or more of the other participating districts within the West

Shore Educational Service District. Non-resident students may only be accepted for enrollment in this District from another participating district meeting the foregoing requirement. Resident students of this District will not be released, pursuant to this policy, to any district which is not a participating district having a reciprocal and identical policy to this policy.

2. This policy shall be reviewed annually on or before April 1.
3. In the event of the enactment of legislation conflicting with the provisions of this policy, a review of this policy shall be immediately undertaken to assure its conformity with law. However, it is the intent that any policy modifications required by subsequently enacted laws shall be accomplished, to the extent feasible, in a manner which does not interrupt the continuity of educational services for pupils released under this policy prior to the effective date of such amendatory legislation.

LEGAL REF: MCLA 380.1147; 380.1300; 380.1401; 388.1606(6);MCLA 388.1620; 388.1711; 388.1717

**SECTION 105 OF THE STATE SCHOOL AID ACT OF 1979
AS AMENDED BY 1996 PUBLIC ACT 300**

105(1) In order to avoid a penalty under this section, and in order to count a nonresident pupil residing within the same intermediate district in membership without the approval of the pupil's district of residence, a district shall comply with this section.

(2) Except as otherwise provided in subsection (3) or (4), a district shall determine by June 1 whether or not it will accept applications for enrollment by nonresident applications residing within the same intermediate district for the next school year. If the district determines to accept applications for enrollment of a number of nonresidents, beyond those entitled to preference under this section, the district shall do all of the following:

(a) By June 15, publish the grades, schools, and special programs, if any, for which enrollment may be available to, and for which applications will be accepted from, nonresident applicants residing within the same intermediate district.

(b) At least until July 1, accept applications from nonresidents residing within the same intermediate district for enrollment in the available grades, schools, and programs.

(c) By July 15, using the procedures and preferences required under this section, determine which nonresident applicants will be allowed to enroll in the district and notify the parent or legal guardian of each nonresident applicant of whether or not the applicant may enroll in the district. The notification to parents and legal guardians of nonresident applicants accepted for enrollment shall contain notification of the date by which the applicant must enroll in the district and procedures for enrollment.

(3) A district offering to enroll nonresident applicants residing within the same intermediate district may limit the number of nonresident pupils it accepts in a grade, school, or program, at its discretion, and may use that limit as the reason for refusal to enroll an applicant.

(4) A nonresident applicant residing within the same intermediate district shall not be granted or refused enrollment based on intellectual, academic, artistic, or other ability, talent, or accomplishment, or lack thereof, or based on a mental or physical disability, except that a district may refuse to admit a nonresident applicant if the applicant does not meet the same criteria, other than residence, that an applicant who is a resident of the district must meet to be accepted for enrollment in a grade or a specialized, magnet, or intra-district choice school or program to which the applicant applies.

(5) A nonresident applicant residing within the same intermediate district shall not be granted or refused enrollment based on age, except that a district may refuse to admit a nonresident applicant applying for a program that is not appropriate for the age of the applicant.

(6) A nonresident applicant residing within the same intermediate district shall not be granted or refused 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.

(7) A district may refuse to enroll a nonresident applicant if the applicant is, or has been within the preceding 2 years, suspended from another school or if the applicant has ever been expelled from another school.

(8) A district shall give preference for enrollment over all other nonresident applicants residing within the same intermediate district to pupils who were enrolled in and attended the district in the school year immediately preceding the school year in question and to other school-age children who reside in the same household as the pupil.

(9) If a nonresident pupil was enrolled in and attending school in a district as a nonresident pupil in the 1996-97 school year and continues to be enrolled continuously each school year in that district, the district shall allow that nonresident pupil to continue to enroll in and attend school in the district until high school graduation, without requiring the nonresident pupil to apply for enrollment under this section. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(10) If the number of qualified nonresident applicants eligible for acceptance in a school, grade, or program does not exceed the positions available for nonresident pupils in the school, grade, or program, the school district shall accept for enrollment all of the qualified nonresident applicants eligible for acceptance. If the number of qualified nonresident applicants residing within the same intermediate district eligible for acceptance exceeds the positions available in a grade, school, or program in a district for nonresident pupils, the district shall use a random draw system, subject to the need to abide by state and federal antidiscrimination laws and court orders and subject to preferences allowed by this section.

(11) If a district, or the nonresident applicant, requests the district in which a nonresident applicant resides to supply information needed by the district for evaluating the applicant's application for enrollment or for enrolling the applicant, the district of residence shall provide that information on a timely basis.

(12) If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, this section is subject to the court order.

(13) This section does not require a district to provide transportation for a nonresident pupil enrolled in the district under this section or for a resident pupil enrolled in another district under this section. However, at the time a nonresident pupil enrolls in the district, a district shall provide to the pupil's parent or legal guardian information on available transportation to and from the school in which the pupil enrolls.

(14) If, in a particular state fiscal year, the total number of pupils enrolled and counted in membership in a district is less than 90% of the total number of pupils residing in the district who are enrolled and counted in membership in either that district or 1 or more other districts, the total amount of money allocated to that district under section 20 shall be adjusted so that the district receives a total allocation under section 20 equal to the amount the district would receive under section 20 if exactly 90% of the pupils residing in the district who are enrolled and counted in either that district or 1 or more other districts were enrolled and counted in membership in that district.

(15) A district may participate in a cooperative education program with 1 or more other districts or intermediate districts whether or not the district enrolls any nonresidents pursuant to this section.

(16) A district that, pursuant to this section, enrolls a nonresident pupil who is a handicapped person, as defined in section 4 of the revised school code, being section 380.4 of the Michigan Compiled Laws, or who is a child with disabilities, as defined under the individuals with disabilities education act, public law 91-230, shall be considered to be the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education. Consistent with state and federal law, that district is responsible for developing and implementing an individualized education plan annually for a nonresident pupil described in this subsection.

(17) If a district does not comply with this section, the district forfeits 10% of the total amount due to the district under section 20c.

(18) Upon application by a district, the superintendent of public instruction may grant a waiver for the district from a specific requirement under this section for not more than 1 year.

(19) If an intermediate district is operating under an intermediate district pilot schools of choice program established under former Section 91 or as described in Section 91a, and if the superintendent of public instruction determines that the program is substantially similar to intermediate district schools of choice under this section, the superintendent of public instruction may exempt the intermediate district and its constituent districts from this section for not more than 1 year.

(20) It is the intent of the legislature that this section be reviewed before the 1999-2000 state fiscal year.