

# All Decisions are Local: How District Rules Can Promote or Restrict School Choices

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## OVERVIEW AND BACKGROUND

Laws providing parents the opportunity to enroll their children in public schools beyond their residentially assigned location exist in nearly all states across the country.<sup>1</sup> While most national attention surrounding school choice has centered on families' decisions to enroll in charter schools, in Michigan, students can enroll in charter schools (called public school academies) or they can enroll in neighboring school districts outside of their home districts. The latter option is governed by a set of laws and policies known as "Schools of Choice." More than 20 percent of all Michigan students have taken advantage of these two sets of options to attend choice schools each year since 2014-15, with nine percent attending charter schools and thirteen percent attending non-resident traditional public school districts during the 2016-17 school year.<sup>2</sup> This policy brief focuses on Schools of Choice.

Although nearly all states offer similar interdistrict choice programs to some degree—some voluntary, others mandatory for district participation<sup>3</sup>—a particular feature of Michigan's Schools of Choice program is that subject to a broad set of [state-mandated guidelines](#), school districts are free to develop their own rules and regulations governing their local choice policies once they elect to enroll non-resident students.<sup>4</sup> Districts that participate in Schools of Choice can place limits on the number of students they will accept and in which grades, schools, and programs, set enrollment deadlines, and decide whether or not to offer transportation to non-resident students. Such local discretion has the potential to create unequal access to school choice. In particular, more limits, earlier deadlines, and little provision of transportation may serve as barriers to access for students from disadvantaged backgrounds.<sup>5</sup>

This brief analyzes original data collected by the Education Policy Innovation Collaborative ([EPIC](#)) from 84% of Michigan districts<sup>6</sup> as well data made publicly available by the Michigan Department of Education (MDE) and the Center for Educational Performance and Information (CEPI) to report differences in local rules and regulations governing Schools of Choice. The brief describes: which districts participate in Schools of Choice; the timing of application deadlines; the use of transportation to enroll out-of-district students; the use of other forms of enrollment limits; and a general profile of which types of districts practice these enrollment policies.

## KEY FINDINGS

- 97% of Michigan school districts participate in Schools of Choice, offering at least some non-resident students enrollment in their districts.

- Roughly two-thirds of districts require non-resident students to enroll within a month of the start of the upcoming school year. One-third require enrollment as early as the previous spring or winter.
- Urban and suburban districts located near economically disadvantaged, high minority districts, and districts with higher average test scores are more likely to have earlier non-resident enrollment deadlines.
- Fewer than half of districts for which we have information offer out-of-district transportation to Schools of Choice students.<sup>7</sup> Fewer than 10 percent send their school buses outside of district boundaries to pick up non-resident students.
- Rural districts and districts located in intermediate school districts (ISDs) that do not also contain an economically disadvantaged or high minority district are more likely to offer transportation.
- Almost all districts that participate in Schools of Choice limit participation of non-resident students, whether through an enrollment cap or grade or school limit. Higher achieving districts are more likely to have limits on overall non-resident enrollment and have limits on the grades they accept non-resident students.

#### **SUMMARY OF STATE-LEVEL SCHOOLS OF CHOICE GUIDELINES**

Under Schools of Choice, two general forms of non-resident student enrollment are used by Michigan traditional public school districts: Section 105, which allows students from other local districts within the same ISD to attend a non-resident district; and Section 105c, which allows students from nearby ISDs to attend a particular non-resident district.<sup>8</sup> In addition to Schools of Choice, groups of neighboring districts may enter into cooperative arrangements to provide non-resident enrollment to each other.

All districts that participate in Schools of Choice are bound by a general set of statewide guidelines, including:

- Requirements to publish information pertaining to enrollment deadlines, grade or other enrollment limits, and the availability of transportation.
- Deference to local district policies on whether to provide transportation is offered to non-residents.<sup>9</sup>
- The right to deny choice to students suspended within the previous two academic years or to students ever expelled from another district.
- Restrictions on districts' abilities to deny choice to students using special educational services *unless* the student is applying from another ISD under 105c if the two neighboring ISDs have not made prior agreements.
- Prohibition on the use of race, gender, age, national origin or other violations of federal law prohibiting discrimination.

Beyond these general guidelines, districts are free to make decisions pertaining to when students may enroll, which schools are eligible to receive students, and how many students each year may enroll.

## DATA COLLECTION

For this brief, we use data made publicly available by the Michigan Center for Educational Performance and Information (CEPI) for the 2018-19 school year and information we collected about local Schools of Choice policies from districts' publicly available websites, a survey of district leaders conducted by EPIC over the summer of 2019, and the coding of Schools of Choice applications from districts obtained from either district websites or information provided in the survey. To supplement this analysis, EPIC also downloaded applications and other publicly available materials from the website hosted by the [Mackinac Center for Public Policy](#)<sup>10</sup> during the same time period. All data reference the most recent year available, typically the 2018-2019 school year. 84 percent of Michigan traditional public school either responded to EPIC's survey or had an application publicly available. In addition, the brief includes data on district demographics from the 2018-19 school year, also made publicly available by CEPI, and [maps](#) of district boundaries maintained by the Department of Management, Transportation and Budget.<sup>11</sup>

We consider a district to be participating in Section 105 or 105c if they have at least one student participating in that program during the 2018-19 school year or they stated that they participated either in the EPIC survey, on an application, or on their website.

### Definition of Terms

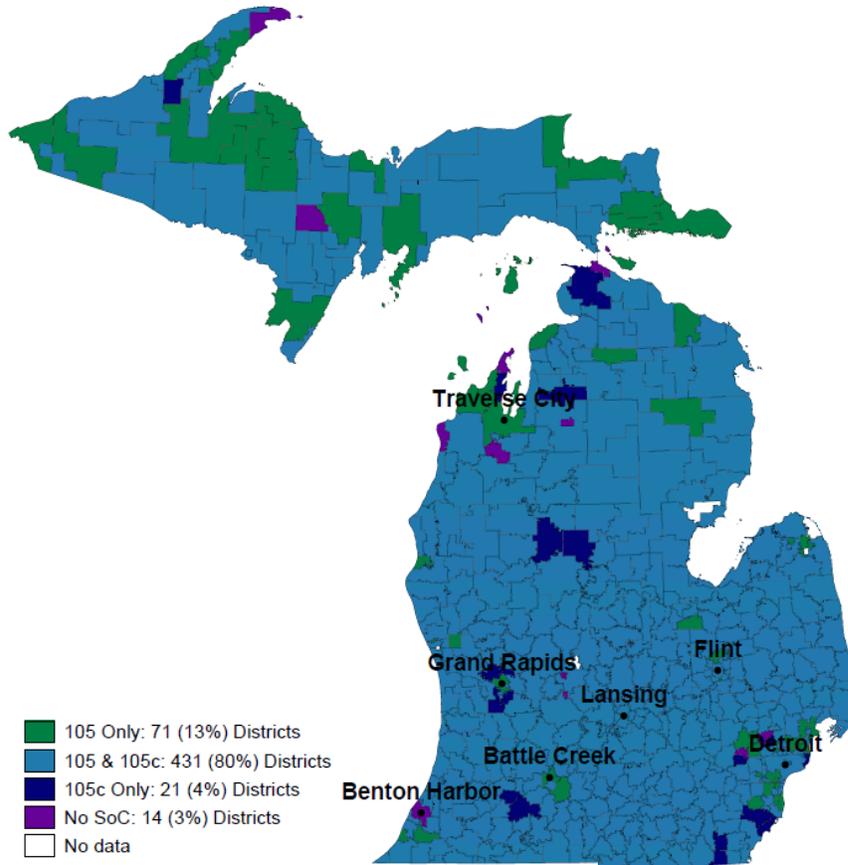
- **Offers Transportation:** District offers transportation to Schools of Choice students.
- **Early Deadline:** District application deadline for non-resident students is before August of the upcoming academic year.
- **Overall Limit:** District places a limit on the total number of students allowed to enroll via Schools of Choice.
- **Grade Limit:** District excludes certain grades from accepting Schools of Choice students.
- **School Limit:** District limits in which of its schools non-resident students may enroll.
- **Program Limit:** District restricts access for non-resident students to certain enrichment or academic programs.
- **High Underrepresented minority (URM), Economically Disadvantaged (ED), and Low Scoring Districts:** Districts that are in the top quartile (bottom for average district math M-STEP score in third grade) in the percent of students who are underrepresented minorities (Non-White, Non-Asian) or Economically Disadvantaged students according to state definitions. These are considered historically disadvantaged districts.<sup>12</sup>
- **In Same ISD as a High URM, ED, or Low-Scoring District:** District is in an ISD with a historically disadvantaged district as defined above.
- **Has Contiguous border with a High URM, ED, or Low-Scoring District:** District borders a district that is historically disadvantaged (regardless if it is in the same ISD.)

## RESULTS

Nearly all local districts in Michigan participated in Schools of Choice. Figure 1 indicates that 80% of all Michigan districts participated in both Sections 105 and 105c choice programs, with only 3% not enrolling any SoC students. Figure 1 also shows how these districts are spread

across the state, with the bulk of districts participating only in Section 105 (enrollment within the same ISD) located in northern, rural parts of Michigan.

**Figure 1: District Participation in Michigan Schools of Choice**



Note: Total number of districts: 537. Participation in Schools of Choice either determined by whether or not a student enrolled in the district under 105 or 105c during the 2018-19 school year or whether or not the district stated that they participated in Schools of Choice in the EPIC survey, application data, or on their website. “No Data” indicates that the districts have no students enrolled during the 2017-18 school year. Source: EPIC survey, Schools of Choice Application data, and the 2018-19 Non-Resident Status and Student Counts files created by the Center for Educational Performance and Information (CEPI) <https://www.mischooldata.org/>

Although the far majority of districts participate in Schools of Choice, Table 1 highlights important differences in the rules and regulations districts set for families considering their schools. For example, roughly half of districts for which we have information limit the overall number of students who can enroll in a given year, and large majorities of districts exclude non-resident students from accessing certain grades, specific schools, or particular enrichment programs. Nearly a third of Schools of Choice districts in our sample have early application deadlines (defined as an application deadline prior to August of the upcoming school year) and less than half of districts offer transportation to non-resident students.

**Table 1: District Limits on Participation in Schools of Choice**

	Section 105		Section 105c	
	N	Percent	N	Percent
Limits the Overall Number of Students	320	52%	273	52%
Excludes Certain Grades	320	74%	273	71%
Excludes Certain Schools	320	62%	273	59%
Excludes Certain Programs	320	53%	273	52%
Early Application Deadline	331	32%	291	28%
Offers Transportation to Non-Residents	371	44%	344	45%

Note: The Ns represent the number of districts that have complete information concerning each restriction. Percents represent the percent of districts for which we have complete information that have that restriction. For example, 52% of the 320 districts with reported information have limits on the overall number of students that can enroll in a district via Schools of Choice. Early deadlines are defined as districts requiring enrollment prior to August of the upcoming school year. Source: EPIC survey, Schools of Choice Application data, and the 2018-19 Non-Resident Status and Student Counts files created by the Center for Educational Performance and Information (CEPI) <https://www.mischooldata.org/>

Tables 2-4 (which focus only on Section 105 students; results are similar for 105c students) and Figures 2 and 3 provide more detail. Table 2 indicates that districts are more likely to have grade restrictions if they are located in or contiguous to an ISD with a high economically disadvantaged district. Enrollment limits are more prevalent in rural areas, perhaps due to capacity constraints.

**Table 2: District Enrollment and Grade Limits for Section 105 Students**

	<i>No Overall Limit</i>	<i>Has Overall Limit</i>	<i>No Grade Limit</i>	<i>Has Grade Limit</i>
Number of Districts	153	167	84	236
Pct. Suburban	37%	31%	29%	36%
Pct. City	9%	7%	10%	8%
Town	20%	18%	25%	17%
Rural	33%	44%	37%	39%
Std. District Average 3 <sup>rd</sup> Grade Math Score	-0.09	0.11	-0.31	0.13
Std. District Average 3 <sup>rd</sup> Grade ELA Score	-0.09	0.11	-0.31	0.13
Avg. Pct. White	75%	77%	76%	76%
Avg. Pct. Asian	2%	2%	1%	2%
Avg. Pct. Black	12%	8%	11%	9%
Avg. Pct. Hispanic	7%	9%	7%	8%
Avg. Pct. Other Race	5%	5%	5%	5%
Avg. Pct. Econ. Dis.	52%	50%	56%	49%
Avg. Pct. Female	48%	49%	49%	48%
In Same ISD as High URM District	67%	72%	63%	72%
In Same ISD as Low Achieving District	85%	87%	82%	88%
In Same ISD as High Econ. Dis. District	80%	87%	74%	87%
Contiguous with High URM District	59%	61%	54%	63%
Contiguous with Low Achieving District	62%	69%	61%	68%
Contiguous with High Econ. Dis. District	60%	67%	56%	67%

Note: Total number of districts with limit information: 320. Number of districts with publicly available test scores: 314. Source: EPIC survey, Schools of Choice Application data, and the 2018-19 Non-Resident Status and Student Counts files created by the Center for Educational Performance and Information (CEPI) <https://www.mischooldata.org/>

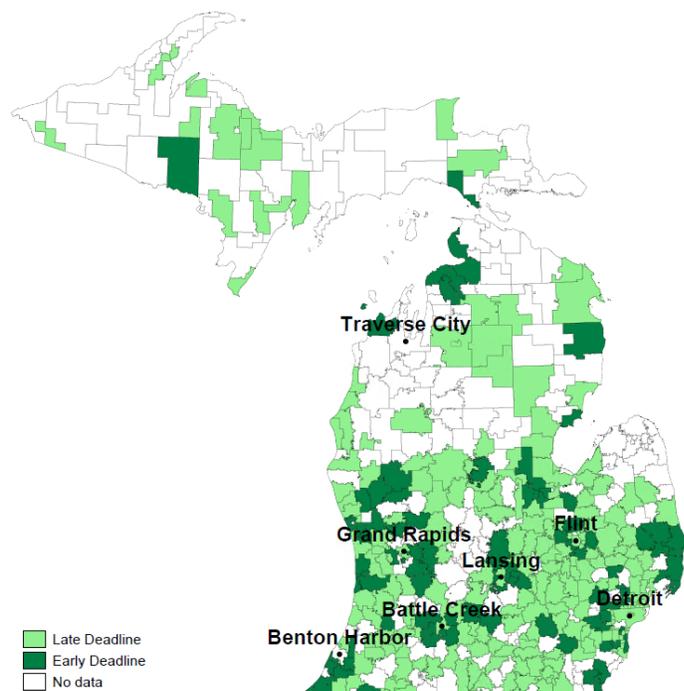
Tables 3 and 4 and Figures 2 and 3 provide details about the kinds of Schools of Choice districts that have early application deadlines and offer non-resident students transportation. Table 3 shows that districts with earlier application deadlines have higher test scores and are disproportionately located in urban and suburban areas, and in particular around areas with high minority populations. Rural districts are more likely to offer transportation to Schools of Choice students. In addition, districts that are located in ISDs that do not house districts with high proportions of underrepresented minority or economically disadvantaged students are more likely to offer transportation.

**Table 3: District Enrollment Deadlines and Transportation Policies for Section 105 Students**

	<i>Early Deadline</i>	<i>Later Deadline</i>	<i>Does Not Offer Transportation</i>	<i>Offers Transportation</i>
<b>Number of Districts</b>	106	225	208	163
<b>Pct. Suburban</b>	47%	30%	38%	24%
<b>Pct. City</b>	10%	8%	13%	2%
<b>Town</b>	12%	21%	13%	25%
<b>Rural</b>	30%	42%	36%	50%
<b>Std. District Average 3<sup>rd</sup> Grade Math Score</b>	0.41	-0.13	0.03	0.03
<b>Std. District Average 3<sup>rd</sup> Grade ELA Score</b>	0.44	-0.13	0.05	0.01
<b>Avg. Pct. White</b>	76%	76%	73%	82%
<b>Avg. Pct. Asian</b>	3%	1%	2%	1%
<b>Avg. Pct. Black</b>	8%	11%	11%	6%
<b>Avg. Pct. Hispanic</b>	8%	7%	8%	6%
<b>Avg. Pct. Other Race</b>	5%	5%	5%	5%
<b>Avg. Pct. Econ. Dis.</b>	43%	53%	51%	51%
<b>Avg. Pct. Female</b>	48%	48%	48%	49%
<b>In Same ISD as High URM District</b>	85%	70%	82%	57%
<b>In Same ISD as Low Achieving District</b>	91%	83%	89%	81%
<b>In Same ISD as High Econ. Dis. District</b>	87%	83%	91%	78%
<b>Contiguous with High URM District</b>	75%	59%	67%	50%
<b>Contiguous with Low Achieving District</b>	70%	65%	67%	66%
<b>Contiguous with High Econ. Dis. District</b>	68%	63%	66%	63%

Note: Total number of districts with application deadline information: 331. Number of districts with application deadline information and publicly available test scores: 326. Total number of districts with transportation information: 371. Number of districts with transportation information and publicly available test scores: 362. Source: EPIC survey, Schools of Choice Application data, and the 2018-19 Non-Resident Status and Student Counts files created by the Center for Educational Performance and Information (CEPI) <https://www.mischooldata.org/>

**Figure 2: Statewide District Section 105 Enrollment Deadlines**



Note: Total number of districts with application deadline information: 331. Source: EPIC survey, Schools of Choice Application data, and the 2018-19 Non-Resident Status and Student Counts files created by the Center for Educational Performance and Information (CEPI) <https://www.mischooldata.org/>

Figures 2 and 3 show these differences in early deadline and transportation policies across the state. Figure 2 shows that districts with earlier enrollment deadlines are clustered around Michigan’s cities—especially places like Detroit, Flint, Battle Creek and Benton Harbor. Similarly, those cities are heavily surrounded by districts that do not provide transportation to non-resident students even when they offer Schools of Choice enrollment.

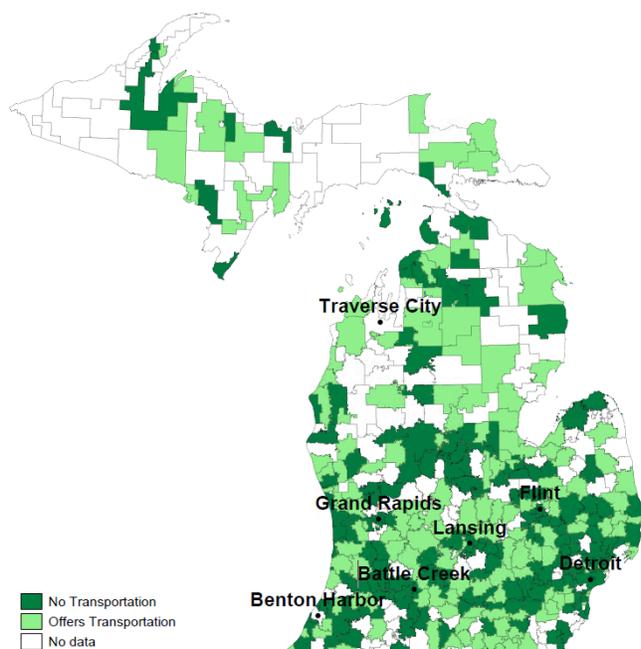
Table 4 offers more information on district transportation policy: even in those districts offering transportation in some form, most require parents to bring their children to a bus stop on a regular route within the district borders.

**Table 4: District Transportation Rules for Section 105 Students**

	<i>Number of Districts</i>	<i>Percent</i>
<b>Does not offer transportation</b>	208	56%
<b>Provides transportation for students with disabilities only</b>	11	3%
<b>At a bus stop within district boundaries only</b>	118	32%
<b>Offers transportation on or past district boundary</b>	9	2%
<b>Some transportation provided–location unspecified</b>	25	7%

Note: Total number of districts with transportation information: 371. Source: EPIC survey, Schools of Choice Application data, and the 2018-19 Non-Resident Status and Student Counts files created by the Center for Educational Performance and Information (CEPI) <https://www.mischooldata.org/>

**Figure 3: Statewide District Section 105 Transportation Policies**



Note: Total number of districts with transportation information: 371 Source: EPIC survey, Schools of Choice Application data, and the 2018-19 Non-Resident Status and Student Counts files created by the Center for Educational Performance and Information (CEPI) <https://www.mischooldata.org/>

### **IMPLICATIONS**

Michigan’s Schools of Choice program is used by the vast majority of districts within the state. Districts ranging from those in densely populated urban areas to those in remote rural locations participate in the program, and substantial proportions of students in surrounding communities use this system to enroll in schools beyond their residential location. In particular, Schools of Choice enables students in rural districts to participate at rates comparable to the use of charter schools in more heavily urban locations.<sup>13</sup> However, such widespread participation in the program masks differences in the extent to which districts provide access to their schools for students in neighboring communities.

In particular, across all categories of district rules—transportation, deadlines, and enrollment caps—one major pattern stands out. The widespread participation in Schools of Choice by districts across Michigan does not by itself ensure equitable access for Michigan students to schools outside of residential boundaries. Whether and to what extent parents have access to schools in neighboring districts is at least partly determined by their ability to transport their children to those schools, their ability to enroll during a timeframe close to the start of the school year, and the limits on enrollment, school availability, and grade-span that districts place on their Schools of Choice programs.

This brief shows that districts located near poorer districts or districts with higher rates of students of color—especially those located around metropolitan areas—require early deadlines (in some cases as early as the Spring prior to fall enrollment) and restrict access to school transportation for students living outside of their districts. These policies, in practice, could limit access to these districts for some of the most vulnerable populations.<sup>14</sup> In addition,

there are substantial limits on the overall number of students, which schools, and which grades families can enroll in from outside their home locations. These limits may serve as additional barriers to entry into more advantaged districts and/or those with higher levels of academic achievement.

## Acknowledgements

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**Disclaimer:** *This research uses data collected and maintained by the Michigan Department of Education (MDE) and/or Michigan's Center for Educational Performance and Information (CEPI). Results, information and opinions solely represent the analysis, information and opinions of the author(s) and are not endorsed by, or reflect the views or positions of, grantors, MDE and CEPI or any employee thereof. All errors are our own*

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<sup>1</sup> Cowen, J. M., & Toma, E. F. (2015). Emerging alternatives to neighborhood-based public schooling. *Handbook of research in education finance and policy*, 468-488.

<sup>2</sup> Edwards, D.S. & Cowen, J. (2019). Who Chooses? Charter and Non-Resident School Enrollment in Michigan *EPIC Policy Brief* <https://epicedpolicy.org/who-chooses-charter-and-non-resident-school-enrollment-in-michigan/>

<sup>3</sup> Cowen, J. M., & Toma, E. F. (2015). Emerging alternatives to neighborhood-based public schooling. *Handbook of research in education finance and policy*, 468-488

<sup>4</sup> Michigan Department of Education Schools of Choice Guidelines [https://www.michigan.gov/documents/mde/Schools\\_of\\_Choice\\_Definitions\\_Rev\\_427882\\_7.pdf](https://www.michigan.gov/documents/mde/Schools_of_Choice_Definitions_Rev_427882_7.pdf)

<sup>5</sup> Research across the country has shown that simplifying enrollment policies leads to more enrollment in choice programs by historically disadvantaged families. In addition, districts in Ohio that surround high poverty districts and urban districts with high rates of minority students are those least likely to participate in interdistrict choice at all—a pattern we find here with more restrictive enrollment plans. See Barnum, M. (2015) “Denver Study Shows Simplifying Enrollment Drove More Disadvantaged Students to Sign Up for Charter Schools” *The 74* <https://www.the74million.org/article/denver-study-shows-simplifying-enrollment-drove-more-disadvantaged-students-to-sign-up-for-charter-schools/>; Carlson, D. & Lavertu, S. (2017) “Interdistrict Open Enrollment in Ohio: Participation and Student Outcomes” *Thomas B. Fordham Institute Report* <https://fordhaminstitute.org/ohio/research/interdistrict-open-enrollment-ohio-participation-and-student-outcomes>

<sup>6</sup> There are 537 traditional public school districts that educated at least one student in 2018-19. EPIC was able to collect application and/or survey data from 453 (84%) of these districts. Our analyses rely on this subset of districts. These are the Michigan local education agencies (LEAs) for which EPIC was able to obtain data discussed herein.

<sup>7</sup> EPIC was able to obtain information transportation policies from 371 of 431 Michigan LEAs that participate in Section 105.

<sup>8</sup> Michigan Department of Education Schools of Choice Guidelines [https://www.michigan.gov/documents/mde/Schools\\_of\\_Choice\\_Definitions\\_Rev\\_427882\\_7.pdf](https://www.michigan.gov/documents/mde/Schools_of_Choice_Definitions_Rev_427882_7.pdf)

<sup>9</sup> Transportation, if provided, is free. Although some states allow districts to charge for transportation, in Michigan those fees are prohibited, and Schools of Choice transportation policy must follow state law regarding student transportation. See, e.g., Michigan Department of Education Pupil Transportation Guidelines [https://www.michigan.gov/mde/0,4615,7-140-74638\\_38338---,00.html](https://www.michigan.gov/mde/0,4615,7-140-74638_38338---,00.html) ; Florida Legislative Office of Program Policy Analysis and Government Accountability Report No. 11-24 (2011) <https://oppaga.fl.gov/Documents/Reports/11-24.pdf>

Michigan Revised School Code (Act 451 of 1976) Section 380.1321 [http://www.legislature.mi.gov/\(S\(lb4dwwrubrlniepi4aovx0ur\)\)/mileg.aspx?page=getObject&objectName=mcl-380-1321&highlight=revised%20school%20code;](http://www.legislature.mi.gov/(S(lb4dwwrubrlniepi4aovx0ur))/mileg.aspx?page=getObject&objectName=mcl-380-1321&highlight=revised%20school%20code;)

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<sup>10</sup> Accessing Public Schools Mackinac Center for Public Policy Brief 9/12/17 <https://www.mackinac.org/23945>

<sup>11</sup> <https://michigan.maps.arcgis.com/apps/webappviewer/index.html?id=438dc453faf749d786e0c6e8be731cfd>

<sup>12</sup> To determine low scoring districts, we use district average scaled scores for the 2018-19 3<sup>rd</sup> Grade Mathematics M-STEP test made publicly available by CEPI. We standardize these for ease of interpretation. Due to small sample sizes, 13 of our 453 (<3%) responding districts do not have publicly reported average test scores.

<sup>13</sup> Edwards, D.S. & Cowen, J. (2019) Who Chooses? Charter and Non-Resident School Enrollment in Michigan *EPIC Policy Brief* <https://epicedpolicy.org/who-chooses-charter-and-non-resident-school-enrollment-in-michigan/>

<sup>14</sup> Although the evidence we provide in this brief does not imply district intent, research across the country has shown that simplifying enrollment policies leads to more enrollment in choice programs by historically disadvantaged families. In addition, districts in Ohio that surround high poverty districts and urban districts with high rates of minority students are those least likely to participate in interdistrict choice at all—a pattern we find here with more restrictive enrollment plans. See Barnum, M. (2015) “Denver Study Shows Simplifying Enrollment Drove More Disadvantaged Students to Sign Up for Charter Schools” *The 74* <https://www.the74million.org/article/denver-study-shows-simplifying-enrollment-drove-more-disadvantaged-students-to-sign-up-for-charter-schools/>; Carlson, D. & Lavertu, S. (2017) “Interdistrict Open Enrollment in Ohio: Participation and Student Outcomes” *Thomas B. Fordham Institute Report* <https://fordhaminstitute.org/ohio/research/interdistrict-open-enrollment-ohio-participation-and-student-outcomes>