

HOUSE BILL No. 4155

February 18, 1987, Introduced by Reps. WALBERG, NYE, WILLIS BULLARD, MIDDAGH, HILLEGONDS, BANDSTRA, DeLANGE, KRAUSE, OUWINGA, RANDALL, HONIGMAN, BRYANT, GNODTKE, HOEKMAN, TRIM, MILLER, O'CONNOR, VAN SINGEL, ALLEN and KOSTEVA and referred to the Committee on Education.

A bill to amend the title and sections 1284 and 1561 of Act No. 451 of the Public Acts of 1976, entitled as amended "The school code of 1976," being sections 380.1284 and 380.1561 of the Michigan Compiled Laws; and to add part 23a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1284 and 1561 of Act
2 No. 451 of the Public Acts of 1976, being sections 380.1284 and
3 380.1561 of the Michigan Compiled Laws, are amended and part 23a
4 is added to read as follows:

5	TITLE
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6 An act to provide a system of public instruction and elemen-
7 tary and secondary schools; to revise, consolidate, and classify
8 the laws relating to elementary and secondary education; to
9 provide for the classification, organization, regulation, and

1 maintenance of schools, school districts, and intermediate school
2 districts; to prescribe rights, powers, duties, and privileges of
3 schools, school districts, and intermediate school districts; to
4 provide for school elections and to prescribe powers and duties
5 with respect thereto; TO PROVIDE FOR THE EXISTENCE OF HOME STUDY
6 PROGRAMS AND TO PRESCRIBE THE POWERS AND DUTIES OF CERTAIN PER-
7 SONS WITH RESPECT THERETO; to provide for the levy and collection
8 of taxes; to provide for the borrowing of money and issuance of
9 bonds and other evidences of indebtedness; to provide for and
10 prescribe the powers and duties of certain boards and officials;
11 to provide for licensure of boarding schools; to prescribe penal-
12 ties; and to repeal certain acts and parts of acts.

13 Sec. 1284. (1) The board of a school district shall deter-
14 mine the length of the school term. The minimum number of days
15 of student instruction shall be 180. A district failing to hold
16 180 days of student instruction shall forfeit 1/180 of its total
17 state school aid for each day of failure. Not later than
18 August 1, the board of each district shall certify to the state
19 board the number of days of student instruction in the previous
20 school year. If the district did not hold at least 180 days of
21 student instruction, the deduction of state school aid shall be
22 made in the following fiscal year from the first payment of state
23 school aid. Days lost because of strikes or teachers' confer-
24 ences shall not be counted as days of student instruction.

25 (2) The state board shall promulgate rules for the implemen-
26 tation of this section.

1 (3) THIS SECTION DOES NOT APPLY TO HOME STUDY PROGRAMS
2 DESCRIBED IN PART 23A.

3 PART 23A

4 HOME STUDY PROGRAMS

5 SEC. 1551. A PARENT OR GUARDIAN MAY TEACH HIS OR HER CHIL-
6 DREN IN A HOME STUDY PROGRAM OR EMPLOY A TUTOR TO DO SO IF THE
7 PROGRAM MEETS ALL OF THE FOLLOWING REQUIREMENTS:

8 (A) THE PARENT OR GUARDIAN, WITHIN 30 DAYS AFTER THE ESTAB-
9 LISHMENT OF A HOME STUDY PROGRAM, SUBMITS TO THE SUPERINTENDENT
10 OF THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE HOME STUDY PRO-
11 GRAM IS LOCATED A DECLARATION OF INTENT TO UTILIZE A HOME STUDY
12 PROGRAM. THE DECLARATION OF INTENT REQUIRED BY THIS SUBDIVISION
13 SHALL INCLUDE THE NUMBER OF PUPILS WHO ARE ENROLLED IN THE HOME
14 STUDY PROGRAM AND THE ADDRESS WHERE THE HOME STUDY PROGRAM IS
15 LOCATED.

16 (B) THE PARENT OR GUARDIAN TEACHES HIS OR HER OWN CHILDREN
17 OR EMPLOYS A TUTOR WHO POSSESSES A COLLEGE DEGREE OR EQUIVALENT
18 LIFE EXPERIENCE.

19 (C) THE HOME STUDY PROGRAM PROVIDES NOT LESS THAN 180 DAYS
20 OF PUPIL INSTRUCTION.

21 (D) THE PUPILS IN A HOME STUDY PROGRAM TAKE A NATIONALLY
22 STANDARDIZED NORM REFERENCE TEST, UNIVERSITY-OFFERED TEST, GEN-
23 ERAL EDUCATIONAL DEVELOPMENT PRACTICE TEST, OR SIMILAR TEST
24 DETERMINED BY THE PARENT OR GUARDIAN AND ADMINISTERED IN CONSUL-
25 TATION WITH A PERSON TRAINED IN THE ADMINISTRATION OF SUCH TESTS
26 TO EVALUATE THE PUPILS' EDUCATIONAL PROGRESS DURING THE 4TH, 7TH,
27 AND 10TH GRADES. RECORDS OF THESE TESTS AND SCORES SHALL BE

1 RETAINED BY THE PARENT OR GUARDIAN, BUT NEED NOT BE SUBMITTED TO
2 PUBLIC EDUCATIONAL AUTHORITIES OR ANY OTHER STATE AGENCY.

3 (E) THE TEACHING PARENT OR GUARDIAN WRITES AN ANNUAL
4 PROGRESS ASSESSMENT REPORT FOR EACH PUPIL THAT INCLUDES THE
5 INSTRUCTOR'S INDIVIDUALIZED ASSESSMENT OF THE PUPIL'S ACADEMIC
6 PROGRESS IN EACH OF THE SUBJECT AREAS BEING TAUGHT. THE PARENTS
7 OR GUARDIANS OF THE PUPILS IN THE HOME STUDY PROGRAM SHALL RETAIN
8 THE PROGRESS REPORTS FOR A PERIOD OF AT LEAST 3 YEARS.

9 SEC. 1552. EXCEPT WITH THE PERMISSION OF THE PARENT OR
10 GUARDIAN OF A PUPIL OR PURSUANT TO AN ORDER OF A COURT OF COMPE-
11 TENT JURISDICTION, ENROLLMENT RECORDS AND REPORTS REQUIRED BY
12 SECTION 1551(A) AND (E) SHALL NOT BE USED FOR ANY PURPOSE EXCEPT
13 TO PROVIDE NECESSARY ENROLLMENT INFORMATION.

14 SEC. 1553. ANY PERSON WHO OPERATES A HOME STUDY PROGRAM
15 WITHOUT COMPLYING WITH THE REQUIREMENTS OF SECTION 1551 MAY BE
16 FINED NOT MORE THAN \$100.00 ANNUALLY.

17 SEC. 1554. AN INTERMEDIATE SCHOOL DISTRICT IN WHICH A HOME
18 STUDY PROGRAM IS LOCATED ANNUALLY MAY REQUEST ONLY THE NUMBER OF
19 PUPILS BEING TAUGHT IN THE HOME SCHOOL.

20 Sec. 1561. (1) Except as provided in subsections (2) and
21 (3), every parent, guardian, or other person in this state having
22 control and charge of a child from the age of 6 to the child's
23 sixteenth birthday, shall send that child to the public schools
24 during the entire school year. The child's attendance shall be
25 continuous and consecutive for the school year fixed by the
26 school district in which the child is enrolled. In a school
27 district which maintains school during the entire calendar year

1 and in which the school year is divided into quarters, a child
2 shall not be compelled to attend the public school more than 3
3 quarters in 1 calendar year, but a child shall not be absent for
4 2 consecutive quarters.

5 (2) A child becoming 6 years of age before December 1 shall
6 be enrolled on the first school day of the school year in which
7 the child's sixth birthday occurs. A child becoming 6 years of
8 age on or after December 1 shall be enrolled on the first school
9 day of the school year following the school year in which the
10 child's sixth birthday occurs.

11 (3) A child shall not be required to attend the public
12 schools in the following cases:

13 (a) A child who is attending regularly and is being taught
14 in a state approved nonpublic school. ~~, which teaches subjects~~
15 ~~comparable to those taught in the public schools to children of~~
16 ~~corresponding age and grade, as determined by the course of study~~
17 ~~for the public schools of the district within which the nonpublic~~
18 ~~school is located.~~

19 (B) A CHILD WHO IS BEING TAUGHT IN A HOME STUDY PROGRAM.

20 (C) ~~(b)~~ A child who is regularly employed as a page or
21 messenger in either house of the legislature during the period of
22 the employment.

23 (D) ~~(c)~~ A child under 9 years of age who does not reside
24 within 2-1/2 miles by the nearest traveled road of a public
25 school. If transportation is furnished for pupils in the school
26 district of the child's residence, this exemption does not
27 apply.

1 (E) ~~(d)~~ A child from the age of 12 to the child's
2 fourteenth birthday while in attendance at confirmation classes
3 conducted for a period of not to exceed 5 months in either of
4 those years.

5 (F) ~~(e)~~ A child who is regularly enrolled in the public
6 schools while in attendance at religious instruction classes for
7 not more than 2 class hours per week, off public school property
8 during public school hours, upon written request of the parent,
9 guardian, or person in loco parentis under rules promulgated by
10 the state board.