

HOUSE BILL No. 4379

February 27, 2001, Introduced by Reps. DeWeese, Gosselin, Julian, Kooiman, Vander Veen, Garcia, Voorhees and Kuipers and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5 and 1561 (MCL 380.5 and 380.1561), section 5 as amended by 1999 PA 23 and section 1561 as amended by 1996 PA 339.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Local act school district" or "special act
2 school district" means a district governed by a special or local
3 act or chapter of a local act. "Local school district" and
4 "local school district board" as used in article 3 include a
5 local act school district and a local act school district board.

6 (2) "Membership" means the number of full-time equivalent
7 pupils in a public school as determined by the number of pupils
8 registered for attendance plus pupils received by transfer and
9 minus pupils lost as defined by rules promulgated by the ~~state~~

1 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION. A NONPUBLIC SCHOOL
2 STUDENT WHO IS ENROLLED PART-TIME IN A SCHOOL DISTRICT OR INTER-
3 MEDIATE SCHOOL DISTRICT IS CONSIDERED A PART-TIME PUPIL AND SHALL
4 BE COUNTED TOWARD DETERMINING THE SCHOOL DISTRICT'S OR INTERMEDI-
5 ATE SCHOOL DISTRICT'S FULL-TIME EQUATED MEMBERSHIP ON THE SAME
6 BASIS AS ANY OTHER PART-TIME PUPIL.

7 (3) "Nonpublic school" means a private, denominational, or
8 parochial school.

9 (4) "Objectives" means measurable pupil academic skills and
10 knowledge.

11 (5) "Public school" means a public elementary or secondary
12 educational entity or agency that is established under this act,
13 has as its primary mission the teaching and learning of academic
14 and vocational-technical skills and knowledge, and is operated by
15 a school district, local act school district, special act school
16 district, intermediate school district, public school academy
17 corporation, strict discipline academy corporation, or by the
18 department or state board. Public school also includes a labora-
19 tory school or other elementary or secondary school that is con-
20 trolled and operated by a state public university described in
21 section 4, 5, or 6 of article VIII of the state constitution of
22 1963.

23 (6) "Public school academy" means a public school academy
24 established under part 6a and, except as used in part 6a, also
25 includes a strict discipline academy established under sections
26 1311b to 1311l.

1 (7) "Pupil membership count day" of a school district means
2 that term as defined in section 6 of the state school aid act of
3 1979, MCL 388.1606.

4 (8) "Reorganized intermediate school district" means an
5 intermediate school district formed by consolidation or annexa-
6 tion of 2 or more intermediate school districts under sections
7 701 and 702.

8 (9) "Rule" means a rule promulgated pursuant to the adminis-
9 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to
10 24.328.

11 Sec. 1561. (1) Except as otherwise provided in this sec-
12 tion, every parent, guardian, or other person in this state
13 having control and charge of a child from the age of 6 to the
14 child's sixteenth birthday shall send that child to a public
15 school during the entire school year. The child's attendance
16 shall be continuous and consecutive for the school year fixed by
17 the school district in which the child is enrolled. In a school
18 district that maintains school during the entire calendar year
19 and in which the school year is divided into quarters, a child is
20 not required to attend the public school more than 3 quarters in
21 1 calendar year, but a child shall not be absent for 2 or more
22 consecutive quarters.

23 (2) A child becoming 6 years of age before December 1 shall
24 be enrolled on the first school day of the school year in which
25 the child's sixth birthday occurs. A child becoming 6 years of
26 age on or after December 1 shall be enrolled on the first school

1 day of the school year following the school year in which the
2 child's sixth birthday occurs.

3 (3) A child is not required to attend a public school in any
4 of the following cases:

5 (a) The child is attending regularly and is being taught in
6 a state approved nonpublic school, which teaches subjects com-
7 parable to those taught in the public schools to children of cor-
8 responding age and grade, as determined by the course of study
9 for the public schools of the district within which the nonpublic
10 school is located.

11 (b) The child is less than 9 years of age and does not
12 reside within 2-1/2 miles by the nearest traveled road of a
13 public school. If transportation is furnished for pupils in the
14 school district of the child's residence, this subdivision does
15 not apply.

16 (c) The child is age 12 or 13 and is in attendance at con-
17 firmation classes conducted for a period of 5 months or less.

18 (d) The child is regularly enrolled in a public school while
19 in attendance at religious instruction classes for not more than
20 2 class hours per week, off public school property during public
21 school hours, upon written request of the parent, guardian, or
22 person in loco parentis under rules promulgated by the state
23 board.

24 (e) The child has graduated from high school or has ful-
25 filled all requirements for high school graduation.

26 (f) The child is being educated at the child's home by his
27 or her parent or legal guardian in an organized educational

1 program in the subject areas of reading, spelling, mathematics,
2 science, history, civics, literature, writing, and English
3 grammar.

4 (4) For a child being educated at the child's home by his or
5 her parent or legal guardian, exemption from the requirement to
6 attend public school may exist under either subsection (3)(a) or
7 (3)(f), or both.

8 (5) A PARENT OR LEGAL GUARDIAN OF A MINOR WHO IS ENROLLED IN
9 ANY OF GRADES 1 TO 12 IN A NONPUBLIC SCHOOL OR WHO IS BEING
10 HOME-SCHOOLED MAY ALSO ENROLL THE MINOR IN A SCHOOL DISTRICT,
11 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN ANY
12 CURRICULAR OFFERING AVAILABLE TO PUPILS IN THE MINOR'S GRADE
13 LEVEL OR AGE GROUP, SUBJECT TO COMPLIANCE WITH THE SAME REQUIRE-
14 MENTS THAT APPLY TO A FULL-TIME PUPIL'S PARTICIPATION IN THE
15 OFFERING AND SUBJECT TO THE CONDITIONS SPECIFIED IN SECTION 166B
16 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1766B. HOWEVER, IF
17 A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
18 ACADEMY ESTABLISHES ANY POLICIES, REQUIREMENTS, OR LIMITATIONS
19 FOR ENROLLMENT IN A CURRICULAR OFFERING UNDER THIS SUBSECTION,
20 SCHOOL OFFICIALS SHALL APPLY THOSE POLICIES, REQUIREMENTS, AND
21 LIMITATIONS EQUALLY TO BOTH FULL-TIME PUPILS AND MINORS ENROLLED
22 OR SEEKING TO ENROLL UNDER THIS SUBSECTION. THIS SUBSECTION DOES
23 NOT REQUIRE TRANSPORTATION FOR A MINOR ENROLLED UNDER THIS SUB-
24 SECTION OR SECTION 166B OF THE STATE SCHOOL AID ACT OF 1979, MCL
25 388.1766B, THAT IS NOT OTHERWISE REQUIRED UNDER THIS ACT.