

# HOUSE BILL No. 4049

January 27, 2005, Introduced by Reps. Lemmons, III, Lemmons, Jr., Meisner, Vagnozzi, Accavitti, Virgil Smith, Murphy, Farrah, Hopgood, Waters, Phillips and Steil and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1561 and 1596 (MCL 380.1561 and 380.1596),  
section 1561 as amended by 1996 PA 339.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1561. (1) Except as otherwise provided in this section,  
2       every parent, guardian, or other person in this state having  
3       control and charge of a child from the age of 6 to the child's  
4       ~~sixteenth~~ **EIGHTEENTH** birthday shall send that child to a public  
5       school during the entire school year. The child's attendance shall  
6       be continuous and consecutive for the school year fixed by the  
7       school district in which the child is enrolled. In a school  
8       district that maintains school during the entire calendar year and

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

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

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

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

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

23 (c) The child is age 12 or 13 and is in attendance at  
24 confirmation classes conducted for a period of 5 months or less.

25 (d) The child is regularly enrolled in a public school while  
26 in attendance at religious instruction classes for not more than 2  
27 class hours per week, off public school property during public

1 school hours, upon written request of the parent, guardian, or  
 2 person in loco parentis under rules promulgated by the state board.

3 (e) The child has graduated from high school or has fulfilled  
 4 all requirements for high school graduation.

5 (f) The child is being educated at the child's home by his or  
 6 her parent or legal guardian in an organized educational program in  
 7 the subject areas of reading, spelling, mathematics, science,  
 8 history, civics, literature, writing, and English grammar.

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

13 Sec. 1596. (1) The board of a school district other than a  
 14 primary school district may establish 1 or more ungraded schools  
 15 for the instruction of certain pupils classified in subsection (2).  
 16 The board may require the pupils to attend an ungraded school or a  
 17 department of the school as the board directs.

18 (2) ~~The following cases of persons, aged~~ **A CHILD AGE 7 to**  
 19 ~~the sixteenth~~ **HIS OR HER EIGHTEENTH** birthday ~~residing~~ **WHO**  
 20 **RESIDES** in the school district ~~shall be deemed~~ **AND WHO MEETS 1 OR**  
 21 **MORE OF THE FOLLOWING IS CONSIDERED A** juvenile disorderly ~~persons~~  
 22 **PERSON** and in the judgment of the proper school authorities may be  
 23 assigned to the ungraded school or department:

24 (a) ~~Class 1, habitual truants~~ **A CHILD WHO IS HABITUALLY**  
 25 **TRUANT** from the school in which ~~they are~~ **HE OR SHE IS** enrolled as  
 26 ~~pupils~~ **A PUPIL.**

27 (b) ~~Class 2, children~~ **A CHILD** who, while attending school,

1 ~~are~~ **IS** incorrigibly turbulent, disobedient, and insubordinate, or  
2 who ~~are~~ **IS** immoral in conduct.

3 (c) ~~Class 3, children~~ **A CHILD** who ~~are~~ **IS** not attending  
4 school and who habitually ~~frequent~~ **FREQUENTS** streets and other  
5 public places, having no lawful business, employment, or  
6 occupation.