

HOUSE BILL No. 4987

October 14, 2015, Introduced by Reps. Brunner, Cochran, Clemente, Plawecki, Phelps, Singh, Smiley, Liberati, Chirkun and Kosowski and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1147 and 1561 (MCL 380.1147 and 380.1561), section 1147 as amended by 2014 PA 479 and section 1561 as amended by 2009 PA 204.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1147. ~~(1) A child who is a resident of a school district~~
2 ~~that does not provide kindergarten and who is at least 5 years of~~
3 ~~age on the first day of enrollment of the school year may attend~~
4 ~~school in the school district.~~
5 ~~—— (2) Subject to subsection (3), for the 2013-2014 school year,~~
6 ~~a child who resides in the school district may enroll in~~
7 ~~kindergarten if the child is at least 5 years of age on November 1,~~

1 ~~2013. Subject to subsection (3), for the 2014-2015 school year, a~~
2 ~~child who resides in the school district may enroll in kindergarten~~
3 ~~if the child is at least 5 years of age on October 1, 2014.~~

4 (1) A SCHOOL DISTRICT SHALL PROVIDE KINDERGARTEN. THE LENGTH
5 OF THE SCHOOL DAY FOR THE KINDERGARTEN PROGRAM SHALL BE THE SAME AS
6 FOR OTHER ELEMENTARY GRADES PROVIDED BY THE SCHOOL DISTRICT.

7 (2) Subject to subsection (3), ~~beginning with the 2015-2016~~
8 ~~school year,~~ a child who resides in the school district may enroll
9 in kindergarten if the child is at least 5 years of age on
10 September 1 of the school year of enrollment.

11 (3) If a child residing in the school district or a child
12 eligible to enroll in and be counted in membership in the school
13 district under section 105 or 105c of the state school aid act of
14 1979, MCL 388.1705 and 388.1705c, is not 5 years of age on the
15 enrollment eligibility date specified in subsection (2), but will
16 be 5 years of age not later than December 1 of a school year, the
17 parent or legal guardian of that child may enroll the child in
18 kindergarten for that school year if the parent or legal guardian
19 notifies the school district in writing that he or she intends to
20 enroll the child in kindergarten for that school year. A school
21 district that receives this written notification may make a
22 recommendation to the parent or legal guardian of a child described
23 in this subsection that the child is not ready to enroll in
24 kindergarten due to the child's age or other factors. However,
25 regardless of this recommendation, the parent or legal guardian
26 retains the sole discretion to determine whether or not to enroll
27 the child in kindergarten under this subsection.

1 (4) The ages prescribed in this section for a child's
2 eligibility for enrollment in a school district also apply to a
3 child's eligibility to enroll in a public school academy.

4 (5) If a school district or public school academy enrolls any
5 children in kindergarten for a school year under subsection (3),
6 the school district or public school academy shall notify the
7 department of the number of those children enrolled by not later
8 than December 31 of that school year.

9 Sec. 1561. (1) **FOR A CHILD RESIDING IN THIS STATE WHO IS AT**
10 **LEAST AGE 5, THE CHILD'S PARENT, GUARDIAN, OR OTHER PERSON IN THIS**
11 **STATE HAVING CONTROL AND CHARGE OF THE CHILD SHALL SEND THAT CHILD**
12 **TO A PUBLIC SCHOOL DURING THE ENTIRE SCHOOL YEAR AS PROVIDED IN**
13 **SUBSECTION (2).** Except as otherwise provided in this section, for a
14 child who turned age 11 before December 1, 2009 or who entered
15 grade 6 before 2009, the child's parent, guardian, or other person
16 in this state having control and charge of the child shall send
17 that child to a public school during the entire school year ~~from~~
18 ~~the age of 6 to~~ **UNTIL** the child's sixteenth birthday. Except as
19 otherwise provided in this section, for a child who turns age 11 on
20 or after December 1, 2009 or a child who was age 11 before that
21 date and enters grade 6 in 2009 or later, the child's parent,
22 guardian, or other person in this state having control and charge
23 of the child shall send the child to a public school during the
24 entire school year ~~from the age of 6 to~~ **UNTIL** the child's
25 eighteenth birthday. The child's attendance shall be continuous and
26 consecutive for the school year fixed by the school district in
27 which the child is enrolled. In a school district that maintains

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

5 (2) A child becoming ~~6-5~~ years of age before ~~December 1~~
6 **SEPTEMBER 1** shall be enrolled on the first school day of the school
7 year **THAT BEGINS IN THE CALENDAR YEAR** in which the child's ~~sixth~~
8 **FIFTH** birthday occurs, and a child becoming ~~6-5~~ years of age on or
9 after ~~December 1~~ **THAT DATE** shall be enrolled on the first school
10 day of the school year following ~~the~~ **THAT** school year. ~~in which the~~
11 ~~child's sixth birthday occurs.~~

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

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

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

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

26 (d) The child is regularly enrolled in a public school while
27 in attendance at religious instruction classes for not more than 2

1 class hours per week, off public school property during public
2 school hours, upon written request of the parent, guardian, or
3 person in loco parentis under rules promulgated by the state board.

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

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

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

14 (5) For a child who turns age 11 on or after December 1, 2009
15 or who was age 11 before that date and enters grade 6 in 2009 or
16 later, this section does not apply to the child if the child is at
17 least age 16 and the child's parent or legal guardian has provided
18 to school officials of the school district in which the child
19 resides a written notice that the child has the permission of the
20 parent or legal guardian to stop attending school.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.