

**THE REVISED SCHOOL CODE (EXCERPT)**  
**Act 451 of 1976**

**380.1147 Enrollment of child in kindergarten; age; eligibility; notification.**

Sec. 1147. (1) A child who is a resident of a school district that does not provide kindergarten and who is at least 5 years of age on the first day of enrollment of the school year may attend school in a public school operated by the school district or, for a community district or a school district that does not directly operate schools on its own, in another public school located within the geographic boundaries of the school district.

(2) Subject to subsection (3), beginning with the 2015-2016 school year, a child who is at least 5 years of age on September 1 of the school year of enrollment and who resides in the school district may enroll in kindergarten in a public school operated by the school district or, for a community district or a school district that does not directly operate schools on its own, in another public school located within the geographic boundaries of the school district.

(3) If a child residing in the school district or a child eligible to enroll in and be counted in membership in the school district under section 105 or 105c of the state school aid act of 1979, MCL 388.1705 and 388.1705c, is not 5 years of age on the enrollment eligibility date specified in subsection (2), but will be 5 years of age not later than December 1 of a school year, the parent or legal guardian of that child may enroll the child in kindergarten for that school year in a public school operated by the school district or, for a community district or a school district that does not directly operate schools on its own, in another public school located within the geographic boundaries of the school district if the parent or legal guardian notifies the public school in writing that he or she intends to enroll the child in kindergarten for that school year. A public school that receives this written notification may make a recommendation to the parent or legal guardian of a child described in this subsection that the child is not ready to enroll in kindergarten due to the child's age or other factors. However, regardless of this recommendation, the parent or legal guardian retains the sole discretion to determine whether or not to enroll the child in kindergarten under this subsection.

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

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

(6) This section does not require a school district to operate a public school directly on its own.

(7) This section does not apply to a school district that does not operate a public school directly but retains a limited separate identity for purposes of section 12, 12b, 863, 903, or 947.

(8) This section does not require a school district or public school academy that does not otherwise provide kindergarten to provide kindergarten.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2012, Act 198, Imd. Eff. June 26, 2012;—Am. 2014, Act 479, Imd. Eff. Jan. 13, 2015;—Am. 2016, Act 192, Imd. Eff. June 21, 2016.

**Constitutionality:** Shared time instruction of sectarian, nonpublic school students in and of itself is not violative of the Establishment Clause of the United States Constitution even where benefits to religion appear substantial; it is only where it is clear that the program was motivated wholly by religious considerations that a conflict with the clause would exist. Snyder v Charlotte Schools, 421 Mich 517; 365 NW2d 151 (1984).

Shared time instruction clearly is not intended to benefit one or all religions; rather, the purpose is secular: to provide educational opportunities at public schools for all resident school-age children whether they attend public or religious or secular nonpublic schools. Snyder v Charlotte Schools, 421 Mich 517; 365 NW2d 151 (1984).

**Popular name:** Act 451