

# HOUSE BILL No. 4250

February 16, 2017, Introduced by Reps. Sowerby, Green, Pagan, Zemke, Phelps, Chang, Elder and Greig and referred to the Committee on Education Reform.

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 2016 PA 192 and section 1561 as amended by 2016 PA 532.

**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 a public school operated by the school district or, for a~~  
5        ~~community district or a school district that does not directly~~  
6        ~~operate schools on its own, in another public school located within~~  
7        ~~the geographic boundaries of the school district.~~ **A SCHOOL DISTRICT**  
8        **SHALL PROVIDE KINDERGARTEN. THE LENGTH OF THE SCHOOL DAY FOR THE**  
9        **KINDERGARTEN PROGRAM SHALL BE THE SAME AS FOR OTHER ELEMENTARY**

**1 GRADES PROVIDED BY THE SCHOOL DISTRICT.**

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

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

1 parent or legal guardian retains the sole discretion to determine  
2 whether or not to enroll the child in kindergarten under this  
3 subsection.

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

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

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

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

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

19 Sec. 1561. (1) **FOR A CHILD RESIDING IN THIS STATE WHO IS AT**  
20 **LEAST AGE 5, THE CHILD'S PARENT, GUARDIAN, OR OTHER PERSON IN THIS**  
21 **STATE HAVING CONTROL AND CHARGE OF THE CHILD SHALL SEND THAT CHILD**  
22 **TO A PUBLIC SCHOOL DURING THE ENTIRE SCHOOL YEAR AS PROVIDED IN**  
23 **SUBSECTION (2).** Except as otherwise provided in this section, for a  
24 child who turned age 11 before December 1, 2009 or who entered  
25 grade 6 before 2009, the child's parent, guardian, or other person  
26 in this state having control and charge of the child shall send  
27 that child to a public school during the entire school year ~~from~~

1 ~~the age of 6 to~~ **UNTIL** the child's sixteenth birthday. Except as  
2 otherwise provided in this section, for a child who turns age 11 on  
3 or after December 1, 2009 or a child who was age 11 before that  
4 date and enters grade 6 in 2009 or later, the child's parent,  
5 guardian, or other person in this state having control and charge  
6 of the child shall send the child to a public school during the  
7 entire school year ~~from the age of 6 to~~ **UNTIL** the child's  
8 eighteenth birthday. The child's attendance shall be continuous and  
9 consecutive for the school year fixed by the school district in  
10 which the child is enrolled. In a school district that maintains  
11 school during the entire calendar year and in which the school year  
12 is divided into quarters, a child is not required to attend the  
13 public school more than 3 quarters in 1 calendar year, but a child  
14 shall not be absent for 2 or more consecutive quarters.

15 (2) A child becoming ~~6~~ **5** years of age **ON OR** before ~~December 1~~  
16 **SEPTEMBER 1** shall be enrolled on the first school day of the school  
17 year **THAT BEGINS IN THE CALENDAR YEAR** in which the child's ~~sixth~~  
18 **FIFTH** birthday occurs, and a child becoming ~~6~~ **5** years of age ~~on or~~  
19 after ~~December 1~~ **THAT DATE** shall be enrolled on the first school  
20 day of the school year following ~~the~~ **THAT** school year. ~~in which the~~  
21 ~~child's sixth birthday occurs.~~

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

24 (a) The child is attending regularly and is being taught in a  
25 state approved nonpublic school, which teaches subjects comparable  
26 to those taught in the public schools to children of corresponding  
27 age and grade, as determined by the course of study for the public

1 schools of the district within which the nonpublic school is  
2 located.

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

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

9 (d) The child is regularly enrolled in a public school while  
10 in attendance at religious instruction classes for not more than 2  
11 class hours per week, off public school property during public  
12 school hours, upon written request of the parent, guardian, or  
13 person in loco parentis.

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

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

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

24 (5) For a child who turns age 11 on or after December 1, 2009  
25 or who was age 11 before that date and enters grade 6 in 2009 or  
26 later, this section does not apply to the child if the child is at  
27 least age 16 and the child's parent or legal guardian has provided

1 to school officials of the school district in which the child  
2 resides a written notice that the child has the permission of the  
3 parent or legal guardian to stop attending school.

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