

HOUSE BILL NO. 4059

February 01, 2023, Introduced by Reps. Stone, Tsernoglou, Wilson, Tyrone Carter, Rheingans, Paiz, Byrnes, Miller, Conlin, Breen, Glanville and Andrews 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 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~~

1 ~~school in a public school operated by the school district or, for a~~
 2 ~~community district or a school district that does not directly~~
 3 ~~operate schools on its own, in another public school located within~~
 4 ~~the geographic boundaries of the school district.~~ **A school district**
 5 **shall provide kindergarten.**

6 (2) Subject to subsection (3), ~~beginning with the 2015-2016~~
 7 ~~school year,~~ a child who is at least 5 years of age on September 1
 8 of the school year of enrollment and who resides in the school
 9 district **or who is eligible to enroll in and be counted in**
 10 **membership in the school district under section 105 or 105c of the**
 11 **state school aid act of 1979, MCL 388.1705 and 388.1705c,** may
 12 enroll in kindergarten in a public school operated by the school
 13 district or, for a community district or a school district that
 14 does not directly operate schools on its own, in another public
 15 school located within the geographic boundaries of the school
 16 district.

17 (3) If a child residing in the school district or a child
 18 eligible to enroll in and be counted in membership in the school
 19 district under section 105 or 105c of the state school aid act of
 20 1979, MCL 388.1705 and 388.1705c, is not 5 years of age on the
 21 enrollment eligibility date specified in subsection (2), but will
 22 be 5 years of age not later than December 1 of a school year, the
 23 parent or legal guardian of that child may enroll the child in
 24 kindergarten for that school year in a public school operated by
 25 the school district or, for a community district or a school
 26 district that does not directly operate schools on its own, in
 27 another public school located within the geographic boundaries of
 28 the school district if the parent or legal guardian notifies the
 29 public school in writing that he or she intends to enroll the child

1 in kindergarten for that school year. A public school that receives
2 this written notification may make a recommendation to the parent
3 or legal guardian of a child described in this subsection that the
4 child is not ready to enroll in kindergarten due to the child's age
5 or other factors. However, regardless of this recommendation, the
6 parent or legal guardian retains the sole discretion to determine
7 whether or not to enroll the child in kindergarten under this
8 subsection.

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

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

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

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

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

24 Sec. 1561. (1) **For a child residing in this state who is at**
25 **least age 5, the child's parent, legal guardian, or other person in**
26 **this state having control and charge of the child shall send that**
27 **child to a public school during the entire school year as provided**
28 **in subsection (2).** Except as otherwise provided in this section,
29 for a child who turned age 11 before December 1, 2009 or who

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

22 (2) A child becoming ~~6~~ **5** years of age ~~on or before December~~
 23 **September 1** ~~shall~~ **must** be enrolled on the first school day of the
 24 school year **that begins in the calendar year** in which the child's
 25 ~~sixth~~ **fifth** birthday occurs, and, **subject to section 1147(3)**, a
 26 child becoming ~~6~~ **5** years of age ~~on or after December~~ **September 1**
 27 ~~shall~~ **must** be enrolled on the first school day of the school year
 28 following the school year **that begins in the calendar year** in which
 29 the child's ~~sixth~~ **fifth** birthday occurs.

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

3 (a) The child is attending regularly and is being taught in a
4 state approved nonpublic school ~~, which~~ **that** teaches subjects
5 comparable to those taught in the public schools to children of
6 corresponding age and grade, as determined by the course of study
7 for the public schools of the district within which the nonpublic
8 school is located.

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

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

15 (d) The child is regularly enrolled in a public school while
16 in attendance at religious instruction classes for not more than 2
17 class hours per week, off public school property during public
18 school hours, upon written request of the parent, **legal** guardian,
19 or person in loco parentis.

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

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

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

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

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