



HOUSE BILL No. 5002

September 12, 1995, Introduced by Rep. Nye and referred to the Committee on Education.

A bill to amend section 1147 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

being section 380.1147 of the Michigan Compiled Laws; and to add section 1147a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1147 of Act No. 451 of the Public Acts
2 of 1976, being section 380.1147 of the Michigan Compiled Laws, is
3 amended and section 1147a is added to read as follows:

4 Sec. 1147. (1) A ~~person, resident of a school district not~~
5 ~~maintaining a kindergarten and~~ CHILD WHO IS at least 5 years of
6 age on the first day of enrollment of the school year ~~, shall~~
7 ~~have~~ HAS a right to attend PUBLIC school in ~~the district~~ THIS
8 STATE.

1 (2) ~~In a school district where~~ IF provision is made for
2 kindergarten work AT A PUBLIC SCHOOL, a child ~~, resident of the~~
3 ~~district,~~ is entitled to enroll in the kindergarten if the child
4 is at least 5 years of age on December 1 of the school year of
5 enrollment. ~~In a~~ IF THE PUBLIC school ~~district which~~ has
6 semiannual promotions, a child ~~, resident of the district,~~ is
7 entitled to enroll in kindergarten for the second semester if the
8 child is at least 5 years of age on March 1 of the year of
9 enrollment.

10 SEC. 1147A. (1) A SCHOOL-AGE CHILD RESIDING IN MICHIGAN MAY
11 ATTEND ANY PUBLIC SCHOOL OFFERING THE APPROPRIATE GRADE LEVEL FOR
12 THE CHILD IN THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE
13 SCHOOL-AGE CHILD RESIDES. THE BOARD OF A SCHOOL DISTRICT SHALL
14 NOT INTERFERE WITH THE RIGHT UNDER THIS SECTION OF A SCHOOL-AGE
15 CHILD RESIDING WITHIN ITS TERRITORY TO ATTEND SCHOOL OUTSIDE THE
16 SCHOOL DISTRICT BOUNDARIES OR TO CHANGE HIS OR HER SCHOOL OF
17 ENROLLMENT DURING THE SCHOOL YEAR.

18 (2) THE BOARD OF A SCHOOL DISTRICT SHALL PROVIDE AN OPEN
19 ENROLLMENT OPPORTUNITY IN EACH SCHOOL AND GRADE FOR NONRESIDENT
20 SCHOOL-AGE CHILDREN RESIDING IN THE INTERMEDIATE SCHOOL DISTRICT
21 TO WHICH THE SCHOOL DISTRICT IS CONSTITUENT. THE OPEN ENROLLMENT
22 AVAILABILITY FOR NONRESIDENT SCHOOL-AGE CHILDREN IN A PARTICULAR
23 SCHOOL OR GRADE SHALL BE AT LEAST 3% OF THE TOTAL ENROLLMENT IN
24 THAT SCHOOL OR GRADE UNLESS THE INTERMEDIATE SCHOOL DISTRICT
25 DETERMINES THAT THERE IS NOT SUFFICIENT SPACE AVAILABLE IN THE
26 SCHOOL OR GRADE TO ALLOW FOR THAT OPEN ENROLLMENT AVAILABILITY.

1 (3) EXCEPT AS PROVIDED IN THIS SUBSECTION, IF THE NUMBER OF
2 CHILDREN SEEKING TO ENROLL IN A SCHOOL OR GRADE EXCEEDS THE OPEN
3 ENROLLMENT AVAILABILITY IN THE SCHOOL OR GRADE, THE BOARD OF THE
4 SCHOOL DISTRICT SHALL ENSURE THAT CHILDREN ARE SELECTED ON A
5 RANDOM BASIS FOR ENROLLMENT IN THE SCHOOL OR GRADE. HOWEVER,
6 ENROLLMENT PRIORITY MAY BE GIVEN TO A SIBLING OF A PUPIL ENROLLED
7 IN THE SCHOOL.

8 (4) A SCHOOL DISTRICT IS NOT REQUIRED TO PROVIDE TRANSPORTA-
9 TION FOR A NONRESIDENT PUPIL ENROLLED IN A SCHOOL IN THE SCHOOL
10 DISTRICT UNDER OPEN ENROLLMENT UNDER THIS SECTION UNLESS ARRANGE-
11 MENTS ARE MADE FOR THE NONRESIDENT PUPIL TO BE PICKED UP AND
12 DROPPED OFF ALONG A REGULAR TRANSPORTATION ROUTE OF THE SCHOOL
13 DISTRICT.

14 (5) THE BOARD OF A SCHOOL DISTRICT SHALL ALLOW ANY PUPIL WHO
15 WAS ENROLLED IN THE SCHOOL DISTRICT UNDER OPEN ENROLLMENT UNDER
16 THIS SECTION IN THE IMMEDIATELY PRECEDING SCHOOL YEAR TO ENROLL
17 IN THE SCHOOL DISTRICT IN THE APPROPRIATE GRADE AND, UNLESS THE
18 APPROPRIATE GRADE IS NOT OFFERED AT THAT SCHOOL, IN THE SAME
19 SCHOOL AS HE OR SHE ATTENDED IN THE IMMEDIATELY PRECEDING SCHOOL
20 YEAR.

21 (6) IF A SCHOOL DISTRICT IS SUBJECT TO A COURT-ORDERED
22 DESEGREGATION PLAN, THE SCHOOL DISTRICT SHALL SEEK COURT APPROVAL
23 FOR PARTICIPATION IN OPEN ENROLLMENT UNDER THIS SECTION, AND THE
24 SCHOOL DISTRICT'S DUTIES UNDER THIS SECTION ARE SUBJECT TO COURT
25 APPROVAL.

1 (7) PART 18, CONCERNING TUITION PUPILS, DOES NOT APPLY TO
2 NONRESIDENT PUPILS ENROLLED IN A SCHOOL DISTRICT UNDER OPEN
3 ENROLLMENT UNDER THIS SECTION.

4 (8) AS USED IN THIS SECTION, "SCHOOL-AGE CHILD" MEANS A
5 CHILD WHO IS AT LEAST 6 YEARS OF AGE ON DECEMBER 1 OF THE PARTIC-
6 ULAR SCHOOL YEAR AND WHO IS NOT OLDER THAN 18 YEARS OF AGE AS OF
7 THE FIRST DAY OF THE PARTICULAR SCHOOL YEAR OR, FOR AN INDIVIDUAL
8 WHO QUALIFIES FOR SPECIAL EDUCATION PROGRAMS AND SERVICES, WHO IS
9 NOT OLDER THAN 26 YEARS OF AGE. FOR PURPOSES OF ENROLLING IN
10 KINDERGARTEN, A CHILD WHO IS AT LEAST 5 YEARS OF AGE ON
11 DECEMBER 1 OF THE PARTICULAR SCHOOL YEAR IS A SCHOOL-AGE CHILD.

12 Section 2. This amendatory act shall not take effect unless
13 Senate Bill No. _____ or House Bill No. 5003 (request
14 no. 04541'95 a) of the 88th Legislature is enacted into law.