



# HOUSE BILL No. 4839

September 21, 1999, Introduced by Reps. DeWeese and Voorhees and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5 and 1561 (MCL 380.5 and 380.1561), section 5 as amended by 1995 PA 289 and section 1561 as amended by 1996 PA 339.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5. (1) "Local act school district" or "special act  
2 school district" means a district governed by a special or local  
3 act or chapter of a local act. "Local school district" and  
4 "local school district board" as used in article 3 include local  
5 act school district and a local act school district board.

6       (2) "Membership" means the number of full-time equivalent  
7 pupils in a public school as determined by the number of pupils  
8 registered for attendance plus pupils received by transfer and  
9 minus pupils lost as defined by rules promulgated by the ~~state~~

1 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION. A NONPUBLIC SCHOOL  
2 STUDENT WHO IS ENROLLED PART-TIME IN A SCHOOL DISTRICT OR INTER-  
3 MEDIATE SCHOOL DISTRICT IS CONSIDERED A PART-TIME PUPIL AND SHALL  
4 BE COUNTED TOWARD DETERMINING THE SCHOOL DISTRICT'S OR INTERMEDI-  
5 ATE SCHOOL DISTRICT'S FULL-TIME EQUATED MEMBERSHIP ON THE SAME  
6 BASIS AS ANY OTHER PART-TIME PUPIL.

7 (3) "Nonpublic school" means a private, denominational, or  
8 parochial school.

9 (4) "Objectives" means measurable pupil academic skills and  
10 knowledge.

11 (5) "Public school" means a public elementary or secondary  
12 educational entity or agency that is established under this act,  
13 has as its primary mission the teaching and learning of academic  
14 and vocational-technical skills and knowledge, and is operated by  
15 a school district, local act school district, special act school  
16 district, intermediate school district, public school academy  
17 corporation, or by the department or state board. Public school  
18 also includes a laboratory school or other elementary or second-  
19 ary school that is controlled and operated by a state public uni-  
20 versity described in section 4, 5, or 6 of article VIII of the  
21 state constitution of 1963.

22 (6) "Pupil membership count day" of a school district means  
23 that term as defined in section 6 of the state school aid act of  
24 1979, ~~being section 388.1606 of the Michigan Compiled Laws~~ MCL  
25 388.1606.

26 (7) "Reorganized intermediate school district" means an  
27 intermediate school district formed by consolidation or

1 annexation of 2 or more intermediate school districts under  
2 sections 701 and 702.

3 (8) "Rule" means a rule promulgated pursuant to the adminis-  
4 trative procedures act of 1969, ~~Act No. 306 of the Public Acts~~  
5 ~~of 1969, being sections 24.201 to 24.328 of the Michigan Compiled~~  
6 ~~Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

7 Sec. 1561. (1) Except as otherwise provided in this sec-  
8 tion, every parent, guardian, or other person in this state  
9 having control and charge of a child from the age of 6 to the  
10 child's sixteenth birthday shall send that child to a public  
11 school during the entire school year. The child's attendance  
12 shall be continuous and consecutive for the school year fixed by  
13 the school district in which the child is enrolled. In a school  
14 district that maintains school during the entire calendar year  
15 and in which the school year is divided into quarters, a child is  
16 not required to attend the public school more than 3 quarters in  
17 1 calendar year, but a child shall not be absent for 2 or more  
18 consecutive quarters.

19 (2) A child becoming 6 years of age before December 1 shall  
20 be enrolled on the first school day of the school year in which  
21 the child's sixth birthday occurs. A child becoming 6 years of  
22 age on or after December 1 shall be enrolled on the first school  
23 day of the school year following the school year in which the  
24 child's sixth birthday occurs.

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

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

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

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

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

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

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

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

5           (5) SUBJECT TO SECTION 166B OF THE STATE SCHOOL AID ACT OF  
6 1979, MCL 388.1766B, A PARENT OR LEGAL GUARDIAN OF A MINOR WHO IS  
7 ENROLLED IN ANY OF GRADES 1 TO 12 IN A NONPUBLIC SCHOOL OR WHO IS  
8 BEING HOME-SCHOOLED MAY ALSO ENROLL THE MINOR IN A SCHOOL DIS-  
9 TRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN  
10 ANY CURRICULAR OFFERING, REGARDLESS OF WHETHER IT IS A CORE ACA-  
11 DEMIC COURSE OR A NONESSENTIAL ELECTIVE COURSE, AVAILABLE TO  
12 PUPILS IN THE MINOR'S GRADE LEVEL OR AGE GROUP, SUBJECT TO COM-  
13 PLIANCE WITH THE SAME REQUIREMENTS THAT APPLY TO A FULL-TIME  
14 PUPIL'S PARTICIPATION IN THE OFFERING.