

SENATE BILL No. 122

January 28, 2009, Introduced by Senators CLARK-COLEMAN, CHERRY, HUNTER, CLARKE, SCOTT, GLEASON and BRATER 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 1561 as amended by 1996 PA 339.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1147. ~~(1) A person, resident of a school district not~~
2 ~~maintaining a kindergarten and at least 5 years of age on the first~~
3 ~~day of enrollment of the school year, shall have a right to attend~~
4 ~~school in the district.~~

5 ~~(2) In a school district where provision is made for~~
6 ~~kindergarten work, a child, resident of the district,~~

7 (1) A SCHOOL DISTRICT SHALL PROVIDE KINDERGARTEN. THE LENGTH
8 OF THE SCHOOL DAY FOR THE KINDERGARTEN PROGRAM SHALL BE THE SAME AS
9 FOR OTHER ELEMENTARY GRADES PROVIDED BY THE SCHOOL DISTRICT.

1 (2) **A CHILD WHO RESIDES IN THE SCHOOL DISTRICT** is entitled to
 2 enroll in the kindergarten if the child is at least 5 years of age
 3 on December 1 of the school year of enrollment. In a school
 4 district ~~which~~ **THAT** has semiannual promotions, a child ~~, resident~~
 5 ~~of the district,~~ **WHO RESIDES IN THE SCHOOL DISTRICT** is entitled to
 6 enroll in kindergarten for the second semester if the child is at
 7 least 5 years of age on March 1 of the year of enrollment.

8 Sec. 1561. (1) Except as otherwise provided in this section,
 9 every parent, guardian, or other person in this state having
 10 control and charge of a child from the age of ~~6~~**5** to the child's
 11 sixteenth birthday shall send that child to a public school during
 12 the entire school year. The child's attendance shall be continuous
 13 and consecutive for the school year fixed by the school district in
 14 which the child is enrolled. In a school district that maintains
 15 school during the entire calendar year and in which the school year
 16 is divided into quarters, a child is not required to attend the
 17 public school more than 3 quarters in 1 calendar year, but a child
 18 shall not be absent for 2 or more consecutive quarters.

19 (2) A child becoming ~~6~~**5** years of age before December 1 shall
 20 be enrolled on the first school day of the school year in which the
 21 child's ~~sixth~~**FIFTH** birthday occurs. A child becoming ~~6~~**5** 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~~**FIFTH** birthday occurs.

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

27 (a) The child is attending regularly and is being taught in a

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

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

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

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

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

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

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