

**SUBSTITUTE FOR
SENATE BILL NO. 285**

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.~~**Each school**



1 district and public school academy that offers grade 1 shall
2 provide kindergarten.

3 (2) ~~Subject to subsection (3), beginning with the 2015-2016~~
4 ~~school year, For school years before the 2025-2026 school year, a~~
5 child who is at least 5 years of age on September 1 of the school
6 year of enrollment and who resides in the school district **or who is**
7 **eligible to enroll in and be counted in membership in the school**
8 **district under section 105 or 105c of the state school aid act of**
9 **1979, MCL 388.1705 and 388.1705c,** may enroll in kindergarten in a
10 public school operated by the school district or, for a community
11 district or a school district that does not directly operate
12 schools on its own, in another public school located within the
13 geographic boundaries of the school district. **Beginning with the**
14 **2025-2026 school year, subject to section 1561, a child who is at**
15 **least 5 years of age on September 1 of the school year of**
16 **enrollment and who resides in the school district or who is**
17 **eligible to enroll in and be counted in membership in the school**
18 **district under section 105 or 105c of the state school aid act of**
19 **1979, MCL 388.1705 and 388.1705c, shall enroll in kindergarten in a**
20 **public school operated by the school district or, for a community**
21 **district or a school district that does not directly operate**
22 **schools on its own, in another public school located within the**
23 **geographic boundaries of the school district.**

24 (3) If a child residing in the school district or a child
25 eligible to enroll in and be counted in membership in the school
26 district under section 105 or 105c of the state school aid act of
27 1979, MCL 388.1705 and 388.1705c, is not 5 years of age on the
28 enrollment eligibility date specified in subsection (2), but will
29 be 5 years of age **by** not later than December 1 of a school year,



1 the parent or legal guardian of that child may enroll the child in
 2 kindergarten for that school year in a public school operated by
 3 the school district or, for a community district or a school
 4 district that does not directly operate schools on its own, in
 5 another public school located within the geographic boundaries of
 6 the school district if the parent or legal guardian notifies the
 7 public school in writing that ~~he or she~~ **the parent or legal**
 8 **guardian** intends to enroll the child in kindergarten for that
 9 school year. A public school that receives this written
 10 notification may make a recommendation to the parent or legal
 11 guardian of a child described in this subsection that the child is
 12 not ready to enroll in kindergarten due to the child's age or other
 13 factors. However, regardless of this recommendation, the parent or
 14 legal guardian retains the sole discretion to determine whether ~~or~~
 15 ~~not~~ to enroll the child in kindergarten under this subsection.

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

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

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

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

28 ~~(8) This section does not require a school district or public~~
 29 ~~school academy that does not otherwise provide kindergarten to~~



1 ~~provide kindergarten.~~

2 Sec. 1561. (1) **Except as otherwise provided in this section,**
 3 **for a child residing in this state who is at least age 5, the**
 4 **child's parent, legal guardian, or other person in this state**
 5 **having control and charge of the child shall send that child to a**
 6 **public school during the entire school year as provided in**
 7 **subsection (2).** Except as otherwise provided in this section, for a
 8 child who turned age 11 before December 1, 2009 or who entered
 9 grade 6 before 2009, the child's parent, **legal** guardian, or other
 10 person in this state having control and charge of the child shall
 11 send that 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 sixteenth birthday. Except as otherwise provided in
 15 this section, for a child who turns age 11 on or after December 1,
 16 2009 or a child who was age 11 before that date and enters grade 6
 17 in 2009 or later, the child's parent, **legal** guardian, or other
 18 person in this state having control and charge of the child shall
 19 send the child to a public school during the entire school year
 20 ~~from the age of 6 to~~ **beginning on the first day of school on which**
 21 **a child must be enrolled as specified under subsection (2) until**
 22 the child's eighteenth birthday. The child's attendance ~~shall~~ **must**
 23 be continuous and consecutive for the school year fixed by the
 24 school district in which the child is enrolled. In a school
 25 district that maintains school during the entire calendar year and
 26 in which the school year is divided into quarters, a child is not
 27 required to attend the public school more than 3 quarters in 1
 28 calendar year, but a child shall not be absent for 2 or more
 29 consecutive quarters.



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

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

11 (a) The child is attending regularly and is being taught in a
 12 state approved nonpublic school ~~, which-that~~ teaches subjects
 13 comparable to those taught in the public schools to children of
 14 corresponding age and grade, as determined by the course of study
 15 for the public schools of the district within which the nonpublic
 16 school is located.

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

21 ~~(b) (e)~~ The child is age 12 or 13 and is in attendance at
 22 confirmation classes conducted for a period of 5 months or less.

23 ~~(c) (d)~~ The child is regularly enrolled in a public school
 24 while in attendance at religious instruction classes for not more
 25 than 2 class hours per week, off public school property during
 26 public school hours, upon written request of the parent, **legal**
 27 guardian, or person in loco parentis.

28 ~~(d) (e)~~ The child has graduated from high school or has
 29 fulfilled all requirements for high school graduation.



1 **(e)** ~~(f)~~—The child is being educated at the child's home by ~~his~~
2 ~~or her~~ **the child's** parent or legal guardian in an organized
3 educational program in the subject areas of reading, spelling,
4 mathematics, science, history, civics, literature, writing, and
5 English grammar.

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

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

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

