

**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 subsection (4) and section 1561,**
15 **a child who is at least 5 years of age on September 1 of the school**
16 **year of 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) If a child residing in the school district or a child**
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, is 5 years of age on the**
20 **enrollment eligibility date specified in subsection (2), the parent**
21 **or legal guardian of that child may delay enrolling the child in**
22 **kindergarten for only that school year in a public school operated**
23 **by the school district or, for a community district or a school**
24 **district that does not directly operate schools on its own, in**
25 **another public school located within the geographic boundaries of**
26 **the school district if the parent or legal guardian notifies the**
27 **public school in writing that the parent or legal guardian intends**
28 **to delay enrolling the child in kindergarten for only that school**
29 **year.**

1 (5) ~~(4)~~—The ages prescribed in this section for a child's
2 eligibility for enrollment in a public school also apply to a
3 child's eligibility to enroll in a public school academy.

4 (6) ~~(5)~~—If a public school enrolls any children in
5 kindergarten for a school year under subsection (3), the public
6 school shall notify the department of the number of those children
7 enrolled by not later than December 31 of that school year.

8 (7) ~~(6)~~—This section does not require a school district to
9 operate a public school directly on its own.

10 (8) ~~(7)~~—This section does not apply to a school district that
11 does not operate a public school directly but retains a limited
12 separate identity for purposes of section 12, 12b, 863, 903, or
13 947.

14 ~~(8) This section does not require a school district or public~~
15 ~~school academy that does not otherwise provide kindergarten to~~
16 ~~provide kindergarten.~~

17 Sec. 1561. (1) **Except as otherwise provided in this section**
18 **and subject to section 1147(4), for a child residing in this state**
19 **who is at least age 5, the child's parent, legal guardian, or other**
20 **person in this state having control and charge of the child shall**
21 **send that child to a public school during the entire school year as**
22 **provided in subsection (2).** Except as otherwise provided in this
23 section, for a child who turned age 11 before December 1, 2009 or
24 who entered grade 6 before 2009, the child's parent, **legal**
25 **guardian, or other person in this state having control and charge**
26 **of the child shall send that child to a public school during the**
27 **entire school year ~~from the age of 6 to~~ beginning on the first day**
28 **of school on which a child must be enrolled as specified under**
29 **subsection (2) until the child's sixteenth birthday.** Except as

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

16 (2) ~~A~~ **Subject to section 1147(4)**, a child becoming ~~6~~ **5** years
 17 of age **on or before** ~~December~~ **September** 1 ~~shall~~ **must** be enrolled on
 18 the first school day of the school year **that begins in the calendar**
 19 **year** in which the child's ~~sixth~~ **fifth** birthday occurs, and, **subject**
 20 **to section 1147(3)**, a child becoming ~~6~~ **5** years of age ~~on or~~
 21 ~~December~~ **September** 1 ~~shall~~ **must** be enrolled on the first school day
 22 of the school year following the school year **that begins in the**
 23 **calendar year** in which the child's ~~sixth~~ **fifth** birthday occurs.

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

26 (a) The child is attending regularly and is being taught in a
 27 state approved nonpublic school ~~, which~~ **that** teaches subjects
 28 comparable to those taught in the public schools to children of
 29 corresponding age and grade, as determined by the course of study

1 for the public schools of the district within which the nonpublic
2 school is located.

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

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

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

14 **(d)** ~~(e)~~—The child has graduated from high school or has
15 fulfilled all requirements for high school graduation.

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

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

25 (5) For a child who turns age 11 on or after December 1, 2009
26 or who was age 11 before that date and enters grade 6 in 2009 or
27 later, this section does not apply to the child if the child is at
28 least age 16 and the child's parent or legal guardian has provided
29 to school officials of the school district in which the child

1 resides a written notice that the child has the permission of the
2 parent or legal guardian to stop attending school.

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