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BILL ANALYSIS



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Senate Bill 285 (as introduced 4-25-23)

Sponsor: Senator Dayna Polehanki

Committee: Education

Date Completed: 3-11-24

CONTENT

The bill would amend the Revised School Code to require school districts to provide kindergarten and to require children in the State to enroll in public school at the age of five, instead of at the age of six.

The bill would take effect 90 days after its enactment.

Kindergarten Requirements for School Districts

Generally, the Revised School Code provides for the powers and duties of school districts, compulsory school attendance, and other related educational requirements.

Currently, a child who is a resident of a school district that does not provide kindergarten and who is at least five years of age on the first day of enrollment of the school year may attend school in a public school operated by the school district or, for a community district or a school district that does not directly operate schools on its own, in another public school located within the geographic boundaries of the school district. The Code also specifies that it does not require a school district or public school academy that does not otherwise provide kindergarten to provide kindergarten.

The bill would delete the above provisions and require a school district to provide kindergarten.

The Code currently allows a child who is at least five years of age on September 1 of the school year of enrollment and who resides in the school district to enroll in kindergarten in a public school operated by the school district or, for a community district or a school district that does not directly operate schools on its own, in another public school located within the geographic boundaries of the school district. Under the bill, a child who was eligible to enroll in and be counted in membership in the school district under Section 105 or 105c of the State School Aid Act also could enroll in kindergarten as specified above.¹

Age and Attendance Requirements for Kindergarten

Under the bill, except as otherwise provided, for a child residing in Michigan who was at least five years old, the child's parent, legal guardian, or other person in Michigan having control and charge of the child would have to send that child to a public school during the entire school year, as specified below.

¹ Generally, Sections 105 and 105c of the State School Aid Act provide for school of choice, allowing a pupil of one school district to attend another school district in the same intermediate school district or one contiguous to the pupil's intermediate school district without the approval of the pupil's district of residence.

Currently, a child becoming six years old before December 1 must be enrolled on the first day of the school year in which the child's sixth birthday occurs, and a child becoming six years old on or after December 1 must be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs. Instead, under the bill, a child becoming *five* years old on or before *September 1* would have to be enrolled on the first day of the school year that began in the calendar year in which the child's *fifth* birthday occurred, and, subject to Section 1147(3),² a child becoming *five* years old after *September 1* would have to be enrolled on the first school day of the school year following the school year that began in the calendar year in which the child's fifth birthday occurred.

MCL 380.1147 & 380.1561

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill would have a negative fiscal impact on the State and no net fiscal impact on school districts. If all five-year-olds were required to be enrolled in school, districts would see an increase in students, increasing costs. Those costs should be offset by the increased funding those districts would receive through the foundation allowance and other per-pupil categorical spending.

The increased cost to the State would depend on how many additional pupils attended districts and public school academies because of the new requirement. It is unknown exactly how many five-year-olds attend nonpublic schools or are home-schooled, but it is estimated that 95% are either attending district kindergarten or are exempted under the current statute. Using first-grade pupil counts as a proxy for entering kindergarten counts, requiring public school enrollment for all five-year-olds could increase statewide pupil count by approximately 4,500 pupils. At the Fiscal Year 2023-24 target foundation allowance of \$9,608, this would be a cost increase of approximately \$43.3 million per year, or a foundation allowance increase of 0.4%.

Fiscal Analyst: Ryan Bergan
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² Generally, Section 1147(3) of the Revised School Code allows a child to enroll in kindergarten if the child is not five years old by September 1 of a school year but will be five years old by December 1 of a school year.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.