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Senate Bill 285 (Substitute S-3 as passed by the Senate)  
Sponsor: Senator Dayna Polehanki  
Committee: Education

Date Completed: 4-25-24

## **RATIONALE**

According to testimony before the Senate Committee on Education, kindergarten contributes to student success. Reportedly, children who attend kindergarten grow used to the routine and expectations of school faster than their peers who miss kindergarten. Additionally, kindergarteners begin learning foundational skills, including math, literacy, and social skills, at an earlier age than their peers, which may contribute to future academic success.<sup>1</sup> As such, it has been suggested that children be required to attend kindergarten.

## **CONTENT**

**The bill would amend the Revised School Code to require school districts and public school academies (PSAs) to provide kindergarten and to require children in the State to enroll in kindergarten at the age of five beginning in the 2025-2026 school year; however, a five-year-old's parent or guardian could delay kindergarten enrollment for that child for up to one school year.**

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.

The Code does not require a school district or PSA to provide kindergarten if it does not do so already. The bill would delete this provision. Instead, it would require each school district or PSA that offered first grade to provide kindergarten.

Additionally, the Code does not require a child under the age of nine to attend public school if that child does not reside within two and a half miles by the nearest travelled road of the public school. This exception does not apply to children if their school district provides transportation. The bill would delete these provisions.

### Age Requirements for Kindergarten

Generally, the Code allows a child to enroll in kindergarten if that child is at least five years old on September 1 of the current school year and resides in the appropriate school district. If a child resides in a community district or a school district that does not directly operate schools of its own, that child may be enrolled in another public school located within the geographic boundaries of the school district. The bill would specify that this provision would

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<sup>1</sup> Wood, Sarah, "Where is Kindergarten Mandatory?", *U.S. News*, December 2, 2022.

apply to a child who was eligible to enroll in and be counted as a nonresident member of another school district.<sup>2</sup>

Under the bill, beginning the 2025-2026 school year, a child who was at least five years of age on September 1 would be *required* to enroll in kindergarten following these guidelines. A parent, legal guardian, or other person in Michigan that had control and charge of a child residing in Michigan who was at least five years old would have to send that child to a public school during the entire school year.

Currently, a child who turns six years old *before* December 1 of the current school year must be enrolled in school on the first day of that school year. A child turning six years old on or *after* December 1 of the current year must be enrolled on the first school day of the *following* school year.

The bill would modify this provision by applying it to a child turning five years old. A child turning five years old between September 1 and December 1 could be enrolled on the first school day of the following school year *or* could be enrolled in kindergarten for the current school year at the discretion of the child's parent or legal guardian.

### Delaying Kindergarten

If a child were five years old on the enrollment eligibility date (September 1), the parent or legal guardian of that child could delay enrolling the child in kindergarten for *only* that school year if the parent or legal guardian notified the applicable public school in writing that the parent or legal guardian intended to delay the child's enrollment for only that school year.

MCL 380.1147 & 380.1561

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Requiring five-year-olds to attend kindergarten would contribute to long-term student achievement. During kindergarten, children gain skills in basic math, literacy, communication, and problem-solving, learn how to emotionally regulate, and become more independent.<sup>3</sup> These skills may help children transition from kindergarten to grade school, building the foundation for a successful academic career.

Additionally, requiring kindergarten attendance could contribute to student achievement by fostering a culture of attendance. During the 2022-2023 school year, nearly a third of Michigan's K-12 students were chronically absent, having missed around 18 days during the school year.<sup>4</sup> Chronic absenteeism varies by district. According to testimony before the Senate Committee on Education, 70% of kindergarteners in the Detroit Public School Community District that school year were chronically absent. Reportedly, the lack of mandatory kindergarten contributes to absenteeism. Requiring kindergarteners to attend school would

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<sup>2</sup> Generally, the State School Aid Act provides for school of choice by allowing a school district to decide to accept applications for enrollment by students and families residing within or contiguous to the pupil's intermediate school district. For more information, see MCL 388.1705 and 388.105c.

<sup>3</sup> "How Kindergarten Sets the Stage for Long Term Academic Success", [www.raisingarizonakids.com](http://www.raisingarizonakids.com). Retrieved on 4-19-24.

<sup>4</sup> Higgins, Lori, "Michigan has a chronic absenteeism problem. Here's what parents need to know", *Chalkbeat Detroit*, April 5, 2024.

establish expectations for students and their families by making school a priority. This, in turn, would positively contribute to student academics. A study by the Economic Policy Institute found that students who missed any amount of school performed worse academically than their peers with perfect attendance. The more school days a student missed, the worse that student's performance.<sup>5</sup> Requiring kindergarten would improve student academics.

**Response:** Requiring children to attend kindergarten may not improve academic performance or rates of absenteeism. Reportedly, the evidence concerning whether early childhood education affects academic achievement is contradictory. Additionally, though children could be required to enroll in school under the bill, they may not actually attend, and so the bill may not accomplish its intended goals.

### **Supporting Argument**

The bill would support the State's education goals. In August 2020, the State Board of Education approved the Michigan Department of Education's (MDE) Top 10 Strategic Education Plan. The Plan establishes guidelines and goals for the MDE, education partners and stakeholders, and communities. Its goals include expanding early childhood learning opportunities and improving early literacy achievement. According to testimony before the Senate Committee on Education, requiring five-year-olds to attend kindergarten would directly contribute to these goals. In so doing, the bill also would have ripple effects, contributing to other goals outlined in the Plan, such as improving high school graduation and post-secondary credential rates.

Additionally, the bill would ease the way for the State to implement universal preschool. In her 2023 State of the State address, Governor Gretchen Whitmer expressed her intention to provide free, high-quality preschool to every four-year-old in the State by 2027.<sup>6</sup> Like kindergarten, attending high-quality preschool may positively contribute to academic performance, improving a child's likelihood of graduating high school and attending college.<sup>7</sup> According to testimony before the Senate Committee on Education, however, requiring children to attend preschool but not kindergarten would reverse the positive effects cultivated by early learning. Instead, under the bill, children would graduate preschool and enter kindergarten before transitioning to grade school better prepared than prior students. To achieve the State's Top 10 Strategic Education Plan and the Governor's goals of universal preschool, five-year-olds should be required to attend kindergarten.

### **Opposing Argument**

The bill is unnecessary and ultimately intrusive. Currently, all Michigan public schools offer kindergarten, and many parents take advantage of the opportunity. According to testimony before the Senate, there is no data that showcases how many children do or do not attend kindergarten; however, based on anecdotal evidence, most attend some form of kindergarten before moving on to grade school. The State does not have a problem with kindergarten attendance. As such, the bill is not necessary.

Instead, the bill would create problems. By mandating that five-year-olds receive kindergarten or defer for a year, the State would restrict the ability of parents to make decisions about their children's educations. Reportedly, some children, including five- and six-year-olds, may not be ready to attend kindergarten. Parents know what is best for their

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<sup>5</sup> Garcia, E., et al., *Student absenteeism: Who misses school and how missing school matters for performance*, Education Policy Institute, September 25, 2018.

<sup>6</sup> The Michigan Department of Lifelong Education, Advancement, and Potential's *Roadmap for Implementing PreK for All* aims to enroll 75%, or 88,500, four-year-old children in a publicly funded preschool program, not 100%.

<sup>7</sup> Oosting, J. et al., "Gretchen Whitmer wants free preschool for all. But is Michigan ready?", *Bridge Michigan*, February 2, 2023.

children and have the right to educate their children how they see fit. They should be entrusted with making decisions about their children's educations. Additionally, the bill would intrude into the privacy of parents. Under current law, the MDE does not require parents to demonstrate that their child is enrolled in any grade of school, nor are parents required to notify their local school district that they intend to homeschool their children.<sup>8</sup> According to the MDE, however, to comply with the bill, parents would have to demonstrate their children's enrollment in a private, parochial, charter, or home school kindergarten program. Requiring the State to collect information on parents' educational decisions would be an unwarranted breach of privacy.

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 kindergarten, 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 kindergarten pupils attended districts and public school academies because of the new requirement. It is unknown exactly how many five-year-olds attend kindergarten at 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 kindergarten for all five-year-olds could increase the 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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<sup>8</sup> Slagter, Martin, "Michigan could make kindergarten mandatory. Homeschooling parents worry a registry is next", *MLIVE*, April 8, 2024.

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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.