

Act No. 194
Public Acts of 1991
Approved by the Governor
December 30, 1991
Filed with the Secretary of State
December 30, 1991

STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1991

Introduced by Reps. Hunter, Brackenridge, Willis Bullard, Sikkema, Sparks, Kosteva, Strand, Dobb, Hoekman, Martin, Jaye, Leland and Murphy
Reps. Barns, Bartnik, Bennett, Byrum, Clack, Clarke, Dalman, DeMars, Dolan, Gnodtke, Goss, Hertel, London, Munsell, Nye, Olshove, Palamara, Porreca, Profit, Shugars, Trim, Varga, Walberg, Weeks, Wozniak and Richard A. Young named co-sponsors

ENROLLED HOUSE BILL No. 4402

AN ACT to amend Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; to provide for the regulation of school teachers and school administrators; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal certain acts and parts of acts," as amended, being sections 380.1 to 380.1852 of the Michigan Compiled Laws, by adding section 1302.

The People of the State of Michigan enact:

Section 1. Act No. 451 of the Public Acts of 1976, as amended, being sections 380.1 to 380.1852 of the Michigan Compiled Laws, is amended by adding section 1302 to read as follows:

Sec. 1302. (1) The board of a school district or the governing body of a nonpublic school may establish academic or attendance standards, or both, as eligibility requirements for persons under age 19 to enroll in a driver education course conducted by or on behalf of the school district or nonpublic school under section 811 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.811 of the Michigan Compiled Laws, or conducted by a driver training school licensed under Act No. 369 of the Public Acts of 1974, being sections 256.601 to 256.609 of the Michigan Compiled Laws. The eligibility requirements shall be the same as the eligibility requirements the school district or nonpublic school applies for pupil participation in interscholastic athletics.

(2) To be eligible to enroll in a driver education course conducted by or on behalf of a school district or nonpublic school or conducted by a driver training school licensed under Act No. 369 of the Public Acts of 1974, a person shall meet eligibility standards established under this section, if any apply, as follows:

(a) If the person resides in a school district that has established eligibility requirements under this section and is not enrolled in a nonpublic school, the person shall meet the eligibility requirements established by that school district.

(b) If the person is enrolled in a nonpublic school that has established eligibility requirements under this section, the person shall meet the eligibility requirements established by that nonpublic school.

(c) If the person resides in a school district that has not established eligibility requirements under this section or is enrolled in a nonpublic school that has not established eligibility requirements under this section, and the person seeks to enroll in a driver education course conducted by a school district or nonpublic school that has established eligibility requirements under this section, the person shall meet the eligibility requirements established by the school district or nonpublic school conducting the driver education course.

(3) Upon request by a school district or nonpublic school conducting a driver education course or a driver training school licensed under Act No. 369 of the Public Acts of 1974, a person seeking to enroll in the course shall provide evidence satisfactory to the school authorities that he or she meets the applicable eligibility requirements as described in subsection (2). If applicable, the school authorities may require a person to provide verification from the district in which the person resides or the nonpublic school in which the person is enrolled that the person meets the applicable eligibility requirements.

(4) If school authorities determine that a person does not meet the applicable eligibility requirements under subsection (2), the person may appeal that determination to the board or governing body that established the eligibility requirements or may request that board or governing body to grant a waiver from 1 or more of the eligibility requirements.

(5) The board of a school district or the governing body of a nonpublic school shall not discriminate against any person seeking to enroll in a driver education course on the basis of religion, race, color, national origin, sex, or marital status.

(6) A school district or nonpublic school that establishes eligibility requirements under this section shall report the eligibility requirements annually to the department, as specified by the department. The department shall provide to the secretary of state annually a list of all school districts and nonpublic schools that have established eligibility requirements under this section. The list shall specify the eligibility requirements established by each school district or nonpublic school listed.

(7) As used in this section, "school district" means a school district or local act school district.

Section 2. This amendatory act shall not take effect unless House Bill No. 4499 of the 86th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.