



SENATE BILL No. 544

March 30, 1993, Introduced by Senators DI NELLO, CARL,
GEAKE and WELBORN and referred to the Committee on
Education.

A bill to amend section 45 of Act No. 94 of the Public Acts
of 1979, entitled as amended

"The state school aid act of 1979,"

as added by Act No. 200 of the Public Acts of 1991, being section
388.1645 of the Michigan Compiled Laws; and to add section 166a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 45 of Act No. 94 of the Public Acts of
2 1979, as added by Act No. 200 of the Public Acts of 1991, being
3 section 388.1645 of the Michigan Compiled Laws, is amended and
4 section 166a is added to read as follows:

5 Sec. 45. (1) ~~From the amount appropriated in section 11,~~
6 ~~there is allocated an amount not to exceed \$2,000,000.00 in~~
7 ~~1991-92 to provide grants to or contract with certain districts~~
8 ~~and intermediate districts for the provision of a school health~~
9 ~~education curriculum.~~ Provision of ~~the~~ A SCHOOL HEALTH

1 EDUCATION curriculum, such as the Michigan model or another
2 comprehensive school health education curriculum, shall be in
3 accordance with the health education goals established by the
4 Michigan model for comprehensive school health education state
5 steering committee. The state steering committee shall be com-
6 prised of a representative from each of the following offices and
7 departments:

8 (a) The department of education.

9 (b) The department of mental health.

10 (c) The department of public health.

11 (d) The office of substance abuse services in the department
12 of public health.

13 (e) The department of social services.

14 (f) The department of state police.

15 (2) Upon written or oral request, a pupil not less than 18
16 years of age or a parent or legal guardian of a pupil less than
17 18 years of age, within a reasonable period of time after the
18 request is made, shall be informed of the content of a course in
19 the health education curriculum and may examine textbooks and
20 other classroom materials that are provided to the pupil or mate-
21 rials that are presented to the pupil in the classroom. This
22 subsection does not require a school board to permit pupil or
23 parental examination of test questions and answers, scoring keys,
24 or other examination instruments or data used to administer an
25 academic examination.

26 (3) THE BOARD OF A DISTRICT OR INTERMEDIATE DISTRICT
27 PROVIDING THE HEALTH EDUCATION CURRICULUM SHALL ENSURE THAT THE

1 DISTRICT OR INTERMEDIATE DISTRICT DOES NOT PROVIDE ANY
2 INSTRUCTION GIVEN IN THE HEALTH EDUCATION CURRICULUM TO A PUPIL
3 WHO IS LESS THAN 18 YEARS OF AGE UNLESS THE DISTRICT OR INTERME-
4 DIATE DISTRICT HAS FIRST NOTIFIED THE PUPIL'S PARENT OR LEGAL
5 GUARDIAN ACCORDING TO SUBSECTION (4) AND OBTAINED THE WRITTEN
6 PERMISSION OF THE PUPIL'S PARENT OR LEGAL GUARDIAN FOR THE PUPIL
7 TO RECEIVE THE INSTRUCTION. IF A PUPIL'S PARENT OR LEGAL GUARDIAN
8 DOES NOT GIVE THE PRIOR WRITTEN PERMISSION REQUIRED UNDER THIS
9 SUBSECTION, THE PUPIL SHALL BE EXCUSED, WITHOUT PENALTY OR LOSS
10 OF ACADEMIC CREDIT, FROM ATTENDING CLASS SESSIONS IN WHICH
11 INSTRUCTION IS GIVEN IN THE HEALTH EDUCATION CURRICULUM.

12 (4) AT LEAST 1 WEEK BEFORE PROVIDING INSTRUCTION GIVEN IN
13 THE HEALTH EDUCATION CURRICULUM TO A PUPIL WHO IS LESS THAN 18
14 YEARS OF AGE, A DISTRICT OR INTERMEDIATE DISTRICT SHALL PROVIDE
15 WRITTEN NOTIFICATION TO THE PUPIL'S PARENT OR LEGAL GUARDIAN OF
16 ALL OF THE FOLLOWING:

17 (A) THE DATE OR DATES OF THE INSTRUCTION.

18 (B) THE NAME OF EACH PROGRAM OR CURRICULUM TO BE USED IN THE
19 INSTRUCTION.

20 (C) WHETHER THE INSTRUCTION WILL BE OF AN AFFECTIVE, NONDI-
21 RECTIVE NATURE.

22 (D) THE NECESSITY OF PRIOR WRITTEN PERMISSION UNDER SUBSEC-
23 TION (3) AND THAT, IF WRITTEN PERMISSION IS NOT GIVEN, THE PUPIL
24 WILL BE EXCUSED, WITHOUT PENALTY OR LOSS OF ACADEMIC CREDIT, FROM
25 ATTENDING CLASS SESSIONS IN WHICH THE INSTRUCTION IS GIVEN.

1 (5) FAILURE OF A DISTRICT OR INTERMEDIATE DISTRICT TO FULLY
2 COMPLY WITH SUBSECTIONS (3) AND (4) MAY RESULT IN A STATE SCHOOL
3 AID PENALTY UNDER SECTION 166A.

4 SEC. 166A. IF THE DEPARTMENT HAS INFORMATION THAT THE PAR-
5 ENTS OR LEGAL GUARDIANS OF 10 OR MORE PUPILS IN A PARTICULAR
6 SCHOOL OR PROGRAM IN A DISTRICT OR INTERMEDIATE DISTRICT WERE NOT
7 NOTIFIED AND ASKED FOR WRITTEN PERMISSION AS REQUIRED UNDER SEC-
8 TION 45 OR UNDER SECTION 1169, 1506, OR 1507 OF THE SCHOOL CODE
9 OF 1976, BEING SECTIONS 380.1169, 380.1506, AND 380.1507 OF THE
10 MICHIGAN COMPILED LAWS, THE DEPARTMENT SHALL CONDUCT A HEARING TO
11 DETERMINE WHETHER A PENALTY SHOULD BE IMPOSED UNDER THIS
12 SECTION. IF THE DEPARTMENT DETERMINES FROM EVIDENCE AT THE HEAR-
13 ING THAT, WITH RESPECT TO THE PARENTS OR LEGAL GUARDIANS OF 10 OR
14 MORE PUPILS AT A SCHOOL OR PROGRAM WITHIN THE DISTRICT OR INTER-
15 MEDIATE DISTRICT, THERE IS A REASONABLE DOUBT THAT THE NOTIFICA-
16 TION AND REQUEST FOR WRITTEN PERMISSION WERE PROVIDED, THE
17 DEPARTMENT SHALL DEDUCT \$10,000.00 FROM THE TOTAL STATE SCHOOL
18 AID ALLOCATION TO THE DISTRICT OR INTERMEDIATE DISTRICT AS A PEN-
19 ALTY FOR EACH OF THOSE PROGRAMS OR SCHOOLS WITHIN THE DISTRICT OR
20 INTERMEDIATE DISTRICT.