



# SENATE BILL No. 550

March 30, 1994, Introduced by Senators CARL, GEAKE and  
WELBORN and referred to the Committee on Education.

A bill to amend sections 1169, 1172, 1251, 1507, and 1561 of  
Act No. 451 of the Public Acts of 1976, entitled as amended  
"The school code of 1976,"  
section 1169 as amended by Act No. 139 of the Public Acts of  
1990, section 1251 as amended by Act No. 169 of the Public Acts  
of 1987, and section 1507 as amended by Act No. 87 of the Public  
Acts of 1981, being sections 380.1169, 380.1172, 380.1251,  
380.1507, and 380.1561 of the Michigan Compiled Laws; and to add  
sections 1137 and 1138.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. Sections 1169, 1172, 1251, 1507, and 1561 of Act
- 2 No. 451 of the Public Acts of 1976, section 1169 as amended by
- 3 Act No. 139 of the Public Acts of 1990, section 1251 as amended
- 4 by Act No. 169 of the Public Acts of 1987, and section 1507 as
- 5 amended by Act No. 87 of the Public Acts of 1981, being sections

1 380.1169, 380.1172, 380.1251, 380.1507, and 380.1561 of the  
2 Michigan Compiled Laws, are amended and sections 1137 and 1138  
3 are added to read as follows:

4 SEC. 1137. THE PRIMARY FUNCTIONS OF A PUBLIC SCHOOL ARE TO  
5 DEVELOP THE INTELLECTUAL CAPABILITIES OF EACH PUPIL AND TO HELP  
6 EACH PUPIL LEARN HIS OR HER RESPONSIBILITIES AS A CITIZEN AND THE  
7 IMPORTANCE OF SUCH VALUES AS TRUTH AND JUSTICE.

8 SEC. 1138. (1) THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE  
9 THAT ALL PROGRAMS WITHIN EACH PUBLIC SCHOOL IN THE SCHOOL DIS-  
10 TRICT ARE SUBJECT TO CONTINUOUS REVIEW BY PARENTS AND LEGAL  
11 GUARDIANS TO ENSURE THAT THE PROGRAMS ARE CONSISTENT WITH THE  
12 PRIMARY FUNCTION OF THE SCHOOL AS DESCRIBED IN SECTION 1137.

13 (2) THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE THAT A PUPIL  
14 IS NOT PLACED IN AN EXPERIMENTAL OR PILOT PROGRAM WITHOUT THE  
15 PRIOR WRITTEN CONSENT OF THE PUPIL'S PARENT OR LEGAL GUARDIAN.  
16 INSTRUCTIONAL MATERIALS, INCLUDING TEACHER MANUALS, FILMS, TAPES,  
17 OR OTHER SUPPLEMENTARY MATERIAL THAT WILL BE USED IN SUCH A PRO-  
18 GRAM SHALL BE AVAILABLE TO A PUPIL'S PARENT OR LEGAL GUARDIAN  
19 BEFORE PLACEMENT OF THE PUPIL IN THE PROGRAM, AND A PARENT OR  
20 LEGAL GUARDIAN SHALL BE ALLOWED TO REVIEW THE INSTRUCTIONAL MATE-  
21 RIALS UPON REQUEST.

22 (3) AN EMPLOYEE OF A PUBLIC SCHOOL OR A PERSON BROUGHT INTO  
23 A PUBLIC SCHOOL BY THE SCHOOL ADMINISTRATION SHALL NOT SEEK TO  
24 SUBVERT PARENTAL AUTHORITY BY ACTING AS A CHANGE AGENT OF ATTITU-  
25 TUDES, VALUES, OR RELIGIOUS OR POLITICAL BELIEFS OF THE PUPILS.

26 (4) AN EMPLOYEE OF A PUBLIC SCHOOL SHALL NOT REQUIRE OF A  
27 PUPIL OR OF A PUPIL'S PARENT OR LEGAL GUARDIAN PROOF OF

1 REGISTRATION TO VOTE OR PARTY AFFILIATION AS A PREREQUISITE FOR  
2 OBTAINING A GRADE OR ENROLLMENT IN A CLASS.

3       (5) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE BOARD OF A  
4 SCHOOL DISTRICT SHALL ENSURE THAT A PUPIL IS TESTED ONLY FOR  
5 INTELLIGENCE QUOTIENT, PROFICIENCY IN BASIC ACADEMIC SKILLS, AND  
6 ACADEMIC SUBJECT MATTER. ANY ASSESSMENT OR TEST PERTAINING TO  
7 PUPIL ATTITUDES, PARENT ATTITUDES, OR PERSONAL INFORMATION PER-  
8 TAINING TO THE PUPIL AND HIS OR HER FAMILY OR THEIR HABITS OR  
9 VALUES, INCLUDING PERSONALITY INVENTORIES, VALUE APPRAISALS, PSY-  
10 CHOLOGICAL INVENTORIES, OR DIAGNOSTIC TESTS, SHALL BE ADMINIS-  
11 TERED TO A PUPIL ONLY AFTER RECEIVING WRITTEN PERMISSION FROM THE  
12 PUPIL'S PARENT OR LEGAL GUARDIAN. IF A TEST IS TO BE ADMINIS-  
13 TERED TO A PUPIL, THE PARENT OR LEGAL GUARDIAN OF THE PUPIL SHALL  
14 BE ALLOWED TO REVIEW A COPY OF THE TEST UPON REQUEST.

15       (6) A SCHOOL DISTRICT OFFICER, SUPERINTENDENT, ADMINISTRA-  
16 TIVE EMPLOYEE, TEACHER, OR OTHER SCHOOL DISTRICT EMPLOYEE HAVING  
17 CHARGE OR CONTROL OF A PUPIL'S CUMULATIVE RECORD FILE SHALL MAKE  
18 AVAILABLE THE ENTIRE CONTENTS OF THE FILE, INCLUDING, BUT NOT  
19 LIMITED TO, TEACHER NOTES, TEST SCORES, ACHIEVEMENT RECORDS,  
20 HEALTH RECORDS, PSYCHOLOGICAL TESTS AND SCORES, AND OTHER DATA,  
21 TO A PUPIL'S PARENT OR LEGAL GUARDIAN UPON REQUEST AND SHALL PRO-  
22 VIDE COPIES OF ANY OF THE INFORMATION TO THE PARENT OR LEGAL  
23 GUARDIAN UPON REQUEST.

24       (7) A SCHOOL EMPLOYEE SHALL NOT PRACTICE PSYCHOLOGICAL OR  
25 PSYCHIATRIC METHODS IN THE PUBLIC SCHOOLS. THIS PROHIBITION  
26 INCLUDES, BUT IS NOT LIMITED TO, ROLE PLAYING, SENSITIVITY  
27 TRAINING, OR ANY OTHER METHOD DEALING WITH OR PROBING THE PSYCHE

1 OF THE PUPIL. A SCHOOL EMPLOYEE SHALL NOT USE GUIDANCE  
2 COUNSELING IN THE AREAS OF SOCIAL, EMOTIONAL, MENTAL, OR PERSONAL  
3 PROBLEMS WITHOUT PRIOR WRITTEN PERMISSION FROM THE PUPIL'S PARENT  
4 OR LEGAL GUARDIAN. AS USED IN THIS SUBSECTION, "SENSITIVITY  
5 TRAINING" MEANS GROUP MEETINGS, LARGE OR SMALL, TO DISCUSS PUB-  
6 LICLY A PUPIL'S INTIMATE AND PERSONAL MATTERS, OPINIONS, VALUES,  
7 OR BELIEFS OR TO ACT OUT EMOTIONS AND FEELINGS TOWARD ONE ANOTHER  
8 IN THE GROUP, USING TECHNIQUES SUCH AS SELF-CONFESSION OR MUTUAL  
9 CRITICISM.

10 (8) THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE THAT THE  
11 PARENT OR LEGAL GUARDIAN OF EACH PUPIL IS APPRISED NOT LESS THAN  
12 ANNUALLY BY THE PUPIL'S TEACHER OR PRINCIPAL OF THE PUPIL'S  
13 PROGRESS IN READING, COMPOSITION, COMPUTATION, AND OTHER BASIC  
14 SKILLS AS MEASURED AGAINST STANDARD GRADE LEVEL NORMS. IN ADDI-  
15 TION, INFORMATION ON THE PUPIL'S STANDING IN THE CLASS, CLASS  
16 STANDING IN RELATION TO THE SCHOOL AND THE SCHOOL DISTRICT, AND  
17 THE SCHOOL DISTRICT STANDING IN RELATION TO THE NATIONAL NORMS  
18 SHALL BE PROVIDED TO THE PARENT OR LEGAL GUARDIAN UPON REQUEST.

19 (9) IN ADDITION TO THE MISDEMEANOR PENALTY UNDER  
20 SECTION 1804 AND POSSIBLE DISMISSAL UNDER SECTION 1806, IF AN  
21 INDIVIDUAL WHO HOLDS A TEACHING CERTIFICATE, SCHOOL  
22 ADMINISTRATOR'S CERTIFICATE, OR STATE BOARD APPROVAL VIOLATES  
23 THIS SECTION, THE STATE BOARD MAY REVOKE OR REFUSE TO RENEW THE  
24 INDIVIDUAL'S CERTIFICATION OR APPROVAL. AS USED IN THIS SUBSEC-  
25 TION, "STATE BOARD APPROVAL" MEANS THAT TERM AS DEFINED IN  
26 SECTION 1539B.

1       Sec. 1169. (1) ~~The~~ SUBJECT TO SECTIONS 1137 AND 1138, THE  
2 principal modes by which dangerous communicable diseases,  
3 including, but not limited to, human immunodeficiency virus  
4 infection and acquired immunodeficiency syndrome, are spread and  
5 the best methods for the restriction and prevention of these dis-  
6 eases shall be taught in every public school in this state.

7       (2) Except for licensed health care professionals who have  
8 received training on human immunodeficiency virus infection and  
9 acquired immunodeficiency syndrome, each person who teaches K to  
10 12 pupils about human immunodeficiency virus infection and  
11 acquired immunodeficiency syndrome pursuant to subsection (1)  
12 shall have training in human immunodeficiency virus infection and  
13 acquired immunodeficiency syndrome education for young people.  
14 The state board, in cooperation with the department of public  
15 health, shall train trainers to provide the teacher training  
16 required by this subsection and shall provide for the development  
17 and distribution to school districts of material on the teaching  
18 of human immunodeficiency virus infection and acquired immunode-  
19 ficiency syndrome to young people.

20       (3) The choice of curricula to be used for human immunodefi-  
21 ciency virus infection and acquired immunodeficiency syndrome  
22 education required to be taught under subsection (1) shall be  
23 approved by the appropriate school board and implemented in the  
24 school setting not later than October 1, 1990.

25       Sec. 1172. (1) The state board shall promulgate rules con-  
26 cerning personality tests, both projective and nonprojective

1 types, administered to pupils in school districts of the state as  
2 school projects or as parts of the school programs.

3 (2) The rules shall include:

4 (a) Circumstances under which the tests may be  
5 administered.

6 (b) Responsibility for selection of the tests.

7 (c) Qualifications of persons administering and interpreting  
8 the test results.

9 (d) Methods of maintaining the confidentiality of test  
10 results.

11 (3) ADMINISTRATION OF PERSONALITY TESTS IS SUBJECT TO SEC-  
12 TIONS 1137 AND 1138.

13 Sec. 1251. (1) ~~The~~ SUBJECT TO SECTIONS 1137 AND 1138, THE  
14 board of a school district may establish and employ personnel  
15 necessary to provide an adequate school psychological service.  
16 School psychological service is a related nonclassroom function  
17 and shall be operated under rules promulgated by the state board,  
18 which shall establish the educational and experience requirements  
19 for, and certify as qualified and issue certificates to, the per-  
20 sonnel for the services.

21 (2) The state board may require reports and information from  
22 participating school districts.

23 Sec. 1507. (1) A board of a school district may engage  
24 qualified instructors and provide facilities and equipment for  
25 instruction in sex education, including family planning, human  
26 sexuality, and the emotional, physical, psychological, hygienic,  
27 economic, and social aspects of family life. Instruction may

1 also include the subjects of reproductive health and the  
2 recognition, prevention, and treatment of ~~venereal~~ SEXUALLY  
3 TRANSMITTED disease. PROVISION OF THE INSTRUCTION DESCRIBED IN  
4 THIS SUBSECTION IS SUBJECT TO SECTIONS 1137 AND 1138.

5 (2) The class described in subsection (1) shall be elective  
6 and not a requirement for graduation.

7 (3) A pupil shall not be enrolled in a class in which the  
8 subjects of family planning or reproductive health are discussed  
9 unless the pupil's parent or LEGAL guardian is notified in  
10 advance of the course and the content of the course, is given a  
11 prior opportunity to review the materials to be used in the  
12 course, and is notified in advance of his or her right to have  
13 the pupil excused from the class. The state board shall deter-  
14 mine the form and content of the notice required in this  
15 subsection.

16 (4) Upon the written request of a pupil or the pupil's  
17 parent or guardian, a pupil shall be excused, without penalty or  
18 loss of academic credit, from attending the class described in  
19 subsection (1).

20 (5) A school district that provides a class as permitted by  
21 subsection (1) shall offer the instruction by teachers qualified  
22 to teach health education. A school district shall not offer  
23 this instruction unless an advisory board is established by the  
24 district board to periodically review the materials and methods  
25 of instruction used, and to make recommendations to the district  
26 regarding changes in the materials or methods. The advisory  
27 board shall consist of parents having children attending the

1 district's schools, pupils in the district's schools, educators,  
2 local clergy, and community health professionals.

3 (6) A person shall not dispense or otherwise distribute in a  
4 public school a family planning drug or device.

5 (7) As used in this section and section 1508, "family  
6 planning" means the use of a range of methods of fertility regu-  
7 lation to help individuals or couples avoid unwanted pregnancies;  
8 bring about wanted births; regulate the intervals between preg-  
9 nancies; and plan the time at which births occur in relation to  
10 the age of parents. It may include the study of fetology. It  
11 may include marital and genetic information. Clinical abortion  
12 shall not be considered a method of family planning, nor shall  
13 abortion be taught as a method of reproductive health.

14 (8) As used in this section:

15 (a) "Class" means an instructional period of limited dura-  
16 tion, not to exceed 2 hours, within a course of instruction.

17 (b) "Course" means a series of classes linked by a common  
18 subject matter.

19 Sec. 1561. (1) Except as provided in subsections (2) and  
20 (3), every parent, guardian, or other person in this state having  
21 control and charge of a child from the age of 6 to the child's  
22 sixteenth birthday, shall send that child to ~~the~~ A public  
23 ~~schools~~ SCHOOL during the entire school year. The child's  
24 attendance shall be continuous and consecutive for the school  
25 year fixed by the school district in which the child is  
26 enrolled. In a school district ~~which~~ THAT maintains school  
27 during the entire calendar year and in which the school year is



1 divided into quarters, a child shall not be compelled to attend  
2 the public school more than 3 quarters in 1 calendar year, but a  
3 child shall not be absent for 2 OR MORE consecutive quarters.

4 (2) A child becoming 6 years of age before December 1 shall  
5 be enrolled on the first school day of the school year in which  
6 the child's sixth birthday occurs. A child becoming 6 years of  
7 age on or after December 1 shall be enrolled on the first school  
8 day of the school year following the school year in which the  
9 child's sixth birthday occurs.

10 (3) A child shall not be required to attend ~~the~~ A public  
11 ~~schools~~ SCHOOL in ANY OF the following cases:

12 (a) ~~A~~ THE child ~~who~~ is attending regularly and is being  
13 taught in a state approved nonpublic school ~~which~~ THAT  
14 teaches subjects comparable to those taught in the public schools  
15 to children of corresponding age and grade, as determined by the  
16 course of study for the public schools of the district within  
17 which the nonpublic school is located.

18 (b) ~~A~~ THE child ~~who~~ is regularly employed as a page or  
19 messenger in either house of the legislature during the period of  
20 the employment.

21 (c) ~~A~~ THE child ~~under~~ IS LESS THAN 9 years of age ~~who~~  
22 AND does not reside within 2-1/2 miles by the nearest traveled  
23 road of a public school. If transportation is furnished for  
24 pupils in the school district of the child's residence, this  
25 ~~exemption~~ SUBDIVISION does not apply.

26 (d) ~~A child from~~ FROM the age of 12 to the child's  
27 fourteenth birthday, ~~while~~ THE CHILD IS in attendance at

1 confirmation classes conducted for a period of ~~not to exceed~~ 5  
2 months OR LESS in either of those years.

3 (e) ~~A~~ THE child ~~who~~ is regularly enrolled in ~~the~~ A  
4 public ~~schools~~ SCHOOL while in attendance at religious instruc-  
5 tion classes for not more than 2 class hours per week, off public  
6 school property during public school hours, upon written request  
7 of the parent, guardian, or person in loco parentis under rules  
8 promulgated by the state board.

9 (F) THE CHILD IS BEING EDUCATED BY HIS OR HER PARENT OR  
10 LEGAL GUARDIAN OR BY ANOTHER PERSON CHOSEN BY THE CHILD'S PARENT  
11 OR LEGAL GUARDIAN AT THE CHILD'S HOME OR AT ANOTHER LOCATION  
12 CHOSEN BY THE CHILD'S PARENT OR LEGAL GUARDIAN.