



SENATE BILL No. 1277

September 21, 1994, Introduced by Senator WELBORN and
referred to the Committee on Education

A bill to amend Act No 451 of the Public Acts of 1976,
entitled as amended

"The school code of 1976,"

as amended, being sections 380 1 to 380 1852 of the Michigan
Compiled Laws, by adding sections 1161, 1162, 1163, and 1164

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Act No 451 of the Public Acts of 1976, as
2 amended, being sections 380 1 to 380 1852 of the Michigan
3 Compiled Laws, is amended by adding sections 1161, 1162, 1163,
4 and 1164 to read as follows

5 SEC 1161 THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE
6 THAT, IN CONNECTION WITH OTHER COURSE WORK, ALL OF THE FOLLOWING
7 ARE TAUGHT IN THE PUBLIC SCHOOLS HONESTY TEMPERANCE MORALITY
8 COURTESY OBEDIENCE TO LAW RESPECT FOR AND AN UNDERSTANDING OF
9 THE CONSTITUTIONS OF THE UNITED STATES AND THIS STATE THE

1 ESSENTIALS AND BENEFITS OF THE FREE ENTERPRISE SYSTEM RESPECT
2 FOR PARENTS AND HOME THE DIGNITY AND NECESSITY OF HONEST LABOR
3 AND OTHER SKILLS, HABITS, AND QUALITIES OF CHARACTER THAT WILL
4 PROMOTE AN UPRIGHT AND DESIRABLE CITIZENRY AND PREPARE PUPILS FOR
5 A RICHER, HAPPIER LIFE

6 SEC 1162 (1) IF THE INSTRUCTIONAL ACTIVITY, PERFORMANCE,
7 OR DISPLAY IS DESIGNED TO ACHIEVE SECULAR EDUCATIONAL OBJECTIVES
8 INCLUDED WITHIN THE CONTEXT OF A COURSE OR ACTIVITY AND IS CON-
9 DUCTED IN ACCORDANCE WITH APPLICABLE STATE BOARD RULES AND SCHOOL
10 DISTRICT POLICIES, THE BOARD OF A SCHOOL DISTRICT OR A PUBLIC
11 SCHOOL TEACHER MAY INCLUDE IN THE EDUCATIONAL PROGRAMS OF A
12 PUBLIC SCHOOL AN INSTRUCTIONAL ACTIVITY, PERFORMANCE, OR DISPLAY
13 THAT INCLUDES EXAMINATION OF OR PRESENTATIONS ABOUT RELIGION,
14 INCLUDING THE COMPARATIVE STUDY OF RELIGIONS POLITICAL OR RELI-
15 GIOUS THOUGHT OR EXPRESSION OR THE INFLUENCE OF POLITICAL OR
16 RELIGIOUS THOUGHT OR EXPRESSION ON MUSIC, ART, LITERATURE, LAW,
17 POLITICS, HISTORY, OR ANY OTHER AREA OF THE CURRICULUM

18 (2) THE BOARD OF A SCHOOL DISTRICT OR A SCHOOL ADMINISTRATOR
19 SHALL NOT INCLUDE WITHIN OR EXCLUDE FROM THE CURRICULUM OF THE
20 SCHOOL DISTRICT ANY ASPECT OF CULTURAL HERITAGE, POLITICAL
21 THEORY, MORAL THEORY, OR SOCIETAL VALUE BASED ON WHETHER IT
22 AFFIRMS, IGNORES, OR DENIES RELIGIOUS BELIEF, RELIGIOUS DOCTRINE,
23 A RELIGIOUS SECT, OR THE EXISTENCE OF A SUPREME BEING OR SPIRI-
24 TUAL REALM

25 (3) A SCHOOL DISTRICT OR PUBLIC SCHOOL WITHIN A SCHOOL DIS-
26 TRICT SHALL NOT SPONSOR PRAYER OR RELIGIOUS DEVOTIONALS

1 (4) A BOARD MEMBER OR EMPLOYEE OF A SCHOOL DISTRICT SHALL
2 NOT USE HIS OR HER POSITION TO ENDORSE, PROMOTE, OR DISPARAGE A
3 PARTICULAR RELIGIOUS, DENOMINATIONAL, SECTARIAN, AGNOSTIC, OR
4 ATHEISTIC BELIEF OR POINT OF VIEW

5 SEC 1163 (1) IF A HIGH SCHOOL PUPIL OR THE CUSTODIAL
6 PARENT OR LEGAL GUARDIAN OF ANY PUPIL DETERMINES THAT THE PUPIL'S
7 PARTICIPATION IN A REQUIRED PORTION OF THE CURRICULUM OR IN A
8 REQUIRED ACTIVITY WOULD REQUIRE THE PUPIL TO AFFIRM OR DENY A
9 RELIGIOUS BELIEF OR RIGHT OF CONSCIENCE OR TO ENGAGE IN OR
10 REFRAIN FROM ENGAGING IN A PRACTICE FORBIDDEN OR REQUIRED IN THE
11 EXERCISE OF A RELIGIOUS RIGHT OR RIGHT OF CONSCIENCE, THE PARENT,
12 LEGAL GUARDIAN, OR HIGH SCHOOL PUPIL MAY REQUEST THE BOARD OF THE
13 SCHOOL DISTRICT IN WHICH THE PUPIL IS ENROLLED OR ITS DESIGNEE TO
14 DO 1 OF THE FOLLOWING

15 (A) WAIVE THE PARTICIPATION REQUIREMENT FOR THE PUPIL

16 (B) PROVIDE THE PUPIL WITH A REASONABLE ALTERNATIVE TO THE
17 REQUIREMENT THAT REQUIRES REASONABLY EQUIVALENT PERFORMANCE BY
18 THE PUPIL OF THE SECULAR OBJECTIVES OF THE PORTION OF THE CURRIC-
19 ULUM OR ACTIVITY

20 (2) IF THE BOARD OF A SCHOOL DISTRICT OR ITS DESIGNEE
21 RECEIVES A REQUEST FROM A HIGH SCHOOL PUPIL UNDER SUBSECTION (1),
22 THE BOARD OR ITS DESIGNEE PROMPTLY SHALL NOTIFY THE PUPIL'S CUS-
23 TODIAL PARENT OR LEGAL GUARDIAN OF THE REQUEST, AND SHALL RESPOND
24 TO THE REQUEST AS PROVIDED UNDER SUBSECTION (3)

25 (3) IF THE BOARD OF A SCHOOL DISTRICT OR ITS DESIGNEE
26 RECEIVES A REQUEST UNDER SUBSECTION (1), THE BOARD OR ITS

1 DESIGNEE SHALL RESPOND TO THE REQUEST IN 1 OF THE FOLLOWING
2 WAYS

3 (A) WAIVE THE PARTICIPATION REQUIREMENT FOR THE PUPIL

4 (B) PROVIDE A REASONABLE ALTERNATIVE TO THE REQUIREMENT, AS
5 DESCRIBED IN SUBSECTION (1) (B)

6 (C) NOTIFY THE REQUESTING PARTY THAT THE PUPIL'S PARTICIPA-
7 TION IS REQUIRED IF THE BOARD OR ITS DESIGNEE REQUIRES THE
8 PUPIL'S PARTICIPATION, THE BOARD SHALL ENSURE THAT
9 SECTION 1164(3) IS MET IN CONNECTION WITH THE REQUIRED
10 PARTICIPATION

11 SEC 1164 (1) UNLESS THE EXPRESSION OF PERSONAL BELIEFS BY
12 A PUPIL PARTICIPATING IN CURRICULAR PROGRAMS OR IN SCHOOL ACTIVI-
13 TIES UNREASONABLY INTERFERES WITH THE ABILITY OF SCHOOL OFFICIALS
14 TO MAINTAIN ORDER OR DISCIPLINE, THREATENS THE WELL-BEING OF PER-
15 SONS OR PROPERTY, OR VIOLATES CONCEPTS OF CIVILITY OR PROPRIETY
16 APPROPRIATE TO A SCHOOL SETTING, THE BOARD OR AN EMPLOYEE OF A
17 SCHOOL DISTRICT SHALL NOT PROHIBIT OR PENALIZE THE EXPRESSION OF
18 PERSONAL BELIEFS BY THE PUPIL

19 (2) UNLESS THE CONDUCT UNREASONABLY INTERFERES WITH THE
20 ABILITY OF SCHOOL OFFICIALS TO MAINTAIN ORDER AND DISCIPLINE,
21 UNREASONABLY ENDANGERS PERSONS OR PROPERTY, OR VIOLATES CONCEPTS
22 OF CIVILITY OR PROPRIETY APPROPRIATE TO A SCHOOL SETTING, THE
23 BOARD OR AN EMPLOYEE OF A SCHOOL DISTRICT SHALL NOT DENY TO A
24 PUPIL FREE EXERCISE OF VOLUNTARY RELIGIOUS PRACTICE OR FREEDOM OF
25 SPEECH DURING DISCRETIONARY TIME AS USED IN THIS SUBSECTION,
26 "DISCRETIONARY TIME" MEANS NONINSTRUCTIONAL TIME DURING WHICH A
27 PUPIL IS PERMITTED TO PURSUE PERSONAL INTERESTS

1 (3) IF THE BOARD OR AN EMPLOYEE OF A SCHOOL DISTRICT LIMITS
2 PUPIL EXPRESSION, PRACTICE, OR CONDUCT AS DESCRIBED IN
3 SUBSECTION (1) OR (2) OR REQUIRES PUPIL PARTICIPATION UNDER
4 SECTION 1163(3)(C), THE LIMITATION OR REQUIREMENT SHALL BE ACCOM-
5 PLISHED BY THE LEAST RESTRICTIVE MEANS NECESSARY TO SATISFY THE
6 SCHOOL DISTRICT'S INTERESTS AS DESCRIBED IN SUBSECTIONS (1) AND
7 (2) OR SECTION 1163 OR TO SATISFY ANOTHER SPECIFICALLY IDENTIFIED
8 COMPELLING GOVERNMENTAL INTEREST