

Act No. 283
Public Acts of 1996
Approved by the Governor
June 15, 1996
Filed with the Secretary of State
June 17, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Bryant

ENROLLED HOUSE BILL No. 5711

AN ACT to amend section 1299 of 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 clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; 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 acts and parts of acts," as added by Act No. 289 of the Public Acts of 1995, being section 380.1299 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1299 of Act No. 451 of the Public Acts of 1976, as added by Act No. 289 of the Public Acts of 1995, being section 380.1299 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1299. (1) A public school that operates 1 or more of grades 7 to 12 and that has a limited open forum shall not deny equal access or a fair opportunity to, or discriminate against, any pupil or pupils who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at the meeting. A public school has a limited open forum whenever the public school grants an offering to or opportunity for 1 or more noncurriculum-related student groups to meet on school premises during noninstructional time. A public school shall be considered to offer a fair opportunity to pupils who wish to conduct a meeting within the limited open forum if the public school uniformly provides for all of the following:

- (a) The meeting is voluntary and student-initiated.
- (b) There is no sponsorship of the meeting by the public school, the government, or either's agents or employees.
- (c) Employees or agents of the public school or government are present at religious meetings only in a nonparticipatory capacity.
- (d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
- (e) Persons not affiliated with the public school may not direct, conduct, control, or regularly attend activities of student groups.

- (2) Subsection (1) does not authorize this state or any political subdivision of this state to do any of the following:
- (a) Influence the form or content of any prayer or other religious activity.
 - (b) Require any person to participate in prayer or other religious activity.
 - (c) Expend public funds beyond the incidental cost of providing the space for student-initiated meetings.
 - (d) Compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee.
 - (e) Sanction meetings that are otherwise unlawful.
 - (f) Limit the rights of groups of pupils which are not of a specified numerical size.
 - (g) Abridge the constitutional rights of any person.
- (3) Subsection (1) does not limit the authority of a public school to maintain order and discipline on school premises, to protect the well-being of pupils and faculty, and to assure that attendance of pupils at meetings is voluntary.
- (4) As used in this section:
- (a) "Meeting" includes those activities of student groups that are permitted under a public school's limited open forum and are not directly related to the school curriculum.
 - (b) "Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.
 - (c) "Public school" includes a public school's employees and persons or entities under contract with the public school.
 - (d) "Sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.