

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5478**

A bill to amend 1979 PA 94, entitled  
"The state school aid act of 1979,"  
by amending section 166a (MCL 388.1766a), as amended by 2003 PA  
158.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 166a. (1) In order to avoid forfeiture of state aid  
2 under subsection (2), the board of a district or intermediate  
3 district providing reproductive health or other sex education  
4 instruction under section 1169, 1506, or 1507 of the revised  
5 school code, MCL 380.1169, 380.1506, and 380.1507, or under any  
6 other provision of law, shall ensure that all of the following  
7 are met:

8       (a) That the district or intermediate district does not  
9 provide any of the instruction to a pupil who is less than 18  
10 years of age unless the district or intermediate district

1 notifies the pupil's parent or legal guardian in advance of the  
2 instruction and the content of the instruction, gives the pupil's  
3 parent or legal guardian a prior opportunity to review the  
4 materials to be used in the instruction, allows the pupil's  
5 parent or legal guardian to observe the instruction, and notifies  
6 the pupil's parent or legal guardian in advance of his or her  
7 rights to observe the instruction and to have the pupil excused  
8 from the instruction.

9 (b) That, upon the written request of a pupil's parent or  
10 legal guardian or of a pupil if the pupil is at least age 18, the  
11 pupil shall be excused, without penalty or loss of academic  
12 credit, from attending class sessions in which the instruction is  
13 provided.

14 (c) That the sex education instruction includes  
15 **age-appropriate** information clearly informing pupils **at 1 or more**  
16 **age-appropriate grade levels** that having sex or sexual contact  
17 with an individual under the age of 16 is a crime punishable by  
18 imprisonment, and that 1 of the other results of being convicted  
19 of this crime is to be listed on the sex offender registry on the  
20 internet for ~~at least~~ **up to** 25 years.

21 (2) If a parent or legal guardian of a pupil enrolled in a  
22 district or intermediate district believes that the district or  
23 intermediate district has violated this section or section 1169,  
24 1506, or 1507 of the revised school code, MCL 380.1169, 380.1506,  
25 and 380.1507, he or she may file a complaint with the  
26 superintendent or chief administrator of the district or  
27 intermediate district in which the pupil is enrolled. Upon

1 receipt of the complaint, the superintendent or chief  
2 administrator of the district or intermediate district shall  
3 investigate the complaint and, within 30 days after the date of  
4 the complaint, provide a written report of his or her findings to  
5 the parent or legal guardian who filed the complaint and to the  
6 superintendent of public instruction. If the investigation  
7 reveals that 1 or more violations have occurred, the written  
8 report shall contain a description of each violation and of  
9 corrective action the district or intermediate district will take  
10 to correct the situation to ensure that there is no further  
11 violation. The district or intermediate district shall take the  
12 corrective action described in the written report within 30 days  
13 after the date of the written report.

14 (3) If a parent who has filed a complaint with a district  
15 under subsection (2) believes that the district is still not in  
16 compliance with law based on the findings made by the  
17 superintendent or chief administrator of the district, the parent  
18 may appeal the findings to the intermediate district in which the  
19 district is located. If there is an appeal to an intermediate  
20 district under this subsection, the intermediate superintendent  
21 of the intermediate district shall investigate the complaint and,  
22 within 30 days after the date of the appeal, provide a written  
23 report of his or her findings to the parent or legal guardian who  
24 filed the appeal and to the superintendent of public  
25 instruction. If the investigation by the intermediate  
26 superintendent reveals that 1 or more violations have occurred,  
27 the intermediate superintendent in consultation with the local

1 district shall develop a plan for corrective action for the  
2 district to take to correct the situation to ensure that there is  
3 no further violation, and shall include this plan for corrective  
4 action with the written report provided to the parent or legal  
5 guardian and the superintendent of public instruction. The  
6 district shall take the corrective action described in the plan  
7 within 30 days after the date of the written report.

8       (4) If a parent who has filed a complaint with an  
9 intermediate district under subsection (2) or a parent who has  
10 filed an appeal with an intermediate district under subsection  
11 (3) believes that the district or intermediate district is still  
12 not in compliance with law based on the findings made by the  
13 intermediate superintendent of the intermediate district, the  
14 parent may appeal the findings to the department. If there is an  
15 appeal to the department under this subsection, the department  
16 shall investigate the complaint and, within 90 days after the  
17 date of the appeal, provide a written report of its findings to  
18 the parent or legal guardian who filed the appeal, to the  
19 superintendent of public instruction, and to the district and  
20 intermediate district. If the department finds 1 or more  
21 violations as a result of its investigation, then all of the  
22 following apply:

23       (a) The department shall develop a plan for corrective action  
24 for the district or intermediate district to take to correct the  
25 situation to ensure that there is no further violation, and shall  
26 include this plan for corrective action with the written report  
27 provided to the parent or legal guardian, the superintendent of

1 public instruction, and the district or intermediate district.  
2 The district or intermediate district shall take the corrective  
3 action described in the plan within 30 days after the date of the  
4 written report.

5 (b) In addition to withholding the percentage of state school  
6 aid forfeited by the district or intermediate district under  
7 subsection (5), the department may assess a fee to the district  
8 or intermediate district that committed the violation in an  
9 amount not to exceed the actual cost to the department of  
10 conducting the investigation and making the reports required  
11 under this subsection.

12 (5) ~~—(2)—A~~ If an investigation conducted by the department  
13 under subsection (4) reveals that a district or intermediate  
14 district ~~that does not comply with~~ has committed 1 or more  
15 violations of this section or section 1169, 1506, or 1507 of the  
16 revised school code, MCL 380.1169, 380.1506, and 380.1507, the  
17 district or intermediate district shall forfeit ~~5%~~ an amount  
18 equal to 1% of its total state school aid allocation under this  
19 act.

20 (6) The department, with the approval of the superintendent  
21 of public instruction, shall establish a reasonable process for a  
22 complainant to appeal to the department under subsection (4).  
23 The process shall not place an undue burden on the complainant,  
24 the district or intermediate district, or the department.

25 (7) The department shall track the number of complaints and  
26 appeals it receives under this section for the 2004-2005 school  
27 year and, not later than the end of that school year, shall

1 submit a report to the standing committees and appropriations  
2 subcommittees of the legislature having jurisdiction over  
3 education legislation and state school aid that details the  
4 number and nature of those complaints and appeals and the cost to  
5 the department of handling them.

6 Enacting section 1. This amendatory act does not take  
7 effect unless Senate Bill No. 943 of the 92nd Legislature is  
8 enacted into law.