

HOUSE BILL No. 5478

February 5, 2004, Introduced by Reps. Stahl, Hummel, Nitz, Vander Veen, Milosch, Huizenga, Pastor, Palmer, Hoogendyk, Drolet, Voorhees, Newell, Sheen, Hune, Palsrok and Kooiman and referred to the Committee on Education.

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, **or 1507b** of the
5 revised school code, MCL 380.1169, 380.1506, ~~and~~ 380.1507, **and**
6 **380.1507b**, or under any other provision of law, shall ensure that
7 all of the following 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 information
15 clearly informing pupils that having sex or sexual contact with
16 an individual under the age of 16 is a crime punishable by
17 imprisonment, and that 1 of the other results of being convicted
18 of this crime is to be listed on the sex offender registry on the
19 internet for at least 25 years.

20 (2) A district or intermediate district that does not comply
21 with this section shall forfeit 5% of its total state school aid
22 allocation under this act.

23 (3) **If a person who resides in a district believes that the**
24 **district has violated this section or section 1169, 1506, 1507,**
25 **or 1507b of the revised school code, MCL 380.1169, 380.1506,**
26 **380.1507, and 380.1507b, the person may file a complaint with the**
27 **superintendent of public instruction. Upon receipt of the**

1 complaint, the superintendent of public instruction shall order
2 the department to investigate the complaint and to determine
3 within 90 days whether or not a district should forfeit a portion
4 of its total state school aid in accordance with subsection (2).

5 (4) The department, with the approval of the superintendent
6 of public instruction, shall establish a reasonable procedure for
7 filing complaints under subsection (3) that does not place an
8 undue burden on the complainant, the school district, or the
9 department.

10 Enacting section 1. This amendatory act does not take
11 effect unless Senate Bill No. _____ or House Bill No. 5477
12 (request no. 04274'03 *) of the 92nd Legislature is enacted into
13 law.