

HOUSE BILL No. 5087

August 8, 2007, Introduced by Rep. Hildenbrand and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1146 (MCL 380.1146), as amended by 2006 PA 303.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1146. (1) Except as otherwise provided under subsection
2 (2) and section 475, a separate school or department shall not be
3 kept for a person on account of race, color, or gender. This
4 section shall not be construed to prevent the grading of schools
5 according to the intellectual progress of the pupil to be taught in
6 separate places as may be considered expedient.

7 (2) Subject to subsection (3), the board of a school district
8 or intermediate school district or board of directors of a public

1 school academy may establish and maintain a school, class, or
2 program within a school in which enrollment is limited to pupils of
3 a single gender if the school district, intermediate school
4 district, or public school academy makes available to pupils a
5 substantially equal coeducational school, class, or program and a
6 substantially equal school, class, or program for pupils of the
7 other gender. **HOWEVER, IF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL**
8 **DISTRICT, OR PUBLIC SCHOOL ACADEMY THAT HAS ESTABLISHED A SINGLE-**
9 **GENDER SCHOOL, CLASS, OR PROGRAM ALSO ESTABLISHES A SCHOOL, CLASS,**
10 **OR PROGRAM FOR PUPILS OF THE OTHER GENDER, THAT OTHER SCHOOL,**
11 **CLASS, OR PROGRAM MAY BE LIMITED TO PUPILS OF DIFFERENT AGES OR**
12 **GRADE LEVELS THAN THE ORIGINAL SINGLE-GENDER SCHOOL, CLASS, OR**
13 **PROGRAM IF THE DIFFERENCE IS SUPPORTED BY CURRENT RESEARCH INTO**
14 **PUPIL ACHIEVEMENT AND LEARNING.**

15 (3) If the board of a school district or intermediate school
16 district or board of directors of a public school academy
17 establishes a single-gender school, class, or program described in
18 subsection (1), the school district, intermediate school district,
19 or public school academy shall not require participation by any of
20 its pupils in the single-gender school, class, or program. The
21 board or board of directors shall ensure that participation by
22 pupils in a single-gender school, class, or program is wholly
23 voluntary. For the purposes of this subsection, participation by a
24 pupil in a single-gender school, class, or program is not
25 considered to be voluntary unless the school district, intermediate
26 school district, or public school academy also makes available to
27 the pupil a substantially equal coeducational school, class, or

1 program.