

HOUSE BILL No. 4934

September 13, 2017, Introduced by Rep. Kosowski and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1135 and 1148 (MCL 380.1135 and 380.1148),
section 1135 as added by 1987 PA 84 and section 1148 as amended by
2009 PA 186.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1135. (1) ~~Upon~~ **EXCEPT FOR A PERSON ENROLLING A STUDENT**
2 **WHO IS A FOSTER CHILD AS DESCRIBED IN SECTION 4F OF THE FOSTER CARE**
3 **AND ADOPTION SERVICES ACT, 1994 PA 203, MCL 722.954F, UPON**
4 enrollment of a student for the first time in a ~~local~~ **SCHOOL**
5 **DISTRICT, PUBLIC SCHOOL ACADEMY,** or intermediate school district,
6 the **SCHOOL** district, **PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL**
7 **DISTRICT** shall notify in writing the person enrolling the student

1 that within 30 days he or she shall provide to the ~~local~~-**SCHOOL**
2 **DISTRICT, PUBLIC SCHOOL ACADEMY,** or intermediate school district
3 either of the following:

4 (a) A certified copy of the student's birth certificate.

5 (b) Other reliable proof, as determined by the school
6 district, **PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT** of
7 the student's identity and age, and an affidavit explaining the
8 inability to produce a copy of the birth certificate.

9 (2) ~~If~~-**EXCEPT FOR A PERSON ENROLLING A STUDENT WHO IS A FOSTER**
10 **CHILD AS DESCRIBED IN SECTION 4F OF THE FOSTER CARE AND ADOPTION**
11 **SERVICES ACT, 1994 PA 203, MCL 722.954F, IF** a person enrolling a
12 student fails to comply with subsection (1), the ~~local~~-**SCHOOL**
13 **DISTRICT, PUBLIC SCHOOL ACADEMY,** or intermediate school district
14 shall notify the person enrolling the student in writing that,
15 unless he or she complies within 30 days after the notification,
16 the case shall be referred to the local law enforcement agency for
17 investigation. If the person enrolling the student fails to comply
18 within that 30-day period, the ~~local~~-**SCHOOL DISTRICT, PUBLIC SCHOOL**
19 **ACADEMY,** or intermediate school district shall notify the local law
20 enforcement agency.

21 (3) The ~~local~~-**SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY,** or
22 intermediate school district shall immediately report to the local
23 law enforcement agency any affidavit received ~~pursuant to~~-**UNDER**
24 this section that appears inaccurate or suspicious in form or
25 content.

26 (4) Within 14 days after enrolling a transfer student, the
27 school shall request in writing directly from the student's

1 previous school a copy of his or her school record. Any school that
 2 compiles records for each student in the school and that is
 3 requested to forward a copy of a transferring student's record to
 4 the new school shall comply within 30 days after receipt of the
 5 request unless the record has been tagged ~~pursuant to~~ **UNDER** section
 6 1134. If a student record has been tagged ~~pursuant to~~ **UNDER** section
 7 1134, a copy of the student record shall not be forwarded, and the
 8 requested school shall notify the law enforcement agency that
 9 notified the school district, **PUBLIC SCHOOL ACADEMY, OR**
 10 **INTERMEDIATE SCHOOL DISTRICT** of the missing student ~~pursuant to~~
 11 ~~section 8 of Act No. 319 of the Public Acts of 1968, being section~~
 12 ~~28.258 of the Michigan Compiled Laws,~~ **UNDER SECTION 8 OF 1968 PA**
 13 **319, MCL 28.258,** of the request.

14 (5) A ~~local~~ **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, or**
 15 intermediate school district shall not disclose any personally
 16 identifiable information contained in a student record to a law
 17 enforcement agency, except in compliance with ~~the family~~
 18 ~~educational rights and privacy act, 20 U.S.C. 1232g.~~ **20 USC 1232G,**
 19 **COMMONLY REFERRED TO AS THE FAMILY EDUCATION RIGHTS AND PRIVACY**
 20 **ACT.**

21 Sec. 1148. (1) Except as provided in section 1711 and
 22 ~~subsection (2),~~ **SUBSECTIONS (2) AND (3),** a child whose parents or
 23 legal guardians are unable to provide a home for the child and who
 24 is placed in a licensed home or in a home of relatives in the
 25 school district for the purpose of securing a suitable home for the
 26 child and not for an educational purpose shall be considered a
 27 resident for education purposes of the school district where the

1 home in which the child is living is located. The child shall be
2 admitted to the school in the district.

3 (2) If a child who is under court jurisdiction under section
4 2(b) of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
5 712A.2, is placed in foster care, a school district shall allow the
6 child to enroll in and attend the appropriate grade in the school
7 selected by the department of **HEALTH AND** human services or a child
8 placing agency without regard to whether or not the child is
9 residing in that school district. If the selection results in a
10 child transferring to another school, the child's school records
11 shall be transferred as provided under section 1135.

12 **(3) IF A CHILD ENROLLED IN GRADES 9 TO 12 IS A FOSTER CHILD**
13 **DESCRIBED IN SECTION 4F OF THE FOSTER CARE AND ADOPTION SERVICES**
14 **ACT, 1994 PA 203, MCL 722.954F, A SCHOOL DISTRICT SHALL ALLOW THE**
15 **CHILD TO ENROLL IN AND ATTEND THE APPROPRIATE GRADE IN THE SCHOOL**
16 **THE CHILD ATTENDED BEFORE THE CHILD'S PLACEMENT WITHOUT REGARD TO**
17 **THE RECOMMENDATIONS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**
18 **OR A CHILD PLACING AGENCY AND WITHOUT REGARD TO WHETHER OR NOT THE**
19 **CHILD IS RESIDING IN THAT SCHOOL DISTRICT.**

20 **(4) AS USED IN THIS SECTION, "PLACEMENT" MEANS THAT TERM AS**
21 **DEFINED IN SECTION 115F OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL**
22 **400.115F.**

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.

25 Enacting section 2. This amendatory act does not take effect
26 unless all of the following bills of the 99th Legislature are
27 enacted into law:

1 (a) Senate Bill No. _____ or House Bill No. 4933 (request no.
2 03625'17).

3 (b) Senate Bill No. _____ or House Bill No. 4935 (request no.
4 03625'17 b).