

HOUSE BILL No. 5232

November 8, 2017, Introduced by Reps. Jones, Neeley, Byrd, Gay-Dagnogo, Peterson, Durhal, Geiss, Scott, Ellison and Love and referred to the Committee on Education Reform.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
(MCL 388.1601 to 388.1896) by adding section 166c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 166C. (1) SUBJECT TO SUBSECTION (4), BEGINNING JANUARY 1,
2 2019, A DISTRICT OR A SCHOOL OPERATED BY THE DISTRICT SHALL NOT
3 SPONSOR OR OTHERWISE PERMIT OR TOLERATE THE USE OF ANY OF THE
4 FOLLOWING IF BASED ON RACE OR ETHNICITY, AS DETERMINED BY THE LIST
5 MADE AVAILABLE BY THE DEPARTMENT UNDER THIS SECTION:

6 (A) A MASCOT, NICKNAME, LOGO, OR OTHER TEAM OR CLUB
7 DESCRIPTOR.

8 (B) A SLOGAN, CHANT, SONG, OR OTHER FORMAL OR INFORMAL
9 AUDITORY PRACTICE.

10 (C) PUBLICATIONS, UNIFORMS, SIGNS, OR OTHER VISUAL MATERIALS.

1 (2) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL MAKE
3 AVAILABLE TO ALL PUBLIC SCHOOLS A LIST OF PROHIBITED RACE- OR
4 ETHNICITY-BASED CLASSIFICATIONS FOR THE PURPOSES OF SUBSECTION (1) .
5 THAT LIST MUST BE CREATED BY THE STATE BOARD AFTER CONSULTING WITH
6 AND OBTAINING THE APPROVAL OF THE DEPARTMENT OF CIVIL RIGHTS
7 REGARDING WHICH RACE- OR ETHNICITY-BASED CLASSIFICATIONS ARE
8 CONSIDERED DISCRIMINATORY OR OFFENSIVE. THE LIST MUST ALSO INCLUDE
9 RACIAL OR ETHNIC ORGANIZATIONS OR GROUPS THAT THE STATE BOARD AND
10 DEPARTMENT OF CIVIL RIGHTS CONSIDERS APPROPRIATE FOR THE PURPOSES
11 OF A WAIVER UNDER SUBSECTION (4) . THE STATE BOARD AND DEPARTMENT OF
12 CIVIL RIGHTS SHALL ENSURE THAT THE APPROPRIATE RACIAL OR ETHNIC
13 ORGANIZATION OR GROUP APPLICABLE TO A WAIVER UNDER SUBSECTION (4)
14 IS ALIGNED TO THE RACE- OR ETHNICITY-BASED CLASSIFICATION THAT THE
15 DISTRICT OR PUBLIC SCHOOL PROPOSES TO USE AND IS THE RACIAL OR
16 ETHNIC ORGANIZATION OR GROUP LOCATED NEAREST TO THE DISTRICT OR
17 PUBLIC SCHOOL THAT IS SEEKING THE WAIVER.

18 (3) THE STATE BOARD SHALL PERIODICALLY REVIEW AND, IF
19 CONSIDERED NECESSARY, REVISE THE LIST CREATED UNDER SUBSECTION (2) .
20 THE STATE BOARD SHALL CONSULT WITH AND OBTAIN THE APPROVAL OF THE
21 DEPARTMENT OF CIVIL RIGHTS BEFORE REVISING THE LIST. IF THE LIST IS
22 REVISED, THE DEPARTMENT SHALL ENSURE THAT ALL DISTRICTS AND PUBLIC
23 SCHOOLS ARE NOTIFIED.

24 (4) A DISTRICT OR SCHOOL OPERATED BY THE DISTRICT MAY SPONSOR,
25 PERMIT, OR TOLERATE THE USE OF RACE- OR ETHNICITY-BASED TEAM OR
26 CLUB DESCRIPTORS, PRACTICES, OR MATERIALS OTHERWISE PROHIBITED
27 UNDER THIS SECTION IF THE DISTRICT OR SCHOOL, AS APPLICABLE,

OBTAINS A WAIVER UNDER THIS SUBSECTION. A DISTRICT OR PUBLIC SCHOOL SEEKING TO USE A RACE- OR ETHNICITY-BASED TEAM OR CLUB DESCRIPTOR, PRACTICE, OR MATERIAL PROHIBITED UNDER THIS SECTION SHALL OBTAIN THE WRITTEN CONSENT OF THE APPROPRIATE RACIAL OR ETHNIC ORGANIZATION OR GROUP, AS DETERMINED BY THE LIST CREATED UNDER SUBSECTION (2). A WAIVER UNDER THIS SUBSECTION IS NOT VALID OR EFFECTIVE UNTIL THE DISTRICT OR PUBLIC SCHOOL SEEKING THE WAIVER PROVIDES THE DEPARTMENT WITH A COPY OF THE WRITTEN CONSENT OF THE APPROPRIATE RACIAL OR ETHNIC ORGANIZATION OR GROUP AND THE DEPARTMENT NOTIFIES THE DISTRICT OR PUBLIC SCHOOL THAT THE DEPARTMENT RECEIVED THE COPY. THE DEPARTMENT MAY DEVELOP AND MAKE AVAILABLE TO DISTRICTS AND PUBLIC SCHOOLS A CONSENT FORM THAT MAY BE USED FOR THE PURPOSES OF SEEKING A WAIVER UNDER THIS SUBSECTION.

(5) BEGINNING JANUARY 1, 2019, A DISTRICT THAT FAILS TO COMPLY WITH THIS SECTION OR THAT OPERATES A SCHOOL THAT FAILS TO COMPLY WITH THIS SECTION FORFEITS FUNDS DUE UNDER THIS ARTICLE IN AN AMOUNT EQUAL TO THE AMOUNT THAT IS NECESSARY FOR THE DISTRICT OR SCHOOL TO BECOME COMPLIANT WITH THIS SECTION, AS DETERMINED BY THE DEPARTMENT. HOWEVER, THE DEPARTMENT SHALL NOT WITHHOLD THOSE FUNDS UNTIL THE DEPARTMENT NOTIFIES THE DISTRICT THAT THE FUNDS ARE SUBJECT TO FORFEITURE AND PROVIDES THE DISTRICT A REASONABLE OPPORTUNITY TO REQUEST A DELAYED FORFEITURE OF THE FUNDS. THE DEPARTMENT MAY GRANT A REQUEST FOR A DELAYED FORFEITURE OF THE FUNDS FOR A PERIOD NOT TO EXCEED 12 MONTHS FROM THE DATE OF THE NOTIFICATION OF NONCOMPLIANCE IF THE DISTRICT'S REQUEST IS IN WRITING AND PROVIDES BOTH OF THE FOLLOWING, AS CONSIDERED SATISFACTORY TO THE DEPARTMENT:

1 (A) A STATEMENT OF INTENT THAT THE DISTRICT OR THE SCHOOL
2 OPERATED BY THE DISTRICT, OR BOTH, WILL COMPLY WITH THIS SECTION.

3 (B) THE ACTION OR PLAN THAT THE DISTRICT OR THE SCHOOL
4 OPERATED BY THE DISTRICT, OR BOTH, WILL TAKE IN ORDER TO COMPLY
5 WITH THIS SECTION.

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