July 27, 2021, Introduced by Senators THEIS, BARRETT, NESBITT, RUNESTAD, BUMSTEAD, VICTORY, BIZON, DALEY, OUTMAN, LAUWERS and VANDERWALL and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding sections 1136a and 1136b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1136a. (1) If a school district, intermediate school district, or public school academy adopts or implements a policy that requires pupils enrolled in the school district, intermediate school district, or public school academy to wear a face mask, the school district, intermediate school district, or public school
academy shall provide for a waiver process through which the parent or legal guardian of a pupil or, if the pupil is at least 18 years of age or an emancipated minor, the pupil, can request a waiver from the policy. A school district, intermediate school district, or public school academy shall not require that a pupil for which a waiver is requested or received under this subsection wear a face mask to do any of the following:

(a) Enter or attend a school operated by the school district, intermediate school district, or public school academy.
(b) Ride a school bus or other school-related vehicle.
(c) Participate in or attend a school-sponsored activity or event, whether or not it is held on school premises. A school-sponsored activity or event described in this subdivision includes, but is not limited to, participation in or attendance at school-sponsored sports, band, theater, educational trips, or other extracurricular activities.

(2) A school district, intermediate school district, or public school academy shall not discriminate against or treat differently a pupil solely based on whether or not the pupil's parent or legal guardian or the pupil has requested a waiver under subsection (1) or received a waiver for the pupil under subsection (1).
Discrimination under this subsection includes, but is not limited to, the following conduct:
(a) Implementing segregated seating based solely on whether or not a pupil's parent or legal guardian or the pupil has requested a waiver under subsection (1) or received a waiver for the pupil under subsection (1).
(b) Requiring that a pupil or any member of the pupil's family pay a different fee for admission to a school-sponsored activity or
event, whether or not it is held on school premises, solely based on whether or not the pupil's parent or legal guardian or the pupil has requested a waiver under subsection (1) or received a waiver for the pupil under subsection (1). A school-sponsored activity or event described in this subdivision includes, but is not limited to, participation in or attendance at school-sponsored sports, band, theater, educational trips, or other extracurricular activities.

(c) The implementation of a policy that prohibits a pupil from participating in school-sponsored interscholastic athletic activities, including certain teams within a school-sponsored interscholastic athletic activity, solely based on whether or not the pupil's parent or legal guardian or the pupil has requested a waiver under subsection (1) or received a waiver for the pupil under subsection (1).

(3) A school district, intermediate school district, or public school academy shall not adopt or implement a policy that requires an individual to wear a face mask at a meeting of the board.

(4) As used in this section:

(a) "Board" means the board of a school district, an intermediate school board, or the board of directors of a public school academy.

(b) "Face mask" means a tightly woven cloth or other multilayer absorbent material that closely covers an individual's mouth and nose.

Sec. 1136b. (1) The board of a school district, intermediate school district, or public school academy shall not adopt or implement a policy that requires that a pupil enrolled in the school district, intermediate school district, or public school
academy who is asymptomatic for COVID-19 be tested for COVID-19 to
do any of the following:

(a) Enter or attend a school operated by the school district,
intermediate school district, or public school academy.

(b) Ride a school bus or other school-related vehicle.

(c) Participate in or attend a school-sponsored activity or
event, whether or not it is held on school premises. A school-
sponsored activity or event described in this subdivision includes,
but is not limited to, participation in or attendance at school-
sponsored sports, band, theater, educational trips, or other
extracurricular activities.

(2) A school district, intermediate school district, or public
school academy shall not discriminate against or treat differently
a pupil who is asymptomatic for COVID-19 solely based on whether or
not the pupil has been tested for COVID-19. Discrimination under
this subsection includes, but is not limited to, the following
conduct:

(a) Implementing segregated seating based solely on whether or
not a pupil who is asymptomatic for COVID-19 has been tested for
COVID-19.

(b) Requiring that a pupil who is asymptomatic for COVID-19
wear a face mask based solely on whether or not the pupil has been
tested for COVID-19.

(c) Requiring that a pupil who is asymptomatic for COVID-19 or
any member of the pupil's family who is asymptomatic for COVID-19
pay a different fee for admission to a school-sponsored activity or
event, whether or not it is held on school premises, solely based
on whether or not the pupil or his or her family member has been
tested for COVID-19. A school-sponsored activity or event described
in this subdivision includes, but is not limited to, participation
in or attendance at school-sponsored sports, band, theater,
educational trips, or other extracurricular activities.

(d) The implementation of a policy that prohibits a pupil who
is asymptomatic for COVID-19 from participating in school-sponsored
interscholastic athletic activities, including certain teams within
a school-sponsored interscholastic athletic activity, solely based
on whether or not the pupil has been tested for COVID-19.

(3) A school district, intermediate school district, or public
school academy shall not adopt or implement a policy that requires
an individual who is asymptomatic for COVID-19 to be tested for
COVID-19 to attend a meeting of the board.

(4) As used in this section:
(a) "Board" means the board of a school district, an
intermediate school board, or the board of directors of a public
school academy.
(b) "COVID-19" means severe acute respiratory syndrome
coronavirus 2 (SARS-CoV-2).
(c) "Face mask" means a tightly woven cloth or other
multilayer absorbent material that closely covers an individual's
mouth and nose.

Enacting section 1. This amendatory act does not take effect
unless Senate Bill No. 603 of the 101st Legislature is enacted into
law.