

SENATE BILL NO. 601

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:

1 **Sec. 1136a. (1) If a school district, intermediate school**
2 **district, or public school academy adopts or implements a policy**
3 **that requires pupils enrolled in the school district, intermediate**
4 **school district, or public school academy to wear a face mask, the**
5 **school district, intermediate school district, or public school**

1 academy shall provide for a waiver process through which the parent
2 or legal guardian of a pupil or, if the pupil is at least 18 years
3 of age or an emancipated minor, the pupil, can request a waiver
4 from the policy. A school district, intermediate school district,
5 or public school academy shall not require that a pupil for which a
6 waiver is requested or received under this subsection wear a face
7 mask to do any of the following:

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

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

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

17 (2) A school district, intermediate school district, or public
18 school academy shall not discriminate against or treat differently
19 a pupil solely based on whether or not the pupil's parent or legal
20 guardian or the pupil has requested a waiver under subsection (1)
21 or received a waiver for the pupil under subsection (1).
22 Discrimination under this subsection includes, but is not limited
23 to, the following conduct:

24 (a) Implementing segregated seating based solely on whether or
25 not a pupil's parent or legal guardian or the pupil has requested a
26 waiver under subsection (1) or received a waiver for the pupil
27 under subsection (1).

28 (b) Requiring that a pupil or any member of the pupil's family
29 pay a different fee for admission to a school-sponsored activity or

1 event, whether or not it is held on school premises, solely based
2 on whether or not the pupil's parent or legal guardian or the pupil
3 has requested a waiver under subsection (1) or received a waiver
4 for the pupil under subsection (1). A school-sponsored activity or
5 event described in this subdivision includes, but is not limited
6 to, participation in or attendance at school-sponsored sports,
7 band, theater, educational trips, or other extracurricular
8 activities.

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

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

19 (4) As used in this section:

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

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

26 Sec. 1136b. (1) The board of a school district, intermediate
27 school district, or public school academy shall not adopt or
28 implement a policy that requires that a pupil enrolled in the
29 school district, intermediate school district, or public school

1 academy who is asymptomatic for COVID-19 be tested for COVID-19 to
2 do any of the following:

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

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

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

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

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

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

24 (c) Requiring that a pupil who is asymptomatic for COVID-19 or
25 any member of the pupil's family who is asymptomatic for COVID-19
26 pay a different fee for admission to a school-sponsored activity or
27 event, whether or not it is held on school premises, solely based
28 on whether or not the pupil or his or her family member has been
29 tested for COVID-19. A school-sponsored activity or event described

1 in this subdivision includes, but is not limited to, participation
2 in or attendance at school-sponsored sports, band, theater,
3 educational trips, or other extracurricular activities.

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

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

13 (4) As used in this section:

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

17 (b) "COVID-19" means severe acute respiratory syndrome
18 coronavirus 2 (SARS-CoV-2).

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

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