

HOUSE BILL No. 4185

February 3, 2005, Introduced by Reps. Accavitti, Wojno, Miller, Condino, Byrnes, Ward, Stakoe, Hune, Gaffney, Gonzales, Tobocman, Bieda and David Law and referred to the Committee on Health Policy.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1135 (MCL 380.1135), as added by 1987 PA 84.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1135. (1) Upon enrollment of a student for the first time
2 in a local or intermediate school district **OR A PUBLIC SCHOOL**
3 **ACADEMY**, the **SCHOOL** district **OR PUBLIC SCHOOL ACADEMY** shall notify
4 in writing the person enrolling the student that within 30 days he
5 or she shall provide to the local or intermediate school district
6 **OR PUBLIC SCHOOL ACADEMY** either of the following:
7 (a) A certified copy of the student's birth certificate.
8 (b) Other reliable proof, as determined by the school district

1 **OR PUBLIC SCHOOL ACADEMY**, of the student's identity and age, and an
2 affidavit explaining the inability to produce a copy of the birth
3 certificate.

4 (2) If a person enrolling a student fails to comply with
5 subsection (1), the local or intermediate school district **OR PUBLIC**
6 **SCHOOL ACADEMY** shall notify the person enrolling the student in
7 writing that, unless he or she complies within 30 days after the
8 notification, the case shall be referred to the local law
9 enforcement agency for investigation. If the person enrolling the
10 student fails to comply within that 30-day period, the local or
11 intermediate school district **OR PUBLIC SCHOOL ACADEMY** shall notify
12 the local law enforcement agency.

13 (3) ~~The~~ **A** local or intermediate school district **OR PUBLIC**
14 **SCHOOL ACADEMY** shall immediately report to the local law
15 enforcement agency any affidavit received pursuant to this section
16 that appears inaccurate or suspicious in form or content.

17 (4) Within 14 days after enrolling a transfer student, ~~the~~ **A**
18 school **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL**
19 **ACADEMY, OR NONPUBLIC SCHOOL** shall request in writing directly from
20 the student's previous school a copy of his or her school record.
21 Any **SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL**
22 **ACADEMY, OR NONPUBLIC** school that compiles ~~records~~ **A SCHOOL**
23 **RECORD** for each student ~~in the school~~ and that is requested to
24 forward a copy of a transferring student's **SCHOOL** record to the new
25 school shall comply within 30 days after receipt of the request
26 unless the **SCHOOL** record has been tagged pursuant to section 1134.
27 If a ~~student~~ **STUDENT'S SCHOOL** record has been tagged pursuant to

1 section 1134, a copy of the ~~student~~ **STUDENT'S SCHOOL** record shall
2 not be forwarded, and the requested school shall notify the law
3 enforcement agency that notified the school district of the missing
4 student pursuant to section 8 of ~~Act No. 319 of the Public Acts of~~
5 ~~1968, being section 28.258 of the Michigan Compiled Laws~~ **1968 PA**
6 **319, MCL 28.258**, of the request.

7 (5) A local or intermediate school district shall not disclose
8 any personally identifiable information contained in a ~~student~~
9 **STUDENT'S SCHOOL** record to a law enforcement agency, except in
10 compliance with the family educational rights and privacy act, 20
11 ~~U.S.C.~~ **USC 1232g**.

12 (6) **AS USED IN THIS SECTION, "SCHOOL RECORD" INCLUDES, BUT IS**
13 **NOT LIMITED TO, THE FOLLOWING RECORDS MAINTAINED BY A SCHOOL**
14 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR**
15 **NONPUBLIC SCHOOL REGARDING A SPECIFIC STUDENT:**

16 (A) **ATTENDANCE RECORD OR SUMMARY.**

17 (B) **ACADEMIC RECORD SHOWING GRADES COMPLETED AND COURSES**
18 **PASSED.**

19 (C) **DISCIPLINARY RECORD THAT INCLUDES ALL FINAL, PENDING, AND**
20 **INITIATED SUSPENSIONS OR EXPULSIONS; A DESCRIPTION OF THE PRIMARY**
21 **INCIDENT OR INCIDENTS THAT LED TO EACH SUSPENSION OR EXPULSION; THE**
22 **DATE WHEN EACH OF THESE INCIDENTS OCCURRED; AND ANY OTHER**
23 **INFORMATION THAT IS RELATED TO THE SUSPENSION OR EXPULSION AND IS**
24 **CONSIDERED APPROPRIATE BY SCHOOL OFFICIALS OF THE SCHOOL FROM WHICH**
25 **THE STUDENT IS TRANSFERRING. THE INFORMATION REQUIRED BY THIS**
26 **SUBDIVISION MAY BE PRESENTED IN SUMMARY FORM.**

27 (D) **HEALTH RECORDS AND INFORMATION THAT ARE PART OF THE**

1 STUDENT'S EDUCATION RECORD.

2 (E) THE STUDENT'S CURRENT INDIVIDUALIZED EDUCATION PROGRAM, IF

3 ANY.