

# HOUSE BILL NO. 5142

October 23, 2019, Introduced by Reps. Meerman, Sabo and Calley 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 amended by 2018 PA 619.

**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 school district, ~~public school academy, or intermediate~~  
3 school district, **or public school academy**, the local school  
4 district, ~~public school academy, or intermediate school district,~~  
5 **or public school academy** shall notify in writing the person



1 enrolling the student that within 30 days he or she shall provide  
2 to the local school district, ~~public school academy, or~~  
3 intermediate school district, **or public school academy** either of  
4 the following:

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

6 (b) Other reliable proof, as determined by the local school  
7 district, ~~public school academy, or~~ intermediate school district,  
8 **or public school academy** of the student's identity and age, and an  
9 affidavit explaining the inability to produce a copy of the birth  
10 certificate.

11 (2) If a person enrolling a student fails to comply with  
12 subsection (1), the local school district, ~~public school academy,~~  
13 ~~or~~ intermediate school district, **or public school academy** shall  
14 notify the person enrolling the student in writing that, unless he  
15 or she complies within 30 days after the notification, the case  
16 must 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, **or public school academy**  
20 shall notify the local law enforcement agency.

21 (3) The local school district, ~~public school academy, or~~  
22 intermediate school district, **or public school academy** shall  
23 immediately report to the local law enforcement agency any  
24 affidavit received under this section that appears inaccurate or  
25 suspicious in form or content.

26 (4) Within 14 days after enrolling a transfer student, the  
27 school shall request in writing directly from the student's  
28 previous school a copy of his or her school record. Any school that  
29 compiles records for each student in the school and that is



1 requested to forward a copy of a transferring student's **school**  
2 record to the new school shall comply within 30 days after receipt  
3 of the request unless the **school** record has been tagged under  
4 section 1134. If a ~~student-school~~ record has been tagged under  
5 section 1134, a copy of the ~~student-school~~ record **and, if**  
6 **applicable, a copy of the written authorization described under**  
7 **section 1135a(2) (a)** must not be forwarded, and the requested school  
8 shall notify the law enforcement agency that notified the school  
9 district of the missing student under section 8 of 1968 PA 319, MCL  
10 28.258, of the request.

11 (5) A local school district, ~~public school academy, or~~  
12 intermediate school district, **or public school academy** shall not  
13 disclose any personally identifiable information contained in a  
14 ~~student-school~~ record to a law enforcement agency, except in  
15 compliance with 20 USC 1232g, commonly referred to as the family  
16 educational rights and privacy act.

17 (6) **Except as otherwise provided in this section, a local**  
18 **school district, intermediate school district, or public school**  
19 **academy that forwards a copy of a transferring student's school**  
20 **record to the student's new school under this section shall also**  
21 **forward a copy of a written authorization described under section**  
22 **1135a(2) (a), if applicable, to the transferring student's new**  
23 **school along with the copy of the student's school record.**

24 **Sec. 1135a. (1) Subject to subsections (2) and (3) and federal**  
25 **and state privacy laws, the board of a local school district or**  
26 **intermediate school district or the board of directors of a public**  
27 **school academy shall ensure that a pupil's school record includes**  
28 **at least all of the following:**

29 (a) **Notes regarding the pupil recorded by the pupil's school**



1 counselor, if any.

2 (b) The contact information of each school counselor who  
3 serves or has served as a school counselor to the pupil.

4 (c) Documentation of the pupil's hospitalization for reasons  
5 related to the pupil's mental health provided to the school by the  
6 pupil's parent or legal guardian or, if the pupil is at least 18  
7 years of age or an emancipated minor, the pupil, if applicable.

8 (d) Information regarding a traumatic event experienced by the  
9 pupil provided to the school by the pupil or the pupil's parent or  
10 legal guardian, if applicable. As used in this subdivision,  
11 "traumatic event" includes, but is not limited to, the death of the  
12 pupil's parent or legal guardian, the death of a family member of  
13 the pupil, or the death of a friend of the pupil.

14 (2) A local school district, intermediate school district, or  
15 public school academy shall only include and maintain information  
16 described under subsection (1) in a pupil's school record if either  
17 of the following is met:

18 (a) The pupil's parent or legal guardian or, if the pupil is  
19 at least 18 years of age or an emancipated minor, the pupil submits  
20 a written authorization to the local school district, intermediate  
21 school district, or public school academy in which he or she is  
22 enrolled, in a form and manner prescribed by the department,  
23 authorizing both of following:

24 (i) Any local school district, intermediate school district, or  
25 public school academy in which the pupil is enrolled to include and  
26 maintain the information described under subsection (1) in the  
27 pupil's school record.

28 (ii) Any local school district, intermediate school district,  
29 or public school academy to forward the information described under



1 subsection (1) as part of the pupil's school record to another  
2 local school district, intermediate school district, or public  
3 school academy upon the pupil's transfer to another school as  
4 required under section 1135.

5 (b) A local school district, intermediate school district, or  
6 public school academy in which the pupil is enrolled has received a  
7 copy of the written authorization described under subdivision (a)  
8 from the pupil's previous school.

9 (3) The local school district, intermediate school district,  
10 or public school academy that is in possession of the pupil's  
11 school record upon the pupil's graduation from high school shall  
12 dispose of the school record in a manner prescribed by the  
13 department. If a pupil's parent or legal guardian or, if the pupil  
14 is at least 18 years of age or an emancipated minor, the pupil  
15 requests the information described under subsection (1) to be  
16 removed from the pupil's school record and disposed of, the school  
17 district, intermediate school district, or public school academy in  
18 which the pupil is enrolled shall remove the information and  
19 dispose of the information in a manner prescribed by the  
20 department.

21 (4) As used in this section:

22 (a) "Local school district" means that term as defined under  
23 section 1134.

24 (b) "Intermediate school district" means that term as defined  
25 under section 1134.

