

HOUSE BILL NO. 4988

September 17, 2019, Introduced by Rep. Lower and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1306a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1306a. (1) The board of a school district or intermediate**
2 **school district or the board of directors of a public school**
3 **academy shall not adopt or implement a policy that categorically**
4 **limits or prohibits an employee of, or individual working at a**



1 school operated by, the school district, intermediate school
2 district, or public school academy from communicating or
3 cooperating with appropriate federal officials concerning the
4 immigration status of an individual in this state.

5 (2) If a school district, intermediate school district, or
6 public school academy has an existing policy that does not comply
7 with subsection (1), the board of the school district or
8 intermediate school district or the board of directors of the
9 public school academy shall rescind the policy or ensure that the
10 policy is modified to comply with subsection (1) not later than 60
11 days after the effective date of the amendatory act that added this
12 section.

13 (3) Beginning 61 days after the effective date of the
14 amendatory act that added this section, if a school district,
15 intermediate school district, or public school academy adopts or
16 implements a policy that violates this section or fails to rescind
17 or modify an existing policy as required under subsection (2), a
18 qualified individual may do either of the following:

19 (a) Bring an action to enforce this section in the circuit
20 court in the judicial district in which that school district,
21 intermediate school district, or public school academy is located.

22 (b) File a complaint with the attorney general on a form
23 prescribed by the attorney general.

24 (4) The attorney general may receive complaints regarding
25 violations of this section and investigate those complaints. A
26 school district, intermediate school district, or public school
27 academy shall cooperate with any investigation conducted by the
28 department of the attorney general concerning a violation of this
29 section.



1 (5) Beginning 61 days after the effective date of the
2 amendatory act that added this section, if a school district,
3 intermediate school district, or public school academy adopts or
4 implements a policy that violates this section or fails to rescind
5 or modify an existing policy as required under subsection (2), the
6 attorney general shall bring an action to enforce this section in
7 the circuit court in the judicial district in which that school
8 district, intermediate school district, or public school academy is
9 located.

10 (6) If a qualified individual brings an action as described in
11 subsection (3), or if the attorney general brings an action as
12 described in subsection (5), and the court determines that the
13 policy violates this section, the court shall do all of the
14 following, as applicable:

15 (a) Issue an injunction restraining the school district,
16 intermediate school district, or public school academy from
17 implementing the policy.

18 (b) Order the school district, intermediate school district,
19 or public school academy to rescind the policy or modify the policy
20 so that it is in compliance with this section.

21 (c) Award actual damages, costs, and reasonable attorney fees
22 to the party challenging the policy.

23 (7) In addition to the requirements under subsection (1), if
24 the court determines that the board of a school district or
25 intermediate school district or the board of directors of a public
26 school academy, or a designee of the board or board of directors,
27 knowingly and willfully adopted or implemented a policy or failed
28 to rescind or modify an existing policy in violation of this
29 section, then the court shall assess a civil fine of not less than



1 \$2,500.00 and not more than \$7,500.00 against that school district,
2 intermediate school district, or public school academy, in addition
3 to any other penalty provided by law.

4 (8) As used in this section:

5 (a) "Community college" means that term as defined in section
6 501.

7 (b) "Qualified individual" means any of the following, as
8 applicable:

9 (i) For an action brought or a complaint filed against a school
10 district or intermediate school district under this section, a
11 resident of the school district or intermediate school district.

12 (ii) For an action brought or complaint filed against a public
13 school academy under this section, any of the following, as
14 applicable:

15 (A) If the public school academy's authorizing body is the
16 board of a school district, a resident of that school district.

17 (B) If the public school academy's authorizing body is the
18 board of an intermediate school district, a resident of that
19 intermediate school district.

20 (C) If the public school academy's authorizing body is the
21 board of a community college, a resident of the community college
22 district.

23 (D) If the public school academy's authorizing body is the
24 governing body of a state public university, a resident of this
25 state.

26 (iii) The parent or legal guardian of a pupil enrolled in the
27 school district, intermediate school district, or public school
28 academy or, if the pupil is at least 18 or is an emancipated minor,
29 the pupil.



1 (iv) An employee of, or individual working at a school operated
2 by, the school district, intermediate school district, or public
3 school academy.

4 (c) "State public university" means that term as defined in
5 section 501.

