

# HOUSE BILL NO. 5374

November 14, 2023, Introduced by Reps. Cavitt, Hoadley, Meerman, Markkanen, Outman and Martin and referred to the Committee on Government Operations.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1137 (MCL 380.1137), as added by 1995 PA 289.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 1137. (1) In recognition of the rights of parents and  
2 legal guardians, the board of a school district ~~or intermediate~~  
3 **school district or board of directors of a** public school academy ~~or~~  
4 ~~university school, or intermediate school district~~ shall ensure  
5 that a parent or legal guardian responsible for the care and  
6 custody of a pupil enrolled in the school district, ~~public school~~

1 ~~academy, university school, or intermediate school district, or~~  
2 **public school academy** may do all of the following:

3 (a) ~~Review~~ **Fully review, in physical or digital optical**  
4 **character recognition format, and make copies of,** the curriculum,  
5 ~~textbooks, books, and teaching other educational~~ materials of the  
6 school in which the pupil is enrolled. ~~at a reasonable time and~~  
7 ~~place and in a reasonable manner.~~

8 (b) ~~Be present, to a reasonable degree, and at reasonable~~  
9 ~~times and subject to reasonable restrictions, controls, and limits,~~  
10 ~~to~~ **Visit the pupil at school during school hours and** observe  
11 instructional activity in a class or course in which the pupil is  
12 enrolled and present. As used in this subdivision, "instructional  
13 activity" does not include testing.

14 (c) **Access information on the teachers, guest lecturers, and**  
15 **outside presenters who engage with pupils at the school in which**  
16 **the pupil is enrolled.**

17 (2) **The board of a school district or intermediate school**  
18 **district or board of directors of a public school academy shall**  
19 **prohibit the school in which the pupil is enrolled from collecting**  
20 **any biometric data from the pupil without express consent by the**  
21 **pupil's parent or legal guardian.**

22 (3) **The board of a school district or intermediate school**  
23 **district or board of directors of a public school academy shall**  
24 **ensure that a school makes available processes by which the parent**  
25 **or legal guardian of a pupil can object in writing to, and deny**  
26 **consent to, the use of videographic, photographic, or audio**  
27 **depictions of the pupil by the school.**

28 (4) **The board of a school district or intermediate school**  
29 **district or board of directors of a public school academy shall not**

1 permit or require the attendance of its pupils at school  
2 assemblies, field trips, or other extracurricular activities unless  
3 the school obtains express consent from the pupil's parent or legal  
4 guardian.

5 (5) The board of a school district or intermediate school  
6 district or board of directors of a public school academy shall  
7 ensure that the parent or legal guardian of a pupil is provided  
8 with class syllabi and reading lists from the school in which the  
9 pupil is enrolled. The parent or legal guardian is permitted to  
10 view or otherwise access curricular materials without signing a  
11 nondisclosure agreement.

12 (6) The board of a school district or intermediate school  
13 district or board of directors of a public school academy shall  
14 ensure that the parent or legal guardian of a pupil is notified in  
15 a timely manner of situations affecting the safety of the pupil at  
16 school. A school must provide a notification under this subsection  
17 to parents or legal guardians if any of the following incidents  
18 occur:

- 19 (a) Physical assaults occurring in or around the school.  
20 (b) Sexual assaults occurring in or around the school.  
21 (c) Appearances of weapons in or around the school.  
22 (d) Drug use or possession in or around the school.  
23 (e) Police investigations in or around the school.  
24 (f) Crimes committed by teachers or other school employees,  
25 whether or not the crimes were committed on the school's campus.

26 (7) ~~(2) The board of a school district, public school~~  
27 ~~academy, university school, or intermediate school district or~~  
28 **board of directors of a public school academy** may adopt reasonable  
29 policies or guidelines under this section. Those policies or

1 guidelines ~~shall~~**must** not unreasonably prevent the exercise of the  
2 rights set forth in ~~subsection~~**subsections** (1) **to (6)** and ~~shall~~  
3 **must** not create an unreasonable obstacle to teaching or learning,  
4 or to administering or maintaining proper discipline, in a school  
5 or school program. If a board adopts policies or guidelines under  
6 this subsection, the board shall make the policies or guidelines  
7 available to the public.

8       **(8) As used in this section, "biometric data" means**  
9 **information stored electronically that identifies, relates to,**  
10 **describes, is reasonably capable of being associated with, or could**  
11 **reasonably be linked, directly or indirectly, with a particular**  
12 **student.**