

SUBSTITUTE FOR
SENATE BILL NO. 492

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~~**pupil** for the
2 first time in a ~~local~~-school district, ~~a~~ public school academy, ~~or~~
3 **an** intermediate school district, **or the Michigan School for the**
4 **Deaf**, the ~~local~~-school district, **the** public school academy, ~~or the~~
5 intermediate school district, **or the Michigan School for the Deaf**
6 shall notify in writing the ~~person~~**individual** enrolling the ~~student~~
7 **pupil** that, within 30 days, ~~he or she shall~~**the individual must**
8 provide to the ~~local~~-school district, **the** public school academy, ~~or~~
9 **the** intermediate school district, **or the Michigan School for the**



Deaf either of the following:

(a) A copy of the ~~student's~~**pupil's** birth certificate.

(b) Other reliable proof, as determined by the ~~local~~ school district, public school academy, ~~or~~ intermediate school district, **or the Michigan School for the Deaf**, of the ~~student's~~**pupil's** identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.

(2) If a ~~person~~**an individual** enrolling a ~~student~~**pupil** fails to comply with subsection (1), the ~~local~~ school district, public school academy, ~~or~~ intermediate school district, **or the Michigan School for the Deaf** shall notify the ~~person~~**individual** enrolling the ~~student~~**pupil** in writing that, unless ~~he or she~~**the individual** complies within 30 days after the notification, the case must be referred to the local law enforcement agency for investigation. If the ~~person~~**individual** enrolling the ~~student~~**pupil** fails to comply within that 30-day period, the ~~local~~ school district, public school academy, ~~or~~ intermediate school district, **or the Michigan School for the Deaf** shall notify the local law enforcement agency.

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

(4) Within 14 days after enrolling a transfer ~~student~~**pupil**, the school **that will be receiving the pupil** shall request in writing directly from the ~~student's~~**pupil's** previous school a copy of ~~his or her school~~**the pupil's student** record. ~~Any~~**A request for a student record under this subsection must contain at least all of the following:**



(a) The pupil's full name.

(b) The pupil's date of birth.

(c) The grade level in which the pupil will be enrolled at the receiving school.

(d) The name and address of the receiving school.

(e) The date that the pupil officially enrolled in the receiving school.

(5) Subject to subsection (6), any school that compiles records for each ~~student~~-pupil in the school and that is requested to forward a copy of a transferring ~~student's~~-pupil's record to the new school under subsection (4) shall comply within 30 days after receipt of the request unless the record has been tagged under section 1134. If a student record has been tagged under section 1134, a copy of the student record must not be forwarded, and the requested school shall notify the law enforcement agency that notified the school district of the missing student under section 8 of 1968 PA 319, MCL 28.258, of the request.

(6) A school shall not provide a copy of a pupil's student record under subsection (5) unless the school has been provided with written confirmation from the school that will be receiving the pupil that the pupil has been enrolled in the school as described in subsection (4).

(7) ~~(5)~~-A local school district, a public school academy, or an intermediate school district, or the Michigan School for the Deaf shall not disclose any personally identifiable information contained in a student record to a law enforcement agency, except in compliance with 20 USC 1232g, commonly referred to as the family educational rights and privacy act.

(8) Nothing in this section shall be construed to prevent the



1 sharing of partial student records before a transfer.