



HOUSE BILL No. 5711

March 26, 1996, Introduced by Rep. Bryant and referred to the Committee on Education.

A bill to amend section 1299 of Act No. 451 of the Public Acts of 1976, entitled as amended
"The revised school code,"
as added by Act No. 289 of the Public Acts of 1995, being section 380.1299 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1299 of Act No. 451 of the Public Acts
2 of 1976, as added by Act No. 289 of the Public Acts of 1995,
3 being section 380.1299 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 1299. (1) A public school THAT OPERATES 1 OR MORE OF
6 GRADES 7 TO 12 AND that has a limited open forum shall not deny
7 equal access or a fair opportunity to, or discriminate against,
8 any pupil or pupils who wish to conduct a meeting within that
9 limited open forum on the basis of the religious, political,

1 philosophical, or other content of the speech at the meeting. A
2 public school has a limited open forum whenever the public school
3 grants an offering to or opportunity for 1 or more
4 noncurriculum-related student groups to meet on school premises
5 during noninstructional time. ~~Public schools~~ A PUBLIC SCHOOL
6 shall be considered to offer a fair opportunity to pupils who
7 wish to conduct a meeting within the limited open forum if the
8 public school uniformly provides for all of the following:

9 (a) The meeting is voluntary and student-initiated.

10 (b) There is no sponsorship of the meeting by the public
11 school, the government, or either's agents or employees.

12 (c) Employees or agents of the public school or government
13 are present at religious meetings only in a nonparticipatory
14 capacity.

15 (d) The meeting does not materially and substantially inter-
16 fere with the orderly conduct of educational activities within
17 the school.

18 (e) Persons not affiliated with the public school may not
19 direct, conduct, control, or regularly attend activities of stu-
20 dent groups.

21 (2) Subsection (1) does not authorize this state or any
22 political subdivision of this state to do any of the following:

23 (a) Influence the form or content of any prayer or other
24 religious activity.

25 (b) Require any person to participate in prayer or other
26 religious activity.

1 (c) Expend public funds beyond the incidental cost of
2 providing the space for student-initiated meetings.

3 (d) Compel any school agent or employee to attend a school
4 meeting if the content of the speech at the meeting is contrary
5 to the beliefs of the agent or employee.

6 (e) Sanction meetings that are otherwise unlawful.

7 (f) Limit the rights of groups of pupils which are not of a
8 specified numerical size.

9 (g) Abridge the constitutional rights of any person.

10 (3) Subsection (1) does not limit the authority of a public
11 school to maintain order and discipline on school premises, to
12 protect the well-being of pupils and faculty, and to assure that
13 attendance of pupils at meetings is voluntary.

14 (4) As used in this section:

15 (a) "Meeting" includes those activities of student groups
16 that are permitted under a public school's limited open forum and
17 are not directly related to the school curriculum.

18 (b) "Noninstructional time" means time set aside by the
19 school before actual classroom instruction begins or after actual
20 classroom instruction ends.

21 (c) "Public school" includes a public school's employees and
22 persons or entities under contract with the public school.

23 (d) "Sponsorship" includes the act of promoting, leading, or
24 participating in a meeting. The assignment of a teacher, admin-
25 istrator, or other school employee to a meeting for custodial
26 purposes does not constitute sponsorship of the meeting.