

HOUSE BILL No. 5044

October 2, 2013, Introduced by Rep. Kelly 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 1136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1136. (1) THIS SECTION MAY BE KNOWN AS THE PRIVACY IN
2 STUDENT COURSE WORK AND TEST-TAKING LAW.

3 (2) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
4 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL
5 ENSURE THAT THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
6 PUBLIC SCHOOL ACADEMY COMPLIES WITH ALL OF THE FOLLOWING CONCERNING
7 CURRICULUM, PUPIL TESTING, AND PUPIL PRIVACY:

8 (A) DOES NOT ADMINISTER TO A PUPIL ANY ASSESSMENT OR TEST THAT
9 REQUESTS A PUPIL TO DISCLOSE ANY OF THE FOLLOWING INFORMATION
10 CONCERNING THE PUPIL:

1 (i) SOCIOECONOMIC DATA OR PERSONALLY IDENTIFIABLE INFORMATION
2 OTHER THAN THE PUPIL'S NAME OR STUDENT IDENTIFICATION NUMBER.

3 (ii) PLACE OF BIRTH.

4 (iii) POLITICAL AFFILIATIONS OR BELIEFS OF THE PUPIL OR OF A
5 PUPIL'S FAMILY MEMBER.

6 (iv) RELIGIOUS PRACTICES, AFFILIATIONS, OR BELIEFS OF THE PUPIL
7 OR OF A PUPIL'S FAMILY MEMBER.

8 (v) INCOME OR FAMILY INCOME, UNLESS REQUIRED BY LAW TO
9 DETERMINE ELIGIBILITY FOR PARTICIPATION IN A PROGRAM OR FOR
10 RECEIVING FINANCIAL ASSISTANCE UNDER A PROGRAM.

11 (vi) ANY OTHER INFORMATION CONCERNING THE PUPIL'S
12 RELATIONSHIPS, HEALTH, BEHAVIORS, ATTITUDES, OR BELIEFS, OR THOSE
13 OF A FAMILY MEMBER, UNLESS APPROVED IN WRITING BY THE PUPIL'S
14 PARENT OR LEGAL GUARDIAN.

15 (B) DOES NOT COLLECT OR USE ANY BIOMETRIC DATA CONCERNING A
16 PUPIL DURING AN ASSESSMENT OR TEST OR ANY OTHER SCHOOL-RELATED
17 ACTIVITY.

18 (C) DOES NOT COLLECT OR USE ANY TYPE OF PHYSIOLOGICAL RESPONSE
19 DATA FROM A BIOFEEDBACK APPARATUS THAT WOULD MEASURE A PUPIL'S
20 BLOOD VOLUME, PULSE, OR GALVANIC SKIN RESPONSE DURING AN ASSESSMENT
21 OR TEST OR ANY OTHER SCHOOL ACTIVITY.

22 (D) DOES NOT USE ANY FACIAL RECOGNITION TECHNOLOGY OR ANY
23 DEVICE INTENDED TO MEASURE A CHILD'S BEHAVIORAL RESPONSES DURING AN
24 ASSESSMENT OR TEST OR ANY OTHER SCHOOL-RELATED ACTIVITY.

25 (E) DOES NOT DISCLOSE TO ANY AGENCY OF THE FEDERAL GOVERNMENT,
26 TO THE STATE BOARD, OR TO ANY OTHER OUTSIDE ENTITY ANY INFORMATION
27 CONTAINED IN A STUDENT RECORD THAT WOULD REVEAL ANY OF THE

1 INFORMATION LISTED IN SUBDIVISION (A) (i) TO (vi) OR ANY STUDENT
2 PHOTOGRAPHS.

3 (3) THIS SECTION DOES NOT PROHIBIT THE PRODUCTION OR LOCAL
4 SCHOOL USE OF A PHOTOGRAPH OR VIDEO OF A PUPIL FOR A LEGITIMATE
5 EDUCATIONAL PURPOSE, SUCH AS A PARENTALLY APPROVED STUDENT
6 IDENTIFICATION CARD, YEARBOOK PHOTOGRAPH, OR EXTRACURRICULAR
7 ACTIVITY PHOTOGRAPH.