

**SUBSTITUTE FOR
SENATE BILL NO. 74**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1310b (MCL 380.1310b), as added by 2011 PA 241.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1310b. (1) Subject to subsection (3), not later than 6
2 ~~months after the effective date of this section, JUNE 6, 2012,~~ the
3 board of a school district or intermediate school district or board
4 of directors of a public school academy shall adopt and implement a
5 policy prohibiting bullying at school, as defined in this section.

6 (2) Subject to subsection (3), before adopting the policy
7 required under subsection (1), the board or board of directors
8 shall hold at least 1 public hearing on the proposed policy. This
9 public hearing may be held as part of a regular board meeting.

1 Subject to subsection (3), not later than 30 days after adopting
 2 the policy, the board or board of directors shall submit a copy of
 3 its policy to the department.

4 (3) If, as of ~~the effective date of this section,~~ **DECEMBER 6,**
 5 **2011,** a school district, intermediate school district, or public
 6 school academy has already adopted and implemented an existing
 7 policy prohibiting bullying at school and that policy is in
 8 compliance with subsection (5), the board of the school district or
 9 intermediate school district or board of directors of the public
 10 school academy is not required to adopt and implement a new policy
 11 under subsection (1). However, this subsection applies to a school
 12 district, intermediate school district, or public school academy
 13 described in this subsection only if the board or board of
 14 directors submits a copy of its policy to the department not later
 15 than ~~60 days after the effective date of this section.~~ **FEBRUARY 4,**
 16 **2012.**

17 (4) Not later than ~~1 year after the deadline under subsection~~
 18 ~~(2) for districts and public school academies to submit copies of~~
 19 ~~their policies to the department,~~ **JULY 6, 2013,** the department
 20 shall submit a report to the senate and house standing committees
 21 on education summarizing the status of the implementation of
 22 policies under this section.

23 (5) A policy adopted pursuant to subsection (1) shall include
 24 at least all of the following:

25 (a) A statement prohibiting bullying of a pupil. **BEGINNING NOT**
 26 **LATER THAN THE BEGINNING OF THE 2014-2015 SCHOOL YEAR, THIS**
 27 **STATEMENT SHALL INCLUDE CYBERBULLYING AS A FORM OF BULLYING AND**

1 SHALL DEFINE CYBERBULLYING.

2 (b) A statement prohibiting retaliation or false accusation
3 against a target of bullying, a witness, or another person with
4 reliable information about an act of bullying.

5 (c) A provision indicating that all pupils are protected under
6 the policy and that bullying is equally prohibited without regard
7 to its subject matter or motivating animus.

8 (d) The identification by job title of school officials
9 responsible for ensuring that the policy is implemented.

10 (e) A statement describing how the policy is to be publicized.

11 (f) A procedure for providing notification to the parent or
12 legal guardian of a victim of bullying and the parent or legal
13 guardian of a perpetrator of the bullying.

14 (g) A procedure for reporting an act of bullying.

15 (h) A procedure for prompt investigation of a report of
16 violation of the policy or a related complaint, identifying either
17 the principal or the principal's designee as the person responsible
18 for the investigation.

19 (i) A procedure for each public school to document any
20 prohibited incident that is reported and a procedure to report all
21 verified incidents of bullying and the resulting consequences,
22 including discipline and referrals, to the board of the school
23 district or intermediate school district or board of directors of
24 the public school academy on an annual basis.

25 **(J) AN ASSURANCE OF CONFIDENTIALITY FOR AN INDIVIDUAL WHO**
26 **REPORTS AN ACT OF BULLYING AND PROCEDURES TO SAFEGUARD THAT**
27 **CONFIDENTIALITY.**

1 (6) The legislature encourages a board or board of directors
2 to include all of the following in the policy required under this
3 section:

4 (a) Provisions to form bullying prevention task forces,
5 programs, teen courts, and other initiatives involving school
6 staff, pupils, school clubs or other student groups,
7 administrators, volunteers, parents, law enforcement, community
8 members, and other stakeholders.

9 (b) A requirement for annual training for administrators,
10 school employees, and volunteers who have significant contact with
11 pupils on preventing, identifying, responding to, and reporting
12 incidents of bullying.

13 (c) A requirement for educational programs for pupils and
14 parents on preventing, identifying, responding to, and reporting
15 incidents of bullying and cyberbullying.

16 **(7) THE DEPARTMENT SHALL ESTABLISH A FORM AND PROCEDURE FOR**
17 **SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO REPORT INCIDENTS OF**
18 **BULLYING TO THE DEPARTMENT ON AN ANNUAL BASIS AND SHALL MAKE THIS**
19 **INFORMATION READILY AVAILABLE TO THE PUBLIC. A SCHOOL DISTRICT OR**
20 **PUBLIC SCHOOL ACADEMY SHALL REPORT INCIDENTS OF BULLYING TO THE**
21 **DEPARTMENT ACCORDING TO THE FORM AND PROCEDURES ESTABLISHED BY THE**
22 **DEPARTMENT.**

23 (8) ~~(7)~~—A school employee, school volunteer, pupil, or parent
24 or guardian who promptly reports in good faith an act of bullying
25 to the appropriate school official designated in the school
26 district's or public school academy's policy and who makes this
27 report in compliance with the procedures set forth in the policy is

1 immune from a cause of action for damages arising out of the
2 reporting itself or any failure to remedy the reported incident.
3 However, this immunity does not apply to a school official who is
4 designated under subsection (5)(d), or who is responsible for
5 remedying the bullying, when acting in that capacity.

6 (9) IF THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
7 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY AMENDS OR
8 OTHERWISE MODIFIES ITS POLICY REQUIRED UNDER SUBSECTION (1) AT ANY
9 TIME AFTER A COPY OF THE POLICY WAS INITIALLY SUBMITTED TO THE
10 DEPARTMENT UNDER SUBSECTION (2) OR (3), THE BOARD OR BOARD OF
11 DIRECTORS SHALL SUBMIT A COPY OF THE MODIFIED POLICY TO THE
12 DEPARTMENT NOT LATER THAN 30 DAYS AFTER ADOPTING THE MODIFICATION.

13 (10) ~~(8)~~ As used in this section:

14 (a) "At school" means in a classroom, elsewhere on school
15 premises, on a school bus or other school-related vehicle, or at a
16 school-sponsored activity or event whether or not it is held on
17 school premises. "At school" includes conduct using a
18 telecommunications access device or telecommunications service
19 provider that occurs off school premises if the telecommunications
20 access device or the telecommunications service provider is owned
21 by or under the control of the school district or public school
22 academy.

23 (b) "Bullying" means any written, verbal, or physical act, or
24 any electronic communication, that is intended or that a reasonable
25 person would know is likely to harm 1 or more pupils either
26 directly or indirectly by doing any of the following:

27 (i) Substantially interfering with educational opportunities,

benefits, or programs of 1 or more pupils.

(ii) Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.

(iii) Having an actual and substantial detrimental effect on a pupil's physical or mental health.

(iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

(c) "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in section 219a of the Michigan penal code, 1931 PA 328, MCL 750.219a.

(11) ~~(9)~~—This section shall be known as "Matt's Safe School Law".