

SUBSTITUTE FOR
HOUSE BILL NO. 5800

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1310e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1310E. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 ACT, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), THE BOARD OF A
3 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
4 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT EXPEL A PUPIL, OR
5 SUSPEND A PUPIL FOR MORE THAN 10 SCHOOL DAYS, FOR AN ACTION THAT
6 THE PUPIL TOOK ARISING OUT OF AN INCIDENT IN WHICH THE PUPIL
7 REPORTS BEING SEXUALLY ASSAULTED OR AN INCIDENT IN WHICH A SCHOOL
8 OFFICIAL OR STAFF MEMBER WITNESSES A SEXUAL ASSAULT ON THE PUPIL OR
9 RECEIVES CREDIBLE EVIDENCE THAT THE PUPIL HAS BEEN SEXUALLY
10 ASSAULTED. THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL

1 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY IS
2 ENCOURAGED TO FOLLOW THE RECOMMENDATIONS OR GUIDANCE OF THE TITLE
3 IX COORDINATOR FOR THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
4 DISTRICT, OR PUBLIC SCHOOL ACADEMY IN DECIDING TO SUSPEND A PUPIL
5 DESCRIBED IN THIS SUBSECTION.

6 (2) SUBSECTION (1) DOES NOT APPLY TO A PUPIL IF ANY OF THE
7 FOLLOWING ARE MET CONCERNING AN INCIDENT REPORTED UNDER SUBSECTION
8 (1):

9 (A) THE PUPIL IS CONVICTED OF, PLEADS GUILTY TO, PLEADS
10 RESPONSIBLE FOR, OR IS ADJUDICATED RESPONSIBLE FOR AGGRAVATED
11 ASSAULT, FELONIOUS ASSAULT, ASSAULT WITH INTENT TO COMMIT MURDER,
12 ASSAULT WITH INTENT FOR GREAT BODILY HARM, ASSAULT WITH INTENT TO
13 MAIM, ATTEMPTED MURDER, HOMICIDE, OR MANSLAUGHTER, IN VIOLATION OF
14 SECTION 81A, 82, 83, 84, 86, 91, 316, 317, OR 321 OF THE MICHIGAN
15 PENAL CODE, 1931 PA 328, MCL 750.81A, 750.82, 750.83, 750.84,
16 750.86, 750.91, 750.316, 750.317, AND 750.321, OR AN ACT
17 CONSTITUTING CRIMINAL SEXUAL ASSAULT IN VIOLATION OF SECTION 520B,
18 520C, 520D, 520E, OR 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328,
19 MCL 750.520B, 750.520C, 750.520D, 750.520E, AND 750.520G IN A COURT
20 OF COMPETENT JURISDICTION.

21 (B) THE PUPIL COMMITS AN ACT DESCRIBED UNDER SECTION 1311(2).

22 (C) A COMPLETED TITLE IX INVESTIGATION DETERMINES BY CLEAR AND
23 CONVINCING EVIDENCE THAT THE REPORT OF SEXUAL ASSAULT IS
24 CONCLUSIVELY FALSE.

25 (3) AS USED IN THIS SECTION:

26 (A) "SEXUAL ASSAULT" MEANS AN ACT THAT CONSTITUTES CRIMINAL
27 SEXUAL CONDUCT IN VIOLATION OF SECTION 520B, 520C, 520D, 520E, OR

1 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B,
2 750.520C, 750.520D, 750.520E, AND 750.520G.

3 (B) "TITLE IX COORDINATOR" MEANS THE OFFICIAL RESPONSIBLE FOR
4 OVERSEEING COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF
5 1972, 20 USC 1681 TO 1688.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.