

**SUBSTITUTE FOR
HOUSE BILL NO. 4167**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1263a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1263a. (1) Not later than August 15, 2022, and not later
2 than August 15 of each subsequent year, all of the following
3 requirements must be met, as applicable:

4 (a) An intermediate superintendent or his or her designee
5 shall inspect the school premises, including each school building
6 on the school premises, of each school operated by the intermediate
7 school district and the school premises, including each school
8 building on the school premises, of each school operated by a
9 school district that is a constituent district of the intermediate



1 school district for health and safety violations, in accordance
2 with guidelines developed and published by the department of health
3 and human services under subsection (2).

4 (b) An individual designated by the board of directors of a
5 public school academy shall inspect the school premises, including
6 each school building on the school premises, of each school
7 operated by the public school academy for health and safety
8 violations, in accordance with guidelines developed and published
9 by the department of health and human services under subsection
10 (2).

11 (c) An individual designated by the governing body of a
12 nonpublic school shall inspect the school premises, including each
13 school building on the school premises, of each school operated by
14 the nonpublic school for health and safety violations, in
15 accordance with guidelines developed and published by the
16 department of health and human services under subsection (2).

17 (2) Not later than March 1, 2022, the department of health and
18 human services shall develop and publish guidelines regarding the
19 inspection of a school premises for health and safety violations
20 for the purposes under subsection (1). The guidelines described in
21 this subsection must include that an individual is not required to
22 conduct an inspection of any portion of a school premises if that
23 inspection is already required by any department or agency of this
24 state.

25 (3) Not later than 14 days after an inspection under
26 subsection (1), the individual who conducted the inspection under
27 subsection (1) or his or her successor shall, in a form and manner
28 prescribed by the department of health and human services, submit
29 an inspection report to the department of health and human



1 services. An inspection report submitted under this subsection must
2 include at least both of the following, as applicable:

3 (a) Notice of any health and safety violations found on any
4 school premises that were inspected.

5 (b) If a health and safety violation was found on any school
6 premises that were inspected, a statement detailing the
7 modification that will be made or remedial measure that will be
8 taken to address the violation.

9 (4) Not later than 14 days after an inspection report is
10 submitted under subsection (3), all of the following must be met,
11 as applicable:

12 (a) Except as otherwise provided in subdivision (b), (c), or
13 (d), if an inspection report submitted under subsection (3)
14 includes a statement detailing a modification or remedial measure
15 as described under subsection (3)(b), the individual who submitted
16 the inspection report under subsection (3) or his or her successor
17 shall submit proof, in a form and manner prescribed by the
18 department of health and human services, that the modification or
19 remedial measure has been completed.

20 (b) If an intermediate school district or school district
21 contracts for the completion of a modification or remedial measure
22 detailed in an inspection report submitted under subsection (3),
23 the individual who submitted the inspection report under subsection
24 (3) or his or her successor is not required to submit proof as
25 required under subdivision (a), but shall submit proof, in a form
26 and manner prescribed by the department of health and human
27 services, of the steps taken by the intermediate school district or
28 school district to ensure that the modification or remedial measure
29 will be completed.



1 (c) If a public school academy contracts for the completion of
2 a modification or remedial measure detailed in an inspection report
3 submitted under subsection (3), the individual who submitted the
4 inspection report under subsection (3) or his or her successor is
5 not required to submit proof as required under subdivision (a), but
6 shall submit proof, in a form and manner prescribed by the
7 department of health and human services, of the steps taken by the
8 public school academy to ensure that the modification or remedial
9 measure will be completed.

10 (d) If a nonpublic school contracts for the completion of a
11 modification or remedial measure detailed in an inspection report
12 submitted under subsection (3), the individual who submitted the
13 inspection report under subsection (3) or his or her successor is
14 not required to submit proof as required under subdivision (a), but
15 shall submit proof, in a form and manner prescribed by the
16 department of health and human services, of the steps taken by the
17 nonpublic school to ensure that the modification or remedial
18 measure will be completed.

19 (5) If an intermediate school district or school district
20 contracts for the completion of a modification or remedial measure
21 as described under subsection (4) (b), upon completion of the
22 modification or remedial measure, the individual who made the
23 submission to the department of health and human services under
24 subsection (4) (b) or his or her successor shall submit proof, in a
25 form and manner prescribed by the department of health and human
26 services, of the completion. If a public school academy contracts
27 for the completion of a modification or remedial measure as
28 described under subsection (4) (c), upon completion of the
29 modification or remedial measure, the individual who made the



1 submission to the department of health and human services under
2 subsection (4) (c) or his or her successor shall submit proof, in a
3 form and manner prescribed by the department of health and human
4 services, of the completion. If a nonpublic school contracts for
5 the completion of a modification or remedial measure as described
6 under subsection (4) (d), upon completion of the modification or
7 remedial measure, the individual who made the submission to the
8 department of health and human services under subsection (4) (d) or
9 his or her successor shall submit proof, in a form and manner
10 prescribed by the department of health and human services, of the
11 completion.

12 (6) Subject to state and federal privacy laws, the board of an
13 intermediate school district, the board of directors of a public
14 school academy, or the governing body of a nonpublic school shall
15 ensure that each inspection report submitted under subsection (3)
16 is posted on the intermediate school district's, public school
17 academy's, or nonpublic school's website.

18 (7) As used in this section:

19 (a) "Health and safety violation" includes, but is not limited
20 to, either of the following:

21 (i) The presence on a school premises, including in each school
22 building on the school premises, of a table, chair, desk, movable
23 wall, bleacher, or fixture, including, but not limited to, a shelf
24 or other piece of furniture, that has been recalled, found
25 defective, or otherwise been declared unsafe by any department or
26 agency of this state or the United States government.

27 (ii) The presence of anything on a school premises, including
28 in each school building on the school premises, that would raise a
29 clear and obvious concern for pupil safety based on the good-faith



1 judgment of the individual conducting the inspection of the school
2 premises under this section.

3 (b) "School building" means either of the following:

4 (i) A building used primarily to provide instruction to pupils.

5 (ii) A recreational or athletic structure or field intended to
6 be used by pupils.

7 (8) This section shall be known as "Lilliana's law".

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