

REPRINT
HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4240
(As passed the House, June 10, 1999)

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding sections 1308, 1310, and
1310a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1308. (1) NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE
2 DATE OF THIS SECTION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
3 ATTORNEY GENERAL, AND DIRECTOR OF THE DEPARTMENT OF STATE POLICE
4 SHALL ADOPT, PUBLISH, AND DISTRIBUTE TO SCHOOL BOARDS, COUNTY
5 PROSECUTORS, AND LOCAL LAW ENFORCEMENT AGENCIES THE STATEWIDE
6 SCHOOL SAFETY INFORMATION POLICY DESCRIBED IN SUBSECTION (2).
7 NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,
8 EACH SCHOOL BOARD, COUNTY PROSECUTOR, AND LOCAL LAW ENFORCEMENT
9 AGENCY SHALL DO BOTH OF THE FOLLOWING:

1 (A) MEET AND CONFER AS APPROPRIATE ON THE IMPLEMENTATION OF
2 THE STATEWIDE SCHOOL SAFETY INFORMATION POLICY FOR EACH SCHOOL
3 DISTRICT AND ON ANY RELATED ISSUES THAT ARE UNIQUE TO THE
4 AFFECTED LOCALITY. THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY
5 OR AGENCIES TO BE INVOLVED SHALL BE DETERMINED LOCALLY, CONSIS-
6 TENT WITH THE STATEWIDE SCHOOL SAFETY INFORMATION POLICY.

7 (B) BEGIN COMPLIANCE WITH THE STATEWIDE SCHOOL SAFETY INFOR-
8 MATION POLICY.

9 (2) THE STATEWIDE SCHOOL SAFETY INFORMATION POLICY REQUIRED
10 UNDER SUBSECTION (1) SHALL IDENTIFY THE TYPES OF INCIDENTS OCCUR-
11 RING AT SCHOOL THAT MUST BE REPORTED TO LAW ENFORCEMENT AGENCIES
12 AND SHALL ESTABLISH PROCEDURES TO BE FOLLOWED WHEN SUCH AN INCI-
13 DENT OCCURS AT SCHOOL. THE STATEWIDE SCHOOL SAFETY INFORMATION
14 POLICY ALSO MAY ADDRESS PROCEDURES FOR REPORTING INCIDENTS
15 INVOLVING POSSESSION OF A DANGEROUS WEAPON AS REQUIRED UNDER SEC-
16 TION 1313. THE STATEWIDE SCHOOL SAFETY INFORMATION POLICY SHALL
17 ADDRESS AT LEAST ALL OF THE FOLLOWING:

18 (A) LAW ENFORCEMENT PROTOCOLS AND PRIORITIES FOR THE REPORT-
19 ING PROCESS. THE LAW ENFORCEMENT PROTOCOLS MUST BE DEVELOPED
20 WITH THE COOPERATION OF THE APPROPRIATE STATE OR LOCAL LAW
21 ENFORCEMENT AGENCY. THE LAW ENFORCEMENT PRIORITIES SHALL INCLUDE
22 AT LEAST INVESTIGATION OF REPORTED INCIDENTS, IDENTIFICATION OF
23 THOSE INVOLVED IN A REPORTED INCIDENT, ASSISTANCE IN PREVENTION
24 OF THESE TYPES OF INCIDENTS, AND, WHEN APPROPRIATE, ASSISTANCE
25 FROM A CHILD PROTECTION AGENCY.

26 (B) DEFINITION OF THE TYPES OF INCIDENTS REQUIRING REPORTING
27 TO LAW ENFORCEMENT AND RESPONSE BY LAW ENFORCEMENT, TAKING INTO

1 ACCOUNT THE INTENT OF THE ACTOR AND THE CIRCUMSTANCES SURROUNDING
2 THE INCIDENT.

3 (C) PROTOCOLS FOR RESPONDING TO REPORTABLE INCIDENTS,
4 ADDRESSING AT LEAST ALL OF THE FOLLOWING:

5 (i) INITIAL NOTIFICATION AND REPORTING BY SCHOOL OFFICIALS.

6 (ii) THE INFORMATION TO BE PROVIDED BY SCHOOL OFFICIALS.

7 (iii) INITIAL RESPONSE BY LAW ENFORCEMENT AGENCIES, WHICH
8 SHALL BE SPECIFICALLY TAILORED FOR INCIDENTS IN PROGRESS, INCI-
9 DENTS NOT IN PROGRESS, AND INCIDENTS INVOLVING DELAYED
10 REPORTING. SCHOOL OFFICIALS SHALL BE CONSULTED TO DETERMINE THE
11 EXTENT OF LAW ENFORCEMENT INVOLVEMENT REQUIRED BY THE SITUATION.
12 (iv) CUSTODY OF ACTORS.

13 (D) THE AMOUNT AND NATURE OF ASSISTANCE TO BE PROVIDED BY
14 SCHOOL OFFICIALS, AND THE SCOPE OF THEIR INVOLVEMENT IN LAW
15 ENFORCEMENT PROCEDURES. THIS PROVISION SHALL REQUIRE SCHOOL
16 OFFICIALS TO NOTIFY THE PARENT OR LEGAL GUARDIAN OF A MINOR PUPIL
17 WHO IS A VICTIM OR WITNESS WHEN LAW ENFORCEMENT AUTHORITIES
18 INTERVIEW THE PUPIL.

19 (E) ANY OTHER MATTERS THAT WILL FACILITATE REPORTING OF
20 INCIDENTS AFFECTING SCHOOL SAFETY AND THE EXCHANGE OF OTHER
21 INFORMATION AFFECTING SCHOOL SAFETY.

22 (3) IF SCHOOL OFFICIALS OF A SCHOOL DISTRICT DETERMINE THAT
23 AN INCIDENT HAS OCCURRED AT SCHOOL THAT IS REQUIRED TO BE
24 REPORTED TO LAW ENFORCEMENT AGENCIES ACCORDING TO THE STATEWIDE
25 SCHOOL SAFETY INFORMATION POLICY UNDER THIS SECTION, THE SUPERIN-
26 TENDENT OF THE SCHOOL DISTRICT, OR HIS OR HER DESIGNEE,
27 IMMEDIATELY SHALL REPORT THAT FINDING TO THE APPROPRIATE STATE OR

1 LOCAL LAW ENFORCEMENT AGENCY IN THE MANNER PRESCRIBED IN THE
2 STATEWIDE SCHOOL SAFETY INFORMATION POLICY.

3 (4) IF PROVIDED IN THE STATEWIDE SCHOOL SAFETY INFORMATION
4 POLICY UNDER THIS SECTION, A LOCAL LAW ENFORCEMENT AGENCY THAT
5 HAS JURISDICTION OVER A SCHOOL BUILDING OF A SCHOOL DISTRICT
6 SHALL REPORT TO THE SCHOOL OFFICIALS OF THE SCHOOL BUILDING INCI-
7 DENTS REPORTED TO THE LAW ENFORCEMENT AGENCY THAT ALLEGE THE COM-
8 MISSION OF A CRIME AND THAT, ACCORDING TO THE INCIDENT REPORT,
9 EITHER OCCURRED ON SCHOOL PROPERTY OR WITHIN 1,000 FEET OF THE
10 SCHOOL PROPERTY OR INVOLVED A PUPIL OR STAFF MEMBER OF THE SCHOOL
11 AS A VICTIM OR ALLEGED PERPETRATOR. UPON REQUEST BY A LAW
12 ENFORCEMENT AGENCY, SCHOOL OFFICIALS SHALL PROVIDE THE LAW
13 ENFORCEMENT AGENCY WITH ANY INFORMATION THE LAW ENFORCEMENT
14 AGENCY DETERMINES IT NEEDS TO PROVIDE THIS REPORT TO SCHOOL
15 OFFICIALS.

16 (5) IF PROVIDED IN THE STATEWIDE SCHOOL SAFETY INFORMATION
17 POLICY UNDER THIS SECTION, THE PROSECUTING ATTORNEY OF A COUNTY
18 SHALL NOTIFY A SCHOOL DISTRICT LOCATED IN WHOLE OR IN PART IN
19 THAT COUNTY OF ANY CRIMINAL OR JUVENILE COURT ACTION INITIATED OR
20 TAKEN AGAINST A PUPIL OF THE SCHOOL DISTRICT, INCLUDING, BUT NOT
21 LIMITED TO, CONVICTIONS, ADJUDICATIONS, AND DISPOSITIONS. THIS
22 NOTIFICATION SHALL BE MADE TO EITHER THE SCHOOL DISTRICT SUPERIN-
23 TENDENT OR TO THE INTERMEDIATE SUPERINTENDENT OF THE INTERMEDIATE
24 SCHOOL DISTRICT IN WHICH THE COUNTY IS LOCATED, AS PROVIDED IN
25 THE POLICY OR BY LOCAL AGREEMENT. IF THE NOTIFICATION IS MADE TO
26 THE INTERMEDIATE SUPERINTENDENT, THE INTERMEDIATE SUPERINTENDENT
27 SHALL FORWARD THE INFORMATION TO THE SUPERINTENDENT OF THE SCHOOL

1 DISTRICT IN WHICH THE PUPIL IS ENROLLED. UPON RECEIPT OF
2 INFORMATION UNDER THIS SUBSECTION, A SCHOOL DISTRICT SUPERINTEN-
3 DENT SHALL SHARE THE INFORMATION WITH APPROPRIATE SCHOOL BUILDING
4 PERSONNEL. THE PROSECUTING ATTORNEY MAY INQUIRE OF EACH SCHOOL
5 AGE INDIVIDUAL INVOLVED IN A COURT ACTION DESCRIBED IN THIS SUB-
6 SECTION WHETHER THE INDIVIDUAL IS A PUPIL IN A SCHOOL DISTRICT
7 AND, IF SO, IN WHICH SCHOOL DISTRICT.

8 (6) IF PROVIDED FOR IN THE STATEWIDE SCHOOL SAFETY INFORMA-
9 TION POLICY UNDER THIS SECTION, THE APPROPRIATE COURT SHALL
10 INFORM AN APPROPRIATE SCHOOL ADMINISTRATOR OF THE NAME OF THE
11 INDIVIDUAL ASSIGNED TO MONITOR A CONVICTED OR ADJUDICATED YOUTH
12 ATTENDING A PUBLIC SCHOOL AND OF HOW THAT INDIVIDUAL MAY BE
13 CONTACTED.

14 (7) A SCHOOL BOARD, COUNTY PROSECUTOR, AND LOCAL LAW
15 ENFORCEMENT AGENCY MAY ENTER INTO A LOCAL AGREEMENT OR TAKE OTHER
16 MEASURES TO FACILITATE THE SHARING OF SCHOOL SAFETY INFORMATION
17 OR TO PROMOTE SCHOOL SAFETY IF THE AGREEMENT OR OTHER MEASURES
18 ARE CONSISTENT WITH THE STATEWIDE SCHOOL SAFETY INFORMATION
19 POLICY.

(8) A SCHOOL BOARD SHALL COOPERATE WITH LOCAL LAW ENFORCEMENT
AGENCIES TO ENSURE THAT DETAILED AND ACCURATE BUILDING PLANS,
BLUEPRINTS, AND SITE PLANS, AS APPROPRIATE, FOR EACH SCHOOL BUILDING
OPERATED BY THE SCHOOL BOARD ARE PROVIDED TO THE APPROPRIATE LOCAL
LAW ENFORCEMENT AGENCY.

20 (9) REPORTING OF INFORMATION BY A SCHOOL DISTRICT OR SCHOOL
21 PERSONNEL UNDER THIS SECTION IS SUBJECT TO SECTION 444 OF SUBPART
22 4 OF PART C OF THE GENERAL EDUCATION PROVISIONS ACT, TITLE IV OF
23 PUBLIC LAW 90-247, 20 U.S.C. 1232g, COMMONLY REFERRED TO AS THE
24 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.

25 (10) IF A PUPIL IS INVOLVED IN AN INCIDENT REPORTED TO LAW
26 ENFORCEMENT ACCORDING TO THE STATEWIDE SCHOOL SAFETY INFORMATION
27 POLICY UNDER THIS SECTION, THEN UPON REQUEST BY SCHOOL OFFICIALS,

1 THE PUPIL'S PARENT OR LEGAL GUARDIAN SHALL EXECUTE ANY WAIVERS OR
2 CONSENTS NECESSARY TO ALLOW SCHOOL OFFICIALS ACCESS TO SCHOOL,
3 COURT, OR OTHER PERTINENT RECORDS OF THE PUPIL CONCERNING THE
4 INCIDENT AND ACTION TAKEN AS A RESULT OF THE INCIDENT.

5 (11) AS USED IN THIS SECTION:

6 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
7 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT
8 A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
9 SCHOOL PREMISES.

10 (B) "SCHOOL BOARD" AND "SCHOOL DISTRICT" MEAN THOSE TERMS AS
11 DEFINED IN SECTION 1311A.

12 SEC. 1310. (1) IF A PUPIL ENROLLED IN GRADE 6 OR ABOVE COM-
13 MITS A PHYSICAL ASSAULT AT SCHOOL AGAINST ANOTHER PUPIL AND THE
14 PHYSICAL ASSAULT IS REPORTED TO THE SCHOOL BOARD, SCHOOL DISTRICT
15 SUPERINTENDENT, OR BUILDING PRINCIPAL, THE SCHOOL BOARD SHALL
16 EXPEL THE PUPIL FROM THE SCHOOL DISTRICT FOR UP TO 180 SCHOOL
17 DAYS. A DISTRICT SUPERINTENDENT OR BUILDING PRINCIPAL WHO
18 RECEIVES A REPORT DESCRIBED IN THIS SUBSECTION SHALL FORWARD THE
19 REPORT TO THE SCHOOL BOARD. NOTWITHSTANDING SECTION 1147, A
20 SCHOOL DISTRICT IS NOT REQUIRED TO ALLOW AN INDIVIDUAL EXPELLED
21 FROM ANOTHER SCHOOL DISTRICT UNDER THIS SECTION TO ATTEND SCHOOL
22 IN THE SCHOOL DISTRICT DURING THE EXPULSION.

23 (2) IF AN INDIVIDUAL IS EXPELLED PURSUANT TO THIS SECTION,
24 IT IS THE RESPONSIBILITY OF THAT INDIVIDUAL AND OF HIS OR HER
25 PARENT OR LEGAL GUARDIAN TO LOCATE A SUITABLE EDUCATIONAL PROGRAM
26 AND TO ENROLL THE INDIVIDUAL IN SUCH A PROGRAM DURING THE
27 EXPULSION. THE OFFICE OF SAFE SCHOOLS IN THE DEPARTMENT SHALL

1 COMPILE INFORMATION ON AND CATALOG EXISTING ALTERNATIVE EDUCATION
2 PROGRAMS OR SCHOOLS AND NONPUBLIC SCHOOLS THAT MAY BE OPEN TO
3 ENROLLMENT OF INDIVIDUALS EXPELLED UNDER THIS SECTION AND PURSU-
4 ANT TO SECTION 1311(2) OR 1311A, AND SHALL PERIODICALLY DISTRIB-
5 UTE THIS INFORMATION TO SCHOOL DISTRICTS FOR DISTRIBUTION TO
6 EXPELLED INDIVIDUALS. A SCHOOL BOARD THAT ESTABLISHES AN ALTER-
7 NATIVE EDUCATION PROGRAM OR SCHOOL DESCRIBED IN THIS SUBSECTION
8 SHALL NOTIFY THE OFFICE OF SAFE SCHOOLS ABOUT THE PROGRAM OR
9 SCHOOL AND THE TYPES OF PUPILS IT SERVES. THE OFFICE OF SAFE
10 SCHOOLS ALSO SHALL WORK WITH AND PROVIDE TECHNICAL ASSISTANCE TO
11 SCHOOL DISTRICTS, AUTHORIZING BODIES FOR PUBLIC SCHOOL ACADEMIES,
12 AND OTHER INTERESTED PARTIES IN DEVELOPING THESE TYPES OF ALTER-
13 NATIVE EDUCATION PROGRAMS OR SCHOOLS IN GEOGRAPHIC AREAS THAT ARE
14 NOT BEING SERVED.

15 (3) AS USED IN THIS SECTION:

16 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
17 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT
18 A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
19 SCHOOL PREMISES.

20 (B) "PHYSICAL ASSAULT" MEANS INTENTIONALLY CAUSING OR
21 ATTEMPTING TO CAUSE PHYSICAL HARM TO ANOTHER THROUGH FORCE OR
22 VIOLENCE.

23 (C) "SCHOOL BOARD" MEANS A SCHOOL BOARD, INTERMEDIATE SCHOOL
24 BOARD, OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

25 (D) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, A LOCAL ACT
26 SCHOOL DISTRICT, AN INTERMEDIATE SCHOOL DISTRICT, OR A PUBLIC
27 SCHOOL ACADEMY.

1 SEC. 1310A. (1) AT LEAST ANNUALLY, EACH SCHOOL BOARD SHALL
2 PREPARE AND SUBMIT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
3 IN THE FORM AND MANNER PRESCRIBED BY THE SUPERINTENDENT OF PUBLIC
4 INSTRUCTION, A REPORT STATING THE NUMBER OF PUPILS EXPELLED FROM
5 THE SCHOOL DISTRICT DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR,
6 WITH A BRIEF DESCRIPTION OF THE INCIDENT THAT CAUSED EACH
7 EXPULSION.

8 (2) IN ORDER TO OBTAIN AN ACCURATE LOCAL AND STATEWIDE PIC-
9 TURE OF SCHOOL CRIME AND TO DEVELOP THE PARTNERSHIPS NECESSARY TO
10 PLAN AND IMPLEMENT SCHOOL SAFETY PROGRAMS, AT LEAST ANNUALLY,
11 EACH SCHOOL BOARD SHALL REPORT TO THE SUPERINTENDENT OF PUBLIC
12 INSTRUCTION, IN THE FORM AND MANNER PRESCRIBED BY THE SUPERINTEN-
13 DENT OF PUBLIC INSTRUCTION, INCIDENTS OF CRIME OCCURRING AT
14 SCHOOL WITHIN THE SCHOOL DISTRICT. IN DETERMINING THE FORM AND
15 MANNER OF THIS REPORT, THE SUPERINTENDENT OF PUBLIC INSTRUCTION
16 SHALL CONSULT WITH LOCAL AND INTERMEDIATE SCHOOL DISTRICTS AND
17 LAW ENFORCEMENT OFFICIALS. THE REPORTING SHALL INCLUDE AT LEAST
18 CRIMES INVOLVING PHYSICAL VIOLENCE, GANG-RELATED ACTIVITY, ILLE-
19 GAL POSSESSION OF A CONTROLLED SUBSTANCE OR CONTROLLED SUBSTANCE
20 ANALOGUE, OR OTHER INTOXICANT, TRESPASSING, AND PROPERTY CRIMES
21 INCLUDING, BUT NOT LIMITED TO, THEFT AND VANDALISM. FOR A PROP-
22 ERTY CRIME, THE REPORT SHALL INCLUDE AN ESTIMATE OF THE COST TO
23 THE SCHOOL DISTRICT RESULTING FROM THE PROPERTY CRIME. THE
24 SCHOOL CRIME REPORTING REQUIREMENTS OF THIS SUBSECTION ARE
25 INTENDED TO DO ALL OF THE FOLLOWING:

1 (A) HELP POLICY MAKERS AND PROGRAM DESIGNERS AT THE LOCAL
2 AND STATE LEVELS DEVELOP APPROPRIATE PREVENTION AND INTERVENTION
3 PROGRAMS.

4 (B) PROVIDE THE CONTINUOUS ASSESSMENT TOOLS NEEDED FOR
5 REVISING AND REFINING SCHOOL SAFETY PROGRAMS.

6 (C) ASSIST SCHOOLS AND SCHOOL DISTRICTS TO IDENTIFY THE MOST
7 PRESSING SAFETY ISSUES CONFRONTING THEIR SCHOOL COMMUNITIES, TO
8 DIRECT RESOURCES APPROPRIATELY, AND TO ENHANCE CAMPUS SAFETY
9 THROUGH PREVENTION AND INTERVENTION STRATEGIES.

10 (D) FOSTER THE CREATION OF PARTNERSHIPS AMONG SCHOOLS,
11 SCHOOL DISTRICTS, STATE AGENCIES, COMMUNITIES, LAW ENFORCEMENT,
12 AND THE MEDIA TO PREVENT FURTHER CRIME AND VIOLENCE AND TO ASSURE
13 A SAFE LEARNING ENVIRONMENT FOR EVERY PUPIL.

14 (3) AT LEAST ONCE EACH SEMESTER, EACH SCHOOL BOARD SHALL
15 PROVIDE A COPY OF THE MOST RECENT REPORT UNDER SUBSECTION (2)
16 AVAILABLE FOR THE SCHOOL DISTRICT TO THE PARENT OR LEGAL GUARDIAN
17 OF EACH PUPIL ENROLLED IN THE SCHOOL DISTRICT.

18 (4) AS USED IN THIS SECTION, "SCHOOL BOARD" AND "SCHOOL
19 DISTRICT" MEAN THOSE TERMS AS DEFINED IN SECTION 1310.

20 Enacting section 1. This amendatory act does not take
21 effect unless all of the following bills of the 90th Legislature
22 are enacted into law:

23 (a) Senate Bill No. 183.

24 (b) Senate Bill No. 206.