

SENATE BILL No. 92

January 28, 2003, Introduced by Senator THOMAS 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 1310b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1310b. (1) The board of a school district or board of
2 directors of a public school academy shall adopt a policy
3 prohibiting harassment, intimidation, or bullying at school. The
4 content of the policy shall be determined locally but the policy
5 shall contain at least the components in subsection (2). It is
6 recommended that the policy be adopted through a process that
7 includes representation of parents or guardians, school
8 employees, volunteers, pupils, school administrators, and
9 community representatives.

10 (2) Each school district's or public school academy's policy
11 shall include at least each of the following components:

1 (a) A statement prohibiting harassment, intimidation, or
2 bullying of a pupil.

3 (b) A definition of harassment, intimidation, or bullying
4 that includes at least the acts described in the definition in
5 this section.

6 (c) A description of the type of behavior expected from each
7 pupil.

8 (d) Consequences and appropriate remedial action for a person
9 who commits an act of harassment, intimidation, or bullying.

10 (e) A procedure for reporting an act of harassment,
11 intimidation, or bullying, including a provision that permits a
12 person to report an act of harassment, intimidation, or bullying
13 anonymously. However, this subdivision shall not be construed to
14 permit formal disciplinary action solely on the basis of an
15 anonymous report.

16 (f) A procedure for prompt investigation of reports of
17 violations and complaints, identifying either the principal or
18 the principal's designee as the person responsible for the
19 investigation.

20 (g) The range of ways in which a school will respond once an
21 incident of harassment, intimidation, or bullying is identified.

22 (h) A statement that prohibits reprisal or retaliation
23 against any person who reports an act of harassment,
24 intimidation, or bullying, and the consequences and appropriate
25 remedial action for a person who engages in that type of reprisal
26 or retaliation.

27 (i) Consequences and appropriate remedial action for a person

1 found to have falsely accused another as a means of retaliation
2 or as a means of harassment, intimidation, or bullying.

3 (j) A statement of how the policy is to be publicized
4 including notice that the policy applies to participation in
5 school-sponsored activities.

6 (3) Each board or board of directors shall adopt the policy
7 under this section and transmit a copy of its policy to the
8 superintendent of public instruction by September 1, 2004.

9 (4) To assist school districts and public school academies in
10 developing policies for the prevention of harassment,
11 intimidation, or bullying, the department shall develop a model
12 policy applicable to grades K-12. This model policy shall be
13 issued no later than December 1, 2003.

14 (5) A board or board of directors shall ensure that notice of
15 the school district's or public school academy's policy under
16 this section is included in any publication of the school
17 district or public school academy that sets forth the
18 comprehensive rules, procedures, and standards of conduct for its
19 schools, and in its pupil handbooks.

20 (6) A school employee, pupil, or volunteer shall not engage
21 in reprisal, retaliation, or false accusation against a victim,
22 witness, or one with reliable information about an act of
23 harassment, intimidation, or bullying.

24 (7) A school employee, pupil, or volunteer who has witnessed,
25 or has reliable information that a pupil has been subjected to,
26 harassment, intimidation, or bullying, whether verbal or
27 physical, is encouraged to report the incident to the appropriate

1 school official designated by the school district's or public
2 school academy's policy.

3 (8) A school employee who promptly reports an incident of
4 harassment, intimidation, or bullying to the appropriate school
5 official designated by the school district's or public school
6 academy's policy, and who makes this report in compliance with
7 the procedures in the policy prohibiting harassment,
8 intimidation, or bullying is not liable for damages arising from
9 any failure to remedy the reported incident.

10 (9) Public schools and school districts are encouraged to
11 form bullying prevention task forces, programs, and other
12 initiatives involving school staff, pupils, administrators,
13 volunteers, parents, law enforcement, and community members.

14 (10) Each school district or public school academy shall do
15 all of the following:

16 (a) Provide training on the school district's or public
17 school academy's harassment, intimidation, or bullying policies
18 to school employees and volunteers who have significant contact
19 with pupils.

20 (b) Develop a process for discussing the harassment,
21 intimidation, or bullying policy with pupils.

22 (11) A school district or public school academy shall
23 incorporate information regarding the school district or public
24 school academy policy against harassment, intimidation, or
25 bullying into each school's employee training program.

26 (12) This section does not prevent a victim from seeking
27 redress under any other available law, either civil or criminal.

1 This section does not create or alter any tort liability.

2 (13) As used in this section:

3 (a) "At school" means in a classroom, elsewhere on or
4 immediately adjacent to school premises, on a school bus or other
5 school-related vehicle, at an official school bus stop, or at a
6 school-sponsored activity or event whether or not it is held on
7 school premises.

8 (b) "Harassment, intimidation, or bullying" means any gesture
9 or written, verbal, or physical act that a reasonable person
10 under the circumstances should know will have the effect of
11 harming a pupil or damaging his or her property or placing a
12 pupil in reasonable fear of harm to his or her person or damage
13 to his or her property, or that has the effect of insulting or
14 demeaning any pupil or group of pupils in such a way as to
15 disrupt or interfere with the school's educational mission or the
16 education of any pupil. Harassment, intimidation, or bullying
17 includes, but is not limited to, a gesture or written, verbal, or
18 physical act described in this subdivision that is reasonably
19 perceived as being motivated by a pupil's religion, race, color,
20 national origin, age, sex, sexual orientation, disability,
21 height, weight, or socioeconomic status, or by any other
22 distinguishing characteristic.