

## PROHIBIT HARASSMENT, INTIMIDATION, AND BULLYING AT SCHOOL

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**House Bill 4091**

**Sponsor: Rep. Aldo Vagnozzi**

**Committee: Education**

**Complete to 3-12-07**

### **A SUMMARY OF HOUSE BILL 4091 AS INTRODUCED 1-23-07**

The bill would amend the Revised School Code to require schools to adopt a policy that prohibited harassment, intimidation, or bullying and submit a copy of it to the Department of Education by September 1, 2008.

***Harassment, Intimidation, & Bullying Prohibition Policy.*** The bill would require the board of a school district or public school academy (customarily called a charter school) to adopt a policy prohibiting harassment, intimidation, or bullying at school. The bill recommends that the policy be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, school administrators, and community representatives. The content of the policy would be determined locally; however, it would have to contain at least the following components:

- A statement prohibiting harassment or bullying of a student.
- A definition of harassment or bullying that included at least the acts described in the legislation (see below).
- A description of the type of behavior expected from each student.
- Consequences and appropriate remedial action for a person who violated the policy.
- A procedure for reporting an act of harassment, intimidation, or bullying, including a provision that permitted a person to report an act of harassment, intimidation, or bullying anonymously. (However, this would not be construed to permit formal disciplinary action solely on the basis of an anonymous report.)
- A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation.
- The range of ways in which a school would respond once an incident of harassment or bullying was identified.

- A statement that prohibited reprisal or retaliation against any person who reported an act of harassment, intimidation, or bullying, and the consequences and appropriate remedial action for a person who engaged in that type of reprisal or retaliation.
- Consequences and appropriate remedial action for a person found to have falsely accused another of harassment, intimidation, or bullying.
- A statement of how the policy was to be publicized, including notice that the policy applies to participation in school-sponsored activities.

***MDE Model Policy.*** To assist school districts, the Department of Education would be required to issue a model policy no later than December 1, 2007.

***Policy Dissemination.*** The bill would require a school district to ensure that the policy it adopted was included in school publications and in a required annual training program for all employees and volunteers who have significant contact with students. Schools are also encouraged to form bullying prevention task forces, programs, and other initiatives.

***Reprisals, Retaliation & Reporting.*** A school employee, student, or volunteer would be prohibited from engaging in reprisals, retaliation, or false accusations against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying. A witness who had reliable information that a student had been subjected to harassment, intimidation, or bullying, whether verbal or physical, would be encouraged to report the incident to the appropriate school official designated by the school's policy.

***Liability Waiver; Other Redress.*** Under the bill, a school employee who promptly reported an incident to the appropriate school official designated in the policy, and who made the report in compliance with the policy's procedures would not be liable for damages arising from any failure to remedy the reported incident.

The bill specifies that these provisions of the law would not prevent a victim from seeking redress under any other available law—civil or criminal—nor would the provisions create or alter any tort liability.

***Definitions.*** The bill defines two terms: "at school," and "harassment, intimidation, or bullying." "At school" would be defined to mean in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at a school-sponsored activity or event whether or not held on school premises.

"Harassment, intimidation, or bullying" means any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or

interfere with the school's educational mission or the education of any pupil. Harassment, intimidation, or bullying includes, but is not limited to, a gesture or written, verbal, or physical act described in this subdivision that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic.

MCL 380.1310b

**FISCAL IMPACT:**

Local school districts could face increased costs related to developing harassment and bullying prevention policies, and developing and requiring trainings for employees and volunteers.

The Department of Education also could face additional administrative costs in developing a model prevention policy by December 1, 2007.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.