

PROHIBIT HARASSMENT & BULLYING AT SCHOOL

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House Bill 4091 (Substitute H-1)
Sponsor: Rep. Aldo Vagnozzi

House Bill 4162 (Substitute H-1)
Sponsor: Rep. Pam Byrnes
Committee: Education

Complete to 3-19-07

A SUMMARY OF HOUSE BILLS 4091 (H-1) AND 4162 (H-1)

The bills would amend the Revised School Code to require schools to adopt a policy that prohibits harassment or bullying at school. The new law would be known as "Matt's Safe School Law." The Department of Education would develop and disseminate a model policy within 30 days after the effective date of the legislation, and schools would be encouraged to adopt it. All schools would then have six months to adopt a policy, and a copy of their policies would be submitted to the Department of Education within 30 days after their adoption. Within the following year, the department would submit a report to the Senate and House standing committees on Education summarizing the implementation status of the harassment and bullying prevention policies.

The bills are tie-barred so that neither could go into effect unless both were enacted into law. A more detailed explanation of each bill follows.

Model Harassment & Bullying Prohibition Policy. House Bill 4091 (H-1) would amend the Revised School Code (MCL 380.1310c) to require the Department of Education to develop and disseminate a model policy that prohibits harassment or bullying at school, within 30 days after this bill is signed into law. The bill specifies that the legislature strongly encourages the boards of a school districts or charter schools to adopt the model policy, and to work with local law enforcement agencies, as appropriate, in its implementation.

School Policy to Prohibit Harassment & Bullying. House Bill 4162 (H-1) would amend the Revised School Code (MCL 380.1310b) to require local school boards and charter schools to adopt and implement a policy prohibiting bullying or harassment at school, not later than six months after the effective date of this legislation. Under the bill, the boards would be required to hold at least one public hearing on the proposed policy (a hearing which could be held as part of a regular board meeting).

Within 30 days after adopting the policy, the boards would be required to submit a copy of their policies to the Department of Education. Then, within the year, the department would be required to submit a report to the Senate and House standing committees on education, summarizing the implementation status of policies, statewide.

Definitions. The bill defines four terms: "at school," "harassment or bullying," "telecommunications access device," and "telecommunications service provider."

"At school" would be defined to mean in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not held on school premises. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy.

"Harassment or bullying" means conduct that meets all of the following: (1) is directed at one or more pupils; (2) substantially interferes with educational opportunities, benefits, or programs of one or more pupils; (3) adversely affects the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing emotional distress; (4) is reasonably perceived to be motivated by an actual or perceived characteristic, such as height, weight, religion, race, color, ancestry, national origin, age, sex, sexual orientation, or gender identity or expression, or by socioeconomic status or a mental, physical, or sensory disability or impairment, or is reasonably perceived to be based on association with another person who has or is perceived to have any of these characteristics or any other distinguishing characteristic.

"Telecommunications access device" and "telecommunications service provider" mean those terms as defined in section 219a of the Michigan Penal Code.

FISCAL IMPACT:

Local school districts could face increased costs related to developing harassment and bullying prevention policies.

The Department of Education also could face additional administrative costs in developing a model prevention policy.

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