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Senate Bill 74 (as enacted)
Sponsor: Senator Glenn S. Anderson
Senate Committee: Judiciary
House Committee: Education

PUBLIC ACT 478 of 2014

Date Completed: 2-10-15

CONTENT

The bill amends Matt's Safe School Law within the Revised School Code to do the following:

- **Include cyberbullying in the definition of "bullying".**
- **Require a school district, intermediate school district (ISD), or public school academy (PSA), within six months after the bill's effective date, to modify its policy prohibiting bullying at school as necessary to comply with the bill's amendments, including the inclusion of cyberbullying as a form of bullying.**
- **Require a school district's, ISD's or PSA's bullying policy to include an assurance of confidentiality for an individual who reported an act of bullying, as well as procedures to safeguard that confidentiality.**
- **Require a school district, ISD, or PSA to submit a copy of a modified bullying policy to the Department of Education within 30 days after adopting the modification.**
- **Require the Department, within one year after the deadline for modification of a bullying policy, to report to the Senate and House standing committees on education, summarizing the status of the implementation of the modifications.**

The bill also renames the Law as the "Matt Epling Safe School Law".

The bill will take effect on March 31, 2015.

Modification of Bullying Policy

The Code required the board of a school district or ISD, or board of directors of a PSA, by June 6, 2012, to adopt and implement a policy prohibiting the bullying of students. The policy must contain specific provisions, including a statement prohibiting bullying of a pupil. Within six months after the bill's effective date, a statement prohibiting bullying must be modified as necessary to comply with the bill, including the inclusion of cyberbullying as a form of bullying.

The Code defines "bullying" as any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly by doing any of the following:

- Substantially interfering with educational opportunities, benefits, or programs of one or more pupils.

- Adversely affecting 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 substantial emotional distress.
- Having an actual and substantial detrimental effect on a pupil's physical or mental health.
- Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Under the bill, the definition includes cyberbullying.

The bill defines "cyberbullying" as any electronic communication that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly by doing any of the following:

- Substantially interfering with educational opportunities, benefits, or programs of one or more pupils.
- Adversely affecting the ability of a pupil to participate in or benefit from the school's or district's educational programs or activities by placing him or her in reasonable fear of physical harm or by causing substantial emotional distress.
- Having an actual and substantial detrimental effect on a pupil's physical or mental health.
- Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

The bill also requires a policy prohibiting bullying to include an assurance of confidentiality for an individual who reports an act of bullying, as well as procedures to safeguard that confidentiality.

Process for Modification

The Code required a board of a school district or ISD, or board of directors of a PSA, to hold at least one public hearing before adopting a policy prohibiting bullying. Within 30 days after adopting the policy, the board or board of directors had to submit a copy of its policy to the Department of Education. Under the bill, these requirements also apply to a modification of the district's, ISD's, or PSA's policy.

In addition, if the board of a school district or ISD, or the board of directors of a PSA, amends or otherwise modifies its policy at any time after a copy of the policy was submitted to the Department, the board or board of directors must submit a copy of the modified policy to the Department within 30 days after adopting the modification.

Department of Education Requirements

The Code required the Department, within one year after the deadline for districts and PSAs to adopt and implement a policy prohibiting bullying, to submit a report to the Senate and House Education Committees summarizing the status of the implementation of those policies. Under the bill, the Department must submit a report on the status of the implementation of the modifications required by the bill, within one year after the deadline for modification.

The bill also requires the Department to establish a form and procedure for school districts and public school academies to report incidents of bullying to the Department on an annual basis. A school district or academy must report to the Department according to its established form and procedure. The Department must ensure that the information in the

reports is made available to the public, but does not include personally identifiable information about any individual who reports or is involved in a specific incident of bullying.

MCL 380.1310b

BACKGROUND

Public Act 241 of 2011 amended the Revised School Code to require the board of a school district or ISD or board of directors of a PSA to adopt and implement policies prohibiting bullying at school. At the time, Michigan reportedly was one of only a few states that did not require schools to have anti-bullying policies. That Act did not specifically address or include cyberbullying.

According to many accounts, bullying in schools is a widespread problem at all grade levels. The American Psychological Association has estimated that as many as 80% of school-age children are bullied at some point during their school careers. Some bullied students, including Matt Epling of East Lansing, have committed suicide.

With the rapid and expansive growth of social media outlets, the internet has become a weapon of choice for bullies, and cyberbullying has become one of the most prevalent forms of bullying among young people.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have a minimal fiscal impact on the Department of Education. The costs will result from the requirement to establish a form and procedure for schools to report incidents of bullying annually to the Department, and the requirement to make this information readily available to the public.

The bill also will have a fiscal impact on school districts and public school academies. The costs associated with tallying the number of bullying incidents within a district and reporting the data to the Department will be minimal: a maximum of \$375,000 statewide. There will be additional costs to districts associated with reviewing and verifying incidents of bullying reported within the districts, but the extent of the fiscal impact as a result is unclear at this time.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.