

# HOUSE BILL No. 4727

May 14, 2013, Introduced by Reps. Abed, Zemke, Irwin, Schor, Kosowski, Darany, Robinson, Yanez, Banks, Faris, McCann, Hovey-Wright and Roberts and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1310b (MCL 380.1310b), as added by 2011 PA 241.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1310b. (1) Subject to subsection (3), not later than 6  
2 ~~months after the effective date of this section,~~ **JUNE 6, 2012**, the  
3 board of a school district or intermediate school district or board  
4 of directors of a public school academy shall adopt and implement a  
5 policy prohibiting bullying at school, as defined in this section.

6       (2) Subject to subsection (3), before adopting the policy  
7 required under subsection (1), the board or board of directors  
8 shall hold at least 1 public hearing on the proposed policy. This  
9 public hearing may be held as part of a regular board meeting.  
10 Subject to subsection (3), not later than 30 days after adopting

1 the policy, the board or board of directors shall submit a copy of  
2 its policy to the department.

3 (3) If, as of ~~the effective date of this section,~~ **DECEMBER 6,**  
4 **2011,** a school district, intermediate school district, or public  
5 school academy has already adopted and implemented an existing  
6 policy prohibiting bullying at school and that policy is in  
7 compliance with subsection (5), the board of the school district or  
8 intermediate school district or board of directors of the public  
9 school academy is not required to adopt and implement a new policy  
10 under subsection (1). However, this subsection applies to a school  
11 district, intermediate school district, or public school academy  
12 described in this subsection only if the board or board of  
13 directors submits a copy of its policy to the department not later  
14 than ~~60 days after the effective date of this section.~~ **FEBRUARY 4,**  
15 **2012.**

16 (4) Not later than ~~1 year after the deadline under subsection~~  
17 ~~(2) for districts and public school academies to submit copies of~~  
18 ~~their policies to the department,~~ **JULY 6, 2013,** the department  
19 shall submit a report to the senate and house standing committees  
20 on education summarizing the status of the implementation of  
21 policies under this section.

22 (5) A policy adopted pursuant to subsection (1) shall include  
23 at least all of the following:

24 (a) A statement prohibiting bullying of a pupil. **BEGINNING NOT**  
25 **LATER THAN THE BEGINNING OF THE 2013-2014 SCHOOL YEAR, THIS**  
26 **STATEMENT SHALL INCLUDE CYBERBULLYING AS A FORM OF BULLYING AND**  
27 **SHALL DEFINE CYBERBULLYING.**

1 (b) A statement prohibiting retaliation or false accusation  
2 against a target of bullying, a witness, or another person with  
3 reliable information about an act of bullying.

4 (c) A provision indicating that all pupils are protected under  
5 the policy and that bullying is equally prohibited without regard  
6 to its subject matter or motivating animus.

7 (d) The identification by job title of school officials  
8 responsible for ensuring that the policy is implemented.

9 (e) A statement describing how the policy is to be publicized.

10 (f) A procedure for providing notification to the parent or  
11 legal guardian of a victim of bullying and the parent or legal  
12 guardian of a perpetrator of the bullying.

13 (g) A procedure for reporting an act of bullying.

14 (h) A procedure for prompt investigation of a report of  
15 violation of the policy or a related complaint, identifying either  
16 the principal or the principal's designee as the person responsible  
17 for the investigation.

18 (i) A procedure for each public school to document any  
19 prohibited incident that is reported and a procedure to report all  
20 verified incidents of bullying and the resulting consequences,  
21 including discipline and referrals, to the board of the school  
22 district or intermediate school district or board of directors of  
23 the public school academy on an annual basis.

24 (6) The legislature encourages a board or board of directors  
25 to include all of the following in the policy required under this  
26 section:

27 (a) Provisions to form bullying prevention task forces,

1 programs, teen courts, and other initiatives involving school  
2 staff, pupils, school clubs or other student groups,  
3 administrators, volunteers, parents, law enforcement, community  
4 members, and other stakeholders.

5 (b) A requirement for annual training for administrators,  
6 school employees, and volunteers who have significant contact with  
7 pupils on preventing, identifying, responding to, and reporting  
8 incidents of bullying.

9 (c) A requirement for educational programs for pupils and  
10 parents on preventing, identifying, responding to, and reporting  
11 incidents of bullying and cyberbullying.

12 (7) THE DEPARTMENT SHALL ESTABLISH A FORM AND PROCEDURE FOR  
13 SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO REPORT INCIDENTS OF  
14 BULLYING TO THE DEPARTMENT ON AN ANNUAL BASIS AND SHALL MAKE THIS  
15 INFORMATION READILY AVAILABLE TO THE PUBLIC. A SCHOOL DISTRICT OR  
16 PUBLIC SCHOOL ACADEMY SHALL REPORT INCIDENTS OF BULLYING TO THE  
17 DEPARTMENT ACCORDING TO THE FORM AND PROCEDURES ESTABLISHED BY THE  
18 DEPARTMENT.

19 (8) ~~(7)~~—A school employee, school volunteer, pupil, or parent  
20 or guardian who promptly reports in good faith an act of bullying  
21 to the appropriate school official designated in the school  
22 district's or public school academy's policy and who makes this  
23 report in compliance with the procedures set forth in the policy is  
24 immune from a cause of action for damages arising out of the  
25 reporting itself or any failure to remedy the reported incident.  
26 However, this immunity does not apply to a school official who is  
27 designated under subsection (5)(d), or who is responsible for

1 remedying the bullying, when acting in that capacity.

2 (9) ~~(8)~~—As used in this section:

3 (a) "At school" means in a classroom, elsewhere on school  
4 premises, on a school bus or other school-related vehicle, or at a  
5 school-sponsored activity or event whether or not it is held on  
6 school premises. "At school" includes conduct using a  
7 telecommunications access device or telecommunications service  
8 provider that occurs off school premises if the telecommunications  
9 access device or the telecommunications service provider is owned  
10 by or under the control of the school district or public school  
11 academy.

12 (b) "Bullying" means any written, verbal, or physical act, or  
13 any electronic communication, that is intended or that a reasonable  
14 person would know is likely to harm 1 or more pupils either  
15 directly or indirectly by doing any of the following:

16 (i) Substantially interfering with educational opportunities,  
17 benefits, or programs of 1 or more pupils.

18 (ii) Adversely affecting the ability of a pupil to participate  
19 in or benefit from the school district's or public school's  
20 educational programs or activities by placing the pupil in  
21 reasonable fear of physical harm or by causing substantial  
22 emotional distress.

23 (iii) Having an actual and substantial detrimental effect on a  
24 pupil's physical or mental health.

25 (iv) Causing substantial disruption in, or substantial  
26 interference with, the orderly operation of the school.

27 (c) "Telecommunications access device" and "telecommunications

1 service provider" mean those terms as defined in section 219a of  
2 the Michigan penal code, 1931 PA 328, MCL 750.219a.

3 (10) ~~(9)~~—This section shall be known as "Matt's Safe School  
4 Law".