

SENATE BILL No. 74

January 24, 2013, Introduced by Senators ANDERSON, HOOD, HOPGOOD, WHITMER, GREGORY, WARREN, YOUNG, ROCCA, BIEDA and KOWALL 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".