

SUBSTITUTE FOR
HOUSE BILL NO. 5621

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1308 (MCL 380.1308), as added by 1999 PA 102.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1308. (1) Not later than ~~90 days after the effective date~~
2 ~~of this section, OCTOBER 6, 1999,~~ the superintendent of public
3 instruction, attorney general, and director of the department of
4 state police shall adopt, publish, and distribute to school boards,
5 county prosecutors, and local law enforcement agencies the
6 statewide school safety information policy described in subsection
7 (2). Not later than ~~180 days after the effective date of this~~
8 ~~section, JANUARY 6, 2000,~~ each school board, county prosecutor, and

1 local law enforcement agency shall do both of the following:

2 (a) Meet and confer as appropriate on the implementation of
3 the statewide school safety information policy for each school
4 district and on any related issues that are unique to the affected
5 locality. The appropriate local law enforcement agency or agencies
6 to be involved shall be determined locally, consistent with the
7 statewide school safety information policy.

8 (b) Begin compliance with the statewide school safety
9 information policy.

10 (2) The statewide school safety information policy required
11 under subsection (1) shall identify the types of incidents
12 occurring at school that must be reported to law enforcement
13 agencies and shall establish procedures to be followed when such an
14 incident occurs at school. The statewide school safety information
15 policy also may address procedures for reporting incidents
16 involving possession of a dangerous weapon as required under
17 section 1313. The statewide school safety information policy shall
18 address at least all of the following:

19 (a) Law enforcement protocols and priorities for the reporting
20 process. The law enforcement protocols must be developed with the
21 cooperation of the appropriate state or local law enforcement
22 agency. The law enforcement priorities shall include at least
23 investigation of reported incidents, identification of those
24 involved in a reported incident, assistance in prevention of these
25 types of incidents, and, when appropriate, assistance from a child
26 protection agency.

27 (b) Definition of the types of incidents requiring reporting

1 to law enforcement and response by law enforcement, taking into
2 account the intent of the actor and the circumstances surrounding
3 the incident.

4 (c) Protocols for responding to reportable incidents,
5 addressing at least all of the following:

6 (i) Initial notification and reporting by school officials.

7 (ii) The information to be provided by school officials.

8 (iii) Initial response by law enforcement agencies, which
9 shall be specifically tailored for incidents in progress, incidents
10 not in progress, and incidents involving delayed reporting. School
11 officials shall be consulted to determine the extent of law
12 enforcement involvement required by the situation.

13 (iv) Custody of actors.

14 (d) The amount and nature of assistance to be provided by
15 school officials, and the scope of their involvement in law
16 enforcement procedures. This provision shall require school
17 officials to notify the parent or legal guardian of a minor pupil
18 who is a victim or witness when law enforcement authorities
19 interview the pupil.

20 (e) Any other matters that will facilitate reporting of
21 incidents affecting school safety and the exchange of other
22 information affecting school safety.

23 **(3) A SCHOOL BOARD OR ITS DESIGNEE SHALL REPORT TO THE**
24 **APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT AGENCIES AND PROSECUTORS**
25 **ALL INFORMATION THAT IS REQUIRED TO BE REPORTED TO THOSE OFFICIALS**
26 **UNDER THE STATEWIDE SCHOOL SAFETY INFORMATION POLICY.**

27 **(4) ~~(3)~~—If school officials of a school district determine**

1 that an incident has occurred at school that is required to be
2 reported to law enforcement agencies according to the statewide
3 school safety information policy under this section **OR UNDER**
4 **SUBSECTION (3)**, the superintendent of the school district, or his
5 or her designee, immediately shall report that finding to the
6 appropriate state or local law enforcement agency in the manner
7 prescribed in the statewide school safety information policy.

8 (5) ~~(4)~~—If provided in the statewide school safety information
9 policy under this section, a local law enforcement agency that has
10 jurisdiction over a school building of a school district shall
11 report to the school officials of the school building incidents
12 reported to the law enforcement agency that allege the commission
13 of a crime and that, according to the incident report, either
14 occurred on school property or within 1,000 feet of the school
15 property or involved a pupil or staff member of the school as a
16 victim or alleged perpetrator. Upon request by a law enforcement
17 agency, school officials shall provide the law enforcement agency
18 with any information the law enforcement agency determines it needs
19 to provide this report to school officials.

20 (6) ~~(5)~~—If provided in the statewide school safety information
21 policy under this section, the prosecuting attorney of a county
22 shall notify a school district located in whole or in part in that
23 county of any criminal or juvenile court action initiated or taken
24 against a pupil of the school district, including, but not limited
25 to, convictions, adjudications, and dispositions. This notification
26 shall be made to either the school district superintendent or to
27 the intermediate superintendent of the intermediate school district

1 in which the county is located, as provided in the policy or by
2 local agreement. If the notification is made to the intermediate
3 superintendent, the intermediate superintendent shall forward the
4 information to the superintendent of the school district in which
5 the pupil is enrolled. Upon receipt of information under this
6 subsection, a school district superintendent shall share the
7 information with appropriate school building personnel. The
8 prosecuting attorney may inquire of each school age individual
9 involved in a court action described in this subsection whether the
10 individual is a pupil in a school district and, if so, in which
11 school district.

12 (7) ~~(6)~~—If provided for in the statewide school safety
13 information policy under this section, the appropriate court shall
14 inform an appropriate school administrator of the name of the
15 individual assigned to monitor a convicted or adjudicated youth
16 attending a public school and of how that individual may be
17 contacted.

18 (8) ~~(7)~~—A school board, county prosecutor, and local law
19 enforcement agency may enter into a local agreement or take other
20 measures to facilitate the sharing of school safety information or
21 to promote school safety if the agreement or other measures are
22 consistent with the statewide school safety information policy.

23 (9) ~~(8)~~—A school board shall cooperate with local law
24 enforcement agencies to ensure that detailed and accurate building
25 plans, blueprints, and site plans, as appropriate, for each school
26 building operated by the school board are provided to the
27 appropriate local law enforcement agency.

House Bill No. 5621 as amended June 1, 2016

1 (10) ~~(9)~~ Reporting of information by a school district or
2 school personnel under this section is subject to ~~section 444 of~~
3 ~~subpart 4 of part C of the general education provisions act, Title~~
4 ~~IV of Public Law 90-247, 20 U.S.C. USC 1232g, commonly referred to~~
5 as the family educational rights and privacy act of 1974.

6 (11) ~~(10)~~ If a pupil is involved in an incident reported to
7 law enforcement according to the statewide school safety
8 information policy under this section, then upon request by school
9 officials, the pupil's parent or legal guardian shall execute any
10 waivers or consents necessary to allow school officials access to
11 school, court, or other pertinent records of the pupil concerning
12 the incident and action taken as a result of the incident.

13 (12) ~~(11)~~ As used in this section:

14 (a) "At school" means in a classroom, elsewhere on school
15 premises, on a school bus or other school-related vehicle, or at a
16 school-sponsored activity or event whether or not it is held on
17 school premises.

18 (b) "School board" and "school district" mean those terms as
19 defined in section ~~1311a.1311.~~

[Enacting section 1. This amendatory act takes effect August 1,
2016.]