

**SUBSTITUTE FOR
HOUSE BILL NO. 5620**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1310b (MCL 380.1310b), as amended by 2014 PA
478.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1310b. (1) The board of a school district or intermediate
2 school district or board of directors of a public school academy
3 shall adopt and implement a policy prohibiting bullying at school,
4 as defined in this section.
5 (2) Subject to subsection (3), before adopting the policy
6 required under subsection (1) or any modification to the policy,
7 the board or board of directors shall hold at least 1 public
8 hearing on the proposed policy or modification. This public hearing
9 may be held as part of a regular board meeting. Subject to
10 subsection (3), not later than 30 days after adopting or modifying

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

3 (3) If, as of ~~the effective date of the 2014 amendments to~~
4 ~~this section,~~ **MARCH 31, 2015**, a school district, intermediate
5 school district, or public school academy has already adopted and
6 implemented an existing policy prohibiting bullying at school and
7 that policy is in compliance with subsections (1) and (5), the
8 board of the school district or intermediate school district or
9 board of directors of the public school academy is not required to
10 adopt and implement a modified policy under subsection (1).
11 However, this subsection applies to a school district, intermediate
12 school district, or public school academy described in this
13 subsection only if the board or board of directors submits a copy
14 of its policy to the department not later than ~~60 days after the~~
15 ~~effective date of the 2014 amendments to this section.~~ **MAY 31, 2015.**

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 modified policies to the department, the department shall
19 submit a report to the senate and house standing committees on
20 education summarizing the status of the implementation of the
21 modifications to policies required under ~~the 2014 amendments to~~
22 ~~this section.~~ **2014 PA 478.**

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

25 (a) A statement prohibiting bullying of a pupil. Not later
26 than ~~6 months after the effective date of the 2014 amendments to~~
27 ~~this section,~~ **OCTOBER 1, 2015**, this statement shall be modified as

1 necessary to comply with ~~the 2014 amendments to this section~~ **2014**
2 **PA 478** including, but not limited to, the inclusion of
3 cyberbullying as a form of bullying.

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

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

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

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

13 (f) A procedure for providing notification to the parent or
14 legal guardian of a victim of bullying and the parent or legal
15 guardian of a perpetrator of the bullying.

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

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

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

27 (j) An assurance of confidentiality for an individual who

1 reports an act of bullying and procedures to safeguard that
2 confidentiality.

3 (6) The legislature encourages a board or board of directors
4 to include all of the following in the policy required under this
5 section:

6 (a) Provisions to form bullying prevention task forces,
7 programs, teen courts, and other initiatives involving school
8 staff, pupils, school clubs or other student groups,
9 administrators, volunteers, parents, law enforcement, community
10 members, and other stakeholders.

11 (b) A requirement for annual training for administrators,
12 school employees, and volunteers who have significant contact with
13 pupils on preventing, identifying, responding to, and reporting
14 incidents of bullying.

15 (c) A requirement for educational programs for pupils and
16 parents on preventing, identifying, responding to, and reporting
17 incidents of bullying and cyberbullying.

18 **(D) PROVISIONS FOR CONSIDERING THE USE OF RESTORATIVE**
19 **PRACTICES IN THE CORRECTION OF BULLYING BEHAVIOR, AS DESCRIBED IN**
20 **SECTION 1310C.**

21 (7) The department shall establish a form and procedure for
22 school districts and public school academies to report incidents of
23 bullying to the department on an annual basis and shall make this
24 information readily available to the public. A school district or
25 public school academy shall report incidents of bullying to the
26 department according to the form and procedures established by the
27 department. The department shall ensure that the information

1 collected and made available under this subsection does not include
2 personally identifiable information about any individual who
3 reports or is involved in a specific incident of bullying.

4 (8) A school employee, school volunteer, pupil, or parent or
5 guardian who promptly reports in good faith an act of bullying to
6 the appropriate school official designated in the school district's
7 or public school academy's policy and who makes this report in
8 compliance with the procedures set forth in the policy is immune
9 from a cause of action for damages arising out of the reporting
10 itself or any failure to remedy the reported incident. However,
11 this immunity does not apply to a school official who is designated
12 under subsection (5)(d), or who is responsible for remedying the
13 bullying, when acting in that capacity.

14 (9) If the board of a school district or intermediate school
15 district or board of directors of a public school academy amends or
16 otherwise modifies its policy required under this subsection at any
17 time after a copy of the policy was initially submitted to the
18 department under subsection (2) or (3), the board or board of
19 directors shall submit a copy of the modified policy to the
20 department not later than 30 days after adopting the modification.

21 (10) As used in this section:

22 (a) "At school" means in a classroom, elsewhere on school
23 premises, on a school bus or other school-related vehicle, or at a
24 school-sponsored activity or event whether or not it is held on
25 school premises. "At school" includes conduct using a
26 telecommunications access device or telecommunications service
27 provider that occurs off school premises if the telecommunications

1 access device or the telecommunications service provider is owned
2 by or under the control of the school district or public school
3 academy.

4 (b) "Bullying" means any written, verbal, or physical act, or
5 any electronic communication, including, but not limited to,
6 cyberbullying, that is intended or that a reasonable person would
7 know is likely to harm 1 or more pupils either directly or
8 indirectly by doing any of the following:

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

11 (ii) Adversely affecting the ability of a pupil to participate
12 in or benefit from the school district's or public school's
13 educational programs or activities by placing the pupil in
14 reasonable fear of physical harm or by causing substantial
15 emotional distress.

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

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

20 (c) "Cyberbullying" means any electronic communication that is
21 intended or that a reasonable person would know is likely to harm 1
22 or more pupils either directly or indirectly by doing any of the
23 following:

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

26 (ii) Adversely affecting the ability of a pupil to participate
27 in or benefit from the school district's or public school's

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as amended December 13, 2016

1 educational programs or activities by placing the pupil in
2 reasonable fear of physical harm or by causing substantial
3 emotional distress.

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

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

8 (D) "RESTORATIVE PRACTICES" MEANS THAT TERM AS DEFINED IN
9 SECTION 1310C.

10 (E) ~~(d)~~—"Telecommunications access device" and
11 "telecommunications service provider" mean those terms as defined
12 in section 219a of the Michigan penal code, 1931 PA 328, MCL
13 750.219a.

14 (11) This section shall be known as "The Matt Epling Safe
15 School Law".

16 Enacting section 1. This amendatory act takes effect [August 1,
17 <<2017.>>]

18 Enacting section 2. This amendatory act does not take effect
19 unless House Bill No. 5619 of the 98th Legislature is enacted into
20 law.