

# HOUSE BILL No. 5620

May 3, 2016, Introduced by Reps. Zemke, Schor, Pscholka, Lucido, Lyons, LaGrand and Irwin 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 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

1 may be held as part of a regular board meeting. Subject to  
 2 subsection (3), not later than 30 days after adopting or modifying  
 3 the policy under subsection (1), the board or board of directors  
 4 shall submit a copy of its policy to the department.

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

18 (4) Not later than 1 year after the deadline under subsection  
 19 (2) for districts and public school academies to submit copies of  
 20 their modified policies to the department, the department shall  
 21 submit a report to the senate and house standing committees on  
 22 education summarizing the status of the implementation of the  
 23 modifications to policies required under ~~the 2014 amendments to~~  
 24 ~~this section.~~ **2014 PA 478.**

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

27 (a) A statement prohibiting bullying of a pupil. Not later

1 ~~than 6 months after the effective date of the 2014 amendments to~~  
2 ~~this section, OCTOBER 1, 2015,~~ this statement shall be modified as  
3 necessary to comply with ~~the 2014 amendments to this section 2014~~  
4 **PA 478** including, but not limited to, the inclusion of  
5 cyberbullying as a form of bullying.

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

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

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

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

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

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

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

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

1 the public school academy on an annual basis.

2 (j) An assurance of confidentiality for an individual who  
3 reports an act of bullying and procedures to safeguard that  
4 confidentiality.

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

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

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

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

20 **(D) PROVISIONS FOR USING RESTORATIVE JUSTICE IN THE CORRECTION**  
21 **OF BULLYING BEHAVIOR, AS DESCRIBED IN SECTION 1310C.**

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

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

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

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

22 (10) As used in this section:

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

1 provider that occurs off school premises if the telecommunications  
2 access device or the telecommunications service provider is owned  
3 by or under the control of the school district or public school  
4 academy.

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

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

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

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

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

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

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

27 (ii) Adversely affecting the ability of a pupil to participate

1 in or benefit from the school district's or public school's  
2 educational programs or activities by placing the pupil in  
3 reasonable fear of physical harm or by causing substantial  
4 emotional distress.

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

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

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

11 (E) ~~(d)~~ "Telecommunications access device" and  
12 "telecommunications service provider" mean those terms as defined  
13 in section 219a of the Michigan penal code, 1931 PA 328, MCL  
14 750.219a.

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

17 Enacting section 1. This amendatory act takes effect 90 days  
18 after the date it is enacted into law.

19 Enacting section 2. This amendatory act does not take effect  
20 unless Senate Bill No. \_\_\_\_ or House Bill No. 5619 (request no.  
21 03387'15 \*) of the 98th Legislature is enacted into law.