

# HOUSE BILL No. 5621

May 3, 2016, Introduced by Reps. Lyons, Schor, Zemke, Pscholka, Lucido, 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 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  
9 local law enforcement agency shall do both of the following:

10       (a) Meet and confer as appropriate on the implementation of

1 the statewide school safety information policy for each school  
2 district and on any related issues that are unique to the affected  
3 locality. The appropriate local law enforcement agency or agencies  
4 to be involved shall be determined locally, consistent with the  
5 statewide school safety information policy.

6 (b) Begin compliance with the statewide school safety  
7 information policy.

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

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

25 (b) Definition of the types of incidents requiring reporting  
26 to law enforcement and response by law enforcement, taking into  
27 account the intent of the actor and the circumstances surrounding

1 the incident.

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

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

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

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

11 (iv) Custody of actors.

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

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

21 (3) WHETHER OR NOT IT IS REQUIRED UNDER THE STATEWIDE SCHOOL  
22 SAFETY INFORMATION POLICY, A SCHOOL BOARD OR ITS DESIGNEE SHALL  
23 REPORT TO APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT OFFICIALS AND  
24 PROSECUTORS ANY BOMB THREAT, ANY PHYSICAL ASSAULT THAT THREATENS OR  
25 CAUSES SERIOUS INJURY AND THAT IS THE CAUSE FOR EXPULSION, AND ANY  
26 INCIDENT OF ARSON, CRIMINAL SEXUAL CONDUCT, OR WEAPON POSSESSION  
27 THAT IS THE CAUSE FOR EXPULSION. AS USED IN THIS SUBSECTION,

1   **"ARSON" AND "CRIMINAL SEXUAL CONDUCT" MEAN THOSE TERMS AS DEFINED**  
2   **IN SECTION 1311.**

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

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

23       (6) ~~(5)~~—If provided in the statewide school safety information  
24  policy under this section, the prosecuting attorney of a county  
25  shall notify a school district located in whole or in part in that  
26  county of any criminal or juvenile court action initiated or taken  
27  against a pupil of the school district, including, but not limited

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

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

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

26 (9) ~~(8)~~—A school board shall cooperate with local law  
27 enforcement agencies to ensure that detailed and accurate building

1 plans, blueprints, and site plans, as appropriate, for each school  
2 building operated by the school board are provided to the  
3 appropriate local law enforcement agency.

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

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

16 (12) ~~(11)~~ As used in this section:

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

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