

HOUSE BILL No. 5661

May 17, 2016, Introduced by Rep. Price and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1310a and 1310b (MCL 380.1310a and 380.1310b),
section 1310a as amended by 2000 PA 230 and section 1310b as
amended by 2014 PA 478.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1310a. (1) At least annually, each school board shall
2 prepare and submit to the superintendent of public instruction, in
3 the form and manner prescribed by the superintendent of public
4 instruction, a report stating the number of pupils expelled from
5 the school district during the immediately preceding school year,
6 with a brief description of the incident that caused each

1 expulsion.

2 (2) In order to obtain an accurate ~~local and statewide~~ picture
3 of school crime and to develop the partnerships necessary to plan
4 and implement school safety programs, at least annually, each
5 school board shall ~~report to the superintendent of public~~
6 ~~instruction,~~ **POST ON THE SCHOOL DISTRICT'S WEBSITE**, in the form and
7 manner prescribed by the superintendent of public instruction,
8 incidents of crime occurring at school within the school district
9 **FOR AT LEAST THE MOST RECENT 5-YEAR PERIOD**. In determining the form
10 and manner of this ~~report,~~ **POSTING**, the superintendent of public
11 instruction shall consult with local and intermediate school
12 districts and law enforcement officials. The ~~reporting~~ **POSTING**
13 shall include at least crimes involving physical violence, gang-
14 related activity, illegal possession of a controlled substance or
15 controlled substance analogue, or other intoxicant, trespassing,
16 and property crimes including, but not limited to, theft and
17 vandalism. For a property crime, the ~~report~~ **POSTING** shall include
18 an estimate of the cost to the school district resulting from the
19 property crime. The school crime ~~reporting~~ **POSTING** requirements of
20 this subsection are intended to do all of the following:

21 (a) Help policymakers and program designers at the local and
22 state levels develop appropriate prevention and intervention
23 programs.

24 (b) Provide the continuous assessment tools needed for
25 revising and refining school safety programs.

26 (c) Assist schools and school districts to identify the most
27 pressing safety issues confronting their school communities, to

1 direct resources appropriately, and to enhance campus safety
2 through prevention and intervention strategies.

3 (d) Foster the creation of partnerships among schools, school
4 districts, state agencies, communities, law enforcement, and the
5 media to prevent further crime and violence and to assure a safe
6 learning environment for every pupil.

7 ~~(3) Each school building shall collect and keep current on a~~
8 ~~weekly basis the information required for the report under~~
9 ~~subsection (2) and must provide that information, within 7 days,~~
10 ~~upon request. At least annually, each school board shall make a~~
11 ~~copy disaggregated by school building, of the most recent report~~
12 **INFORMATION POSTED** for the school district under subsection (2),
13 **DISAGGREGATED BY SCHOOL BUILDING**, available to the parent or legal
14 guardian of each pupil enrolled in the school district **BY UPDATING**
15 **ITS POSTING OF THAT INFORMATION TO BE SURE IT INCLUDES THAT**
16 **INFORMATION FOR AT LEAST THE MOST RECENT 5-YEAR PERIOD.**

17 (4) As used in this section, "school board" and "school
18 district" mean those terms as defined in section 1310.

19 Sec. 1310b. (1) The board of a school district or intermediate
20 school district or board of directors of a public school academy
21 shall adopt and implement a policy prohibiting bullying at school,
22 as defined in this section.

23 (2) Subject to subsection (3), before adopting the policy
24 required under subsection (1) or any modification to the policy,
25 the board or board of directors shall hold at least 1 public
26 hearing on the proposed policy or modification. This public hearing
27 may be held as part of a regular board meeting. Subject to

subsection (3), not later than 30 days after adopting or modifying the policy under subsection (1), the board or board of directors shall submit a copy of its policy to the department.

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

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

(4) ~~(5)~~—A policy adopted pursuant to subsection (1) shall include at least all of the following:

(a) A statement prohibiting bullying of a pupil. Not later than ~~6 months after the effective date of the 2014 amendments to~~

1 ~~this section, SEPTEMBER 30, 2015,~~ this statement shall be modified
2 as necessary to comply with ~~the 2014 amendments to this section PA~~
3 **478**, including, but not limited to, the inclusion of cyberbullying
4 as a form of bullying.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (6) ~~(7)~~—The department shall establish a form and procedure
20 for school districts and public school academies to ~~report~~ **COLLECT**
21 **INFORMATION ON THE NUMBER OF** incidents of bullying ~~to the~~
22 ~~department~~ on an annual basis and ~~shall~~ **FOR SCHOOL DISTRICTS AND**
23 **PUBLIC SCHOOL ACADEMIES TO** make this information readily available
24 to the public. ~~A school district or public school academy shall~~
25 ~~report incidents of bullying to the department according to the~~
26 ~~form and procedures established by the department. The department~~ **A**
27 **SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY** shall ensure that the

1 information collected and made available under this subsection does
2 not include personally identifiable information about any
3 individual who reports or is involved in a specific incident of
4 bullying. **AT LEAST ANNUALLY, EACH BOARD OR BOARD OF DIRECTORS SHALL**
5 **MAKE A COPY OF THE INFORMATION COLLECTED BY THE SCHOOL DISTRICT OR**
6 **PUBLIC SCHOOL ACADEMY UNDER THIS SUBSECTION, DISAGGREGATED BY**
7 **SCHOOL BUILDING, AVAILABLE TO THE PARENT OR LEGAL GUARDIAN OF EACH**
8 **PUPIL ENROLLED IN THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY BY**
9 **POSTING THAT INFORMATION FOR AT LEAST THE MOST RECENT 5-YEAR PERIOD**
10 **ON THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S WEBSITE.**

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

21 **(8)** ~~(9)~~—If the board of a school district or intermediate
22 school district or board of directors of a public school academy
23 amends or otherwise modifies its policy required under this
24 subsection at any time after a copy of the policy was initially
25 submitted to the department under subsection (2) or (3), the board
26 or board of directors shall submit a copy of the modified policy to
27 the department not later than 30 days after adopting the

1 modification.

2 (9) ~~(10)~~—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, including, but not limited to,
14 cyberbullying, that is intended or that a reasonable person would
15 know is likely to harm 1 or more pupils either directly or
16 indirectly by doing any of the following:

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

19 (ii) Adversely affecting the ability of a pupil to participate
20 in or benefit from the school district's or public school's
21 educational programs or activities by placing the pupil in
22 reasonable fear of physical harm or by causing substantial
23 emotional distress.

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

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

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

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

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

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

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

16 (d) "Telecommunications access device" and "telecommunications
17 service provider" mean those terms as defined in section 219a of
18 the Michigan penal code, 1931 PA 328, MCL 750.219a.

19 (10) ~~(11)~~ This section shall be known as "The Matt Epling Safe
20 School Law".

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