

PROVISION OF INFORMATION ON SEXUAL ASSAULT AND SEXUAL HARASSMENT

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House Bill 5791 (reported from committee as substitute H-2)

Sponsor: Rep. Stephanie Chang

Committee: Law and Justice

Complete to 5-23-18

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY:

House Bill 5791 would add two sections to the Revised School Code. Proposed Section 1508 would require the Michigan Department of Education (MDE) to make materials regarding sexual assault and sexual harassment available to school districts, intermediate school districts (ISDs), and public school academies (PSAs, or charter schools). Local districts, ISDs, and PSAs would then be required to provide those and additional materials to their students in 6th through 12th grades. Proposed Section 1526b would encourage district and ISD boards and PSA boards of directors to provide training in responding to students who have experienced those issues, at least every 5 years. The bill would take effect 90 days after enactment.

DETAILED SUMMARY:

Under the bill, MDE, in consultation with experts on sexual assault and sexual harassment, including the Michigan Domestic and Sexual Violence Prevention and Treatment Board (“the Board”) and the Michigan Coalition to End Domestic and Sexual Violence (“the Coalition”), would have to develop age-appropriate informational material on sexual assault and sexual harassment and make the material available to districts, ISDs, and PSAs serving students in 6th through 12th grades. They would have to make it available no later than June 1, 2019.

The information would have to include all of the following:

- Information regarding what constitutes sexual assault or sexual harassment.
- An explanation that sexual assault or sexual harassment is not the victim’s fault.
- Resources available for individuals who have experienced sexual assault or sexual harassment, including information on Title IX, appropriate contact information for organizations that offer assistance to victims of sexual assault or sexual harassment, and actions that the individual may take.

The districts, ISDs, and PSAs would then be required to disseminate that information, as well as contact information for their respective Title IX coordinator and policies on sexual assault and sexual harassment, to all of their 6th through 12th grade students. The districts, ISDs, and PSAs would also have to ensure that the information remains accessible to students and parents and that it is included in student handbooks and on existing district, ISD, or PSA webpages.

The bill would encourage district and ISD boards and PSA boards of directors to work with a local organization that receives funding from the Board to provide all educators and school personnel who have contact with pupils with training at least every five years in responding to students who have experienced sexual assault or sexual harassment. The training could be included as part of the professional development training that districts, ISDs, and PSAs must provide under Section 1527 of the Code. Districts, ISDs, and PSAs that are located in areas

without a local organization that receives funding from the Board would be encouraged to provide the training together with the Board and the Coalition.

Proposed MCL 380.1508 and 380.1526b

FISCAL IMPACT:

House Bill 5791 would increase costs for MDE and could increase costs for local school districts, ISDs, and PSAs.

MDE has noted that they would incur an estimated one-time cost increase of \$50,000 to develop and make available to local school districts, ISDs, and PSAs (that operate grades 6 to 12) age-appropriate informational material relating to sexual assault and sexual harassment.

Local school districts, ISDs, and PSAs could incur increased costs to disseminate informational material made available by MDE to each student enrolled in grades 6 to 12 and to include the material in student handbooks and on their webpages. However, the bill does not specify whether the required material must be shared physically or digitally, and digital dissemination would minimize any added cost.

Local school districts, ISDs, and PSAs could incur additional costs if, as encouraged by the bill, they chose to train all educators and school personnel who have contact with students at least every 5 years in responding to students who have experienced sexual assault or sexual harassment.

POSITIONS:

Representatives of the following organizations testified in support of the bill.

- Oakland Schools (5-1-18)
- Girls Making Change (4-24-18)

The following organizations indicated support for the bill:

- Michigan Domestic and Sexual Violence Prevention and Treatment Board (5-22-18)
- Department of Attorney General (4-17-18)
- Michigan Catholic Conference (4-24-18)
- American Association of University Women (4-24-18)
- Michigan Council for Maternal and Child Health (4-24-18)
- Michigan Coalition to End Domestic and Sexual Violence (5-22-18)
- Wayne County SAFE Program (4-23-18)

The Michigan Association of School Boards indicated no position on the bill. (4-24-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.