

## **NO SUSPENSION OR EXPULSION FOR VICTIM OF SEXUAL ASSAULT**

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<http://www.house.mi.gov/hfa>

**House Bill 5800 as introduced**  
**Sponsor: Rep. Yousef Rabhi**  
**Committee: Law and Justice**  
**Complete to 4-23-18**

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

### **SUMMARY:**

House Bill 5800 would amend the Revised School Code to prohibit the board of a school district or intermediate school district (ISD) or board of directors of a public school academy (PSA, or charter school) from taking certain actions toward a student for the student's actions arising out of an incident in which the student reported, or is believed to have experienced, a *sexual assault*. In those instances, the board or board of directors would not be allowed to expel the student, or suspend the student for more than 10 school days, for actions the student took during the incident of sexual assault.

*Sexual assault* would be defined as an act constituting criminal sexual conduct (CSC) in the first, second, third, or fourth degree or assault with intent to commit CSC in the first, second, or third degree.

This prohibition would not apply if, as a result of the incident, the student is convicted of one of the offenses defined as sexual assault, above.

Under the bill, school officials and staff members would be required to refer a student to the Title IX coordinator<sup>1</sup> for the school district, ISD, or PSA if the student reports a sexual assault or if the school official or staff member believes that the student has been sexually assaulted. The Title IX coordinator would then take appropriate action to report the incident and assist the student in obtaining appropriate follow-up services.

The bill would take effect 90 days after enactment.

Proposed MCL 380.1310d

### **FISCAL IMPACT:**

House Bill 5800 would have no fiscal impact for the state or local units of government.

The bill should not create additional costs for local school districts, IDSs, or PSAs because any entity receiving federal funds from the U.S. Department of Education already is

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<sup>1</sup> In 2011, the US Department of Education's Office for Civil Rights issued a letter classified as a "significant guidance document" that states that the provisions in the law known colloquially as Title IX that prohibit sexual harassment also apply to sexual violence. <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

required under Title IX to identify someone on staff to act as and carry out the duties of a Title IX coordinator.

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