



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5791 (Substitute H-2 as passed by the House)
Sponsor: Representative Stephanie Chang
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 6-4-18

CONTENT

The bill would amend the Revised School Code to do the following:

- **Require the Department of Education to develop informational material relating to sexual assault and sexual harassment appropriate for pupils in grades six through 12.**
- **Require the Department to make the material available to all public schools that operate grades six through 12.**
- **Require public schools to disseminate to pupils the informational material.**
- **Require public schools to disseminate to pupils contact information for the school's Title IX coordinator and the school's policies on sexual assault and sexual harassment.**
- **Encourage public schools to provide sexual assault and sexual harassment response training to all educators and school personnel who had contact with pupils.**

Specifically, the bill would require the Department of Education, by June 1, 2019, in consultation with experts on sexual assault and sexual harassment, including the Michigan Domestic and Sexual Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic and Sexual Violence, to develop age-appropriate informational material relating to sexual assault and sexual harassment and make that material available to all school districts, intermediate school districts (ISDs), and public schools academies (PSAs) that operate grades six through 12. The informational material would have to include at least 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 experienced sexual assault or sexual harassment, including information on Title IX, appropriate contact information for organizations that offered assistance to victims of sexual assault or sexual harassment, and actions that the individuals could take.

The bill also would require a school district, ISD, or PSA to disseminate the informational material to each pupil in grades six through 12 who was enrolled in a school operated by the district or PSA. Additionally, the bill would require the school district, ISD, or PSA to disseminate to those pupils the contact information for the school district's, intermediate school's, and PSA's Title IX coordinator and the district's or PSA's policies on sexual assault and sexual harassment, including specific information stating that the policies prohibit adverse

action against an individual for reporting sexual assault or sexual harassment, in a form and manner determined appropriate by the school district, ISD, or PSA. The school district, ISD, or PSA would be required to ensure that all the information remained accessible to those pupils and their parents or legal guardians and was included in a student handbook or similar publication prepared by the school district, ISD, and public school academy and on its webpage if the school district, ISD, or PSA maintained a webpage.

The bill provides that, beginning in the 2019-2020 school year, the board of a school district or intermediate school district or board of directors of a PSA, together with a local organization that received funding from the Board that served the geographic area of the school district, ISD, or PSA, would be encouraged to provide all educators and school personnel who had contact with pupils training at least every five years in responding to pupils who had experienced sexual assault or sexual harassment. The training could be provided as part of professional development. If a school district, ISD, or PSA was located in an area without a local organization that received funding from the Treatment Board, the school district, ISD, or PSA were be encouraged to provide the training together with the Michigan Domestic and Sexual Violence Prevention and Board or the Michigan Coalition to End Domestic and Sexual Violence.

The bill would take effect 90 days after it was enacted.

Proposed MCL 380.1508 & 380.1526b

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would add costs to the Department of Education, ISDs, local school districts, and PSAs.

The Department would experience one-time costs to develop age-appropriate (grades 6 to 12) informational materials relating to sexual assault and sexual harassment and make the material available to ISDs, school districts, and PSAs. The Department estimates these costs to be \$50,000.

School districts, ISDs, and PSAs could incur additional costs from disseminating the informational material and contact information to students enrolled in grades 6 to 12. There also would be costs associated with training educators and other school personnel who have contact with students, if a school chose to do so as specified in the bill. These costs would vary throughout the State.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.