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BILL



ANALYSIS

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House Bill 5800 (Substitute H-3 as passed by the House)
Sponsor: Representative Yousef Rabhi
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 6-4-18

CONTENT

The bill would amend the Revised School Code to prohibit a public school from expelling a pupil or suspending a pupil for more than 10 days for an action the pupil took arising out of an incident in which the pupil reported being sexually assaulted or a school employee witnessed a sexual assault on the pupil.

Specifically, the bill would prohibit the board of a school district or intermediate school district (ISD) or the board of directors of a public school academy (PSA) from expelling a pupil, or suspending a pupil for more than 10 school days, for an action that the pupil took arising out of an incident in which the pupil reported being sexually assaulted or an incident in which a school official or staff member witnessed a sexual assault on the pupil or received credible evidence that the pupil had been sexually assaulted. The board of a school district or ISD or the board of directors of a PSA would be encouraged to follow the recommendations or guidance of its Title IX coordinator in deciding to suspend a pupil.

The prohibition would not apply if any of the following were met concerning a reported incident:

- The pupil was convicted of, pleaded guilty to, pleaded responsible for, or was adjudicated responsible for aggravated assault, felonious assault, assault with intent to commit murder, assault with intent for great bodily harm, assault with intent to maim, attempted murder, homicide, manslaughter, or criminal sexual conduct.
- The pupil possessed a dangerous weapon in a weapon free zone, committed arson in a school building or on school grounds, or committed criminal sexual conduct in a school building or on school grounds.
- A completed Title IX investigation determined by clear and convincing evidence that the report of sexual assault was conclusively false.

Under the bill, "sexual assault" would mean an act that constitutes first-, second-, third-, or fourth-degree criminal sexual conduct or assault with intent to commit second-degree criminal sexual conduct or criminal sexual conduct involving sexual penetration.

"Title IX coordinator" would mean the official responsible for overseeing compliance with Title IX of the Education Amendments of 1972. (Title IX is a Federal law that prohibits discrimination based on sex in educational programs or activities that receive Federal financial assistance.)

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

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The requirements of the bill are already followed by schools that receive Federal funding.

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.