

HOUSE BILL No. 5800

April 12, 2018, Introduced by Reps. Rabhi, Pagan, Hoadley, Iden, Greimel, Hauck, Geiss, Chang, Kesto and LaSata and referred to the Committee on Law and Justice.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1310d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1310D. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 ACT, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), THE BOARD OF A
3 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
4 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT EXPEL A PUPIL, OR
5 SUSPEND A PUPIL FOR MORE THAN 10 SCHOOL DAYS, FOR AN ACTION THAT
6 THE PUPIL TOOK DURING AN INCIDENT IN WHICH THE PUPIL REPORTS BEING
7 SEXUALLY ASSAULTED OR AN INCIDENT IN WHICH THE PUPIL IS BELIEVED TO
8 HAVE BEEN SEXUALLY ASSAULTED.

9 (2) SUBSECTION (1) DOES NOT APPLY TO A PUPIL IF, AS A RESULT
10 OF THE INCIDENT, THE PUPIL IS CONVICTED IN A COURT OF COMPETENT
11 JURISDICTION OF AN ACT CONSTITUTING CRIMINAL SEXUAL ASSAULT IN

1 VIOLATION OF SECTION 520B, 520C, 520D, 520E, OR 520G OF THE
2 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C, 750.520D,
3 750.520E, AND 750.520G.

4 (3) IF A PUPIL REPORTS TO A SCHOOL OFFICIAL OR STAFF MEMBER
5 THAT HE OR SHE HAS BEEN SEXUALLY ASSAULTED OR IF A SCHOOL OFFICIAL
6 OR STAFF MEMBER BELIEVES THAT A PUPIL HAS BEEN SEXUALLY ASSAULTED,
7 THE SCHOOL OFFICIAL OR STAFF MEMBER SHALL REFER THE PUPIL TO THE
8 TITLE IX COORDINATOR FOR THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
9 DISTRICT, OR PUBLIC SCHOOL ACADEMY. UPON REFERRAL, THE TITLE IX
10 COORDINATOR SHALL TAKE APPROPRIATE ACTION TO REPORT THE INCIDENT
11 AND TO ASSIST THE PUPIL IN OBTAINING APPROPRIATE FOLLOW-UP
12 SERVICES.

13 (4) AS USED IN THIS SECTION:

14 (A) "SEXUAL ASSAULT" MEANS AN ACT THAT CONSTITUTES CRIMINAL
15 SEXUAL CONDUCT IN VIOLATION OF SECTION 520B, 520C, 520D, 520E, OR
16 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B,
17 750.520C, 750.520D, 750.520E, AND 750.520G.

18 (B) "TITLE IX COORDINATOR" MEANS THE OFFICIAL RESPONSIBLE FOR
19 OVERSEEING COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF
20 1972, 20 USC 1681 TO 1688.

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