

HOUSE BILL NO. 4125

February 22, 2023, Introduced by Reps. Rheingans, Rogers, Conlin, Filler, Outman, Glanville, Haadsma, Roth, Bezotte, Wozniak, Morgan, Byrnes, Miller, Greene, Hood, Dievendorf, Edwards, Wilson, Wegela, Breen, O'Neal, Neeley, Morse, McKinney, Hoskins, Brixie, Tsernoglou and Aiyash and referred to the Committee on Judiciary.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1310e. (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

1 the pupil took arising out of an incident in which the pupil
2 reports being sexually assaulted or an incident in which a school
3 official or staff member witnesses a sexual assault on the pupil or
4 receives credible evidence that the pupil has been sexually
5 assaulted. The board of a school district or intermediate school
6 district or board of directors of a public school academy is
7 encouraged to follow the recommendations or guidance of the title
8 IX coordinator for the school district, intermediate school
9 district, or public school academy in deciding to suspend a pupil
10 described in this subsection.

11 (2) Subsection (1) does not apply to a pupil if any of the
12 following are met concerning an incident reported under subsection
13 (1):

14 (a) The pupil is convicted of, pleads guilty to, pleads
15 responsible for, or is adjudicated responsible for aggravated
16 assault, felonious assault, assault with intent to commit murder,
17 assault with intent for great bodily harm, assault with intent to
18 maim, attempted murder, homicide, or manslaughter in violation of
19 section 81a, 82, 83, 84, 86, 91, 316, 317, or 321 of the Michigan
20 penal code, 1931 PA 328, MCL 750.81a, 750.82, 750.83, 750.84,
21 750.86, 750.91, 750.316, 750.317, and 750.321, or an act
22 constituting criminal sexual assault in violation of section 520b,
23 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328,
24 MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, in a
25 court of competent jurisdiction.

26 (b) The pupil commits an act described in section 1311(2).

27 (c) A completed title IX investigation determines by clear and
28 convincing evidence that the report of sexual assault is
29 conclusively false.

1 (3) As used in this section:

2 (a) "Sexual assault" means an act that constitutes criminal
3 sexual conduct in violation of section 520b, 520c, 520d, 520e, or
4 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b,
5 750.520c, 750.520d, 750.520e, and 750.520g.

6 (b) "Title IX coordinator" means the official responsible for
7 overseeing compliance with title IX of the education amendments of
8 1972, 20 USC 1681 to 1688.

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