

SUBSTITUTE FOR
HOUSE BILL NO. 4163

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1310B. (1) SUBJECT TO SUBSECTION (3), NOT LATER THAN 6
2 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE BOARD OF A
3 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
4 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT A
5 POLICY PROHIBITING BULLYING AT SCHOOL, AS DEFINED IN THIS SECTION.
6 (2) SUBJECT TO SUBSECTION (3), BEFORE ADOPTING THE POLICY
7 REQUIRED UNDER SUBSECTION (1), THE BOARD OR BOARD OF DIRECTORS
8 SHALL HOLD AT LEAST 1 PUBLIC HEARING ON THE PROPOSED POLICY. THIS
9 PUBLIC HEARING MAY BE HELD AS PART OF A REGULAR BOARD MEETING.
10 SUBJECT TO SUBSECTION (3), NOT LATER THAN 30 DAYS AFTER ADOPTING

1 THE POLICY, THE BOARD OR BOARD OF DIRECTORS SHALL SUBMIT A COPY OF
2 ITS POLICY TO THE DEPARTMENT.

3 (3) IF, AS OF THE EFFECTIVE DATE OF THIS SECTION, A SCHOOL
4 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
5 HAS ALREADY ADOPTED AND IMPLEMENTED AN EXISTING POLICY PROHIBITING
6 BULLYING AT SCHOOL AND THAT POLICY IS IN COMPLIANCE WITH SUBSECTION
7 (5), THE BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
8 DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY IS NOT
9 REQUIRED TO ADOPT AND IMPLEMENT A NEW POLICY UNDER SUBSECTION (1).
10 HOWEVER, THIS SUBSECTION APPLIES TO A SCHOOL DISTRICT, INTERMEDIATE
11 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY DESCRIBED IN THIS
12 SUBSECTION ONLY IF THE BOARD OR BOARD OF DIRECTORS SUBMITS A COPY
13 OF ITS POLICY TO THE DEPARTMENT NOT LATER THAN 60 DAYS AFTER THE
14 EFFECTIVE DATE OF THIS SECTION.

15 (4) NOT LATER THAN 1 YEAR AFTER THE DEADLINE UNDER SUBSECTION
16 (2) FOR DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO SUBMIT COPIES OF
17 THEIR POLICIES TO THE DEPARTMENT, THE DEPARTMENT SHALL SUBMIT A
18 REPORT TO THE SENATE AND HOUSE STANDING COMMITTEES ON EDUCATION
19 SUMMARIZING THE STATUS OF THE IMPLEMENTATION OF POLICIES UNDER THIS
20 SECTION.

21 (5) A POLICY ADOPTED PURSUANT TO SUBSECTION (1) SHALL INCLUDE
22 AT LEAST ALL OF THE FOLLOWING:

23 (A) A STATEMENT PROHIBITING BULLYING OF A PUPIL.

24 (B) A STATEMENT PROHIBITING RETALIATION OR FALSE ACCUSATION
25 AGAINST A TARGET OF BULLYING, A WITNESS, OR ANOTHER PERSON WITH
26 RELIABLE INFORMATION ABOUT AN ACT OF BULLYING.

27 (C) A PROVISION INDICATING THAT ALL PUPILS ARE PROTECTED UNDER

1 THE POLICY AND THAT BULLYING IS EQUALLY PROHIBITED WITHOUT REGARD
2 TO ITS SUBJECT MATTER OR MOTIVATING ANIMUS.

3 (D) THE IDENTIFICATION BY JOB TITLE OF SCHOOL OFFICIALS
4 RESPONSIBLE FOR ENSURING THAT THE POLICY IS IMPLEMENTED.

5 (E) A STATEMENT DESCRIBING HOW THE POLICY IS TO BE PUBLICIZED.

6 (F) A PROCEDURE FOR PROVIDING NOTIFICATION TO THE PARENT OR
7 LEGAL GUARDIAN OF A VICTIM OF BULLYING AND THE PARENT OR LEGAL
8 GUARDIAN OF A PERPETRATOR OF THE BULLYING.

9 (G) A PROCEDURE FOR REPORTING AN ACT OF BULLYING.

10 (H) A PROCEDURE FOR PROMPT INVESTIGATION OF A REPORT OF
11 VIOLATION OF THE POLICY OR A RELATED COMPLAINT, IDENTIFYING EITHER
12 THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE AS THE PERSON RESPONSIBLE
13 FOR THE INVESTIGATION.

14 (I) A PROCEDURE FOR EACH PUBLIC SCHOOL TO DOCUMENT ANY
15 PROHIBITED INCIDENT THAT IS REPORTED AND A PROCEDURE TO REPORT ALL
16 VERIFIED INCIDENTS OF BULLYING AND THE RESULTING CONSEQUENCES,
17 INCLUDING DISCIPLINE AND REFERRALS, TO THE BOARD OF THE SCHOOL
18 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF
19 THE PUBLIC SCHOOL ACADEMY ON AN ANNUAL BASIS.

20 (6) THE LEGISLATURE ENCOURAGES A BOARD OR BOARD OF DIRECTORS
21 TO INCLUDE ALL OF THE FOLLOWING IN THE POLICY REQUIRED UNDER THIS
22 SECTION:

23 (A) PROVISIONS TO FORM BULLYING PREVENTION TASK FORCES,
24 PROGRAMS, TEEN COURTS, AND OTHER INITIATIVES INVOLVING SCHOOL
25 STAFF, PUPILS, SCHOOL CLUBS OR OTHER STUDENT GROUPS,
26 ADMINISTRATORS, VOLUNTEERS, PARENTS, LAW ENFORCEMENT, COMMUNITY
27 MEMBERS, AND OTHER STAKEHOLDERS.

House Bill No. 4163 (H-4) as amended November 10, 2011

1 (B) A REQUIREMENT FOR ANNUAL TRAINING FOR ADMINISTRATORS,
2 SCHOOL EMPLOYEES, AND VOLUNTEERS WHO HAVE SIGNIFICANT CONTACT WITH
3 PUPILS ON PREVENTING, IDENTIFYING, RESPONDING TO, AND REPORTING
4 INCIDENTS OF BULLYING.

5 (C) A REQUIREMENT FOR EDUCATIONAL PROGRAMS FOR PUPILS AND
6 PARENTS ON PREVENTING, IDENTIFYING, RESPONDING TO, AND REPORTING
7 INCIDENTS OF BULLYING AND CYBERBULLYING.

8 (7) A SCHOOL EMPLOYEE, SCHOOL VOLUNTEER, PUPIL, OR PARENT OR
9 GUARDIAN WHO PROMPTLY REPORTS IN GOOD FAITH AN ACT OF BULLYING TO
10 THE APPROPRIATE SCHOOL OFFICIAL DESIGNATED IN THE SCHOOL DISTRICT'S
11 OR PUBLIC SCHOOL ACADEMY'S POLICY AND WHO MAKES THIS REPORT IN
12 COMPLIANCE WITH THE PROCEDURES SET FORTH IN THE POLICY IS IMMUNE
13 FROM A CAUSE OF ACTION FOR DAMAGES ARISING OUT OF THE REPORTING
14 ITSELF OR ANY FAILURE TO REMEDY THE REPORTED INCIDENT. [HOWEVER, THIS
IMMUNITY DOES NOT APPLY TO A SCHOOL OFFICIAL WHO IS DESIGNATED UNDER
SUBSECTION (5) (D), OR WHO IS RESPONSIBLE FOR REMEDYING THE BULLYING, WHEN
ACTING IN THAT CAPACITY.]

15 (8) AS USED IN THIS SECTION:

16 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
17 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT A
18 SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
19 SCHOOL PREMISES. "AT SCHOOL" INCLUDES CONDUCT USING A
20 TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS SERVICE
21 PROVIDER THAT OCCURS OFF SCHOOL PREMISES IF THE TELECOMMUNICATIONS
22 ACCESS DEVICE OR THE TELECOMMUNICATIONS SERVICE PROVIDER IS OWNED
23 BY OR UNDER THE CONTROL OF THE SCHOOL DISTRICT OR PUBLIC SCHOOL
24 ACADEMY.

25 (B) "BULLYING" MEANS ANY WRITTEN, VERBAL, OR PHYSICAL ACT, OR
26 ANY ELECTRONIC COMMUNICATION, THAT IS INTENDED OR THAT A REASONABLE
27 PERSON WOULD KNOW IS LIKELY TO HARM 1 OR MORE PUPILS EITHER

1 DIRECTLY OR INDIRECTLY BY DOING ANY OF THE FOLLOWING:

2 (i) SUBSTANTIALLY INTERFERING WITH EDUCATIONAL OPPORTUNITIES,
3 BENEFITS, OR PROGRAMS OF 1 OR MORE PUPILS.

4 (ii) ADVERSELY AFFECTING THE ABILITY OF A PUPIL TO PARTICIPATE
5 IN OR BENEFIT FROM THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL'S
6 EDUCATIONAL PROGRAMS OR ACTIVITIES BY PLACING THE PUPIL IN
7 REASONABLE FEAR OF PHYSICAL HARM OR BY CAUSING SUBSTANTIAL
8 EMOTIONAL DISTRESS.

9 (iii) HAVING AN ACTUAL AND SUBSTANTIAL DETRIMENTAL EFFECT ON A
10 PUPIL'S PHYSICAL OR MENTAL HEALTH.

11 (iv) CAUSING SUBSTANTIAL DISRUPTION IN, OR SUBSTANTIAL
12 INTERFERENCE WITH, THE ORDERLY OPERATION OF THE SCHOOL.

13 (C) "TELECOMMUNICATIONS ACCESS DEVICE" AND "TELECOMMUNICATIONS
14 SERVICE PROVIDER" MEAN THOSE TERMS AS DEFINED IN SECTION 219A OF
15 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.219A.

16 (9) THIS SECTION SHALL BE KNOWN AS "MATT'S SAFE SCHOOL LAW".