

Legislative Analysis



MATT'S SAFE SCHOOL LAW: PROHIBIT SCHOOL HARASSMENT AND BULLYING

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4163
Sponsor: Rep. Philip Potvin
Committee: Education

Complete to 6-24-11

A SUMMARY OF HOUSE BILL 4163 AS INTRODUCED 2-1-11

The bill would amend the Revised School Code to require schools to adopt a policy that prohibits harassment or bullying at school. The new law would be known as "Matt's Safe School Law."

Under the bill, all school district boards (including the boards of local districts, intermediate districts, and charter schools) would have six months from the effective date of this new law to adopt and implement a policy prohibiting bullying and harassment at school.

The bill specifies that the legislature encourages a board to include in its policy, provisions concerning education, parental involvement, reporting, investigation, and intervention. Under the bill, the boards would be required to hold at least one public hearing on the proposed policy (a hearing which could be held as part of a regular board meeting). After adopting a policy, the board would be required to submit it to the Department of Education within 30 days.

Within a year following the deadline for the submission of local district policies, the Department of Education would submit a report to the Senate and House standing committees on education summarizing the implementation status of the harassment and bullying prevention policies.

Definitions. The bill defines four terms: "at school," "bullying or harassment," "telecommunications access device," and "telecommunications service provider."

"At school" would be defined to mean in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy.

"Bullying or harassment" means abuse of a pupil by one or more other pupils in any form. The term includes, but is not limited to, conduct that meets any of the following:

(1) substantially interferes with educational opportunities, benefits, or programs of one or more pupils; (2) adversely affects the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing emotional distress; or (3) or is reasonably perceived to be motivated by animus or by an actual or perceived characteristic.

"Telecommunications access device" and "telecommunications service provider" mean those terms as defined in Section 219a of the Michigan Penal Code (at MCL 750.219a).

FISCAL IMPACT:

Local school districts could face increased costs related to developing and implementing harassment and bullying prevention policies. While the report on the implementation status of these policies statewide that the Department of Education is charged with would not likely increase costs, it may necessitate that the Department redirect staff time away from other functions in order to fulfill the requirement.

Legislative Analyst: J. Hunault
Fiscal Analyst: Mary Ann Cleary
Bethany Wicksall

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.