

Legislative Analysis



MATT'S SAFE SCHOOL LAW: PROHIBIT SCHOOL BULLYING

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

House Bill 4163 (Substitute H-4)

Sponsor: Rep. Phil Potvin

Committee: Education

Complete to 11-9-11

A SUMMARY OF HOUSE BILL 4163 (PROPOSED SUBSTITUTE H-4)

The bill would amend the Revised School Code to require schools to adopt a policy that prohibits 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 at school.

(Note: Those districts already having a policy that complies with the provisions found in this new law would not be required to adopt another; however, they would have to submit a copy of their policy to the Department of Education no later than 60 days after the bill takes effect.)

Under the bill, the boards would be required to hold at least one public hearing on the proposed policy. The hearing 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 status of the implementation of policies.

The bill requires that a school district's policy include at least all of the following:

- A statement prohibiting bullying of a student;
- A statement prohibiting retaliation or false accusation against a target of bullying, a witness, or another person with reliable information about an act of bullying;
- A provision indicating that all students are protected under the policy, and that bullying is equally prohibited without regard to its subject matter or motivating animus;
- The identification, by job title, of school officials responsible for ensuring that the policy is implemented;
- A statement describing how the policy is to be publicized;
- A procedure for providing notification to the parent or legal guardian of a victim of bullying, and to the parent or legal guardian of a perpetrator of the bullying;

- A procedure for prompt investigation of a report of a violation of the policy or a related complaint, identifying either the principal or the principal's designee as the person responsible for the investigation; and
- A procedure for each public school to document any prohibited incident that was reported, and a procedure to report all verified incidents of bullying and the resulting consequences, including discipline and referrals, to the board of the school district on an annual basis.

Further, the bill says the Legislature encourages (but does not require) the members of school governing boards to include all of the following in their policies:

- Provisions to form bullying prevention task forces, programs, teen courts, and other initiatives involving school staff, students, school clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders;
- A requirement for annual training for administrators, school employees, and volunteers who have significant contact with students on preventing, identifying, responding to, and reporting incidents of bullying; and
- A requirement for education programs for students and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyber-bullying.

Finally, the bill specifies that a school employee, volunteer, student, or parent (or guardian) would be immune from a cause of action for damages if that person had promptly reported, in good faith, an act of bullying to the appropriate school officials, and in compliance with the procedures set out in the policy.

Definitions. The bill defines four terms: "at school," "bullying," "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" means any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly, by doing any of the following: (1) substantially interfering with educational opportunities, benefits, or programs of one or more pupils; (2) adversely affecting 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; (3) having an actual and substantial detrimental effect on a pupil's physical or mental health; or (4) causing

substantial disruption in, or substantial interference with, the orderly operation of the school.

"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: Bethany Wicksall
Mark Wolf

■ 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.