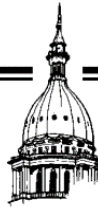




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BILL



ANALYSIS

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Senate Bills 1112, 1113, and 1114 (as enacted)
Sponsor: Senator John Proos (S.B. 1112)
Senator Rebekah Warren (S.B. 1113)
Senator Judy K. Emmons (S.B. 1114)
Senate Committee: Health Policy
House Committee: Education

Date Completed: 2-6-13

CONTENT

Senate Bill 1112 amended the Child Protection Law to do the following:

- **Create the Task Force on the Prevention of Sexual Abuse of Children.**
- **Require the Task Force to make recommendations for reducing child sexual abuse in Michigan, and for school policies that address the sexual abuse of children.**
- **Require the Task Force to submit to the Governor and the Legislature a final report containing its recommendations within 365 days.**
- **Abolish the Task Force when the final report is submitted.**

Senate Bill 1113 amended the Revised School Code to require the board of a school district or intermediate school district or board of directors of a public school academy to adopt and implement a policy addressing sexual abuse of children.

Senate Bill 1114 amended the Revised School Code to require a pupil's parent or guardian to be given advance notice of pupil instruction under the policy adopted under Senate Bill 1113, and allow the parent or guardian to have the pupil excused from the instruction.

Senate Bill 1113 was tie-barred to both of the other bills, which were tie-barred to Senate Bill 1113. All of the bills took effect on January 9, 2013.

PUBLIC ACTS 593-595 of 2012

Senate Bill 1112

The bill created the Task Force on the Prevention of Sexual Abuse of Children within the Department of Human Services (DHS). The Governor, in consultation with the Department, must appoint members to the Task Force. The appointment of members must reflect the State's geographic diversity. Task Force members must include the following:

- Individuals who have experience and expertise in the fields of intervention and prevention of child abuse and neglect, education, or child welfare.
- One representative each from the Michigan Coalition to End Domestic and Sexual Violence, the Michigan Domestic and Sexual Violence Prevention and Treatment Board, and the Michigan chapter of the National Children's Alliance.
- An administrator or staff member of a child assessment center.
- A licensed therapist trained to counsel or treat child sexual abuse victims.
- A circuit court judge or his or her designee.
- A member of the board of a school district, intermediate school district, or public school academy.

The DHS Director or his or her designee must serve as the Task Force's presiding officer. Task Force members will serve without compensation and may not be reimbursed for their expenses.

The Task Force must make recommendations for reducing child sexual abuse in Michigan, as well as for school policies that address the sexual abuse of children. In making those recommendations, the Task Force must do all of the following:

- Gather information concerning child sexual abuse throughout the State.
- Receive reports and testimony from individuals, State and local agencies, community-based organizations, and other public and private organizations.
- Review steps taken and programs established in other states to reduce child sexual abuse.
- Create goals for State policy that are aimed at preventing child sexual abuse.
- Develop a child sexual abuse protocol to be used by all community partners in order to help identify, prevent, and investigate child abuse.

In addition, the Task Force must create recommendations and guidelines for all of the following:

- School policies addressing sexual abuse of children according to Section 1505 of the Revised School Code (enacted by Senate Bill 1113).
- Age-appropriate, evidence-based child sexual abuse awareness.
- School personnel's appropriate response to pupils affected by sexual abuse.
- The provision of educational material to parents and guardians on the warning signs of child sexual abuse and information on assistance and referrals or resources.

The recommendations may include proposals for specific statutory changes and methods to foster cooperation among State agencies and between the State and local government.

Within 365 days after its members are appointed, the Task Force must submit a final report with the recommendations to the Governor and the Legislature.

The Task Force must consult with DHS employees who work on child protection matters, the Department of State Police, the State Board of Education, and any other State agency or department necessary to accomplish the Task Force's responsibilities.

Upon written request from a child or his or her parent or legal guardian, the child must be excused, without penalty, from participating in the Task Force's information-gathering efforts.

Upon submission of the required final report, the Task Force will be abolished.

Senate Bill 1113

The bill allows the board of a school district or intermediate school district (ISD) or the board of directors of a public school academy to adopt and implement a policy addressing sexual abuse of children. If a board chooses to do so, the policy must be substantially consistent with the recommendations and guidelines set by the Task Force on the Prevention of Sexual Abuse of Children. The policy may address any of the following, but is not limited to these topics:

- Age-appropriate, evidence-based curriculum and instruction for pupils in grades pre-K to five concerning child sexual abuse awareness and prevention.
- Training for school personnel on child sexual abuse, including training on supportive, appropriate response to disclosure of abuse.
- Available counseling and resources for pupils affected by sexual abuse.
- Emotional and educational support for a pupil affected by sexual abuse to allow the pupil to continue to be successful in school.
- The provision of educational information to parents or guardians on the warning signs of a child's being sexually abused and information on needed assistance, referral, or resources.

The educational information may be provided in the student handbook distributed to pupils and parents and guardians.

In addition, the policy may address a review of the system in place in the school district, ISD, or public school academy to educate and support school personnel who are required to report child abuse or neglect under the Child Protection Law, and the process in place for making those mandatory reports. The bill states that this review should include an analysis of the level of compliance with the mandatory reporting

requirements and suggestions to improve compliance.

Any instruction, training, or information provided pursuant to the policy must be substantially consistent with the Task Force's guidelines and recommendations, and may address, but is not limited to, any of the following:

- Methods for increasing teacher, pupil, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child might be a victim of sexual abuse.
- Actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention.
- Available counseling options for pupils affected by sexual abuse.

Pupil instruction under the bill is subject to Section 1505a of the Code (which Senate Bill 1114 added).

Senate Bill 1114

Under the bill, if a school district, ISD, or public school academy provides instruction to pupils on child sexual abuse pursuant to the policy adopted under Senate Bill 1113, a pupil may not be given the instruction unless his or her parent or guardian is notified in advance of the instruction and its content, given a prior opportunity to review the materials to be used, and notified in advance of his or her right to have the pupil excused from the instruction. Upon the written request of a pupil's parent or legal guardian, the pupil must be excused from the instruction without penalty or loss of academic credit.

MCL 722.632b (S.B. 1112)
380.1505 (S.B. 1113)
380.1505a (S.B. 1114)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

Senate Bill 1112

Creation of the Task Force will result in marginal costs to the State and possibly to local units of government. Associated costs could include printing, organizing and posting meetings, and distributing a final report.

Senate Bill 1113

The option for a school board to adopt and implement a policy on sexual abuse likely will result in a cost to school districts that choose to adopt a policy and do not already have such a policy in place. The extent of the cost will depend upon the type and breadth of sexual abuse policy that is adopted and implemented. The cost is therefore inestimable, but will be at the discretion of the district.

Senate Bill 1114

The requirement for schools to inform parents of upcoming instruction on child sexual abuse likely will cause minimal increases in administrative costs, associated with the costs of notification.

Fiscal Analyst: Frances Carley
Kathryn Summers

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.