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BILL



ANALYSIS

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Senate Bills 1113 and 1114 (as introduced 5-3-12)
Sponsor: Senator Rebekah Warren (S.B. 1113)
Senator Judy K. Emmons (S.B. 1114)
Committee: Health Policy

Date Completed: 7-17-12

CONTENT

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

Senate Bill 1114 would amend 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.

The bills are tie-barred.

Senate Bill 1113

The bill would require the board of a school district or ISD or board of directors of a public school academy would have to adopt and implement a policy addressing sexual abuse of children. The policy could address any of the following, but would not be limited to these topics:

- Age-appropriate curriculum and instruction for pupils in grades pre-K to five concerning child sexual abuse.
- Training for school personnel on child sexual 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.
- Providing educational information to parents or guardians on the warning signs of a child being sexually abused and information on needed assistance, referral, or resources.

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

In addition, the policy could 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 could address, but would not be 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 was 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 would be subject to Section 1505a of the Code (which Senate Bill 1114 would add).

Senate Bill 1114

Under the bill, if a school district, ISD, or public school academy provided instruction to pupils on child sexual abuse pursuant to the policy adopted under Senate Bill 1113, both of the following would apply:

- A pupil could not be given the instruction unless his or her parent or guardian was 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, a pupil would have to be excused from the instruction without penalty or loss of academic credit.

Proposed MCL 380.1505 (S.B. 1113)
Proposed MCL 380.1505a (S.B. 1114)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

Senate Bill 1113

The requirement for each school board to adopt and implement a policy on sexual abuse likely would result in a cost to school districts that do not already have such a policy in place. The extent of the cost would depend upon the type and breadth of sexual abuse policy that was adopted and implemented, and is therefore inestimable.

Senate Bill 1114

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

Fiscal Analyst: 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.