

SUBSTITUTE FOR
SENATE BILL NO. 137

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) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE
2 DATE OF THIS SECTION, THE BOARD OF A SCHOOL DISTRICT OR
3 INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC
4 SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT A POLICY PROHIBITING
5 BULLYING BY PUPILS AT SCHOOL, AS DEFINED IN THIS SECTION.

6 (2) BEFORE ADOPTING THE POLICY REQUIRED UNDER SUBSECTION (1),
7 THE BOARD OR BOARD OF DIRECTORS SHALL HOLD AT LEAST 1 PUBLIC
8 HEARING ON THE PROPOSED POLICY. THIS PUBLIC HEARING MAY BE HELD AS
9 PART OF A REGULAR BOARD MEETING. NOT LATER THAN 30 DAYS AFTER

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

3 (3) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS
4 SECTION, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE SENATE AND
5 HOUSE STANDING COMMITTEES ON EDUCATION SUMMARIZING THE STATUS OF
6 THE IMPLEMENTATION OF POLICIES UNDER THIS SECTION.

7 (4) A POLICY ADOPTED PURSUANT TO SUBSECTION (1) SHALL INCLUDE
8 AT LEAST ALL OF THE FOLLOWING:

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

10 (B) A STATEMENT PROHIBITING A FALSE ACCUSATION OF BULLYING.

11 (C) A STATEMENT PROHIBITING RETALIATION OR FALSE ACCUSATION
12 AGAINST A TARGET OF BULLYING, A WITNESS, OR ANOTHER PERSON WITH
13 RELIABLE INFORMATION ABOUT AN ACT OF BULLYING.

14 (D) A PROVISION INDICATING THAT ALL PUPILS ARE PROTECTED UNDER
15 THE POLICY AND THAT BULLYING IS EQUALLY PROHIBITED WITHOUT REGARD
16 TO ITS SUBJECT MATTER OR MOTIVATING ANIMUS.

17 (E) THE IDENTIFICATION BY JOB TITLE OF SCHOOL OFFICIALS
18 RESPONSIBLE FOR ENSURING THAT THE POLICY IS IMPLEMENTED.

19 (F) A STATEMENT DESCRIBING HOW THE POLICY IS TO BE PUBLICIZED.
20 THE POLICY SHALL INCLUDE AT LEAST A REQUIREMENT THAT NOTICE OF THE
21 POLICY BE PROVIDED TO PARENTS, GUARDIANS, STAFF, VOLUNTEERS, AND
22 PUPILS ANNUALLY, WITH AGE-APPROPRIATE LANGUAGE FOR PUPILS, AND A
23 REQUIREMENT THAT THE POLICY BE INCLUDED IN ALL PUPIL AND EMPLOYEE
24 HANDBOOKS AND POSTED ON THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL'S
25 WEBSITE.

26 (G) A PROCEDURE FOR PROVIDING NOTIFICATION TO THE PARENT OR
27 LEGAL GUARDIAN OF A REPORTED VICTIM OF BULLYING AND THE PARENT OR

1 LEGAL GUARDIAN OF AN ALLEGED PERPETRATOR OF THE BULLYING ON THE
2 SAME DAY AS SCHOOL OFFICIALS BECOME AWARE OF THE BULLYING. THE
3 POLICY MAY PROVIDE THAT IF THE BULLYING OCCURS OUTSIDE SCHOOL
4 HOURS, THIS NOTIFICATION WILL BE MADE ON THE NEXT SCHOOL DAY.

5 (H) A STATEMENT THAT THE POLICY APPLIES ON SCHOOL PREMISES, ON
6 A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT A SCHOOL-
7 SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON SCHOOL
8 PREMISES.

9 (I) A STATEMENT THAT THE POLICY APPLIES TO CONDUCT USING A
10 TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS SERVICE
11 PROVIDER, REGARDLESS OF WHETHER THE CONDUCT OCCURS ON OR OFF SCHOOL
12 PREMISES, IF THE TELECOMMUNICATIONS ACCESS DEVICE OR THE
13 TELECOMMUNICATIONS SERVICE PROVIDER IS OWNED BY OR UNDER THE
14 CONTROL OF THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY.

15 (J) A PROCEDURE FOR REPORTING AN ACT OF BULLYING OR A FALSE
16 ACCUSATION OF BULLYING.

17 (K) A REQUIREMENT THAT ANY SCHOOL EMPLOYEE WHO HAS RELIABLE
18 INFORMATION THAT WOULD LEAD A REASONABLE PERSON TO SUSPECT THAT A
19 PUPIL IS A TARGET OF BULLYING OR TO SUSPECT A FALSE ACCUSATION OF
20 BULLYING SHALL IMMEDIATELY REPORT IT TO THE PRINCIPAL OR THE
21 PRINCIPAL'S DESIGNEE.

22 (l) A PROCEDURE FOR PROMPT INVESTIGATION OF A REPORT OF
23 VIOLATION OF THE POLICY OR A RELATED COMPLAINT, IDENTIFYING EITHER
24 THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE AS THE PERSON RESPONSIBLE
25 FOR THE INVESTIGATION.

26 (M) A PROCEDURE FOR EACH PUBLIC SCHOOL TO DOCUMENT ANY
27 PROHIBITED INCIDENT THAT IS REPORTED AND A PROCEDURE TO REPORT ALL

1 VERIFIED INCIDENTS OF BULLYING AND THE RESULTING CONSEQUENCES,
2 INCLUDING DISCIPLINE AND REFERRALS, TO THE BOARD OF THE SCHOOL
3 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF
4 THE PUBLIC SCHOOL ACADEMY ON AN ANNUAL BASIS.

5 (N) A DESCRIPTION OF POSSIBLE CONSEQUENCES AND APPROPRIATE
6 REMEDIAL ACTION FOR A PUPIL WHO COMMITS AN ACT OF BULLYING. THIS
7 PORTION OF THE POLICY SHALL INCLUDE A PROVISION THAT FORMAL
8 DISCIPLINARY ACTION SHALL NOT BE TAKEN SOLELY ON THE BASIS OF AN
9 ANONYMOUS REPORT.

10 (O) A DESCRIPTION OF POSSIBLE CONSEQUENCES AND APPROPRIATE
11 REMEDIAL ACTION FOR A PUPIL WHO IS DETERMINED TO HAVE KNOWINGLY
12 MADE A FALSE ACCUSATION OF BULLYING AGAINST 1 OR MORE OTHER PUPILS.
13 THE POSSIBLE CONSEQUENCES AND REMEDIAL ACTION FOR A FALSE
14 ACCUSATION OF BULLYING SHALL BE THE SAME AS FOR AN ACT OF BULLYING.
15 THIS PORTION OF THE POLICY SHALL INCLUDE A PROVISION THAT FORMAL
16 DISCIPLINARY ACTION SHALL NOT BE TAKEN SOLELY ON THE BASIS OF AN
17 ANONYMOUS REPORT.

18 (P) A DESCRIPTION OF POSSIBLE CONSEQUENCES AND APPROPRIATE
19 REMEDIAL ACTION FOR A PUPIL WHO IS DETERMINED TO HAVE KNOWINGLY
20 FALSELY ACCUSED ANOTHER AS A MEANS OF RETALIATION OR REPRISAL OR AS
21 A MEANS OF BULLYING.

22 (Q) A STRATEGY FOR PROVIDING, AS NECESSARY, COUNSELING OR
23 REFERRAL TO APPROPRIATE SERVICES, INCLUDING GUIDANCE, ACADEMIC
24 INTERVENTION, AND PROTECTION, FOR TARGETS OF BULLYING, PERPETRATORS
25 OF BULLYING, OTHER PUPILS, AND APPROPRIATE FAMILY MEMBERS INVOLVED
26 IN OR AFFECTED BY BULLYING OR A FALSE ACCUSATION OF BULLYING.

27 (5) THE LEGISLATURE ENCOURAGES A BOARD OR BOARD OF DIRECTORS

1 TO INCLUDE ALL OF THE FOLLOWING IN THE POLICY REQUIRED UNDER THIS
2 SECTION:

3 (A) PROVISIONS TO FORM BULLYING PREVENTION TASK FORCES,
4 PROGRAMS, TEEN COURTS, AND OTHER INITIATIVES INVOLVING SCHOOL
5 STAFF, PUPILS, SCHOOL CLUBS OR OTHER STUDENT GROUPS,
6 ADMINISTRATORS, VOLUNTEERS, PARENTS, LAW ENFORCEMENT, COMMUNITY
7 MEMBERS, AND OTHER STAKEHOLDERS.

8 (B) A REQUIREMENT FOR PERIODIC TRAINING FOR ADMINISTRATORS,
9 SCHOOL EMPLOYEES, AND VOLUNTEERS WHO HAVE SIGNIFICANT CONTACT WITH
10 PUPILS ON PREVENTING, IDENTIFYING, RESPONDING TO, AND REPORTING
11 INCIDENTS OF BULLYING.

12 (C) A REQUIREMENT FOR EDUCATIONAL PROGRAMS FOR PUPILS AND
13 PARENTS ON PREVENTING, IDENTIFYING, RESPONDING TO, AND REPORTING
14 INCIDENTS OF BULLYING.

15 (6) A SCHOOL EMPLOYEE, SCHOOL VOLUNTEER, PUPIL, OR PARENT OR
16 GUARDIAN WHO PROMPTLY REPORTS IN GOOD FAITH AN ACT OF BULLYING OR A
17 FALSE ACCUSATION OF BULLYING TO THE APPROPRIATE SCHOOL OFFICIAL
18 DESIGNATED IN THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S
19 POLICY AND WHO MAKES THIS REPORT IN COMPLIANCE WITH THE PROCEDURES
20 SET FORTH IN THE POLICY IS IMMUNE FROM A CAUSE OF ACTION FOR
21 DAMAGES ARISING OUT OF THE REPORTING ITSELF OR ANY FAILURE TO
22 REMEDY THE REPORTED INCIDENT.

23 (7) THIS SECTION DOES NOT PREVENT A PERSON FROM SEEKING ANY
24 OTHER CIVIL OR CRIMINAL REDRESS AVAILABLE UNDER LAW.

25 (8) THIS SECTION DOES NOT ABRIDGE THE RIGHTS UNDER THE FIRST
26 AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OR UNDER ARTICLE
27 I OF THE STATE CONSTITUTION OF 1963 OF A SCHOOL EMPLOYEE, SCHOOL

1 VOLUNTEER, PUPIL, OR A PUPIL'S PARENT OR GUARDIAN. THIS SECTION
2 DOES NOT PROHIBIT A STATEMENT OF A SINCERELY HELD RELIGIOUS BELIEF
3 OR MORAL CONVICTION OF A SCHOOL EMPLOYEE, SCHOOL VOLUNTEER, PUPIL,
4 OR A PUPIL'S PARENT OR GUARDIAN.

5 (9) THIS SECTION APPLIES ONLY TO CONDUCT BY A PUPIL DIRECTED
6 AT 1 OR MORE OTHER PUPILS AND, EXCEPT AS EXPRESSLY PROVIDED IN THIS
7 SECTION, DOES NOT APPLY TO CONDUCT BY ANY OTHER PERSON, INCLUDING,
8 BUT NOT LIMITED TO, A SCHOOL EMPLOYEE, A SCHOOL VOLUNTEER WHO IS
9 NOT A PUPIL, OR A PUPIL'S PARENT OR GUARDIAN.

10 (10) AS USED IN THIS SECTION:

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

20 (B) "BULLYING" MEANS ANY WRITTEN, VERBAL, OR PHYSICAL ACT, OR
21 ANY ELECTRONIC COMMUNICATION, BY A PUPIL DIRECTED AT 1 OR MORE
22 OTHER PUPILS THAT IS INTENDED OR THAT A REASONABLE PERSON WOULD
23 KNOW IS LIKELY TO HARM 1 OR MORE PUPILS EITHER DIRECTLY OR
24 INDIRECTLY BY DOING ANY OF THE FOLLOWING:

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

27 (ii) SUBSTANTIALLY AND ADVERSELY AFFECTING THE ABILITY OF A

1 PUPIL TO PARTICIPATE IN OR BENEFIT FROM THE SCHOOL DISTRICT'S OR
2 PUBLIC SCHOOL'S EDUCATIONAL PROGRAMS OR ACTIVITIES BY PLACING THE
3 PUPIL IN REASONABLE FEAR OF PHYSICAL HARM.

4 (iii) HAVING AN ACTUAL AND SUBSTANTIAL DETRIMENTAL EFFECT ON A
5 PUPIL'S PHYSICAL OR MENTAL HEALTH OR CAUSING SUBSTANTIAL EMOTIONAL
6 DISTRESS.

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

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

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