

HOUSE BILL NO. 4167

February 09, 2021, Introduced by Reps. Berman, Bellino, Mueller, Yaroch, Garza, Hertel and Eisen and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1263a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1263a. (1) Not later than August 15, 2022, and not later**
2 **than August 15 of each subsequent year, all of the following**
3 **requirements must be met, as applicable:**

4 **(a) A board member of an intermediate school district or his**
5 **or her designee shall inspect the school premises, including each**

1 school building on the school premises, of each school operated by
2 the intermediate school district and the school premises, including
3 each school building on the school premises, of each school
4 operated by a school district that is a constituent district of the
5 intermediate school district for health and safety violations, in
6 accordance with guidelines developed and published by the
7 department of health and human services under subsection (2).

8 (b) An individual designated by the board of directors of a
9 public school academy shall inspect the school premises, including
10 each school building on the school premises, of each school
11 operated by the public school academy for health and safety
12 violations, in accordance with guidelines developed and published
13 by the department of health and human services under subsection
14 (2).

15 (c) An individual designated by the governing body of a
16 nonpublic school shall inspect the school premises, including each
17 school building on the school premises, of each school operated by
18 the nonpublic school for health and safety violations, in
19 accordance with guidelines developed and published by the
20 department of health and human services under subsection (2).

21 (2) Not later than March 1, 2022, the department of health and
22 human services shall develop and publish guidelines regarding the
23 inspection of a school premises for health and safety violations
24 for the purposes under subsection (1). The guidelines described in
25 this subsection must include that an individual is not required to
26 conduct an inspection of any portion of a school premises if that
27 inspection is already required by any department or agency of this
28 state.

29 (3) Not later than 14 days after an inspection under

1 subsection (1), the individual who conducted the inspection under
2 subsection (1) or his or her successor shall, in a form and manner
3 prescribed by the department of health and human services, submit
4 an inspection report to the department of health and human
5 services. An inspection report submitted under this subsection must
6 include at least both of the following, as applicable:

7 (a) Notice of any health and safety violations found on any
8 school premises that were inspected.

9 (b) If a health and safety violation was found on any school
10 premises that were inspected, a statement detailing the
11 modification that will be made or remedial measure that will be
12 taken to address the violation.

13 (4) Not later than 14 days after an inspection report is
14 submitted under subsection (3), all of the following must be met,
15 as applicable:

16 (a) Except as otherwise provided in subdivision (b), (c), or
17 (d), if an inspection report submitted under subsection (3)
18 includes a statement detailing a modification or remedial measure
19 as described under subsection (3)(b), the individual who submitted
20 the inspection report under subsection (3) or his or her successor
21 shall submit proof, in a form and manner prescribed by the
22 department of health and human services, that the modification or
23 remedial measure has been completed.

24 (b) If an intermediate school district or school district
25 contracts for the completion of a modification or remedial measure
26 detailed in an inspection report submitted under subsection (3),
27 the individual who submitted the inspection report under subsection
28 (3) or his or her successor is not required to submit proof as
29 required under subdivision (a), but shall submit proof, in a form

1 and manner prescribed by the department of health and human
2 services, of the steps taken by the intermediate school district or
3 school district to ensure that the modification or remedial measure
4 will be completed.

5 (c) If a public school academy contracts for the completion of
6 a modification or remedial measure detailed in an inspection report
7 submitted under subsection (3), the individual who submitted the
8 inspection report under subsection (3) or his or her successor is
9 not required to submit proof as required under subdivision (a), but
10 shall submit proof, in a form and manner prescribed by the
11 department of health and human services, of the steps taken by the
12 public school academy to ensure that the modification or remedial
13 measure will be completed.

14 (d) If a nonpublic school contracts for the completion of a
15 modification or remedial measure detailed in an inspection report
16 submitted under subsection (3), the individual who submitted the
17 inspection report under subsection (3) or his or her successor is
18 not required to submit proof as required under subdivision (a), but
19 shall submit proof, in a form and manner prescribed by the
20 department of health and human services, of the steps taken by the
21 nonpublic school to ensure that the modification or remedial
22 measure will be completed.

23 (5) If an intermediate school district or school district
24 contracts for the completion of a modification or remedial measure
25 as described under subsection (4) (b), upon completion of the
26 modification or remedial measure, the individual who made the
27 submission to the department of health and human services under
28 subsection (4) (b) or his or her successor shall submit proof, in a
29 form and manner prescribed by the department of health and human

1 services, of the completion. If a public school academy contracts
2 for the completion of a modification or remedial measure as
3 described under subsection (4)(c), upon completion of the
4 modification or remedial measure, the individual who made the
5 submission to the department of health and human services under
6 subsection (4)(c) or his or her successor shall submit proof, in a
7 form and manner prescribed by the department of health and human
8 services, of the completion. If a nonpublic school contracts for
9 the completion of a modification or remedial measure as described
10 under subsection (4)(d), upon completion of the modification or
11 remedial measure, the individual who made the submission to the
12 department of health and human services under subsection (4)(d) or
13 his or her successor shall submit proof, in a form and manner
14 prescribed by the department of health and human services, of the
15 completion.

16 (6) Subject to state and federal privacy laws, the board of an
17 intermediate school district, the board of directors of a public
18 school academy, or the governing body of a nonpublic school shall
19 ensure that each inspection report submitted under subsection (3)
20 is posted on the intermediate school district's, public school
21 academy's, or nonpublic school's website.

22 (7) As used in this section:

23 (a) "Health and safety violation" includes, but is not limited
24 to, either of the following:

25 (i) The presence on a school premises, including in each school
26 building on the school premises, of a table, chair, desk, movable
27 wall, bleacher, or fixture, including, but not limited to, a shelf
28 or other piece of furniture, that has been recalled, found
29 defective, or otherwise been declared unsafe by any department or

1 agency of this state or the United States government.

2 (ii) The presence of anything on a school premises, including
3 in each school building on the school premises, that would raise a
4 clear and obvious concern for pupil safety based on the good-faith
5 judgment of the individual conducting the inspection of the school
6 premises under this section.

7 (b) "School building" means either of the following:

8 (i) A building used primarily to provide instruction to pupils.

9 (ii) A recreational or athletic structure or field intended to
10 be used by pupils.

11 (8) This section shall be known as "Lilliana's law".

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.