

Act No. 102
Public Acts of 1999
Approved by the Governor
July 6, 1999
Filed with the Secretary of State
July 6, 1999
EFFECTIVE DATE: July 6, 1999

STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999

Introduced by Reps. Bisbee, Birkholz, Sanborn, Jellema, Caul, Richardville, Julian, DeRossett, Law, Tabor, Mead, Kukuk, Cameron Brown, Pumford, Jelinek, Mortimer, LaSata, Gilbert, Hager, Rick Johnson, Bishop, Rocca, Kuipers, Ehardt, Allen, Shulman, Hart, Garcia, Faunce, Koetje, Toy, Patterson, Woronchak, DeVuyst, Van Woerkom, Jansen, Pappageorge, Stamas, Shackleton, Bradstreet, DeWeese, Voorhees, Kowall, Scranton, Richner, Green, Raczkowski and Cassis

ENROLLED HOUSE BILL No. 4240

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding sections 1308, 1310, and 1310a.

The People of the State of Michigan enact:

Sec. 1308. (1) Not later than 90 days after the effective date of this section, the superintendent of public instruction, attorney general, and director of the department of state police shall adopt, publish, and distribute to school boards, county prosecutors, and local law enforcement agencies the statewide school safety information policy described in subsection (2). Not later than 180 days after the effective date of this section, each school board, county prosecutor, and local law enforcement agency shall do both of the following:

(a) Meet and confer as appropriate on the implementation of the statewide school safety information policy for each school district and on any related issues that are unique to the affected locality. The appropriate local law enforcement agency or agencies to be involved shall be determined locally, consistent with the statewide school safety information policy.

(b) Begin compliance with the statewide school safety information policy.

(2) The statewide school safety information policy required under subsection (1) shall identify the types of incidents occurring at school that must be reported to law enforcement agencies and shall establish procedures to be followed when such an incident occurs at school. The statewide school safety information policy also may address procedures for reporting incidents involving possession of a dangerous weapon as required under section 1313. The statewide school safety information policy shall address at least all of the following:

(a) Law enforcement protocols and priorities for the reporting process. The law enforcement protocols must be developed with the cooperation of the appropriate state or local law enforcement agency. The law enforcement priorities

shall include at least investigation of reported incidents, identification of those involved in a reported incident, assistance in prevention of these types of incidents, and, when appropriate, assistance from a child protection agency.

(b) Definition of the types of incidents requiring reporting to law enforcement and response by law enforcement, taking into account the intent of the actor and the circumstances surrounding the incident.

(c) Protocols for responding to reportable incidents, addressing at least all of the following:

(i) Initial notification and reporting by school officials.

(ii) The information to be provided by school officials.

(iii) Initial response by law enforcement agencies, which shall be specifically tailored for incidents in progress, incidents not in progress, and incidents involving delayed reporting. School officials shall be consulted to determine the extent of law enforcement involvement required by the situation.

(iv) Custody of actors.

(d) The amount and nature of assistance to be provided by school officials, and the scope of their involvement in law enforcement procedures. This provision shall require school officials to notify the parent or legal guardian of a minor pupil who is a victim or witness when law enforcement authorities interview the pupil.

(e) Any other matters that will facilitate reporting of incidents affecting school safety and the exchange of other information affecting school safety.

(3) If school officials of a school district determine that an incident has occurred at school that is required to be reported to law enforcement agencies according to the statewide school safety information policy under this section, the superintendent of the school district, or his or her designee, immediately shall report that finding to the appropriate state or local law enforcement agency in the manner prescribed in the statewide school safety information policy.

(4) If provided in the statewide school safety information policy under this section, a local law enforcement agency that has jurisdiction over a school building of a school district shall report to the school officials of the school building incidents reported to the law enforcement agency that allege the commission of a crime and that, according to the incident report, either occurred on school property or within 1,000 feet of the school property or involved a pupil or staff member of the school as a victim or alleged perpetrator. Upon request by a law enforcement agency, school officials shall provide the law enforcement agency with any information the law enforcement agency determines it needs to provide this report to school officials.

(5) If provided in the statewide school safety information policy under this section, the prosecuting attorney of a county shall notify a school district located in whole or in part in that county of any criminal or juvenile court action initiated or taken against a pupil of the school district, including, but not limited to, convictions, adjudications, and dispositions. This notification shall be made to either the school district superintendent or to the intermediate superintendent of the intermediate school district in which the county is located, as provided in the policy or by local agreement. If the notification is made to the intermediate superintendent, the intermediate superintendent shall forward the information to the superintendent of the school district in which the pupil is enrolled. Upon receipt of information under this subsection, a school district superintendent shall share the information with appropriate school building personnel. The prosecuting attorney may inquire of each school age individual involved in a court action described in this subsection whether the individual is a pupil in a school district and, if so, in which school district.

(6) If provided for in the statewide school safety information policy under this section, the appropriate court shall inform an appropriate school administrator of the name of the individual assigned to monitor a convicted or adjudicated youth attending a public school and of how that individual may be contacted.

(7) A school board, county prosecutor, and local law enforcement agency may enter into a local agreement or take other measures to facilitate the sharing of school safety information or to promote school safety if the agreement or other measures are consistent with the statewide school safety information policy.

(8) A school board shall cooperate with local law enforcement agencies to ensure that detailed and accurate building plans, blueprints, and site plans, as appropriate, for each school building operated by the school board are provided to the appropriate local law enforcement agency.

(9) Reporting of information by a school district or school personnel under this section is subject to section 444 of subpart 4 of part C of the general education provisions act, Title IV of Public Law 90-247, 20 U.S.C. 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(10) If a pupil is involved in an incident reported to law enforcement according to the statewide school safety information policy under this section, then upon request by school officials, the pupil's parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the pupil concerning the incident and action taken as a result of the incident.

(11) As used in this section:

(a) "At school" means 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.

(b) "School board" and "school district" mean those terms as defined in section 1311a.

Sec. 1310. (1) If a pupil enrolled in grade 6 or above commits a physical assault at school against another pupil and the physical assault is reported to the school board, school district superintendent, or building principal, the school board shall expel the pupil from the school district for up to 180 school days. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this section to attend school in the school district during the expulsion.

(2) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under this section and pursuant to section 1311(2) or 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office for safe schools about the program or school and the types of pupils it serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(3) As used in this section:

(a) "At school" means 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.

(b) "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.

(c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.

(d) "School district" means a school district, a local act school district, an intermediate school district, or a public school academy.

Sec. 1310a. (1) At least annually, each school board shall prepare and submit to the superintendent of public instruction, in the form and manner prescribed by the superintendent of public instruction, a report stating the number of pupils expelled from the school district during the immediately preceding school year, with a brief description of the incident that caused each expulsion.

(2) In order to obtain an accurate local and statewide picture of school crime and to develop the partnerships necessary to plan and implement school safety programs, at least annually, each school board shall report to the superintendent of public instruction, in the form and manner prescribed by the superintendent of public instruction, incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction shall consult with local and intermediate school districts and law enforcement officials. The reporting shall include at least crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism. For a property crime, the report shall include an estimate of the cost to the school district resulting from the property crime. The school crime reporting requirements of this subsection are intended to do all of the following:

(a) Help policymakers and program designers at the local and state levels develop appropriate prevention and intervention programs.

(b) Provide the continuous assessment tools needed for revising and refining school safety programs.

(c) Assist schools and school districts to identify the most pressing safety issues confronting their school communities, to direct resources appropriately, and to enhance campus safety through prevention and intervention strategies.

(d) Foster the creation of partnerships among schools, school districts, state agencies, communities, law enforcement, and the media to prevent further crime and violence and to assure a safe learning environment for every pupil.

(3) At least once each semester, each school board shall provide a copy of the most recent report under subsection (2) available for the school district to the parent or legal guardian of each pupil enrolled in the school district.

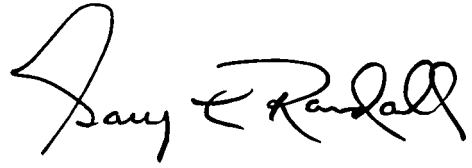
(4) As used in this section, "school board" and "school district" mean those terms as defined in section 1310.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

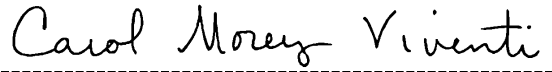
(a) Senate Bill No. 183.

(b) Senate Bill No. 206.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.