

SENATE BILL No. 369

April 12, 2005, Introduced by Senator THOMAS 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 1310b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1310B. (1) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF
2 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ADOPT A POLICY
3 PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING AT SCHOOL. THE
4 CONTENT OF THE POLICY SHALL BE DETERMINED LOCALLY BUT THE POLICY
5 SHALL CONTAIN AT LEAST THE COMPONENTS IN SUBSECTION (2). IT IS
6 RECOMMENDED THAT THE POLICY BE ADOPTED THROUGH A PROCESS THAT
7 INCLUDES REPRESENTATION OF PARENTS OR GUARDIANS, SCHOOL EMPLOYEES,
8 VOLUNTEERS, PUPILS, SCHOOL ADMINISTRATORS, AND COMMUNITY
9 REPRESENTATIVES.

1 (2) EACH SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S POLICY
2 SHALL INCLUDE AT LEAST EACH OF THE FOLLOWING COMPONENTS:

3 (A) A STATEMENT PROHIBITING HARASSMENT, INTIMIDATION, OR
4 BULLYING OF A PUPIL.

5 (B) A DEFINITION OF HARASSMENT, INTIMIDATION, OR BULLYING THAT
6 INCLUDES AT LEAST THE ACTS DESCRIBED IN THE DEFINITION IN THIS
7 SECTION.

8 (C) A DESCRIPTION OF THE TYPE OF BEHAVIOR EXPECTED FROM EACH
9 PUPIL.

10 (D) CONSEQUENCES AND APPROPRIATE REMEDIAL ACTION FOR A PERSON
11 WHO COMMITS AN ACT OF HARASSMENT, INTIMIDATION, OR BULLYING.

12 (E) A PROCEDURE FOR REPORTING AN ACT OF HARASSMENT,
13 INTIMIDATION, OR BULLYING, INCLUDING A PROVISION THAT PERMITS A
14 PERSON TO REPORT AN ACT OF HARASSMENT, INTIMIDATION, OR BULLYING
15 ANONYMOUSLY. HOWEVER, THIS SUBDIVISION SHALL NOT BE CONSTRUED TO
16 PERMIT FORMAL DISCIPLINARY ACTION SOLELY ON THE BASIS OF AN
17 ANONYMOUS REPORT.

18 (F) A PROCEDURE FOR PROMPT INVESTIGATION OF REPORTS OF
19 VIOLATIONS AND COMPLAINTS, IDENTIFYING EITHER THE PRINCIPAL OR THE
20 PRINCIPAL'S DESIGNEE AS THE PERSON RESPONSIBLE FOR THE
21 INVESTIGATION.

22 (G) THE RANGE OF WAYS IN WHICH A SCHOOL WILL RESPOND ONCE AN
23 INCIDENT OF HARASSMENT, INTIMIDATION, OR BULLYING IS IDENTIFIED.

24 (H) A STATEMENT THAT PROHIBITS REPRISAL OR RETALIATION AGAINST
25 ANY PERSON WHO REPORTS AN ACT OF HARASSMENT, INTIMIDATION, OR
26 BULLYING, AND THE CONSEQUENCES AND APPROPRIATE REMEDIAL ACTION FOR
27 A PERSON WHO ENGAGES IN THAT TYPE OF REPRISAL OR RETALIATION.

1 (I) CONSEQUENCES AND APPROPRIATE REMEDIAL ACTION FOR A PERSON
2 FOUND TO HAVE FALSELY ACCUSED ANOTHER AS A MEANS OF RETALIATION OR
3 AS A MEANS OF HARASSMENT, INTIMIDATION, OR BULLYING.

4 (J) A STATEMENT OF HOW THE POLICY IS TO BE PUBLICIZED
5 INCLUDING NOTICE THAT THE POLICY APPLIES TO PARTICIPATION IN
6 SCHOOL-SPONSORED ACTIVITIES.

7 (3) EACH BOARD OR BOARD OF DIRECTORS SHALL ADOPT THE POLICY
8 UNDER THIS SECTION AND TRANSMIT A COPY OF ITS POLICY TO THE
9 SUPERINTENDENT OF PUBLIC INSTRUCTION BY SEPTEMBER 1, 2006.

10 (4) TO ASSIST SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES IN
11 DEVELOPING POLICIES FOR THE PREVENTION OF HARASSMENT, INTIMIDATION,
12 OR BULLYING, THE DEPARTMENT SHALL DEVELOP A MODEL POLICY APPLICABLE
13 TO GRADES K-12. THE DEPARTMENT SHALL ISSUE THIS MODEL POLICY NO
14 LATER THAN DECEMBER 1, 2005.

15 (5) A BOARD OR BOARD OF DIRECTORS SHALL ENSURE THAT NOTICE OF
16 THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S POLICY UNDER THIS
17 SECTION IS INCLUDED IN ANY PUBLICATION OF THE SCHOOL DISTRICT OR
18 PUBLIC SCHOOL ACADEMY THAT SETS FORTH THE COMPREHENSIVE RULES,
19 PROCEDURES, AND STANDARDS OF CONDUCT FOR ITS SCHOOLS, AND IN ITS
20 PUPIL HANDBOOKS.

21 (6) A SCHOOL EMPLOYEE, PUPIL, OR VOLUNTEER SHALL NOT ENGAGE IN
22 REPRISAL, RETALIATION, OR FALSE ACCUSATION AGAINST A VICTIM,
23 WITNESS, OR ONE WITH RELIABLE INFORMATION ABOUT AN ACT OF
24 HARASSMENT, INTIMIDATION, OR BULLYING.

25 (7) A SCHOOL EMPLOYEE, PUPIL, OR VOLUNTEER WHO HAS WITNESSED,
26 OR HAS RELIABLE INFORMATION THAT A PUPIL HAS BEEN SUBJECTED TO,
27 HARASSMENT, INTIMIDATION, OR BULLYING, WHETHER VERBAL OR PHYSICAL,

1 IS ENCOURAGED TO REPORT THE INCIDENT TO THE APPROPRIATE SCHOOL
2 OFFICIAL DESIGNATED BY THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL
3 ACADEMY'S POLICY.

4 (8) A SCHOOL EMPLOYEE WHO PROMPTLY REPORTS AN INCIDENT OF
5 HARASSMENT, INTIMIDATION, OR BULLYING TO THE APPROPRIATE SCHOOL
6 OFFICIAL DESIGNATED BY THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL
7 ACADEMY'S POLICY, AND WHO MAKES THIS REPORT IN COMPLIANCE WITH THE
8 PROCEDURES IN THE POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR
9 BULLYING IS NOT LIABLE FOR DAMAGES ARISING FROM ANY FAILURE TO
10 REMEDY THE REPORTED INCIDENT.

11 (9) PUBLIC SCHOOLS AND SCHOOL DISTRICTS ARE ENCOURAGED TO FORM
12 BULLYING PREVENTION TASK FORCES, PROGRAMS, AND OTHER INITIATIVES
13 INVOLVING SCHOOL STAFF, PUPILS, ADMINISTRATORS, VOLUNTEERS,
14 PARENTS, LAW ENFORCEMENT, AND COMMUNITY MEMBERS.

15 (10) EACH SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL DO
16 ALL OF THE FOLLOWING:

17 (A) PROVIDE TRAINING ON THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL
18 ACADEMY'S HARASSMENT, INTIMIDATION, OR BULLYING POLICIES TO SCHOOL
19 EMPLOYEES AND VOLUNTEERS WHO HAVE SIGNIFICANT CONTACT WITH PUPILS.

20 (B) DEVELOP A PROCESS FOR DISCUSSING THE HARASSMENT,
21 INTIMIDATION, OR BULLYING POLICY WITH PUPILS.

22 (11) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL
23 INCORPORATE INFORMATION REGARDING THE SCHOOL DISTRICT OR PUBLIC
24 SCHOOL ACADEMY POLICY AGAINST HARASSMENT, INTIMIDATION, OR BULLYING
25 INTO EACH SCHOOL'S EMPLOYEE TRAINING PROGRAM.

26 (12) THIS SECTION DOES NOT PREVENT A VICTIM FROM SEEKING
27 REDRESS UNDER ANY OTHER AVAILABLE LAW, EITHER CIVIL OR CRIMINAL.

1 THIS SECTION DOES NOT CREATE OR ALTER ANY TORT LIABILITY.

2 (13) AS USED IN THIS SECTION:

3 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON OR
4 IMMEDIATELY ADJACENT TO SCHOOL PREMISES, ON A SCHOOL BUS OR OTHER
5 SCHOOL-RELATED VEHICLE, AT AN OFFICIAL SCHOOL BUS STOP, OR AT A
6 SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
7 SCHOOL PREMISES.

8 (B) "HARASSMENT, INTIMIDATION, OR BULLYING" MEANS ANY GESTURE
9 OR WRITTEN, VERBAL, OR PHYSICAL ACT THAT A REASONABLE PERSON UNDER
10 THE CIRCUMSTANCES SHOULD KNOW WILL HAVE THE EFFECT OF HARMING A
11 PUPIL OR DAMAGING HIS OR HER PROPERTY OR PLACING A PUPIL IN
12 REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR
13 HER PROPERTY, OR THAT HAS THE EFFECT OF INSULTING OR DEMEANING ANY
14 PUPIL OR GROUP OF PUPILS IN SUCH A WAY AS TO DISRUPT OR INTERFERE
15 WITH THE SCHOOL'S EDUCATIONAL MISSION OR THE EDUCATION OF ANY
16 PUPIL. HARASSMENT, INTIMIDATION, OR BULLYING INCLUDES, BUT IS NOT
17 LIMITED TO, A GESTURE OR WRITTEN, VERBAL, OR PHYSICAL ACT DESCRIBED
18 IN THIS SUBDIVISION THAT IS REASONABLY PERCEIVED AS BEING MOTIVATED
19 BY A PUPIL'S RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX,
20 SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, DISABILITY,
21 HEIGHT, WEIGHT, OR SOCIOECONOMIC STATUS, OR BY ANY OTHER
22 DISTINGUISHING CHARACTERISTIC.