

SENATE BILL No. 1458

August 17, 2010, Introduced by Senators WHITMER, SWITALSKI, CHERRY, BASHAM, OLSHOVE, ANDERSON, JACOBS, BRATER, CLARK-COLEMAN, THOMAS and SCOTT and referred to the Committee on Judiciary.

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 HARASSMENT, INTIMIDATION, BULLYING, OR CYBERBULLYING AT SCHOOL, AS
6 DEFINED IN THIS SECTION.
7 (2) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
8 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL
9 REQUIRE ALL TEACHERS HIRED AFTER ADOPTION AND IMPLEMENTATION OF ITS

1 POLICY UNDER SUBSECTION (1) TO SIGN A STATEMENT ACKNOWLEDGING THAT
2 HE OR SHE HAS READ AND IS FAMILIAR WITH THE POLICY.

3 (3) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
4 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL
5 INCLUDE IN ITS TECHNOLOGY TERMS OF USE POLICIES AND AGREEMENTS
6 LANGUAGE THAT PROHIBITS HARASSMENT, INTIMIDATION, BULLYING, OR
7 CYBERBULLYING, AND SHALL REQUIRE PUPILS AND THEIR PARENTS TO SIGN
8 THESE AGREEMENTS IN ORDER TO USE DISTRICT OR PUBLIC SCHOOL ACADEMY
9 TECHNOLOGY.

10 (4) AS USED IN THIS SECTION:

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

21 (B) "ELECTRONIC COMMUNICATION" MEANS ANY COMMUNICATION THROUGH
22 A TELECOMMUNICATIONS ACCESS DEVICE OR OTHER ELECTRONIC DEVICE,
23 INCLUDING, BUT NOT LIMITED TO A TELEPHONE, CELLULAR PHONE,
24 COMPUTER, OR PAGER, WHICH COMMUNICATION INCLUDES BUT IS NOT LIMITED
25 TO ELECTRONIC MAIL, INSTANT MESSAGING, TEXT MESSAGES, BLOGS, MOBILE
26 TELEPHONES, PAGERS, ONLINE GAMES, AND WEBSITES.

27 (C) "HARASSMENT, INTIMIDATION, BULLYING, OR CYBERBULLYING"

1 MEANS ANY WRITTEN, VERBAL, OR PHYSICAL ACT, OR ANY ELECTRONIC
2 COMMUNICATION INCLUDING, BUT NOT LIMITED TO, AN ACT OR ELECTRONIC
3 COMMUNICATION SHOWN TO BE MOTIVATED BY A PUPIL'S ACTUAL OR
4 PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY OR
5 ETHNICITY, SEXUAL ORIENTATION, PHYSICAL, MENTAL, EMOTIONAL, OR
6 LEARNING DISABILITY, GENDER, GENDER IDENTITY AND EXPRESSION, OR
7 OTHER DISTINGUISHING PERSONAL CHARACTERISTIC, OR BASED ON
8 ASSOCIATION WITH ANY PERSON WITH 1 OR MORE OF THESE ACTUAL OR
9 PERCEIVED DISTINGUISHING PERSONAL CHARACTERISTICS, IF THE WRITTEN,
10 VERBAL, OR PHYSICAL ACT OR ELECTRONIC COMMUNICATION IS INTENDED TO
11 MEET 1 OR MORE OF THE FOLLOWING:

12 (i) TO PHYSICALLY HARM A PUPIL OR DAMAGE THE PUPIL'S PROPERTY.

13 (ii) TO SUBSTANTIALLY INTERFERE WITH A PUPIL'S EDUCATIONAL
14 OPPORTUNITIES.

15 (iii) TO BE SO SEVERE, PERSISTENT, OR PERVASIVE THAT IT CREATES
16 AN INTIMIDATING OR THREATENING EDUCATIONAL ENVIRONMENT.

17 (iv) TO SUBSTANTIALLY DISRUPT THE ORDERLY OPERATION OF THE
18 SCHOOL.

19 (D) "TELECOMMUNICATIONS ACCESS DEVICE" AND "TELECOMMUNICATIONS
20 SERVICE PROVIDER" MEAN THOSE TERMS AS DEFINED IN SECTION 219A OF
21 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.219A.