SUBSTITUTE FOR HOUSE BILL NO. 4163

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) SUBJECT TO SUBSECTION (3), NOT LATER THAN 6
- MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE BOARD OF A
- 3 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
- 4 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT A
- 5 POLICY PROHIBITING BULLYING AT SCHOOL, AS DEFINED IN THIS SECTION.
- 6 (2) SUBJECT TO SUBSECTION (3), BEFORE ADOPTING THE POLICY
- 7 REQUIRED UNDER SUBSECTION (1), THE BOARD OR BOARD OF DIRECTORS
- 8 SHALL HOLD AT LEAST 1 PUBLIC HEARING ON THE PROPOSED POLICY. THIS
- 9 PUBLIC HEARING MAY BE HELD AS PART OF A REGULAR BOARD MEETING.
- 10 SUBJECT TO SUBSECTION (3), NOT LATER THAN 30 DAYS AFTER ADOPTING

- 1 THE POLICY, THE BOARD OR BOARD OF DIRECTORS SHALL SUBMIT A COPY OF
- 2 ITS POLICY TO THE DEPARTMENT.
- 3 (3) IF, AS OF THE EFFECTIVE DATE OF THIS SECTION, A SCHOOL
- 4 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
- 5 HAS ALREADY ADOPTED AND IMPLEMENTED AN EXISTING POLICY PROHIBITING
- 6 BULLYING AT SCHOOL AND THAT POLICY IS IN COMPLIANCE WITH SUBSECTION
- 7 (5), THE BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
- 8 DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY IS NOT
- 9 REQUIRED TO ADOPT AND IMPLEMENT A NEW POLICY UNDER SUBSECTION (1).
- 10 HOWEVER, THIS SUBSECTION APPLIES TO A SCHOOL DISTRICT, INTERMEDIATE
- 11 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY DESCRIBED IN THIS
- 12 SUBSECTION ONLY IF THE BOARD OR BOARD OF DIRECTORS SUBMITS A COPY
- 13 OF ITS POLICY TO THE DEPARTMENT NOT LATER THAN 60 DAYS AFTER THE
- 14 EFFECTIVE DATE OF THIS SECTION.
- 15 (4) NOT LATER THAN 1 YEAR AFTER THE DEADLINE UNDER SUBSECTION
- 16 (2) FOR DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO SUBMIT COPIES OF
- 17 THEIR POLICIES TO THE DEPARTMENT, THE DEPARTMENT SHALL SUBMIT A
- 18 REPORT TO THE SENATE AND HOUSE STANDING COMMITTEES ON EDUCATION
- 19 SUMMARIZING THE STATUS OF THE IMPLEMENTATION OF POLICIES UNDER THIS
- 20 SECTION.
- 21 (5) A POLICY ADOPTED PURSUANT TO SUBSECTION (1) SHALL INCLUDE
- 22 AT LEAST ALL OF THE FOLLOWING:
- 23 (A) A STATEMENT PROHIBITING BULLYING OF A PUPIL.
- 24 (B) A STATEMENT PROHIBITING RETALIATION OR FALSE ACCUSATION
- 25 AGAINST A TARGET OF BULLYING, A WITNESS, OR ANOTHER PERSON WITH
- 26 RELIABLE INFORMATION ABOUT AN ACT OF BULLYING.
- 27 (C) A PROVISION INDICATING THAT ALL PUPILS ARE PROTECTED UNDER

- 1 THE POLICY AND THAT BULLYING IS EQUALLY PROHIBITED WITHOUT REGARD
- 2 TO ITS SUBJECT MATTER OR MOTIVATING ANIMUS.
- 3 (D) THE IDENTIFICATION BY JOB TITLE OF SCHOOL OFFICIALS
- 4 RESPONSIBLE FOR ENSURING THAT THE POLICY IS IMPLEMENTED.
- 5 (E) A STATEMENT DESCRIBING HOW THE POLICY IS TO BE PUBLICIZED.
- 6 (F) A PROCEDURE FOR PROVIDING NOTIFICATION TO THE PARENT OR
- 7 LEGAL GUARDIAN OF A VICTIM OF BULLYING AND THE PARENT OR LEGAL
- 8 GUARDIAN OF A PERPETRATOR OF THE BULLYING.
- 9 (G) A PROCEDURE FOR REPORTING AN ACT OF BULLYING.
- 10 (H) A PROCEDURE FOR PROMPT INVESTIGATION OF A REPORT OF
- 11 VIOLATION OF THE POLICY OR A RELATED COMPLAINT, IDENTIFYING EITHER
- 12 THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE AS THE PERSON RESPONSIBLE
- 13 FOR THE INVESTIGATION.
- 14 (I) A PROCEDURE FOR EACH PUBLIC SCHOOL TO DOCUMENT ANY
- 15 PROHIBITED INCIDENT THAT IS REPORTED AND A PROCEDURE TO REPORT ALL
- 16 VERIFIED INCIDENTS OF BULLYING AND THE RESULTING CONSEQUENCES,
- 17 INCLUDING DISCIPLINE AND REFERRALS, TO THE BOARD OF THE SCHOOL
- 18 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF
- 19 THE PUBLIC SCHOOL ACADEMY ON AN ANNUAL BASIS.
- 20 (6) THE LEGISLATURE ENCOURAGES A BOARD OR BOARD OF DIRECTORS
- 21 TO INCLUDE ALL OF THE FOLLOWING IN THE POLICY REQUIRED UNDER THIS
- 22 SECTION:
- 23 (A) PROVISIONS TO FORM BULLYING PREVENTION TASK FORCES,
- 24 PROGRAMS, TEEN COURTS, AND OTHER INITIATIVES INVOLVING SCHOOL
- 25 STAFF, PUPILS, SCHOOL CLUBS OR OTHER STUDENT GROUPS,
- 26 ADMINISTRATORS, VOLUNTEERS, PARENTS, LAW ENFORCEMENT, COMMUNITY
- 27 MEMBERS, AND OTHER STAKEHOLDERS.

House Bill No. 4163 (H-4) as amended November 10, 2011

- 1 (B) A REQUIREMENT FOR ANNUAL TRAINING FOR ADMINISTRATORS,
- 2 SCHOOL EMPLOYEES, AND VOLUNTEERS WHO HAVE SIGNIFICANT CONTACT WITH
- 3 PUPILS ON PREVENTING, IDENTIFYING, RESPONDING TO, AND REPORTING
- 4 INCIDENTS OF BULLYING.
- 5 (C) A REQUIREMENT FOR EDUCATIONAL PROGRAMS FOR PUPILS AND
- 6 PARENTS ON PREVENTING, IDENTIFYING, RESPONDING TO, AND REPORTING
- 7 INCIDENTS OF BULLYING AND CYBERBULLYING.
- 8 (7) A SCHOOL EMPLOYEE, SCHOOL VOLUNTEER, PUPIL, OR PARENT OR
- 9 GUARDIAN WHO PROMPTLY REPORTS IN GOOD FAITH AN ACT OF BULLYING TO
- 10 THE APPROPRIATE SCHOOL OFFICIAL DESIGNATED IN THE SCHOOL DISTRICT'S
- 11 OR PUBLIC SCHOOL ACADEMY'S POLICY AND WHO MAKES THIS REPORT IN
- 12 COMPLIANCE WITH THE PROCEDURES SET FORTH IN THE POLICY IS IMMUNE
- 13 FROM A CAUSE OF ACTION FOR DAMAGES ARISING OUT OF THE REPORTING
- 14 ITSELF OR ANY FAILURE TO REMEDY THE REPORTED INCIDENT. [HOWEVER, THIS IMMUNITY DOES NOT APPLY TO A SCHOOL OFFICIAL WHO IS DESIGNATED UNDER SUBSECTION (5)(D), OR WHO IS RESPONSIBLE FOR REMEDYING THE BULLYING, WHEN ACTING IN THAT CAPACITY.]
- 15 (8) AS USED IN THIS SECTION:
- 16 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
- 17 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT A
- 18 SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
- 19 SCHOOL PREMISES. "AT SCHOOL" INCLUDES CONDUCT USING A
- 20 TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS SERVICE
- 21 PROVIDER THAT OCCURS OFF SCHOOL PREMISES IF THE TELECOMMUNICATIONS
- 22 ACCESS DEVICE OR THE TELECOMMUNICATIONS SERVICE PROVIDER IS OWNED
- 23 BY OR UNDER THE CONTROL OF THE SCHOOL DISTRICT OR PUBLIC SCHOOL
- 24 ACADEMY.
- 25 (B) "BULLYING" MEANS ANY WRITTEN, VERBAL, OR PHYSICAL ACT, OR
- 26 ANY ELECTRONIC COMMUNICATION, THAT IS INTENDED OR THAT A REASONABLE
- 27 PERSON WOULD KNOW IS LIKELY TO HARM 1 OR MORE PUPILS EITHER

- 1 DIRECTLY OR INDIRECTLY BY DOING ANY OF THE FOLLOWING:
- 2 (i) SUBSTANTIALLY INTERFERING WITH EDUCATIONAL OPPORTUNITIES,
- 3 BENEFITS, OR PROGRAMS OF 1 OR MORE PUPILS.
- 4 (ii) ADVERSELY AFFECTING THE ABILITY OF A PUPIL TO PARTICIPATE
- 5 IN OR BENEFIT FROM THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL'S
- 6 EDUCATIONAL PROGRAMS OR ACTIVITIES BY PLACING THE PUPIL IN
- 7 REASONABLE FEAR OF PHYSICAL HARM OR BY CAUSING SUBSTANTIAL
- 8 EMOTIONAL DISTRESS.
- 9 (iii) HAVING AN ACTUAL AND SUBSTANTIAL DETRIMENTAL EFFECT ON A
- 10 PUPIL'S PHYSICAL OR MENTAL HEALTH.
- 11 (iv) CAUSING SUBSTANTIAL DISRUPTION IN, OR SUBSTANTIAL
- 12 INTERFERENCE WITH, THE ORDERLY OPERATION OF THE SCHOOL.
- 13 (C) "TELECOMMUNICATIONS ACCESS DEVICE" AND "TELECOMMUNICATIONS
- 14 SERVICE PROVIDER" MEAN THOSE TERMS AS DEFINED IN SECTION 219A OF
- 15 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.219A.
- 16 (9) THIS SECTION SHALL BE KNOWN AS "MATT'S SAFE SCHOOL LAW".