

HOUSE BILL No. 4391

March 8, 2011, Introduced by Reps. McCann, Meadows, Kandrevas, Melton, Stapleton, Dillon, Tlaib and Hovey-Wright 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) 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
10 POLICY UNDER SUBSECTION (1) TO SIGN A STATEMENT ACKNOWLEDGING THAT

1 HE OR SHE HAS READ AND IS FAMILIAR WITH THE POLICY.

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

9 (4) AS USED IN THIS SECTION:

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

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

26 (C) "HARASSMENT, INTIMIDATION, BULLYING, OR CYBERBULLYING"
27 MEANS ANY WRITTEN, VERBAL, OR PHYSICAL ACT, OR ANY ELECTRONIC

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

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

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

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

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

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