

HOUSE BILL No. 5021

May 28, 2009, Introduced by Reps. Warren, Scripps, Roberts, Tlaib, Kennedy, Mayes, Smith, Bauer and Donigan 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 1315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1315. (1) NOT LATER THAN JULY 1, 2009, THE DEPARTMENT
2 SHALL DO BOTH OF THE FOLLOWING:

3 (A) DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL
4 DISTRICTS AND PUBLIC SCHOOL ACADEMIES IN DEVELOPING POLICIES UNDER
5 SUBSECTION (2) FOR DATING VIOLENCE REPORTING AND RESPONSE.

6 (B) DEVELOP OR ADOPT A MODEL CURRICULUM FOR GRADES 7 TO 12 FOR
7 DATING VIOLENCE EDUCATION TO ASSIST SCHOOL DISTRICTS AND PUBLIC
8 SCHOOL ACADEMIES IN PROVIDING THE DATING VIOLENCE EDUCATION
9 REQUIRED UNDER SUBSECTION (2). THE DEPARTMENT SHALL INCORPORATE

1 THIS MODEL CURRICULUM INTO THE RECOMMENDED MODEL CORE ACADEMIC
2 CURRICULUM CONTENT STANDARDS UNDER SECTION 1278 AND MAY INCORPORATE
3 IT INTO THE MICHIGAN MODEL FOR COMPREHENSIVE SCHOOL HEALTH
4 EDUCATION.

5 (2) NOT LATER THAN DECEMBER 1, 2009, THE BOARD OF A SCHOOL
6 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY THAT
7 OPERATES ANY OF GRADES 7 TO 12 SHALL DO ALL OF THE FOLLOWING:

8 (A) ADOPT AND IMPLEMENT A SPECIFIC POLICY TO ADDRESS INCIDENTS
9 OF DATING VIOLENCE INVOLVING PUPILS AT SCHOOL. EACH SCHOOL DISTRICT
10 OR PUBLIC SCHOOL ACADEMY SHALL VERIFY COMPLIANCE WITH THIS
11 REQUIREMENT BY SUBMITTING A COPY OF THE POLICY TO THE DEPARTMENT ON
12 AN ANNUAL BASIS IN THE FORM AND MANNER PRESCRIBED BY THE
13 DEPARTMENT. THE POLICY SHALL INCLUDE, BUT NOT BE LIMITED TO, A
14 STATEMENT THAT DATING VIOLENCE WILL NOT BE TOLERATED, DATING
15 VIOLENCE REPORTING PROCEDURES, GUIDELINES TO RESPONDING TO
16 INCIDENTS OF DATING VIOLENCE AT SCHOOL, AND DISCIPLINE PROCEDURES
17 SPECIFIC TO THOSE INCIDENTS. TO ENSURE NOTICE OF THE DATING
18 VIOLENCE POLICY, THE BOARD OR BOARD OF DIRECTORS SHALL PUBLISH THE
19 POLICY IN THE CODE OF STUDENT CONDUCT REQUIRED UNDER SECTION 1312
20 AND INCLUDE IT IN THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S
21 STUDENT HANDBOOK.

22 (B) INCORPORATE DATING VIOLENCE EDUCATION THAT IS AGE-
23 APPROPRIATE INTO THE HEALTH CURRICULUM FOR PUPILS IN GRADES 7 TO
24 12. DATING VIOLENCE EDUCATION SHALL INCLUDE, BUT NOT BE LIMITED TO,
25 DEFINING DATING VIOLENCE, RECOGNIZING DATING VIOLENCE WARNING
26 SIGNS, AND CHARACTERISTICS OF HEALTHY RELATIONSHIPS. ADDITIONALLY,
27 PUPILS SHALL BE PROVIDED WITH THE SCHOOL DISTRICT'S OR PUBLIC

1 SCHOOL ACADEMY'S DATING VIOLENCE POLICY AS PROVIDED IN SUBDIVISION
2 (A) .

3 (C) PROVIDE DATING VIOLENCE TRAINING TO ALL ADMINISTRATORS,
4 TEACHERS, SCHOOL COUNSELORS, SCHOOL NURSES, AND MENTAL HEALTH STAFF
5 AT THE MIDDLE AND HIGH SCHOOL LEVELS. UPON THE RECOMMENDATION OF AN
6 ADMINISTRATOR, OTHER STAFF MEMBERS MAY BE INCLUDED OR MAY ATTEND
7 THE TRAINING ON A VOLUNTEER BASIS. THE DATING VIOLENCE TRAINING
8 SHALL INCLUDE, BUT NOT BE LIMITED TO, BASIC PRINCIPLES OF DATING
9 VIOLENCE, WARNING SIGNS OF DATING VIOLENCE, AND THE SCHOOL
10 DISTRICT'S DATING VIOLENCE POLICY, TO ENSURE THAT SCHOOL STAFF
11 MEMBERS ARE ABLE TO APPROPRIATELY RESPOND TO INCIDENTS OF DATING
12 VIOLENCE AT SCHOOL. AFTER THE INITIAL TRAINING, THIS TRAINING SHALL
13 BE PROVIDED YEARLY TO ALL NEWLY HIRED STAFF MEMBERS CONSIDERED
14 APPROPRIATE TO RECEIVE THE TRAINING BY A SCHOOL'S ADMINISTRATION.

15 (3) EACH SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT
16 OPERATES ANY OF GRADES 7 TO 12 SHALL INFORM ITS PUPILS' PARENTS OR
17 LEGAL GUARDIANS OF THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S
18 DATING VIOLENCE POLICY. IF REQUESTED, THE SCHOOL DISTRICT OR PUBLIC
19 SCHOOL ACADEMY SHALL PROVIDE THE PARENTS OR LEGAL GUARDIANS WITH
20 ITS DATING VIOLENCE POLICY AND RELEVANT INFORMATION. IT IS STRONGLY
21 RECOMMENDED THAT THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY
22 PROVIDE PARENT AWARENESS TRAINING.

23 (4) UPON WRITTEN REQUEST TO THE SCHOOL PRINCIPAL, A PARENT OR
24 LEGAL GUARDIAN OF A PUPIL LESS THAN 18 YEARS OF AGE, WITHIN A
25 REASONABLE PERIOD OF TIME AFTER THE REQUEST IS MADE, SHALL BE
26 PERMITTED TO EXAMINE THE DATING VIOLENCE EDUCATION PROGRAM
27 INSTRUCTION MATERIALS AT THE SCHOOL IN WHICH HIS OR HER CHILD IS

1 ENROLLED.

2 (5) THIS SECTION DOES NOT PREVENT A VICTIM FROM SEEKING
3 REDRESS UNDER ANY OTHER AVAILABLE LAW, EITHER CIVIL OR CRIMINAL.
4 THIS SECTION DOES NOT CREATE OR ALTER ANY TORT LIABILITY.

5 (6) AS USED IN THIS SECTION:

6 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ON OR IMMEDIATELY
7 ADJACENT TO SCHOOL PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-
8 RELATED VEHICLE, AT AN OFFICIAL SCHOOL BUS STOP, OR AT ANY SCHOOL-
9 SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS ON SCHOOL GROUNDS.

10 (B) "DATING PARTNER" MEANS ANY PERSON, REGARDLESS OF GENDER,
11 INVOLVED IN AN INTIMATE RELATIONSHIP WITH ANOTHER PRIMARILY
12 CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE INVOLVEMENT
13 WHETHER CASUAL, SERIOUS, OR LONG-TERM.

14 (C) "DATING VIOLENCE" MEANS A PATTERN OF BEHAVIOR WHERE 1
15 PERSON USES THREATS OF, OR ACTUALLY USES, PHYSICAL, SEXUAL, VERBAL,
16 OR EMOTIONAL ABUSE TO CONTROL HIS OR HER DATING PARTNER.