

SENATE BILL No. 443

June 8, 2017, Introduced by Senator BOOHER and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1310b (MCL 380.1310b), as amended by 2016 PA
362.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1310b. (1) The board of a school district or intermediate
2 school district or board of directors of a public school academy
3 shall adopt and implement a policy prohibiting bullying at school,
4 as defined in this section.

5 (2) Subject to subsection (3), before adopting the policy
6 required under subsection (1) or any modification to the policy,
7 the board or board of directors shall hold at least 1 public
8 hearing on the proposed policy or modification. This public hearing
9 may be held as part of a regular board meeting. Subject to

1 subsection (3), not later than 30 days after adopting or modifying
2 the policy under subsection (1), the board or board of directors
3 shall submit a copy of its policy to the department.

4 (3) If, as of March 31, 2015, a school district, intermediate
5 school district, or public school academy has already adopted and
6 implemented an existing policy prohibiting bullying at school and
7 that policy is in compliance with subsections (1) and (5), the
8 board of the school district or intermediate school district or
9 board of directors of the public school academy is not required to
10 adopt and implement a modified policy under subsection (1).
11 However, this subsection applies to a school district, intermediate
12 school district, or public school academy described in this
13 subsection only if the board or board of directors submits a copy
14 of its policy to the department not later than May 31, 2015.

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 modified policies to the department, the department shall
18 submit a report to the senate and house standing committees on
19 education summarizing the status of the implementation of the
20 modifications to policies required under 2014 PA 478.

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. Not later
24 than October 1, 2015, this statement shall be modified as necessary
25 to comply with 2014 PA 478 including, but not limited to, the
26 inclusion of cyberbullying as a form of bullying.

27 (b) A statement prohibiting retaliation or false accusation

1 against a target of bullying, a witness, or another person with
2 reliable information about an act of bullying.

3 (c) A provision indicating that all pupils are protected under
4 the policy and that bullying is equally prohibited without regard
5 to its subject matter or motivating animus.

6 (d) The identification by job title of school officials
7 responsible for ensuring that the policy is implemented.

8 (e) A statement describing how the policy is to be publicized.

9 (f) A procedure for providing notification to the parent or
10 legal guardian of a victim of bullying and the parent or legal
11 guardian of a perpetrator of the bullying.

12 (g) A procedure for reporting an act of bullying.

13 (h) A procedure for prompt investigation of a report of
14 violation of the policy or a related complaint, identifying either
15 the principal or the principal's designee as the person responsible
16 for the investigation.

17 (i) A procedure for each public school to document any
18 prohibited incident that is reported and a procedure to report all
19 verified incidents of bullying and the resulting consequences,
20 including discipline and referrals, to the board of the school
21 district or intermediate school district or board of directors of
22 the public school academy on an annual basis.

23 (j) An assurance of confidentiality for an individual who
24 reports an act of bullying and procedures to safeguard that
25 confidentiality.

26 (6) The legislature encourages a board or board of directors
27 to include all of the following in the policy required under this

1 section:

2 (a) Provisions to form bullying prevention task forces,
3 programs, teen courts, and other initiatives involving school
4 staff, pupils, school clubs or other student groups,
5 administrators, volunteers, parents, law enforcement, community
6 members, and other stakeholders.

7 (b) A requirement for annual training for administrators,
8 school employees, and volunteers who have significant contact with
9 pupils on preventing, identifying, responding to, and reporting
10 incidents of bullying.

11 (c) A requirement for educational programs for pupils and
12 parents on preventing, identifying, responding to, and reporting
13 incidents of bullying and cyberbullying.

14 (d) Provisions for considering the use of restorative
15 practices in the correction of bullying behavior, as described in
16 section 1310c.

17 (7) The department shall establish a form and procedure for
18 school districts and public school academies to report incidents of
19 bullying to the department on an annual basis and shall make this
20 information readily available to the public. A school district or
21 public school academy shall report incidents of bullying to the
22 department according to the form and procedures established by the
23 department. The department shall ensure that the information
24 collected and made available under this subsection does not include
25 personally identifiable information about any individual who
26 reports or is involved in a specific incident of bullying.

27 (8) A school employee, school volunteer, pupil, or parent or

1 guardian who promptly reports in good faith an act of bullying to
2 the appropriate school official designated in the school district's
3 or public school academy's policy and who makes this report in
4 compliance with the procedures set forth in the policy is immune
5 from a cause of action for damages arising out of the reporting
6 itself or any failure to remedy the reported incident. However,
7 this immunity does not apply to a school official who is designated
8 under subsection (5)(d), or who is responsible for remedying the
9 bullying, when acting in that capacity.

10 (9) If the board of a school district or intermediate school
11 district or board of directors of a public school academy amends or
12 otherwise modifies its policy required under this subsection at any
13 time after a copy of the policy was initially submitted to the
14 department under subsection (2) or (3), the board or board of
15 directors shall submit a copy of the modified policy to the
16 department not later than 30 days after adopting the modification.

17 (10) As used in this section:

18 (a) "At school" means in a classroom, elsewhere on school
19 premises, on a school bus or other school-related vehicle, or at a
20 school-sponsored activity or event whether or not it is held on
21 school premises. "At school" includes conduct using a
22 telecommunications access device or telecommunications service
23 provider that occurs off school premises if the telecommunications
24 access device or the telecommunications service provider is owned
25 by or under the control of the school district or public school
26 academy.

27 (b) "Bullying" means any **REPEATED** written, verbal, or physical

1 act, or any **REPEATED** electronic communication, including, but not
2 limited to, cyberbullying, **THAT INVOLVES A REAL OR PERCEIVED POWER**
3 **IMBALANCE BETWEEN PUPILS AND** that is intended or that a reasonable
4 person would know is likely to harm 1 or more pupils either
5 directly or indirectly by doing any of the following:

6 (i) Substantially interfering with educational opportunities,
7 benefits, or programs of 1 or more pupils.

8 (ii) Adversely affecting the ability of a pupil to participate
9 in or benefit from the school district's or public school's
10 educational programs or activities by placing the pupil in
11 reasonable fear of physical harm or by causing substantial
12 emotional distress.

13 (iii) Having an actual and substantial detrimental effect on a
14 pupil's physical or mental health.

15 (iv) Causing substantial disruption in, or substantial
16 interference with, the orderly operation of the school.

17 (c) "Cyberbullying" means any **REPEATED** electronic
18 communication **THAT INVOLVES A REAL OR PERCEIVED POWER IMBALANCE**
19 **BETWEEN PUPILS AND** that is intended or that a reasonable person
20 would know is likely to harm 1 or more pupils either directly or
21 indirectly by doing any of the following:

22 (i) Substantially interfering with educational opportunities,
23 benefits, or programs of 1 or more pupils.

24 (ii) Adversely affecting the ability of a pupil to participate
25 in or benefit from the school district's or public school's
26 educational programs or activities by placing the pupil in
27 reasonable fear of physical harm or by causing substantial

1 emotional distress.

2 (iii) Having an actual and substantial detrimental effect on a
3 pupil's physical or mental health.

4 (iv) Causing substantial disruption in, or substantial
5 interference with, the orderly operation of the school.

6 (d) "Restorative practices" means that term as defined in
7 section 1310c.

8 (e) "Telecommunications access device" and "telecommunications
9 service provider" mean those terms as defined in section 219a of
10 the Michigan penal code, 1931 PA 328, MCL 750.219a.

11 (11) This section shall be known as "The Matt Epling Safe
12 School Law".

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.