

HOUSE BILL NO. 4195

February 14, 2019, Introduced by Reps. Hertel, Brenda Carter, Love, Shannon, Chirkun, Ellison, Pagan, Lasinski, Sabo, Cambensy, Kennedy, Hood, Hope, Cynthia Johnson, Cherry, Yarocho, Kuppa, Elder, Haadsma, Stone, Koleszar and Camilleri and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1505 (MCL 380.1505), as added by 2012 PA 594,
and by adding section 1527a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1505. (1) ~~The~~ **Except as otherwise provided in this**
2 **subsection, the** board of a school district or intermediate school
3 district or board of directors of a public school academy may adopt

1 and implement a policy addressing sexual abuse of children. ~~If a~~
2 ~~board or board of directors adopts and implements a policy~~
3 ~~addressing sexual abuse of children, the~~ **Not later than 2 years**
4 **after the effective date of the amendatory act that added section**
5 **1527a, the department shall develop and make available to all**
6 **public schools guidelines for a policy addressing the sexual abuse**
7 **of children that are consistent with this section. Not later than 1**
8 **year after the department makes those guidelines available to all**
9 **public schools, the board of a school district or intermediate**
10 **school district or board of directors of a public school academy**
11 **shall adopt and implement a policy in consultation with school**
12 **personnel, including, but not limited to, teachers and support**
13 **staff, that is aligned with the guidelines developed by the**
14 **department. A policy shall adopted and implemented under this**
15 **section must also** be substantially consistent with the
16 recommendations and guidelines set by the task force on the
17 prevention of sexual abuse of children created under section 12b of
18 the child protection law, 1975 PA 238, MCL 722.632b, and may
19 address, but is not limited to, any of the following:

20 (a) Age-appropriate, evidence-based curriculum and instruction
21 for pupils in grades pre-K to 5 concerning child sexual abuse
22 awareness and prevention.

23 (b) Training for school personnel on child sexual abuse,
24 including, but not limited to, training on supportive, appropriate
25 response to disclosure of abuse.

26 (c) Providing educational information to parents or guardians
27 on the warning signs of a child being sexually abused and
28 information on needed assistance, referral, or resources. This
29 information may be provided in the student handbook that is

1 distributed to pupils and parents and guardians.

2 (d) Available counseling and resources for pupils affected by
3 sexual abuse.

4 (e) Emotional and educational support for a pupil affected by
5 sexual abuse to allow the pupil to continue to be successful in
6 school.

7 (f) A review of the system that is in place in the school
8 district, intermediate school district, or public school academy to
9 educate and support school personnel who are required to report
10 child abuse or neglect under section 3 of the child protection law,
11 1975 PA 238, MCL 722.623, and the process in place for making those
12 mandatory reports. This review should include an analysis of the
13 level of compliance with the mandatory reporting requirements and
14 suggestions to improve compliance.

15 (2) Any instruction, training, or information provided
16 pursuant to a policy adopted under subsection (1) ~~shall~~**must** be
17 substantially consistent with the recommendations and guidelines
18 set by the task force on the prevention of sexual abuse of children
19 created under section 12b of the child protection law, 1975 PA 238,
20 MCL 722.632b, and may address, but is not limited to, any of the
21 following:

22 (a) Methods for increasing teacher, pupil, and parent
23 awareness of issues regarding sexual abuse of children, including
24 knowledge of likely warning signs indicating that a child may be a
25 victim of sexual abuse.

26 (b) Actions that a child who is a victim of sexual abuse may
27 take to obtain assistance and intervention.

28 (c) Available counseling options for pupils affected by sexual
29 abuse.

1 (3) Pupil instruction under this section is subject to section
2 1505a.

3 Sec. 1527a. (1) Not later than 2 years after the effective
4 date of the amendatory act that added this section, the department
5 shall develop and make available to public schools guidelines for
6 professional development or other training that enables school
7 personnel to respond to pupil disclosures relating to assault in a
8 manner that is culturally sensitive and psychologically adept and
9 does not unduly further traumatize the pupil who makes the
10 disclosure.

11 (2) Not later than 1 year after the department makes available
12 the guidelines developed under subsection (1), a board of a school
13 district or board of directors of a public school academy shall
14 implement professional development or other training that is
15 aligned with those guidelines.

16 (3) A board or board of directors may count professional
17 development provided to teachers under this section toward the
18 professional development required under section 1527.

19 (4) As used in this section:

20 (a) "Assault" includes physical assault, as that term is
21 defined in section 1310, and sexual assault.

22 (b) "School personnel" means that term as defined in section
23 1307h.

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