

# HOUSE BILL No. 4746

May 8, 2001, Introduced by Reps. Thomas, Hale, Kolb, Schermesser, Jacobs, Lipsey, Plakas, Spade, Schauer, Dennis, Allen, Garza, Hart, Waters, Godchaux, Bogardus, Kilpatrick, Clark and Lemmons 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) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF  
2 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ADOPT A POLICY PROHIB-  
3 ITING HARASSMENT, INTIMIDATION, OR BULLYING AT SCHOOL. THE CON-  
4 TENT OF THE POLICY SHALL BE DETERMINED LOCALLY BUT THE POLICY  
5 SHALL CONTAIN AT LEAST THE COMPONENTS IN SUBSECTION (2). IT IS  
6 RECOMMENDED THAT THE POLICY BE ADOPTED THROUGH A PROCESS THAT  
7 INCLUDES REPRESENTATION OF PARENTS OR GUARDIANS, SCHOOL EMPLOY-  
8 EES, VOLUNTEERS, PUPILS, SCHOOL ADMINISTRATORS, AND COMMUNITY  
9 REPRESENTATIVES.

10        (2) EACH SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S POLICY  
11 SHALL INCLUDE AT LEAST EACH OF THE FOLLOWING COMPONENTS:

1 (A) A STATEMENT PROHIBITING HARASSMENT, INTIMIDATION, OR  
2 BULLYING OF A PUPIL.

3 (B) A DEFINITION OF HARASSMENT, INTIMIDATION, OR BULLYING  
4 THAT INCLUDES AT LEAST THE ACTS DESCRIBED IN THE DEFINITION IN  
5 THIS SECTION.

6 (C) A DESCRIPTION OF THE TYPE OF BEHAVIOR EXPECTED FROM EACH  
7 PUPIL.

8 (D) CONSEQUENCES AND APPROPRIATE REMEDIAL ACTION FOR A  
9 PERSON WHO COMMITS AN ACT OF HARASSMENT, INTIMIDATION, OR  
10 BULLYING.

11 (E) A PROCEDURE FOR REPORTING AN ACT OF HARASSMENT, INTIMI-  
12 DATION, OR BULLYING, INCLUDING A PROVISION THAT PERMITS A PERSON  
13 TO REPORT AN ACT OF HARASSMENT, INTIMIDATION, OR BULLYING  
14 ANONYMOUSLY. HOWEVER, THIS SUBDIVISION SHALL NOT BE CONSTRUED TO  
15 PERMIT FORMAL DISCIPLINARY ACTION SOLELY ON THE BASIS OF AN ANON-  
16 YMOUS REPORT.

17 (F) A PROCEDURE FOR PROMPT INVESTIGATION OF REPORTS OF VIO-  
18 LATIONS AND COMPLAINTS, IDENTIFYING EITHER THE PRINCIPAL OR THE  
19 PRINCIPAL'S DESIGNEE AS THE PERSON RESPONSIBLE FOR THE  
20 INVESTIGATION.

21 (G) THE RANGE OF WAYS IN WHICH A SCHOOL WILL RESPOND ONCE AN  
22 INCIDENT OF HARASSMENT, INTIMIDATION, OR BULLYING IS IDENTIFIED.

23 (H) A STATEMENT THAT PROHIBITS REPRISAL OR RETALIATION  
24 AGAINST ANY PERSON WHO REPORTS AN ACT OF HARASSMENT, INTIMIDA-  
25 TION, OR BULLYING, AND THE CONSEQUENCES AND APPROPRIATE REMEDIAL  
26 ACTION FOR A PERSON WHO ENGAGES IN THAT TYPE OF REPRISAL OR  
27 RETALIATION.

1 (I) CONSEQUENCES AND APPROPRIATE REMEDIAL ACTION FOR A  
2 PERSON FOUND TO HAVE FALSELY ACCUSED ANOTHER AS A MEANS OF RETAL-  
3 IATION OR AS A MEANS OF HARASSMENT, INTIMIDATION, OR BULLYING.

4 (J) A STATEMENT OF HOW THE POLICY IS TO BE PUBLICIZED  
5 INCLUDING NOTICE THAT THE POLICY APPLIES TO PARTICIPATION IN  
6 SCHOOL-SPONSORED ACTIVITIES.

7 (3) EACH BOARD OR BOARD OF DIRECTORS SHALL ADOPT THE POLICY  
8 UNDER THIS SECTION AND TRANSMIT A COPY OF ITS POLICY TO THE  
9 SUPERINTENDENT OF PUBLIC INSTRUCTION BY SEPTEMBER 1, 2002.

10 (4) TO ASSIST SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES  
11 IN DEVELOPING POLICIES FOR THE PREVENTION OF HARASSMENT, INTIMI-  
12 DATION, OR BULLYING, THE DEPARTMENT SHALL DEVELOP A MODEL POLICY  
13 APPLICABLE TO GRADES K-12. THIS MODEL POLICY SHALL BE ISSUED NO  
14 LATER THAN DECEMBER 1, 2001.

15 (5) A BOARD OR BOARD OF DIRECTORS SHALL ENSURE THAT NOTICE  
16 OF THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S POLICY UNDER  
17 THIS SECTION IS INCLUDED IN ANY PUBLICATION OF THE SCHOOL DIS-  
18 TRICT OR PUBLIC SCHOOL ACADEMY THAT SETS FORTH THE COMPREHENSIVE  
19 RULES, PROCEDURES, AND STANDARDS OF CONDUCT FOR ITS SCHOOLS, AND  
20 IN ITS PUPIL HANDBOOKS.

21 (6) A SCHOOL EMPLOYEE, PUPIL, OR VOLUNTEER SHALL NOT ENGAGE  
22 IN REPRISAL, RETALIATION, OR FALSE ACCUSATION AGAINST A VICTIM,  
23 WITNESS, OR ONE WITH RELIABLE INFORMATION ABOUT AN ACT OF HARASS-  
24 MENT, INTIMIDATION, OR BULLYING.

25 (7) A SCHOOL EMPLOYEE, PUPIL, OR VOLUNTEER WHO HAS WIT-  
26 NESSED, OR HAS RELIABLE INFORMATION THAT A PUPIL HAS BEEN  
27 SUBJECTED TO, HARASSMENT, INTIMIDATION, OR BULLYING, WHETHER

1 VERBAL OR PHYSICAL, IS ENCOURAGED TO REPORT THE INCIDENT TO THE  
2 APPROPRIATE SCHOOL OFFICIAL DESIGNATED BY THE SCHOOL DISTRICT'S  
3 OR PUBLIC SCHOOL ACADEMY'S POLICY.

4 (8) A SCHOOL EMPLOYEE WHO PROMPTLY REPORTS AN INCIDENT OF  
5 HARASSMENT, INTIMIDATION, OR BULLYING TO THE APPROPRIATE SCHOOL  
6 OFFICIAL DESIGNATED BY THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL  
7 ACADEMY'S POLICY, AND WHO MAKES THIS REPORT IN COMPLIANCE WITH  
8 THE PROCEDURES IN THE POLICY PROHIBITING HARASSMENT, INTIMIDA-  
9 TION, OR BULLYING IS NOT LIABLE FOR DAMAGES ARISING FROM ANY  
10 FAILURE TO REMEDY THE REPORTED INCIDENT.

11 (9) PUBLIC SCHOOLS AND SCHOOL DISTRICTS ARE ENCOURAGED TO  
12 FORM BULLYING PREVENTION TASK FORCES, PROGRAMS, AND OTHER INITIA-  
13 TIVES INVOLVING SCHOOL STAFF, PUPILS, ADMINISTRATORS, VOLUNTEERS,  
14 PARENTS, LAW ENFORCEMENT, AND COMMUNITY MEMBERS.

15 (10) EACH SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL DO  
16 ALL OF THE FOLLOWING:

17 (A) PROVIDE TRAINING ON THE SCHOOL DISTRICT'S OR PUBLIC  
18 SCHOOL ACADEMY'S HARASSMENT, INTIMIDATION, OR BULLYING POLICIES  
19 TO SCHOOL EMPLOYEES AND VOLUNTEERS WHO HAVE SIGNIFICANT CONTACT  
20 WITH PUPILS.

21 (B) DEVELOP A PROCESS FOR DISCUSSING THE HARASSMENT, INTIMI-  
22 DATION, OR BULLYING POLICY WITH PUPILS.

23 (11) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL INCOR-  
24 PORATE INFORMATION REGARDING THE SCHOOL DISTRICT OR PUBLIC SCHOOL  
25 ACADEMY POLICY AGAINST HARASSMENT, INTIMIDATION, OR BULLYING INTO  
26 EACH SCHOOL'S EMPLOYEE TRAINING PROGRAM.

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

4 (13) AS USED IN THIS SECTION:

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

10 (B) "HARASSMENT, INTIMIDATION, OR BULLYING" MEANS ANY GES-  
11 TURE OR WRITTEN, VERBAL, OR PHYSICAL ACT THAT A REASONABLE PERSON  
12 UNDER THE CIRCUMSTANCES SHOULD KNOW WILL HAVE THE EFFECT OF HARM-  
13 ING A PUPIL OR DAMAGING HIS OR HER PROPERTY OR PLACING A PUPIL IN  
14 REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR  
15 HER PROPERTY, OR THAT HAS THE EFFECT OF INSULTING OR DEMEANING  
16 ANY PUPIL OR GROUP OF PUPILS IN SUCH A WAY AS TO DISRUPT OR  
17 INTERFERE WITH THE SCHOOL'S EDUCATIONAL MISSION OR THE EDUCATION  
18 OF ANY PUPIL. HARASSMENT, INTIMIDATION, OR BULLYING INCLUDES,  
19 BUT IS NOT LIMITED TO, SUCH A GESTURE OR WRITTEN, VERBAL, OR  
20 PHYSICAL ACT THAT IS REASONABLY PERCEIVED AS BEING MOTIVATED BY A  
21 PUPIL'S RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, SEXUAL  
22 ORIENTATION, DISABILITY, HEIGHT, WEIGHT, OR SOCIOECONOMIC STATUS,  
23 OR BY ANY OTHER DISTINGUISHING CHARACTERISTIC.