

**SUBSTITUTE FOR
HOUSE BILL NO. 5828**

A bill to create the comprehensive school safety plan act; to create the school safety commission and provide for its powers and duties; to create the comprehensive school safety plan fund and provide for the use of the fund; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "comprehensive school safety plan act".

3 Sec. 3. As used in this act:

4 (a) "Commission" means the school safety commission created in
5 section 5.

6 (b) "Department" means the department of state police.

7 (c) "Fund" means the comprehensive school safety plan fund

1 created in section 7.

2 (d) "School" means a public school, nonpublic school, or
3 public school academy as those terms are defined in section 5 of
4 the revised school code, 1976 PA 451, MCL 380.5.

5 (e) "School building" means 1 or more of the following at a
6 school:

7 (i) A structure suitable for use as a classroom, including a
8 school laboratory, library, eating facility, or food preparation
9 facility.

10 (ii) A gymnasium or other facility that is specially designed
11 for athletic or recreational activities or for an academic course
12 in physical education.

13 (iii) A facility used for the instruction or housing of
14 students for the purpose of administration of educational or
15 research programs.

16 (iv) A maintenance, storage, or utility facility, including a
17 hallway essential to the operation of a facility or structure
18 identified in subparagraph (i), (ii), or (iii).

19 (v) A portico or covered exterior hallway or walkway.

20 (vi) An exterior portion of a mechanical system.

21 (f) "School safety liaison" means the individual designated by
22 a school under section 1241 of the revised school code, 1976 PA
23 451, MCL 380.1241, to work with the commission.

24 Sec. 5. (1) On January 15, 2019, or upon the abolishment of
25 the school safety task force created under Executive Order No.
26 2018-5, whichever occurs first, the school safety commission is
27 created within the department.

1 (2) The commission shall consist of the following members:

2 (a) The director of the department or his or her designee.

3 (b) The superintendent of public instruction or his or her
4 designee.

5 (c) The director of the department of health and human
6 services or his or her designee.

7 (d) Subject to subsection (3), the school safety task force
8 members appointed by the governor under Executive Order No. 2018-5.

9 (3) After the expiration of the initial term of or for any
10 vacancy arising from the members of the commission described under
11 subsection (2)(d), the governor shall appoint members to a full
12 term or the unexpired term as follows:

13 (a) One individual representing local law enforcement.

14 (b) One individual representing teachers.

15 (c) One individual representing school administrators.

16 (d) One individual who has expertise in behavioral and mental
17 health.

18 (e) One individual recommended by the speaker of the house of
19 representatives.

20 (f) One individual recommended by the senate majority leader.

21 (g) One individual recommended by the minority leader of the
22 house of representatives.

23 (h) One individual recommended by the senate minority leader.

24 (4) Members of the commission shall serve for terms of 4 years
25 or until a successor is appointed, whichever is later, except that
26 of the members first appointed under subsection (3), the 2 members
27 appointed under subsection (3)(a) and (b) shall serve for 1 year,

1 the 2 members appointed under subsection (3)(c) and (d) shall serve
2 for 4 years, and the 4 members appointed under subsection (3)(e) to
3 (h) shall serve for 2 years.

4 (5) If a vacancy occurs on the commission, the governor shall
5 make an appointment for the unexpired term in the same manner as
6 the original appointment under subsection (3).

7 (6) The governor may remove a member of the commission for
8 incompetence, dereliction of duty, malfeasance, misfeasance, or
9 nonfeasance in office, or any other good cause.

10 (7) The first meeting of the commission shall be called by the
11 member described under subsection (2)(a). At the first meeting, the
12 commission shall elect from among its members a chairperson and
13 other officers as it considers necessary or appropriate. After the
14 first meeting, the commission shall meet at least quarterly, or
15 more frequently at the call of the chairperson or if requested by 6
16 or more members.

17 (8) A majority of the members of the commission constitute a
18 quorum for the transaction of business at a meeting of the
19 commission. A majority of the members present and serving are
20 required for official action of the commission.

21 (9) The business that the commission may perform shall be
22 conducted at a public meeting of the commission held in compliance
23 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

24 (10) All information obtained by the commission is
25 confidential and is not subject to the freedom of information act,
26 1976 PA 442, MCL 15.231 to 15.246.

27 (11) Members of the commission shall serve without

1 compensation. However, members of the commission may be reimbursed
2 for their actual and necessary expenses incurred in the performance
3 of their official duties as members of the commission.

4 (12) The commission shall do all of the following:

5 (a) Review and make recommendations to the department in
6 implementing this act, including, not more than 90 days after the
7 creation of the commission, rules determining the optimal,
8 adequate, and inadequate school safety measures and metrics that
9 will be used to evaluate the safety of schools. The school safety
10 measures and metrics must address at least the following:

11 (i) School building layouts.

12 (ii) School building proximity to law enforcement agencies.

13 (iii) Emergency planning strategies.

14 (iv) Employment of school resource officers or other
15 individuals authorized by law to provide safety in school
16 buildings.

17 (v) Surveillance technology.

18 (vi) Threat reporting systems.

19 (vii) Remote door locks.

20 (viii) Reinforced entryways.

21 (b) From 6 months after the creation of the commission until
22 18 months after the creation of the commission, assist school
23 safety liaisons in identifying and evaluating the safety of
24 schools.

25 (c) Implement a plan to ensure each school building is
26 inspected within 30 months of the creation of the commission.

27 (d) In consultation with the department, employ school safety

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1 inspectors or contract for school safety inspection services to
2 make recommendations to the commission after each inspection and
3 evaluation, and reinspection and evaluation, of a school building's
4 safety grade as described in subsection (13).

5 (e) Issue each school building inspected under this act a
6 safety grade as provided in subsection (13).

7 (f) Award grants to schools to fund improvements and
8 corrective actions under section 7.

[(g) Issue or deny a waiver submitted to the commission under
section 1 of 1937 PA 306, MCL 388.851, within 30 days after the waiver is
received.]

9 (13) For the confidential use of the commission, the
10 commission shall issue a safety grade for each school building
11 inspected as follows:

12 (a) An optimal safety grade.

13 (b) If the commission recommends additional safety measures
14 for a school building to ensure student safety, an adequate safety
15 grade.

16 (c) If the commission identifies additional safety measures
17 for a school building are urgently needed to ensure student safety,
18 an inadequate safety grade.

19 (14) A school building must be reinspected as follows:

20 (a) If the school building was issued an optimal safety grade
21 under subsection (13), not sooner than 7 years after the inspection
22 after which the optimal safety grade was issued.

23 (b) If the school building was issued an adequate safety grade
24 under subsection (13), not sooner than 5 years after the inspection
25 after which the adequate safety grade was issued.

26 (c) If the school building was issued an inadequate safety
27 grade under subsection (13), not more than 2 years after the

1 inspection after which the inadequate safety grade was issued.

2 Sec. 7. (1) The comprehensive school safety plan fund is
3 created within the department of treasury.

4 (2) The state treasurer may receive money or other assets from
5 any source for deposit into the fund. The state treasurer shall
6 direct the investment of the fund. The state treasurer shall credit
7 to the fund interest and earnings from fund investments.

8 (3) Money in the fund at the close of the fiscal year must
9 remain in the fund and not lapse to the general fund.

10 (4) The department is the administrator of the fund for
11 auditing purposes.

12 (5) The department shall expend money from the fund, upon
13 appropriation, only for the following purposes:

14 (a) To provide and administer grants to schools.

15 (b) To carry out its duties under this act.

16 (6) An application for a grant under this section must be on a
17 form or format prescribed by the commission. The commission may
18 require the applicant to provide information reasonably necessary
19 to allow the commission to make a determination required under this
20 section.

21 (7) Grants awarded under this section must be awarded for a
22 period of 1 year. In making its determination to award grants under
23 this section, the commission shall prioritize awarding grants to
24 schools with a school building that has received an inadequate
25 safety grade and may award grants to schools with a school building
26 that has received an adequate safety grade under section 5.

27 (8) A school awarded a grant under this section shall only use

1 the grant funds to implement the additional safety measures
2 identified or recommended under section 5(13), which may include:

3 (a) Purchasing and installing security equipment.

4 (b) School building upgrades.

5 Sec. 9. The department shall promulgate rules to implement
6 this act pursuant to the administrative procedures act of 1969,
7 1969 PA 306, MCL 24.201 to 24.328.

8 Enacting section 1. This act takes effect 90 days after the
9 date it is enacted into law.

10 Enacting section 2. This act does not take effect unless
11 Senate Bill No. ____ or House Bill No. 5829 (request no. 05839'18 a)
12 of the 99th Legislature is enacted into law.