

# HOUSE BILL No. 5826

April 18, 2018, Introduced by Rep. Kosowski and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1308 (MCL 380.1308), as amended by 2016 PA 363.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1308. (1) Not later than October 6, 1999, the  
2 superintendent of public instruction, attorney general, and  
3 director of the department of state police shall adopt, publish,  
4 and distribute to school boards, county prosecutors, and local law  
5 enforcement agencies the statewide school safety information policy  
6 described in subsection (2). Not later than January 6, 2000, each  
7 school board, county prosecutor, and local law enforcement agency  
8 shall do both of the following:

1 (a) Meet and confer as appropriate on the implementation of  
2 the statewide school safety information policy for each school  
3 district and on any related issues that are unique to the affected  
4 locality. The appropriate local law enforcement agency or agencies  
5 to be involved shall be determined locally, consistent with the  
6 statewide school safety information policy.

7 (b) Begin compliance with the statewide school safety  
8 information policy.

9 (2) The statewide school safety information policy required  
10 under subsection (1) shall identify the types of incidents  
11 occurring at school that must be reported to law enforcement  
12 agencies and shall establish procedures to be followed when such an  
13 incident occurs at school. The statewide school safety information  
14 policy also may address procedures for reporting incidents  
15 involving possession of a dangerous weapon as required under  
16 section 1313. The statewide school safety information policy shall  
17 address at least all of the following:

18 (a) Law enforcement protocols and priorities for the reporting  
19 process. The law enforcement protocols must be developed with the  
20 cooperation of the appropriate state or local law enforcement  
21 agency. The law enforcement priorities shall include at least  
22 investigation of reported incidents, identification of those  
23 involved in a reported incident, assistance in prevention of these  
24 types of incidents, and, when appropriate, assistance from a child  
25 protection agency.

26 (b) Definition of the types of incidents requiring reporting  
27 to law enforcement and response by law enforcement, taking into

1 account the intent of the actor and the circumstances surrounding  
2 the incident.

3 (c) Protocols for responding to reportable incidents,  
4 addressing at least all of the following:

5 (i) Initial notification and reporting by school officials.

6 (ii) The information to be provided by school officials.

7 (iii) Initial response by law enforcement agencies, which  
8 shall be specifically tailored for incidents in progress, incidents  
9 not in progress, and incidents involving delayed reporting. School  
10 officials shall be consulted to determine the extent of law  
11 enforcement involvement required by the situation.

12 (iv) Custody of actors.

13 (d) The amount and nature of assistance to be provided by  
14 school officials, and the scope of their involvement in law  
15 enforcement procedures. This provision shall require school  
16 officials to notify the parent or legal guardian of a minor pupil  
17 who is a victim or witness when law enforcement authorities  
18 interview the pupil.

19 (e) Any other matters that will facilitate reporting of  
20 incidents affecting school safety and the exchange of other  
21 information affecting school safety.

22 (3) A school board or its designee shall report to the  
23 appropriate state or local law enforcement agencies and prosecutors  
24 all information that is required to be reported to those officials  
25 under the statewide school safety information policy.

26 (4) If school officials of a school district determine that an  
27 incident has occurred at school that is required to be reported to

1 law enforcement agencies according to the statewide school safety  
2 information policy under this section or under subsection (3), the  
3 superintendent of the school district, or his or her designee,  
4 immediately shall report that finding to the appropriate state or  
5 local law enforcement agency in the manner prescribed in the  
6 statewide school safety information policy.

7 (5) If provided in the statewide school safety information  
8 policy under this section, a local law enforcement agency that has  
9 jurisdiction over a school building of a school district shall  
10 report to the school officials of the school building incidents  
11 reported to the law enforcement agency that allege the commission  
12 of a crime and that, according to the incident report, either  
13 occurred on school property or within 1,000 feet of the school  
14 property or involved a pupil or staff member of the school as a  
15 victim or alleged perpetrator. Upon request by a law enforcement  
16 agency, school officials shall provide the law enforcement agency  
17 with any information the law enforcement agency determines it needs  
18 to provide this report to school officials.

19 (6) If provided in the statewide school safety information  
20 policy under this section, the prosecuting attorney of a county  
21 shall notify a school district located in whole or in part in that  
22 county of any criminal or juvenile court action initiated or taken  
23 against a pupil of the school district, including, but not limited  
24 to, convictions, adjudications, and dispositions. This notification  
25 shall be made to either the school district superintendent or to  
26 the intermediate superintendent of the intermediate school district  
27 in which the county is located, as provided in the policy or by

1 local agreement. If the notification is made to the intermediate  
2 superintendent, the intermediate superintendent shall forward the  
3 information to the superintendent of the school district in which  
4 the pupil is enrolled. Upon receipt of information under this  
5 subsection, a school district superintendent shall share the  
6 information with appropriate school building personnel. The  
7 prosecuting attorney may inquire of each school age individual  
8 involved in a court action described in this subsection whether the  
9 individual is a pupil in a school district and, if so, in which  
10 school district.

11 (7) If provided for in the statewide school safety information  
12 policy under this section, the appropriate court shall inform an  
13 appropriate school administrator of the name of the individual  
14 assigned to monitor a convicted or adjudicated youth attending a  
15 public school and of how that individual may be contacted.

16 (8) A school board, county prosecutor, and local law  
17 enforcement agency may enter into a local agreement or take other  
18 measures to facilitate the sharing of school safety information or  
19 to promote school safety if the agreement or other measures are  
20 consistent with the statewide school safety information policy.

21 (9) A school board shall cooperate with local law enforcement  
22 agencies to ensure that detailed and accurate building plans,  
23 blueprints, and site plans, as appropriate, for each school  
24 building operated by the school board are provided to the  
25 appropriate local law enforcement agency.

26 (10) Reporting of information by a school district or school  
27 personnel under this section is subject to 20 USC 1232g, commonly

1 referred to as the family educational rights and privacy act of  
2 1974.

3 (11) If a pupil is involved in an incident reported to law  
4 enforcement according to the statewide school safety information  
5 policy under this section, then upon request by school officials,  
6 the pupil's parent or legal guardian shall execute any waivers or  
7 consents necessary to allow school officials access to school,  
8 court, or other pertinent records of the pupil concerning the  
9 incident and action taken as a result of the incident.

10 (12) IF A PUPIL WHO IS INVOLVED IN AN INCIDENT REPORTED TO LAW  
11 ENFORCEMENT ACCORDING TO THE STATEWIDE SCHOOL SAFETY INFORMATION  
12 POLICY UNDER THIS SECTION SUBSEQUENTLY TRANSFERS TO ANOTHER SCHOOL,  
13 THE SCHOOL BOARD OR THE SUPERINTENDENT OF THE SCHOOL DISTRICT, OR  
14 THE DESIGNEE OF THE SCHOOL BOARD OR SUPERINTENDENT, THAT REPORTED  
15 THE INCIDENT SHALL PROVIDE THE INFORMATION REPORTED TO LAW  
16 ENFORCEMENT UNDER THIS SECTION TO THE GOVERNING BODY OF THE SCHOOL  
17 TO WHICH THE PUPIL TRANSFERS.

18 (13) ~~(12)~~—As used in this section:

19 (a) "At school" means in a classroom, elsewhere on school  
20 premises, on a school bus or other school-related vehicle, or at a  
21 school-sponsored activity or event whether or not it is held on  
22 school premises.

23 (b) "School board" and "school district" mean those terms as  
24 defined in section 1311.

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