

SENATE BILL NO. 193

March 02, 2021, Introduced by Senators HERTEL, POLEHANKI, GEISS, CHANG, BULLOCK, ALEXANDER and MCCANN and referred to the Committee on Education and Career Readiness.

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 **the** board of directors of a public school
3 academy shall adopt and implement a policy prohibiting bullying at
4 school, as defined in this section. **The board or board of directors**
5 **shall update the policy at least annually.**

1 (2) Subject to subsection (3), before adopting the policy
 2 required under subsection (1), ~~or any modification updates to the~~
 3 **policy, including any annual updates made under subsection (1), or**
 4 **any modifications** to the policy, ~~or before adopting any~~
 5 **modifications made to an existing policy under subsection (3),** the
 6 board or board of directors shall hold at least 1 public hearing on
 7 the proposed policy, ~~or modification updates to the policy, or~~
 8 **modifications to the policy.** This public hearing may be held as
 9 part of a regular board meeting. **The board or board of directors**
 10 **shall provide notice of the public hearing to pupils and the**
 11 **parents or legal guardians of pupils using social media and at**
 12 **least 1 other communication method regularly used by the board or**
 13 **board of directors.** Subject to subsection (3), not later than 30
 14 days after adopting, **updating,** or modifying the policy under
 15 subsection (1) **or modifying an existing policy under subsection**
 16 **(3),** the board or board of directors shall submit a copy of its
 17 policy to the department.

18 (3) If, as of March 31, ~~2015, 2023,~~ a school district,
 19 intermediate school district, or public school academy has already
 20 adopted and implemented an existing policy prohibiting bullying at
 21 school and that policy is in compliance with subsections (1) and
 22 (5), the board of the school district or intermediate school
 23 district or **the** board of directors of the public school academy is
 24 not required to adopt and implement a modified policy under
 25 subsection (1). However, this subsection applies to a school
 26 district, intermediate school district, or public school academy
 27 described in this subsection only if the board or board of
 28 directors submits a copy of its **existing** policy to the department
 29 not later than May 31, ~~2015, 2023.~~ **If the board of a school district**

1 or intermediate school district or the board of directors of a
2 public school academy modifies an existing policy described in this
3 subsection, the board or board of directors shall comply with
4 subsection (2) with regard to the modified policy.

5 (4) ~~Not later than 1 year after the deadline under subsection~~
6 ~~(2) for districts and public school academies to submit copies of~~
7 ~~their modified policies to the department,~~ **At least annually,** the
8 department shall submit a report to the senate and house standing
9 committees on education summarizing the status of the
10 implementation of ~~the modifications to policies required under 2014~~
11 ~~PA 478.~~ **this section and summarizing each school district's,**
12 **intermediate school district's, or public school academy's school**
13 **safety climate. The report submitted under this subsection must be**
14 **made available as a public record.**

15 (5) A policy ~~adopted pursuant to~~ **under** subsection (1) shall
16 **must** include at least all of the following:

17 (a) A statement prohibiting bullying of a pupil. ~~Not later~~
18 ~~than October 1, 2015, this~~ **This** statement shall ~~shall~~ **must** be modified as
19 necessary to comply with 2014 PA 478 including, but not limited to,
20 the inclusion of cyberbullying as a form of bullying.

21 (b) A statement prohibiting retaliation or false accusation
22 against a target of bullying, a witness, or another person with
23 reliable information about an act of bullying.

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

27 (d) The identification by job title of school officials
28 responsible for ensuring that the policy is implemented **at both the**
29 **district and school levels.**

1 (e) A statement describing how the policy is to be publicized,
2 **including a description of the means of publication.**

3 (f) A procedure for providing **prompt** notification to the
4 parent or legal guardian of a victim of bullying and the parent or
5 legal guardian of a perpetrator of the bullying **within 24 hours of**
6 **an incident of bullying.**

7 (g) A procedure for ~~reporting~~ **a pupil, teacher, or parent or**
8 **legal guardian to report** an act of bullying.

9 (h) A procedure for prompt investigation of a report of
10 violation of the policy or a related complaint, identifying either
11 the principal or the principal's designee as the person responsible
12 for the investigation. **The procedure under this subdivision must**
13 **require that the investigation is completed within 72 hours of the**
14 **report.**

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

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

24 (k) **A requirement that a school official immediately contact**
25 **the parent or legal guardian of a pupil who appears in distress at**
26 **school and that a school official immediately contact the parent or**
27 **legal guardian of a pupil when the school official receives notice**
28 **from another school employee or another pupil that the pupil**
29 **appears in distress.**

1 (l) A requirement that the board of the school district or
 2 intermediate school district or the board of directors of the
 3 public school academy use the state OK2SAY program or an equivalent
 4 successor program, as applicable, and provide the parents and legal
 5 guardians of pupils enrolled in the school district, immediate
 6 school district, or public school academy with information
 7 regarding the use of the OK2SAY program or an equivalent successor
 8 program, as applicable.

9 (m) A statement prohibiting retaliation against a school
 10 employee who notifies the board of the school district or
 11 intermediate school district or the board of directors of the
 12 public school academy or the department of noncompliance with this
 13 section.

14 ~~(6) The legislature encourages a board or board of directors~~
 15 ~~to include all of the following in the policy required under this~~
 16 ~~section:~~

17 (n) ~~(a)~~ Provisions to form bullying prevention task forces,
 18 programs, teen courts, and other initiatives involving school
 19 staff, pupils, school clubs or other student groups,
 20 administrators, volunteers, parents, law enforcement, community
 21 members, and other stakeholders.

22 (o) ~~(b)~~ A requirement for annual training for administrators,
 23 school employees, and volunteers who have significant contact with
 24 pupils on preventing, identifying, responding to, and reporting
 25 incidents of bullying.

26 (p) ~~(e)~~ A requirement for educational programs for pupils and
 27 parents on preventing, identifying, responding to, and reporting
 28 incidents of bullying and cyberbullying **as required by law.**

29 (q) ~~(d)~~ Provisions for considering the use of restorative

1 practices in the correction of bullying behavior, as described in
2 section 1310c.

3 (6) ~~(7)~~—The department shall establish a form and procedure
4 for school districts and public school academies to report
5 incidents of bullying to the department on an annual basis and
6 shall make this information readily available to the public. A
7 school district or public school academy shall report incidents of
8 bullying to the department according to the form and procedures
9 established by the department. The department shall ensure that the
10 information collected and made available under this subsection does
11 not include personally identifiable information about any
12 individual who reports or is involved in a specific incident of
13 bullying.

14 (7) ~~(8)~~—A school employee, school volunteer, pupil, or parent
15 or guardian who promptly reports in good faith an act of bullying
16 to the appropriate school official designated in the school
17 district's or public school academy's policy and who makes this
18 report in compliance with the procedures set forth in the policy is
19 immune from a cause of action for damages arising out of the
20 reporting itself or any failure to remedy the reported incident.
21 However, this immunity does not apply to a school official who is
22 designated under subsection (5) (d), or who is responsible for
23 remedying the bullying, when acting in that capacity.

24 ~~(9) If the board of a school district or intermediate school~~
25 ~~district or board of directors of a public school academy amends or~~
26 ~~otherwise modifies its policy required under this subsection at any~~
27 ~~time after a copy of the policy was initially submitted to the~~
28 ~~department under subsection (2) or (3), the board or board of~~
29 ~~directors shall submit a copy of the modified policy to the~~

1 ~~department not later than 30 days after adopting the modification.~~

2 (8) At least annually, the superintendent of a school district
3 or intermediate school district or the chief administrator of a
4 public school academy shall provide a report to the board of the
5 school district or intermediate school district or the board of
6 directors of the public school academy on the school district's,
7 intermediate school district's, or public school academy's bullying
8 prevention activities, as applicable. The report under this
9 subsection must be presented at a public meeting and must be made
10 available as a public record.

11 (9) The board of a school district or intermediate school
12 district or the board of directors of a public school academy shall
13 provide all of the following to each individual who is hired to
14 work or who is assigned to regularly and continuously work under
15 contract in any school it operates:

16 (a) Notice and a summary of this section.

17 (b) The school district's, intermediate school district's, or
18 public school academy's policy under subsection (1).

19 (c) An explanation of the individual's responsibilities with
20 regard to the implementation of the policy under subsection (1).

21 (10) If there is any increase in costs related to compliance
22 with this section, the legislature shall create a fund to provide
23 for funding to school districts, intermediate school districts, and
24 public school academies for those costs.

25 (11) ~~(10)~~ As used in this section:

26 (a) "At school" means in a classroom, elsewhere on school
27 premises, on a school bus or other school-related vehicle, or at a
28 school-sponsored activity or event whether or not it is held on
29 school premises ~~."At school" and also~~ includes conduct using a

1 telecommunications access device or telecommunications service
 2 provider that occurs **on or** off school premises. ~~if the~~
 3 ~~telecommunications access device or the telecommunications service~~
 4 ~~provider is owned by or under the control of the school district or~~
 5 ~~public school academy.~~

6 (b) "Bullying" means any written, verbal, or physical act, or
 7 any electronic communication, including, but not limited to,
 8 cyberbullying, that is intended or that a reasonable person would
 9 know is likely to harm 1 or more pupils either directly or
 10 indirectly by doing any of the following:

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

13 (ii) Adversely affecting the ability of a pupil to participate
 14 in or benefit from the school district's or public school's
 15 educational programs or activities by placing the pupil in
 16 reasonable fear of physical harm or by causing substantial
 17 emotional distress.

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

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

22 (c) "Cyberbullying" means ~~any~~ **either of the following:**

23 (i) **Any** electronic communication **made on or off school grounds**
 24 that is intended or that a reasonable person would know is likely
 25 to harm 1 or more pupils either directly or indirectly by doing any
 26 of the following:

27 (A) ~~(i)~~ Substantially interfering with educational
 28 opportunities, benefits, or programs of 1 or more pupils.

29 (B) ~~(ii)~~ Adversely affecting the ability of a pupil to

1 participate in or benefit from the school district's or public
2 school's educational programs or activities by placing the pupil in
3 reasonable fear of physical harm or by causing substantial
4 emotional distress.

5 (C) ~~(iii)~~—Having an actual and substantial detrimental effect on
6 a pupil's physical or mental health.

7 (D) ~~(iv)~~—Causing substantial disruption in, or substantial
8 interference with, the orderly operation of the school.

9 (ii) **Cyberbully as that term is defined under section 411x of**
10 **the Michigan penal code, 1931 PA 328, MCL 750.411x.**

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

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

16 (12) ~~(11)~~—This section shall be known as "The Matt Epling Safe
17 School Law".

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