

SENATE BILL NO. 789

December 14, 2021, Introduced by Senators JOHNSON, LASATA and HOLLIER 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 1308 (MCL 380.1308), as amended by 2016 PA 363, and by adding section 1308c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1308. (1) ~~Not later than October 6, 1999, the~~ **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

1 enforcement agencies the statewide school safety information policy
 2 described in subsection (2). ~~Not later than January 6, 2000, each~~
 3 **Each** school board, county prosecutor, and local law enforcement
 4 agency shall do both of the following:

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

11 (b) Begin compliance with the statewide school safety
 12 information policy.

13 (2) The statewide school safety information policy required
 14 under subsection (1) ~~shall~~**must** identify the types of incidents
 15 occurring at school that must be reported to law enforcement
 16 agencies and ~~shall~~**must** establish procedures to be followed when
 17 such an incident occurs at school **and, beginning on the effective**
 18 **date of the amendatory act that added section 1308c, must identify**
 19 **the reporting requirements under section 1308c.** The statewide
 20 school safety information policy also may address procedures for
 21 reporting incidents involving possession of a dangerous weapon as
 22 required under section 1313. The statewide school safety
 23 information policy ~~shall~~**must** address at least all of the
 24 following:

25 (a) Law enforcement protocols and priorities for the reporting
 26 process. The law enforcement protocols must be developed with the
 27 cooperation of the appropriate state or local law enforcement
 28 agency. The law enforcement priorities ~~shall~~**must** include at least
 29 investigation of reported incidents, identification of those

1 involved in a reported incident, assistance in prevention of these
2 types of incidents, and, when appropriate, assistance from a child
3 protection agency.

4 (b) ~~Definition~~**Definitions** of the types of incidents requiring
5 reporting to law enforcement and response by law enforcement,
6 taking into account the intent of the actor and the circumstances
7 surrounding the incident.

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

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

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

12 (iii) Initial response by law enforcement agencies ~~, which shall~~
13 **that must** be specifically tailored for incidents in progress,
14 incidents not in progress, and incidents involving delayed
15 reporting. School officials ~~shall~~**must** be consulted to determine
16 the extent of law enforcement involvement required by the
17 situation.

18 (iv) Custody of actors.

19 (d) The amount and nature of assistance to be provided by
20 school officials, and the scope of their involvement in law
21 enforcement procedures. This provision ~~shall~~**must** require school
22 officials to notify the parent or legal guardian of a minor pupil
23 who is a victim or witness when law enforcement authorities
24 interview the pupil.

25 (e) Any other matters that will facilitate reporting of
26 incidents affecting school safety and the exchange of other
27 information affecting school safety.

28 (3) A school board or its designee shall report to the
29 appropriate state or local law enforcement agencies and prosecutors

1 all information that is required to be reported to those officials
2 under the statewide school safety information policy.

3 (4) If school officials of a school district determine that an
4 incident has occurred at school that is required to be reported to
5 law enforcement agencies according to the statewide school safety
6 information policy under this section or under subsection (3), the
7 superintendent of the school district, or his or her designee,
8 immediately shall report that finding to the appropriate state or
9 local law enforcement agency in the manner prescribed in the
10 statewide school safety information policy.

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

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

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

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

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

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

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

1 ~~referred to as~~ **section 1232g** of the family educational rights and
2 privacy act of 1974, **20 USC 1232g**.

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) As used in this section:

11 (a) "At school" means in a classroom, elsewhere on school
12 premises, on a school bus or other school-related vehicle, or at a
13 school-sponsored activity or event whether or not it is held on
14 school premises.

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

17 **Sec. 1308c. (1) If school personnel become aware of**
18 **information that a reasonable individual would believe constitutes**
19 **an actual or implied threat, the board of the public school that**
20 **employs the school personnel or for which the school personnel work**
21 **shall ensure that a report is made immediately to the local law**
22 **enforcement agency that has jurisdiction of the school building for**
23 **which the school personnel work or the school building toward or in**
24 **which the threat was made.**

25 (2) The board of each public school shall develop or adopt and
26 implement appropriate policies and procedures to ensure compliance
27 with the reporting requirement under subsection (1).

28 (3) The board of each public school shall provide training to
29 all school personnel who are employed by or work for the public

1 school concerning their obligations and responsibilities under this
2 section.

3 (4) This section does not prohibit the board of a public
4 school from contacting a law enforcement agency that is not
5 described in subsection (1) or other agencies, departments, or
6 organizations it deems appropriate, in addition to the law
7 enforcement agency described in subsection (1), in response to a
8 threat of violence.

9 (5) As used in this section:

10 (a) "Board" means the board of a school district, an
11 intermediate school board, or the board of directors of a public
12 school academy.

13 (b) "School personnel" means individuals who are employed by
14 or work for a public school.