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House Bill 4125 (Substitute H-1 as passed by the House)
Sponsor: Representative Carrie Rheingans
House Committee: Judiciary
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 6-7-23

CONTENT

The bill would amend the Revised School Code to prohibit a public school from expelling a pupil or suspending a pupil for more than 10 days for an action the pupil took arising out of an incident in which the pupil reported being sexually assaulted or a school employee witnessed a sexual assault on the pupil.

The bill would take effect 90 days after its enactment.

Specifically, notwithstanding any other provision of the Code but except as otherwise provided below, the board of a school district or intermediate school district or board of directors of a public school academy (PSA) could not expel a pupil, or suspend a pupil for more than 10 school days, for an action that the pupil took arising out of an incident in which the pupil reported being sexually assaulted or an incident in which a school official, staff member, or other individual witnessed, reported, or received evidence that the pupil was sexually assaulted. The bill would encourage the board to follow the recommendations or guidance of the Title IX coordinator for the school district, intermediate school district, or public school academy in deciding to suspend a pupil described above.

The bill specifies that it would not apply to a pupil if any of the following were met concerning a reported incident:

- The pupil was convicted of, pleaded guilty to, pleaded responsible for, or was adjudicated responsible for aggravated assault, felonious assault, assault with intent to commit murder, assault with intent for great bodily harm, assault with intent to maim, attempted murder, homicide, manslaughter, or criminal sexual conduct (CSC).
- The pupil possessed a dangerous weapon in a weapon free zone, committed arson in a school building or on school grounds, or committed CSC in a school building or on school grounds.
- A completed Title IX investigation determined by clear and convincing evidence that the report of sexual assault was conclusively false.
- The board or its designee considered any report of sexual assault described above and specific factors (e.g., a pupil's age, disciplinary history, or disability status) and determined that the expulsion or suspension of more than 10 days was justified.

Under the bill, "sexual assault" would mean an act that constitutes first-, second-, third-, or fourth-degree CSC or assault with intent to commit second-degree CSC or CSC involving sexual penetration.

"Title IX coordinator" would mean the official responsible for overseeing compliance with Title IX of the Education Amendments of 1972. (Title IX is a Federal law that prohibits

discrimination based on sex in educational programs or activities that receive Federal financial assistance.)

Proposed MCL 380.1310e

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

The bill is a reintroduction of House Bill 5800 from the 2017-2018 Legislative Session. House Bill 5800 passed the House and was reported by the Senate Committee on Judiciary but received no further action.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government because the bill's requirements are already required for schools receiving Federal funds.

Fiscal Analyst: Cory Savino, PhD

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.