

SUBSTITUTE FOR
HOUSE BILL NO. 4125

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1310e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1310e. (1) Notwithstanding any other provision of this
2 act, except as otherwise provided in subsection (2), the board of a
3 school district or intermediate school district or board of
4 directors of a public school academy shall not expel a pupil, or
5 suspend a pupil for more than 10 school days, for an action that
6 the pupil took immediately preceding, immediately following, or
7 that could be reasonably tied to an incident in which the pupil
8 reports being sexually assaulted or an incident in which a school
9 official, staff member, or other individual witnesses and reports a

1 sexual assault on the pupil or receives and reports credible
2 evidence that the pupil has been sexually assaulted. The board of a
3 school district or intermediate school district or board of
4 directors of a public school academy is encouraged to follow the
5 recommendations or guidance of the title IX coordinator for the
6 school district, intermediate school district, or public school
7 academy in deciding to suspend a pupil described in this
8 subsection.

9 (2) Subsection (1) does not apply to a pupil if any of the
10 following are met concerning an incident reported under subsection
11 (1):

12 (a) The pupil is convicted of, pleads guilty to, pleads
13 responsible for, or is adjudicated responsible for aggravated
14 assault, felonious assault, assault with intent to commit murder,
15 assault with intent for great bodily harm, assault with intent to
16 maim, attempted murder, homicide, or manslaughter in violation of
17 section 81a, 82, 83, 84, 86, 91, 316, 317, or 321 of the Michigan
18 penal code, 1931 PA 328, MCL 750.81a, 750.82, 750.83, 750.84,
19 750.86, 750.91, 750.316, 750.317, and 750.321, or an act
20 constituting criminal sexual assault in violation of section 520b,
21 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328,
22 MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, in a
23 court of competent jurisdiction.

24 (b) The pupil commits an act described in section 1311(2).

25 (c) A completed title IX investigation determines by clear and
26 convincing evidence that the report of sexual assault is
27 conclusively false.

28 (d) The board of the school district or intermediate school
29 district or board of directors of the public school academy, or its

1 designee, considered any reports of sexual assault under subsection
2 (1) and the factors under section 1310d(1) and determined that the
3 expulsion or suspension of more than 10 days is justified.

4 (3) As used in this section:

5 (a) "Sexual assault" means an act that constitutes criminal
6 sexual conduct in violation of section 520b, 520c, 520d, 520e, or
7 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b,
8 750.520c, 750.520d, 750.520e, and 750.520g.

9 (b) "Title IX coordinator" means the official responsible for
10 overseeing compliance with title IX of the education amendments of
11 1972, 20 USC 1681 to 1688.

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