

Act No. 51
Public Acts of 2023
Approved by the Governor
June 29, 2023
Filed with the Secretary of State
June 29, 2023
EFFECTIVE DATE: September 27, 2023

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Rheingans, Rogers, Conlin, Filler, Outman, Glanville, Haadsma, Roth, Bezotte, Wozniak, Morgan, Byrnes, Miller, Jaime Greene, Hood, Dievendorf, Edwards, Wilson, Wegela, Breen, O’Neal, Neeley, Morse, McKinney, Hoskins, Brixie, Tsernoglou and Aiyash

ENROLLED HOUSE BILL No. 4125

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1310e.

The People of the State of Michigan enact:

Sec. 1310e. (1) Notwithstanding any other provision of this act, except as otherwise provided in subsection (2), the board of a school district or intermediate school district or board of directors of a public school academy shall not expel a pupil, or suspend a pupil for more than 10 school days, for an action that the pupil took immediately preceding, immediately following, or that could be reasonably tied to an incident in which the pupil reports being sexually assaulted or an incident in which a school official, staff member, or other individual witnesses and reports a sexual assault on the pupil or receives and reports credible evidence that the pupil has been sexually assaulted. The board of a school district or intermediate school district or board of directors of a public school academy is encouraged 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 in this subsection.

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

(a) The pupil is convicted of, pleads guilty to, pleads responsible for, or is 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, or manslaughter in violation of section 81a, 82, 83, 84, 86, 91, 316, 317, or 321 of the Michigan penal code, 1931 PA 328, MCL 750.81a, 750.82, 750.83, 750.84, 750.86, 750.91, 750.316, 750.317, and 750.321, or an act constituting criminal sexual assault in violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, in a court of competent jurisdiction.

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

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

(d) The board of the school district or intermediate school district or board of directors of the public school academy, or its designee, considered any reports of sexual assault under subsection (1) and the factors under section 1310d(1) and determined that the expulsion or suspension of more than 10 days is justified.

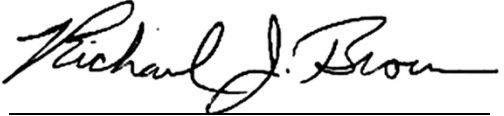
(3) As used in this section:

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

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor