

SENATE BILL No. 275

February 19, 2009, Introduced by Senators JELINEK, ANDERSON, HUNTER, RICHARDVILLE, CHERRY, PAPPAGEORGE, BARCIA and CLARKE and referred to the Committee on Education.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1310B. (1) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE
2 DATE OF THIS SECTION, THE BOARD OF A SCHOOL DISTRICT OR
3 INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC
4 SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT A POLICY PROHIBITING
5 BULLYING OR HARASSMENT AT SCHOOL, AS DEFINED IN THIS SECTION. THE
6 LEGISLATURE ENCOURAGES A BOARD OR BOARD OF DIRECTORS TO INCLUDE IN
7 ITS POLICY PROVISIONS CONCERNING EDUCATION, PARENTAL INVOLVEMENT,
8 REPORTING, INVESTIGATION, AND INTERVENTION. BEFORE ADOPTING THE
9 POLICY, THE BOARD OR BOARD OF DIRECTORS SHALL HOLD AT LEAST 1
10 PUBLIC HEARING ON THE PROPOSED POLICY. THIS PUBLIC HEARING MAY BE

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1 HELD AS PART OF A REGULAR BOARD MEETING. NOT LATER THAN 30 DAYS
2 AFTER ADOPTING THE POLICY, THE BOARD OR BOARD OF DIRECTORS SHALL
3 SUBMIT A COPY OF ITS POLICY TO THE DEPARTMENT.

4 (2) NOT LATER THAN 1 YEAR AFTER THE DEADLINE UNDER SUBSECTION
5 (1) FOR DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO SUBMIT COPIES OF
6 THEIR POLICIES TO THE DEPARTMENT, THE DEPARTMENT SHALL SUBMIT A
7 REPORT TO THE SENATE AND HOUSE STANDING COMMITTEES ON EDUCATION
8 SUMMARIZING THE STATUS OF THE IMPLEMENTATION OF POLICIES UNDER THIS
9 SECTION.

10 (3) 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. "AT SCHOOL" INCLUDES CONDUCT USING A
15 TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS SERVICE
16 PROVIDER THAT OCCURS OFF SCHOOL PREMISES IF THE TELECOMMUNICATIONS
17 ACCESS DEVICE OR THE TELECOMMUNICATIONS SERVICE PROVIDER IS OWNED
18 BY OR UNDER THE CONTROL OF THE SCHOOL DISTRICT OR PUBLIC SCHOOL
19 ACADEMY.

20 (B) "BULLYING OR HARASSMENT" MEANS ABUSE OF A PUPIL BY 1 OR
21 MORE OTHER PUPILS IN ANY FORM. THE TERM INCLUDES, BUT IS NOT
22 LIMITED TO, CONDUCT THAT MEETS ANY OF THE FOLLOWING:

23 (i) SUBSTANTIALLY INTERFERES WITH EDUCATIONAL OPPORTUNITIES,
24 BENEFITS, OR PROGRAMS OF 1 OR MORE PUPILS.

25 (ii) ADVERSELY AFFECTS THE ABILITY OF A PUPIL TO PARTICIPATE IN
26 OR BENEFIT FROM THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL'S
27 EDUCATIONAL PROGRAMS OR ACTIVITIES BY PLACING THE PUPIL IN

1 REASONABLE FEAR OF PHYSICAL HARM OR BY CAUSING EMOTIONAL DISTRESS.

2 (iii) IS REASONABLY PERCEIVED TO BE MOTIVATED BY ANIMUS OR BY AN
3 ACTUAL OR PERCEIVED CHARACTERISTIC.

4 (C) "TELECOMMUNICATIONS ACCESS DEVICE" AND "TELECOMMUNICATIONS
5 SERVICE PROVIDER" MEAN THOSE TERMS AS DEFINED IN SECTION 219A OF
6 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.219A.

7 (4) THIS SECTION SHALL BE KNOWN AS "MATT'S SAFE SCHOOL LAW".