

HOUSE BILL No. 5478

January 14, 1998, Introduced by Reps. Dalman, McBryde, Birkholz, Jellema, Voorhees, Hammerstrom, Oxender, Gilmer, Fitzgerald, Goschka, Rhead, Gernaat, McNutt and Llewellyn 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 sections 1307 and 1308.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1307. (1) IF A PUPIL IN A SCHOOL DISTRICT, PUBLIC
2 SCHOOL ACADEMY, OR PUBLIC SCHOOL OPERATED BY A STATE PUBLIC UNI-
3 VERSITY IS THE SUBJECT OF A CRIMINAL OR JUVENILE COURT CONVICTION
4 OR ADJUDICATION, NOT LATER THAN 30 DAYS AFTER THE CONVICTION OR
5 ADJUDICATION THE PUPIL'S PARENT OR LEGAL GUARDIAN SHALL NOTIFY
6 SCHOOL OFFICIALS OF THE CONVICTION OR ADJUDICATION AND OF THE
7 COURT'S DISPOSITION. UPON REQUEST BY SCHOOL OFFICIALS, THE
8 PARENT OR LEGAL GUARDIAN ALSO SHALL EXECUTE ANY WAIVERS OR CON-
9 SENTS NECESSARY TO ALLOW SCHOOL OFFICIALS ACCESS TO COURT RECORDS
10 CONCERNING THE CONVICTION OR ADJUDICATION.

1 (2) IF A PUPIL HAS BEEN EXPELLED FROM A PUBLIC OR NONPUBLIC
2 SCHOOL OR HAS BEEN THE SUBJECT OF 1 OR MORE CRIMINAL OR JUVENILE
3 COURT CONVICTIONS OR ADJUDICATIONS AND THE PUPIL'S PARENT OR
4 LEGAL GUARDIAN SEEKS TO ENROLL THE PUPIL IN A SCHOOL DISTRICT
5 OTHER THAN THE SCHOOL DISTRICT IN WHICH HE OR SHE RESIDES OR
6 SEEKS TO ENROLL IN A PUBLIC SCHOOL ACADEMY OR IN A PUBLIC SCHOOL
7 OPERATED BY A STATE PUBLIC UNIVERSITY, THE PUPIL'S PARENT OR
8 LEGAL GUARDIAN SHALL DO ALL OF THE FOLLOWING AT THE TIME HE OR
9 SHE CONTACTS SCHOOL OFFICIALS ABOUT ENROLLING THE PUPIL:

10 (A) IF THE PUPIL HAS BEEN EXPELLED, DISCLOSE TO SCHOOL OFFI-
11 CIALS THAT THE PUPIL HAS BEEN EXPELLED BY ANOTHER SCHOOL DISTRICT
12 OR PUBLIC OR NONPUBLIC SCHOOL AND THE REASON FOR THE EXPULSION.

13 (B) IF THE PUPIL HAS BEEN THE SUBJECT OF 1 OR MORE CRIMINAL
14 OR JUVENILE COURT CONVICTIONS OR ADJUDICATIONS, DISCLOSE TO
15 SCHOOL OFFICIALS EACH OF THE CRIMINAL OR JUVENILE COURT CONVIC-
16 TIONS AND ADJUDICATIONS AND THE COURT DISPOSITION OF EACH.

17 (C) UPON REQUEST BY SCHOOL OFFICIALS, EXECUTE ANY WAIVERS OR
18 CONSENTS NECESSARY TO ALLOW SCHOOL OFFICIALS ACCESS TO SCHOOL OR
19 COURT RECORDS OF THE PUPIL CONCERNING MATTERS DESCRIBED IN
20 SUBDIVISIONS (A) AND (B), AS APPLICABLE.

21 SEC. 1308. (1) IF SCHOOL OFFICIALS OF A SCHOOL DISTRICT
22 FIND THAT AN INCIDENT HAS OCCURRED AT SCHOOL INVOLVING PHYSICAL
23 VIOLENCE, GANG-RELATED ACTIVITY, ILLEGAL POSSESSION OF A CON-
24 TROLLED SUBSTANCE OR CONTROLLED SUBSTANCE ANALOGUE OR OTHER
25 INTOXICANT, OR TRESPASSING, THE SUPERINTENDENT OF THE SCHOOL DIS-
26 TRICT, OR HIS OR HER DESIGNEE, IMMEDIATELY SHALL REPORT THAT
27 FINDING TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY AND TO A STATE

1 OR LOCAL CHILD PROTECTION AGENCY. IF THE SCHOOL DISTRICT HAS
2 ENTERED INTO A MEMORANDUM OF UNDERSTANDING DESCRIBED IN SUBSEC-
3 TION (4), THE TYPES OF INCIDENTS TO BE REPORTED AND THE NATURE OF
4 THE REPORTING SHALL BE AS PRESCRIBED IN THE MEMORANDUM OF
5 UNDERSTANDING.

6 (2) A LOCAL LAW ENFORCEMENT AGENCY THAT HAS JURISDICTION
7 OVER A SCHOOL BUILDING OF A SCHOOL DISTRICT MAY REPORT TO THE
8 SCHOOL OFFICIALS OF THE SCHOOL BUILDING INCIDENTS REPORTED TO THE
9 LAW ENFORCEMENT AGENCY THAT ALLEGE THE COMMISSION OF A CRIME AND
10 THAT, ACCORDING TO THE INCIDENT REPORTED, EITHER OCCURRED ON
11 SCHOOL PROPERTY OR WITHIN 1,000 FEET OF THE SCHOOL PROPERTY OR
12 INVOLVED A PUPIL OR STAFF MEMBER OF THE SCHOOL AS A VICTIM OR
13 ALLEGED PERPETRATOR. UPON REQUEST BY A LAW ENFORCEMENT AGENCY,
14 SCHOOL OFFICIALS SHALL PROVIDE THE LAW ENFORCEMENT AGENCY WITH
15 ANY INFORMATION THE LAW ENFORCEMENT AGENCY DETERMINES IT NEEDS TO
16 PROVIDE THIS REPORT TO SCHOOL OFFICIALS.

17 (3) THE PROSECUTING ATTORNEY OF A COUNTY MAY NOTIFY A SCHOOL
18 DISTRICT LOCATED IN WHOLE OR IN PART IN THAT COUNTY OF ANY CRIMI-
19 NAL OR JUVENILE COURT ACTION INITIATED OR TAKEN AGAINST A PUPIL
20 OF THE SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO, CONVIC-
21 TIONS, ADJUDICATIONS, AND DISPOSITIONS. THE PROSECUTING ATTORNEY
22 MAY INQUIRE OF EACH SCHOOL AGE INDIVIDUAL INVOLVED IN A COURT
23 ACTION DESCRIBED IN THIS SUBSECTION WHETHER THE INDIVIDUAL IS A
24 PUPIL IN A SCHOOL DISTRICT AND, IF SO, IN WHICH SCHOOL DISTRICT.

25 (4) SCHOOL DISTRICTS SHALL WORK WITH LOCAL LAW ENFORCEMENT
26 AGENCIES, CHILD PROTECTION AGENCIES, AND COUNTY PROSECUTORS TO
27 ESTABLISH AND IMPLEMENT A MEMORANDUM OF UNDERSTANDING TO

1 FACILITATE REPORTING OF INCIDENTS AFFECTING SCHOOL SAFETY AND
2 SHARING OF OTHER INFORMATION AFFECTING SCHOOL SAFETY. THE MEMO-
3 RANDUM OF UNDERSTANDING SHALL ESTABLISH PROCEDURES TO BE FOLLOWED
4 WHEN AN INCIDENT DESCRIBED IN SUBSECTION (1) OCCURS AT SCHOOL,
5 AND ALSO MAY ADDRESS PROCEDURES FOR REPORTING INCIDENTS INVOLVING
6 POSSESSION OF A DANGEROUS WEAPON AS REQUIRED UNDER SECTION 1313.
7 THE MEMORANDUM OF UNDERSTANDING SHALL ADDRESS AT LEAST ALL OF THE
8 FOLLOWING:

9 (A) LAW ENFORCEMENT PROTOCOLS AND PRIORITIES FOR THE REPORT-
10 ING PROCESS. THE LAW ENFORCEMENT PROTOCOLS MUST BE DEVELOPED
11 WITH THE COOPERATION OF THE APPROPRIATE STATE OR LOCAL LAW
12 ENFORCEMENT AGENCY. THE LAW ENFORCEMENT PRIORITIES SHALL INCLUDE
13 AT LEAST INVESTIGATION OF INCIDENTS, IDENTIFICATION OF THOSE
14 INVOLVED IN AN INCIDENT, AND ASSISTANCE IN PREVENTION OF THESE
15 TYPES OF INCIDENTS.

16 (B) DEFINITION OF THE TYPES OF INCIDENTS REQUIRING REPORTING
17 TO LAW ENFORCEMENT AND RESPONSE BY LAW ENFORCEMENT, INCLUDING AT
18 LEAST THE TYPES OF INCIDENTS DESCRIBED IN SUBSECTION (1) AND
19 TAKING INTO ACCOUNT THE INTENT OF THE ACTOR AND THE CIRCUMSTANCES
20 SURROUNDING THE INCIDENT.

21 (C) PROTOCOLS FOR RESPONDING TO REPORTABLE INCIDENTS,
22 ADDRESSING AT LEAST ALL OF THE FOLLOWING:

23 (i) INITIAL NOTIFICATION AND REPORTING BY SCHOOL OFFICIALS.

24 (ii) THE INFORMATION TO BE PROVIDED BY SCHOOL OFFICIALS.

25 (iii) INITIAL RESPONSE BY LAW ENFORCEMENT AND CHILD PROTEC-
26 TION AGENCIES, WHICH SHALL BE SPECIFICALLY TAILORED FOR INCIDENTS
27 IN PROGRESS, INCIDENTS NOT IN PROGRESS, AND INCIDENTS INVOLVING

1 DELAYED REPORTING. SCHOOL OFFICIALS SHALL BE CONSULTED TO
2 DETERMINE THE EXTENT OF LAW ENFORCEMENT OR CHILD PROTECTION
3 INVOLVEMENT REQUIRED BY THE SITUATION.

4 (iv) CUSTODY OF ACTORS.

5 (D) THE AMOUNT AND NATURE OF ASSISTANCE TO BE PROVIDED BY
6 SCHOOL OFFICIALS, AND THE SCOPE OF THEIR INVOLVEMENT IN LAW
7 ENFORCEMENT PROCEDURES. THIS PROVISION SHALL REQUIRE SCHOOL
8 OFFICIALS TO NOTIFY THE PARENT OR LEGAL GUARDIAN OF A MINOR PUPIL
9 WHO IS A VICTIM OR WITNESS WHEN LAW ENFORCEMENT AUTHORITIES
10 INTERVIEW THE PUPIL.

11 (E) ANY OTHER MATTERS THAT WILL FACILITATE REPORTING OF
12 INCIDENTS AFFECTING SCHOOL SAFETY AND THE EXCHANGE OF OTHER
13 INFORMATION AFFECTING SCHOOL SAFETY.

14 (5) AS USED IN THIS SECTION:

15 (A) "AT SCHOOL" MEANS THAT TERM AS DEFINED IN SECTION 1311.

16 (B) "CONTROLLED SUBSTANCE" AND "CONTROLLED SUBSTANCE
17 ANALOGUE" MEAN THOSE TERMS AS DEFINED IN SECTION 1311.

18 (C) "SCHOOL DISTRICT" MEANS THAT TERM AS DEFINED IN
19 SECTION 1311.

20 Enacting section 1. This amendatory act does not take
21 effect unless Senate Bill No. ____ or House Bill No. ____ (request
22 no. 04733'97 *) of the 89th Legislature is enacted into law.