



Romney Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

## SCHOOL VIOLENCE: LOCAL AGREEMENTS

**House Bill 4045**  
**Sponsor: Rep. Andy Neumann**  
**Committee: Education**

**Complete to 1-28-99**

### **A SUMMARY OF HOUSE BILL 4045 AS INTRODUCED 1-27-99**

House Bill 4045 would amend the Revised School Code to require a school board to work with local law enforcement agencies, child protection agencies, county prosecutors, appropriate probation officers, and other appropriate organizations to establish and implement a memorandum of understanding, signed by the parties involved, to facilitate reporting of incidents affecting school safety. The memorandum would have to establish procedures to be followed when a reportable incident occurred in school and could address procedures for reporting incidents involving dangerous weapons (in existing Section 1313). The memorandum would have to address:

- \* Law enforcement protocols and priorities for the reporting process. Protocols would have to be developed with the cooperation of the appropriate state or local law enforcement agency. Law enforcement priorities would have to include at least investigation of incidents, identification of those involved, and assistance in preventing such incidents.

- \* Definition of the types of incidents requiring reporting to law enforcement and response by law enforcement, taking into account the intent of the actor and the circumstances surrounding the incident. This definition would have to include incidents of sexual harassment that should be reported.

- \* Protocols for responding to reportable incidents, addressing at least initial notification and reporting by school officials; the information to be provided by school officials; the initial response by law enforcement and child protection agencies, tailored for, respectively, incidents in progress, incidents not in progress, and incidents involving delayed reporting; and custody of the actors.

- \* The amount and nature of assistance to be provided by school officials and the scope of their involvement in law enforcement procedures, including the requirement that school officials notify the parent/legal guardian of a minor student who was a victim or witness when law enforcement authorities interview the student.

- \* Any other matters that would facilitate reporting of incidents affecting school safety and the exchange of other information affecting school safety.

House Bill 4045 (1-28-99)

Under House Bill 4045, if school officials determined an incident had occurred at school involving physical violence, gang-related activity, illegal possession of a controlled substance or a controlled substance analogue or other intoxicant, or trespassing, the superintendent would have to immediately report that finding to the appropriate state or local law enforcement agency and the appropriate state or local child protection agency. If a memorandum of understanding was in effect, then the incidents and manner of reporting would have to be done in the manner prescribed by that memorandum. Further, a local law enforcement agency could report to school officials in a building the incidents reported to the agency that alleged the commission of a crime that either occurred within 1,000 feet of the school or that involved a student or staff member as a victim or alleged perpetrator. Upon request, school officials would have to provide the law enforcement agency with any information needed to provide such a report. In addition, the county prosecutor could notify a school district of any criminal or juvenile court action initiated or taken against a student of the district, including but not limited to convictions, adjudications, and dispositions. Prosecutors could inquire of school-age individuals involved in a court action which school district, if any, they attended as students.

Under the bill, if a student was the subject of a criminal or juvenile court conviction or adjudication, the student's parent or legal guardian would be required to notify school officials of the conviction and the court's disposition. Upon request of school officials, the parent/legal guardian would have to execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the student concerning the incident and the action taken as a result of the incident. Further, if a student had been expelled from a public or nonpublic school or had been the subject of one or more criminal or juvenile court convictions or adjudications, and the student's parent or guardian sought to enroll the student in a school district other than the school district in which he or she resides (or in a public school academy or a public school operated by state public university), then the student's parent or legal guardian would be required to disclose a school expulsion and its reason; the student's criminal or juvenile court convictions or adjudications and the court disposition of each; and would have to execute any waivers or necessary consents to allow school official access to school or court records.

MCL 380. 1307 and 380.1308

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.