

House Bill 4746

Sponsor: Rep. Samuel Buzz Thomas

Committee: Education

Complete to 5-9-01

A SUMMARY OF HOUSE BILL 4746 AS INTRODUCED 5-8-01

House Bill 4746 would amend the Revised School Code to require the board of a school district, or the board of directors of a public school academy, to adopt a policy prohibiting harassment, intimidation, or bullying at school, and send a copy to the superintendent of public instruction before September 1, 2002. The policy would be determined locally in a broadly participatory process (with the recommendation that it include parents or guardians, school employees, volunteers, students, school administrators, and community representatives); however, every policy would be required to contain some components that are specified in the bill.

Required components. The components of each district's policy to prohibit bullying would include at least the following 10 components:

- a statement prohibiting harassment, intimidation, or bullying of a pupil;
- a definition of harassment, intimidation, or bullying that includes at least the acts described in the definition in the bill;
- a description of the type of behavior expected from each student;
- consequences and appropriate remedial action for a person who committed an act of harassment, intimidation, or bullying;
- a procedure for reporting an act of harassment, intimidation, or bullying, including a provision that permitted a person to report an act anonymously (however, this could not be construed to permit formal disciplinary action solely on the basis of an anonymous report);
- a procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;
- the range of ways in which a school would respond once an incident of harassment, intimidation, or bullying was identified;
- a statement that prohibited reprisal or retaliation against any person who reported an act of harassment, intimidation, or bullying, and the consequences and appropriate remedial action for a person who engaged in that type of reprisal or retaliation;

-consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying; and,

-a statement of how the policy was to be publicized including notice that the policy applied to participation in school-sponsored activities.

Model policy. The Department of Education would be required to develop a model policy applicable to grades K-12, and issue it before December 1, 2001.

Publishing policy. The school board or board of directors would be required to ensure that notice of the policy be included in any publication of the school district or public school academy that set forth the comprehensive rules, procedures, and standards of conduct for its schools, and in its pupil handbooks.

School employees', students' and volunteers' responsibilities. Under the bill, a school employee, student, or volunteer could not engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying. Further, if he or she witnessed an incident, or had reliable information that a student had been bullied, he or she would be encouraged to report the incident to the appropriate school official. A school employee who promptly reported an incident, and who made the report in compliance with the procedures in the district's policy, would not be liable for damages arising from any failure to remedy the reported incident.

Bullying prevention task force; staff training. Under the bill, public schools and school districts would be encouraged to form bullying prevention task forces, programs, and other initiatives involving staff, students, administrators, volunteers, parents, law enforcement, and community members.

Further, each school district or public school academy would be required to do all of the following: a) provide training on the bullying prevention policy to school employees and volunteers who had significant contact with students; and b) develop a process for discussing the harassment, intimidation, or bullying policy with students.

In addition, a school district or public school academy would be required to incorporate information regarding the policy against harassment, intimidation, or bullying into each school's employee training program.

Liability. The bill would not prevent a victim from seeking redress under any other available law, either civil or criminal. Neither would the bill create or alter any tort liability.

Definitions. Under the bill, "harassment, intimidation, or bullying" would be defined to mean any gesture or written, verbal, or physical act that a reasonable person should know will have the effect of harming a pupil or damaging his or her property, or placing a pupil in reasonable fear of harm to his or her person, or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school's educational mission, or the education of any pupil. "Harassment, intimidation, or bullying" would include but not be limited to, such a gesture or written, verbal,

or physical act that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic.

Further, "at school" would be defined to mean in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at a school-sponsored activity or event whether or not it is held on school premises.

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