

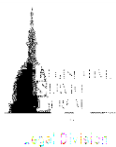
HOUSE BILL NO. 4379

March 14, 2019, Introduced by Reps. Rabhi, Pagan, Hornberger, Glenn, Alexander, Pohutsky, Anthony, Brixie, Clemente, Ellison, Guerra, Hoadley, Hammoud, Garza, Whiteford, Neeley, LaGrand, Rendon, Kuppa, Sabo, Elder, Sowerby, Camilleri, Bolden, Hertel, Whitsett, Kennedy, Koleszar, Sneller, Tyrone Carter, Hauck, Shannon, Tate, Lasinski, Greig, Byrd, Garrett, Warren, Wittenberg, Gay-Dagnogo and Jones and referred to the Committee on Judiciary.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1310e. (1) Notwithstanding any other provision of this**
2 **act, except as otherwise provided in subsection (2), the board of a**
3 **school district or intermediate school district or board of**
4 **directors of a public school academy shall not expel a pupil, or**



1 suspend a pupil for more than 10 school days, for an action that
2 the pupil took arising out of an incident in which the pupil
3 reports being sexually assaulted or an incident in which a school
4 official or staff member witnesses a sexual assault on the pupil or
5 receives credible evidence that the pupil has been sexually
6 assaulted. The board of a school district or intermediate school
7 district or board of directors of a public school academy is
8 encouraged to follow the recommendations or guidance of the title
9 IX coordinator for the school district, intermediate school
10 district, or public school academy in deciding whether to expel or
11 suspend a pupil described in this subsection.

12 (2) Subsection (1) does not apply to a pupil if any of the
13 following are met concerning an incident reported under subsection
14 (1):

15 (a) The pupil is convicted of, pleads guilty to, pleads
16 responsible for, or is adjudicated responsible for aggravated
17 assault, felonious assault, assault with intent to commit murder,
18 assault with intent for great bodily harm, assault with intent to
19 maim, attempted murder, homicide, or manslaughter, in violation of
20 section 81a, 82, 83, 84, 86, 91, 316, 317, or 321 of the Michigan
21 penal code, 1931 PA 328, MCL 750.81a, 750.82, 750.83, 750.84,
22 750.86, 750.91, 750.316, 750.317, and 750.321, or an act
23 constituting criminal sexual assault in violation of section 520b,
24 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328,
25 MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g in a court
26 of competent jurisdiction.

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

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



1 conclusively false.

2 (3) As used in this section:

3 (a) "Sexual assault" means an act that constitutes criminal
4 sexual conduct in violation of section 520b, 520c, 520d, 520e, or
5 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b,
6 750.520c, 750.520d, 750.520e, and 750.520g.

7 (b) "Title IX" means title IX of the education amendments of
8 1972, 20 USC 1681 to 1688.

9 (c) "Title IX coordinator" means the official responsible for
10 overseeing compliance with title IX of the education amendments of
11 1972, 20 USC 1681 to 1688.

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

