

Legislative Analysis



INFORMATION ON SEXUAL ASSAULT AND SEXUAL HARASSMENT FOR STUDENTS

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Senate Bill 66 as reported from House committee

Sponsor: Sen. Stephanie Chang

House Committee: Criminal Justice

Senate Committee: Civil Rights, Judiciary, and Public Safety

Revised 7-10-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 57 of 2023)

SUMMARY:

Senate Bill 66 would add two new sections to the Revised School Code. Proposed section 1508 would require the Michigan Department of Education (MDE) to make materials regarding sexual assault and sexual harassment available to school districts, intermediate school districts (ISDs), and public school academies (PSAs, or charter schools). Local districts, ISDs, and PSAs would then be required to provide those and additional materials to their students in grades 6 through 12. Proposed section 1526b would encourage district and ISD boards and PSA boards of directors to provide training, at least every five years, in responding to students who have experienced those issues.

The bill would require MDE, in consultation with experts on sexual assault and sexual harassment, including the Michigan Domestic and Sexual Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic and Sexual Violence, to develop age-appropriate informational material on sexual assault and sexual harassment and, no later than June 1, 2024, make the material available to all districts, ISDs, and PSAs serving students in grades 6 through 12.

The information would have to include all of the following:

- Information regarding what constitutes sexual assault or sexual harassment.
- An explanation that sexual assault or sexual harassment is not the victim's fault.
- Resources available for individuals who have experienced sexual assault or sexual harassment, including information on Title IX, appropriate contact information for organizations that offer assistance to victims of sexual assault or sexual harassment, and actions that the individual may take.

The districts, ISDs, and PSAs would then have to disseminate that information, as well as contact information for their respective Title IX coordinator and policies on sexual assault and sexual harassment, to all of their students in grades 6 through 12. Specific information stating that the policies prohibit adverse action against an individual for reporting sexual assault or sexual harassment would have to be included in the information disseminated to the students. The districts, ISDs, and PSAs would have to ensure that the information remains accessible to students and parents and that it is included in student handbooks and on existing district, ISD, or PSA webpages.

Beginning with the 2024-2025 school year, district and ISD boards and PSA boards of directors, together with a local organization that receives funding from the Michigan Domestic and Sexual Violence Prevention and Treatment Board and that serves the same geographic area

as the district, ISD, or PSA, would be encouraged to provide all educators and school personnel who have contact with students with training at least every five years in responding to students who have experienced sexual assault or sexual harassment. The training could be included as part of the professional development training that districts, ISDs, and PSAs must provide under section 1527 of the code. Districts, ISDs, and PSAs that are located in areas without a local organization that receives funding from the Michigan Domestic and Sexual Violence Prevention and Treatment Board would be encouraged to provide the training together with the Board and the Michigan Coalition to End Domestic and Sexual Violence.

The bill would take effect 90 days after enactment.

Proposed MCL 380.1508 and 380.1526b

BACKGROUND:

Senate Bill 66 is a reintroduction of SB 223, SB 216, and HB 5791 of the 2021-22, 2019-20, and 2017-18 legislative sessions, respectively. SB 223 was passed by the Senate and HB 5791 was passed by the House.

BRIEF DISCUSSION:

Although studies can vary, the Centers for Disease Control and Prevention (CDC) estimate that about one in four girls and one in thirteen boys experience child sexual abuse. Almost 70% of reported sexual assault involves children under 18. The materials Senate Bill 66 would require to be provided to students in grades 6 through 12 would help children to recognize what has happened to them and who to go to for help. While all physical assaults are traumatizing, a sexual assault is particular so, and the reaction of the first person a victim discloses the assault to can have a great impact on how the individual deals with it. Supporters of the bill argue that it is therefore vitally important that age-appropriate material be available to students and their families so that the proper supports can be accessed quickly and teachers, who may be the first to be confided in, can guide the student and family members to the available resources.

FISCAL IMPACT:

The bill would increase costs for MDE and could increase costs for local school districts, ISDs, and PSAs.

MDE would incur costs to develop and make available to local school districts, ISDs, and PSAs (that operate grades 6 to 12) age-appropriate informational material relating to sexual assault and sexual harassment. The bill does not specify whether the required material must be provided physically or digitally. If the material can be provided digitally, costs would likely be absorbed using existing staff time. If the material must be provided physically, MDE would incur significant additional costs to make physical copies available.

Local school districts, ISDs, and PSAs could incur increased costs to disseminate informational material made available by MDE to each student enrolled in grades 6 to 12 and to include the material in student handbooks and on their webpages. Digital dissemination would minimize any added cost.

Local school districts, ISDs, and PSAs could incur additional costs if, as encouraged by the bill, they chose to train all educators and school personnel who have contact with students at least every five years in responding to students who have experienced sexual assault or sexual harassment. However, the bill does not require the training, and this would be up to local discretion.

POSITIONS:

A representative of the Michigan Coalition to End Domestic and Sexual Violence testified in support of the bill. (6-13-23)

The following entities indicated support for the bill (6-13-23):

- Michigan Association of School Boards
- Michigan Catholic Conference
- Michigan Domestic and Sexual Violence Prevention and Treatment Board

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