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Senate Bill 66 (as enacted)
Sponsor: Senator Stephanie Chang
Senate Committee: Civil Rights, Judiciary, and Public Safety
House Committee: Criminal Justice

PUBLIC ACT 57 of 2023

Date Completed: 2-15-24

RATIONALE

Sexual assault is defined as sexual contact or behavior occurring without the victim's consent. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and more.¹ One in nine girls and one in 20 boys experience sexual abuse or assault before they turn 18.² Some people believe that the lack of education about sexual assault leads to its higher prevalence in this age group, and so it has been suggested that the Michigan Department of Education (MDE) be required to develop age-appropriate informational material related to the topic for pupils in grade six through 12.

CONTENT

The bill amended the Revised School Code to do the following:

- **Require the MDE to develop informational material relating to sexual assault and sexual harassment appropriate for pupils in grades six through 12.**
- **Require MDE to make the material available to all public schools that operate grades six through 12.**
- **Require public schools to disseminate to pupils the informational material.**
- **Require public schools to disseminate to pupils contact information for the school's Title IX coordinator and the school's policies on sexual assault and sexual harassment.**
- **Encourage public schools to provide sexual assault and sexual harassment response training to all educators and school personnel who have contact with pupils.**

The bill took effect October 10, 2023.

Specifically, the bill requires the MDE, by June 1, 2024, 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 relating to sexual assault and sexual harassment and make that material available to all school districts, intermediate school districts (ISDs), and public school academies (PSAs) that operate grades six through 12. The informational material must include at least all 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.

¹ "Sexual Harassment", U.S. Equal Employment Opportunity Commission. Retrieved on 2-1-24.

² Dellinger, Hannah, "Michigan girls pushed for schools to inform students about sexual assault. Now it will be state law," *Chalkbeat Detroit*, August 1, 2023.

- Resources available for individuals who experience 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 individuals may take.

The bill also requires a school district, ISD, or PSA to disseminate the informational material to each pupil in grades six through 12 who is enrolled in a school operated by the district or PSA. Additionally, the school district, ISD, or PSA must disseminate to those pupils the contact information for the school district's, ISD's, or PSA's Title IX coordinator and the district's or PSA's policies on sexual assault and sexual harassment, including specific information stating that the policies prohibit adverse action against an individual for reporting sexual assault or sexual harassment, in a form and manner determined appropriate by the school district, ISD, or PSA. The school district, ISD, or PSA must ensure that the information remains accessible to those pupils and their parents or legal guardians and is included in a student handbook or similar publication prepared by the school district, ISD, and PSA and on its webpage if the school district, ISD, or PSA maintains one.

Beginning with the 2024-2025 school year, the board of a school district or ISD or board of directors of a PSA, together with a local organization that receives funding from the Michigan Domestic and Sexual Violence Prevention and Treatment Board and that serves the geographic area of the school district, ISD, or PSA, is encouraged to provide all educators and school personnel who have contact with pupils training at least every five years in responding to pupils who have experienced sexual assault or sexual harassment. The training may be provided as part of professional development. If a school district, ISD, or PSA is in an area without a local organization that receives funding from the Treatment Board, the school district, ISD, or PSA is encouraged to provide the training together with the Michigan Domestic and Sexual Violence Prevention and Treatment Board or the Michigan Coalition to End Domestic and Sexual Violence.

MCL 380.1508 & 380.1526b

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill will help prevent sexual assault. Adolescents are at a higher risk of sexual assault than any other group.³ According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, teaching young people about consent, sexual assault, and sexual harassment may give them the tools to recognize and exit a dangerous situation. Additionally, when victims of child sexual assault disclose their abuse or harassment, it is often to a peer, instead of a parent or authority figure.⁴ Teaching young people about sexual assault and harassment may prepare them to support victims, such as their friends, if necessary, by providing them with knowledge and resources. The bill gives young people the necessary tools to keep themselves and their peers safe.

Supporting Argument

The bill will help change the culture around sexual assault and harassment, protecting victims. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, young victims of sexual assault or harassment may not have the language or the ability to understand what has happened to them. Additionally, they may not have a trusted

³ *Id.*

⁴ "Delayed Disclosure", CHILD USA, March 2020.

adult they can disclose the abuse or harassment to. Lastly, some sex education curricula may lead victims to believe that the abuse or harassment was their fault, contributing to feelings of guilt and self-imposed silence.⁵ As a result of these factors, the average age a victim of child sexual assault or harassment discloses the assault or harassment is 52;⁶ however, by this time, the statute of limitations for their cases may have expired.⁷ Having knowledge of sexual assault and harassment, as well as helpful resources, may encourage victims to disclose abuse early. The bill would provide protection to victims of sexual assault and harassment, giving them and their peers the tools and resources to process abuse and receive justice.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill will have no fiscal impact on the MDE and a minimal fiscal impact on local school districts, ISDs, and PSAs. The MDE is required by the MDE budget bill to develop these materials in collaboration with the Department of Health and Human Services, which means the costs will be incorporated into current appropriations. The bill will make the requirement permanent and not subject to annual appropriation bills.

Local school district, ISDs, and PSAs may experience a minimal fiscal impact to disseminate the materials from the MDE and to require training for school employees every five years. The costs will be greater for schools that currently do not provide information to student or require the employee training specified in the bill. Since many school districts, ISDs, and PSAs provide related materials to students and require staff training, the costs likely will be minimal for the remaining schools to conform to the bill's requirements.

Fiscal Analyst: Cory Savino, PhD

⁵ Note 2, p. 1.

⁶ Note 4, p. 2.

⁷ In Michigan, the current statute of limitations for minor victims of sexual assault expires when the individual turns 28 years old. House Bills 4482, 4483, and 4485 would raise this to 52 years of age.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.