

**SENATE BILL NO. 170**

January 28, 1999, Introduced by Senators STILLE, GOSCHKA, SHUGARS, BULLARD, GOUGEON and BENNETT and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding sections 1307 and 1308.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 1307. (1) IF A PUPIL IN A SCHOOL DISTRICT, INTERMEDI-  
2 ATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR PUBLIC SCHOOL  
3 OPERATED BY A STATE PUBLIC UNIVERSITY IS THE SUBJECT OF A CRIMI-  
4 NAL OR JUVENILE COURT CONVICTION OR ADJUDICATION, NOT LATER THAN  
5 30 DAYS AFTER THE CONVICTION OR ADJUDICATION THE PUPIL'S PARENT  
6 OR LEGAL GUARDIAN SHALL NOTIFY SCHOOL OFFICIALS OF THE CONVICTION  
7 OR ADJUDICATION AND OF THE COURT'S DISPOSITION. UPON REQUEST BY  
8 SCHOOL OFFICIALS, THE PARENT OR LEGAL GUARDIAN SHALL EXECUTE A  
9 WAIVER OR CONSENT NECESSARY TO ALLOW SCHOOL OFFICIALS ACCESS TO  
10 COURT RECORDS CONCERNING THE CONVICTION OR ADJUDICATION.

1 (2) IF A PUPIL HAS BEEN EXPELLED FROM A PUBLIC OR NONPUBLIC  
2 SCHOOL OR HAS BEEN THE SUBJECT OF 1 OR MORE CRIMINAL OR JUVENILE  
3 COURT CONVICTIONS OR ADJUDICATIONS AND THE PUPIL'S PARENT OR  
4 LEGAL GUARDIAN SEEKS TO ENROLL THE PUPIL IN A SCHOOL DISTRICT  
5 OTHER THAN THE SCHOOL DISTRICT IN WHICH HE OR SHE RESIDES OR  
6 SEEKS TO ENROLL THE PUPIL IN AN INTERMEDIATE SCHOOL DISTRICT,  
7 PUBLIC SCHOOL ACADEMY, OR PUBLIC SCHOOL OPERATED BY A STATE  
8 PUBLIC UNIVERSITY, THE PUPIL'S PARENT OR LEGAL GUARDIAN SHALL DO  
9 ALL OF THE FOLLOWING AT THE TIME HE OR SHE CONTACTS SCHOOL OFFI-  
10 CIALS ABOUT ENROLLING THE PUPIL:

11 (A) IF THE PUPIL HAS BEEN EXPELLED, DISCLOSE TO SCHOOL OFFI-  
12 CIALS THAT THE PUPIL HAS BEEN EXPELLED BY ANOTHER SCHOOL DISTRICT  
13 OR PUBLIC OR NONPUBLIC SCHOOL AND THE REASON FOR THE EXPULSION.

14 (B) IF THE PUPIL HAS BEEN THE SUBJECT OF 1 OR MORE CRIMINAL  
15 OR JUVENILE COURT CONVICTIONS OR ADJUDICATIONS, DISCLOSE TO  
16 SCHOOL OFFICIALS EACH OF THE CRIMINAL OR JUVENILE COURT CONVIC-  
17 TIONS AND ADJUDICATIONS AND THE COURT DISPOSITION OF EACH.

18 (C) UPON REQUEST BY SCHOOL OFFICIALS, EXECUTE A WAIVER OR  
19 CONSENT NECESSARY TO ALLOW SCHOOL OFFICIALS ACCESS TO SCHOOL OR  
20 COURT RECORDS OF THE PUPIL CONCERNING MATTERS DESCRIBED IN  
21 SUBDIVISIONS (A) AND (B), AS APPLICABLE.

22 SEC. 1308. (1) IF SCHOOL OFFICIALS OF A SCHOOL DISTRICT  
23 FIND THAT AN INCIDENT HAS OCCURRED AT SCHOOL INVOLVING PHYSICAL  
24 VIOLENCE, GANG-RELATED ACTIVITY, ILLEGAL POSSESSION OF A CON-  
25 TROLLED SUBSTANCE OR CONTROLLED SUBSTANCE ANALOGUE OR OTHER  
26 INTOXICANT, OR TRESPASSING, THE SUPERINTENDENT OF THE SCHOOL  
27 DISTRICT, OR HIS OR HER DESIGNEE, IMMEDIATELY SHALL REPORT THAT

1 FINDING TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY AND TO A STATE  
2 OR LOCAL CHILD PROTECTION AGENCY. IF THE SCHOOL DISTRICT HAS  
3 ENTERED INTO A MEMORANDUM OF UNDERSTANDING DESCRIBED IN SUBSEC-  
4 TION (4), THE TYPES OF INCIDENTS TO BE REPORTED AND THE NATURE OF  
5 THE REPORTING SHALL BE AS PRESCRIBED IN THE MEMORANDUM OF  
6 UNDERSTANDING.

7 (2) A LOCAL LAW ENFORCEMENT AGENCY THAT HAS JURISDICTION  
8 OVER A SCHOOL BUILDING OF A SCHOOL DISTRICT MAY REPORT TO THE  
9 SCHOOL OFFICIALS OF THE SCHOOL BUILDING INCIDENTS REPORTED TO THE  
10 LAW ENFORCEMENT AGENCY THAT ALLEGE THE COMMISSION OF A CRIME AND  
11 THAT, ACCORDING TO THE INCIDENT REPORTED, EITHER OCCURRED ON  
12 SCHOOL PROPERTY OR WITHIN 1,000 FEET OF THE SCHOOL PROPERTY OR  
13 INVOLVED A PUPIL OR STAFF MEMBER OF THE SCHOOL AS A VICTIM OR  
14 ALLEGED PERPETRATOR. UPON REQUEST BY A LAW ENFORCEMENT AGENCY,  
15 SCHOOL OFFICIALS SHALL PROVIDE THE LAW ENFORCEMENT AGENCY WITH  
16 ANY INFORMATION THE LAW ENFORCEMENT AGENCY DETERMINES IT NEEDS TO  
17 PROVIDE THIS REPORT TO SCHOOL OFFICIALS.

18 (3) THE PROSECUTING ATTORNEY OF A COUNTY MAY NOTIFY A SCHOOL  
19 DISTRICT LOCATED IN WHOLE OR IN PART IN THAT COUNTY OF ANY CRIMI-  
20 NAL OR JUVENILE COURT ACTION INITIATED OR TAKEN AGAINST A PUPIL  
21 OF THE SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO, CONVIC-  
22 TIONS, ADJUDICATIONS, AND DISPOSITIONS. THE PROSECUTING ATTORNEY  
23 MAY INQUIRE OF EACH SCHOOL AGE INDIVIDUAL INVOLVED IN A COURT  
24 ACTION DESCRIBED IN THIS SUBSECTION WHETHER THE INDIVIDUAL IS A  
25 PUPIL IN A SCHOOL DISTRICT AND, IF SO, IN WHICH SCHOOL DISTRICT.

26 (4) SCHOOL DISTRICTS SHALL WORK WITH LOCAL LAW ENFORCEMENT  
27 AGENCIES, CHILD PROTECTION AGENCIES, AND COUNTY PROSECUTORS TO

1 ESTABLISH AND IMPLEMENT A MEMORANDUM OF UNDERSTANDING TO  
2 FACILITATE REPORTING OF INCIDENTS AFFECTING SCHOOL SAFETY AND  
3 SHARING OF OTHER INFORMATION AFFECTING SCHOOL SAFETY. THE MEMO-  
4 RANDUM OF UNDERSTANDING SHALL ESTABLISH PROCEDURES TO BE FOLLOWED  
5 WHEN AN INCIDENT DESCRIBED IN SUBSECTION (1) OCCURS AT SCHOOL,  
6 AND ALSO MAY ADDRESS PROCEDURES FOR REPORTING INCIDENTS INVOLVING  
7 POSSESSION OF A DANGEROUS WEAPON AS REQUIRED UNDER SECTION 1313.  
8 THE MEMORANDUM OF UNDERSTANDING SHALL ADDRESS AT LEAST ALL OF THE  
9 FOLLOWING:

10 (A) LAW ENFORCEMENT PROTOCOLS AND PRIORITIES FOR THE REPORT-  
11 ING PROCESS. THE LAW ENFORCEMENT PROTOCOLS MUST BE DEVELOPED  
12 WITH THE COOPERATION OF THE APPROPRIATE STATE OR LOCAL LAW  
13 ENFORCEMENT AGENCY. THE LAW ENFORCEMENT PRIORITIES SHALL INCLUDE  
14 AT LEAST INVESTIGATION OF INCIDENTS, IDENTIFICATION OF THOSE  
15 INVOLVED IN AN INCIDENT, AND ASSISTANCE IN PREVENTION OF THE  
16 TYPES OF INCIDENTS DESCRIBED IN SUBSECTION (1).

17 (B) DEFINITION OF THE TYPES OF INCIDENTS REQUIRING REPORTING  
18 TO LAW ENFORCEMENT AND RESPONSE BY LAW ENFORCEMENT, INCLUDING AT  
19 LEAST THE TYPES OF INCIDENTS DESCRIBED IN SUBSECTION (1) AND  
20 TAKING INTO ACCOUNT THE INTENT OF THE ACTOR AND THE CIRCUMSTANCES  
21 SURROUNDING THE INCIDENT.

22 (C) PROTOCOLS FOR RESPONDING TO REPORTABLE INCIDENTS,  
23 ADDRESSING AT LEAST ALL OF THE FOLLOWING:

24 (i) INITIAL NOTIFICATION AND REPORTING BY SCHOOL OFFICIALS.

25 (ii) THE INFORMATION TO BE PROVIDED BY SCHOOL OFFICIALS.

26 (iii) INITIAL RESPONSE BY LAW ENFORCEMENT AND CHILD  
27 PROTECTION AGENCIES, WHICH SHALL BE SPECIFICALLY TAILORED FOR

1 INCIDENTS IN PROGRESS, INCIDENTS NOT IN PROGRESS, AND INCIDENTS  
2 INVOLVING DELAYED REPORTING. SCHOOL OFFICIALS SHALL BE CONSULTED  
3 TO DETERMINE THE EXTENT OF LAW ENFORCEMENT OR CHILD PROTECTION  
4 INVOLVEMENT REQUIRED BY THE SITUATION.

5 (iv) CUSTODY OF ACTORS.

6 (D) THE AMOUNT AND NATURE OF ASSISTANCE TO BE PROVIDED BY  
7 SCHOOL OFFICIALS, AND THE SCOPE OF THEIR INVOLVEMENT IN LAW  
8 ENFORCEMENT PROCEDURES. THIS PROVISION SHALL REQUIRE SCHOOL  
9 OFFICIALS TO NOTIFY THE PARENT OR LEGAL GUARDIAN OF A MINOR PUPIL  
10 WHO IS A VICTIM OR WITNESS WHEN LAW ENFORCEMENT AUTHORITIES  
11 INTERVIEW THE PUPIL.

12 (E) ANY OTHER MATTERS THAT WILL FACILITATE REPORTING OF  
13 INCIDENTS AFFECTING SCHOOL SAFETY AND THE EXCHANGE OF OTHER  
14 INFORMATION AFFECTING SCHOOL SAFETY.

15 (5) AS USED IN THIS SECTION:

16 (A) "AT SCHOOL" MEANS ON PROPERTY OWNED BY OR UNDER THE CON-  
17 TROL OF THE SCHOOL DISTRICT, ON A VEHICLE USED BY THE SCHOOL DIS-  
18 TRICT OR UNDER CONTRACT WITH THE SCHOOL DISTRICT TO TRANSPORT  
19 PUPILS TO OR FROM SCHOOL, OR AT A SCHOOL-RELATED ACTIVITY SPON-  
20 SORED OR APPROVED BY THE SCHOOL DISTRICT.

21 (B) "CONTROLLED SUBSTANCE" AND "CONTROLLED SUBSTANCE  
22 ANALOGUE" MEAN THOSE TERMS AS DEFINED IN SECTION 7104 OF THE  
23 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.

24 (C) "SCHOOL DISTRICT" MEANS THAT TERM AS DEFINED IN  
25 SECTION 1311.