

# HOUSE BILL No. 5828

April 18, 2018, Introduced by Rep. Wentworth and referred to the Committee on Appropriations.

A bill to create the comprehensive school safety plan act; to create the school safety commission and provide for its powers and duties; to create the comprehensive school safety plan fund and provide for the use of the fund; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

1           Sec. 1. This act shall be known and may be cited as the  
2 "comprehensive school safety plan act".

3           Sec. 3. As used in this act:

4           (a) "Commission" means the school safety commission created in  
5 section 5.

6           (b) "Department" means the department of state police.

7           (c) "Fund" means the comprehensive school safety plan fund

1 created in section 7.

2 (d) "School" means a public school, nonpublic school, or  
3 public school academy as those terms are defined in section 5 of  
4 the revised school code, 1976 PA 451, MCL 380.5.

5 (e) "School building" means 1 or more of the following at a  
6 school:

7 (i) A structure suitable for use as a classroom, including a  
8 school laboratory, library, eating facility, or food preparation  
9 facility.

10 (ii) A gymnasium or other facility that is specially designed  
11 for athletic or recreational activities or for an academic course  
12 in physical education.

13 (iii) A facility used for the instruction or housing of  
14 students for the purpose of administration of educational or  
15 research programs.

16 (iv) A maintenance, storage, or utility facility, including a  
17 hallway essential to the operation of a facility or structure  
18 identified in subparagraph (i), (ii), or (iii).

19 (v) A portico or covered exterior hallway or walkway.

20 (vi) An exterior portion of a mechanical system.

21 (f) "School safety liaison" means the individual designated by  
22 a school under section 1241 of the revised school code, 1976 PA  
23 451, MCL 380.1241, to work with the commission.

24 Sec. 5. (1) On January 15, 2019, or upon the abolishment of  
25 the school safety task force created under Executive Order No.  
26 2018-5, whichever occurs first, the school safety commission is  
27 created within the department.

1 (2) The commission shall consist of the following members:

2 (a) The director of the department or his or her designee.

3 (b) The superintendent of public instruction or his or her  
4 designee.

5 (c) The director of the department of health and human  
6 services or his or her designee.

7 (d) Subject to subsection (3), the school safety task force  
8 members appointed by the governor under Executive Order No. 2018-5.

9 (3) After the expiration of the initial term of or for any  
10 vacancy arising from the members of the commission described under  
11 subsection (2)(d), the governor shall appoint members to a full  
12 term or the unexpired term as follows:

13 (a) One individual representing local law enforcement.

14 (b) One individual representing teachers.

15 (c) One individual representing school administrators.

16 (d) One individual who has expertise in behavioral and mental  
17 health.

18 (e) One individual recommended by the speaker of the house of  
19 representatives.

20 (f) One individual recommended by the senate majority leader.

21 (g) One individual recommended by the minority leader of the  
22 house of representatives.

23 (h) One individual recommended by the senate minority leader.

24 (4) Members of the commission shall serve for terms of 4 years  
25 or until a successor is appointed, whichever is later, except that  
26 of the members first appointed under subsection (3), the 2 members  
27 appointed under subsection (3)(a) and (b) shall serve for 1 year,

1 the 2 members appointed under subsection (3)(c) and (d) shall serve  
2 for 4 years, and the 4 members appointed under subsection (3)(e) to  
3 (h) shall serve for 2 years.

4 (5) If a vacancy occurs on the commission, the governor shall  
5 make an appointment for the unexpired term in the same manner as  
6 the original appointment under subsection (3).

7 (6) The governor may remove a member of the commission for  
8 incompetence, dereliction of duty, malfeasance, misfeasance, or  
9 nonfeasance in office, or any other good cause.

10 (7) The first meeting of the commission shall be called by the  
11 member described under subsection (2)(a). At the first meeting, the  
12 commission shall elect from among its members a chairperson and  
13 other officers as it considers necessary or appropriate. After the  
14 first meeting, the commission shall meet at least quarterly, or  
15 more frequently at the call of the chairperson or if requested by 6  
16 or more members.

17 (8) A majority of the members of the commission constitute a  
18 quorum for the transaction of business at a meeting of the  
19 commission. A majority of the members present and serving are  
20 required for official action of the commission.

21 (9) The business that the commission may perform shall be  
22 conducted at a public meeting of the commission held in compliance  
23 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

24 (10) All information obtained by the commission is  
25 confidential and is not subject to the freedom of information act,  
26 1976 PA 442, MCL 15.231 to 15.246.

27 (11) Members of the commission shall serve without

1 compensation. However, members of the commission may be reimbursed  
2 for their actual and necessary expenses incurred in the performance  
3 of their official duties as members of the commission.

4 (12) The commission shall do all of the following:

5 (a) Review and make recommendations to the department in  
6 implementing this act, including, not more than 90 days after the  
7 creation of the commission, rules determining the optimal,  
8 adequate, and inadequate school safety measures and metrics that  
9 will be used to evaluate the safety of schools. The school safety  
10 measures and metrics must address at least the following:

11 (i) School building layouts.

12 (ii) School building proximity to law enforcement agencies.

13 (iii) Emergency planning strategies.

14 (iv) Employment of school resource officers or other  
15 individuals authorized by law to provide safety in school  
16 buildings.

17 (v) Surveillance technology.

18 (vi) Threat reporting systems.

19 (vii) Remote door locks.

20 (viii) Weapon identification devices including metal  
21 detectors.

22 (ix) Reinforced entryways.

23 (b) From 6 months after the creation of the commission until  
24 18 months after the creation of the commission, assist school  
25 safety liaisons in identifying and evaluating the safety of  
26 schools.

27 (c) Implement a plan to ensure each school building is

1 inspected within 30 months of the creation of the commission.

2 (d) Employ school safety inspectors that make recommendations  
3 to the commission after each inspection and evaluation, and  
4 reinspection and evaluation, of a school building's safety grade as  
5 described in subsection (13).

6 (e) Issue each school building inspected under this act a  
7 safety grade as provided in subsection (13).

8 (f) Award grants to schools to fund improvements and  
9 corrective actions under section 7.

10 (13) The commission shall issue a safety grade to the  
11 governing body of a school for each school building inspected as  
12 follows:

13 (a) If a school building meets the requirements under  
14 subsection (15), an optimal safety grade.

15 (b) If the commission recommends additional safety measures  
16 for a school building to ensure student safety, an adequate safety  
17 grade.

18 (c) If the commission identifies additional safety measures  
19 for a school building are urgently needed to ensure student safety,  
20 an inadequate safety grade.

21 (14) A school building must be reinspected as follows:

22 (a) If the school building was issued an optimal safety grade  
23 under subsection (13), not sooner than 7 years after the inspection  
24 after which the optimal safety grade was issued.

25 (b) If the school building was issued an adequate safety grade  
26 under subsection (13), not sooner than 5 years after the inspection  
27 after which the adequate safety grade was issued.

1 (c) If the school building was issued an inadequate safety  
2 grade under subsection (13), not more than 2 years after the  
3 inspection after which the inadequate safety grade was issued.

4 (15) The commission shall develop branding items such as  
5 badges and seals that may be used to identify school buildings that  
6 earn an optimal safety grade. A school that earns an optimal safety  
7 grade for a school building may utilize a branding item on the  
8 school's website, school building, and communications to the local  
9 communities. The commission shall only issue an optimal safety  
10 grade for a school building if the commission determines that the  
11 school meets the criteria for an adequate safety grade under  
12 subsection (13) and has implemented all of the following safety  
13 measures for that school building:

14 (a) Best practices from the most recent school safety plan  
15 published by the department, taking into account reasonable local  
16 factors.

17 (b) A team approach to school safety, including the creation  
18 of a behavioral and mental health assessment team for the  
19 prevention of school violence that that does at least all of the  
20 following:

21 (i) Partners with local community organizations, including  
22 service providers and law enforcement agencies.

23 (ii) Utilizes age-appropriate interventions to provide support  
24 to students who display behavioral risk factors and that emphasize  
25 the holistic well-being of the student.

26 (iii) Does not inappropriately label a student receiving  
27 supports.

1           (iv) Utilizes the criminal justice system as a method of last  
2 resort.

3           (c) A plan for the support of survivors, including students  
4 and staff, following a violent incident. A plan under this  
5 subdivision must provide for counseling services for survivors  
6 immediately after, and in the months following, a violent incident.

7           Sec. 7. (1) The comprehensive school safety plan fund is  
8 created within the department of treasury.

9           (2) The state treasurer may receive money or other assets from  
10 any source for deposit into the fund. The state treasurer shall  
11 direct the investment of the fund. The state treasurer shall credit  
12 to the fund interest and earnings from fund investments.

13           (3) Money in the fund at the close of the fiscal year must  
14 remain in the fund and not lapse to the general fund.

15           (4) The department is the administrator of the fund for  
16 auditing purposes.

17           (5) The department shall expend money from the fund, upon  
18 appropriation, only for the following purposes:

19           (a) To provide and administer grants to schools.

20           (b) To carry out its duties under this act.

21           (6) An application for a grant under this section must be on a  
22 form or format prescribed by the commission. The commission may  
23 require the applicant to provide information reasonably necessary  
24 to allow the commission to make a determination required under this  
25 section.

26           (7) Grants awarded under this section must be awarded for a  
27 period of 1 year. In making its determination to award grants under



1 this section, the commission shall prioritize awarding grants to  
2 schools with a school building that has received an inadequate  
3 safety grade and may award grants to schools with a school building  
4 that has received an adequate safety grade under section 5.

5 (8) A school awarded a grant under this section shall only use  
6 the grant funds to implement the additional safety measures  
7 identified or recommended under section 5(13), which may include:

8 (a) Purchasing and installing security equipment.

9 (b) School building upgrades.

10 Sec. 9. The department shall promulgate rules to implement  
11 this act pursuant to the administrative procedures act of 1969,  
12 1969 PA 306, MCL 24.201 to 24.328.

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

15 Enacting section 2. This act does not take effect unless  
16 Senate Bill No. \_\_\_\_ or House Bill No. 5829 (request no. 05839'18 a)  
17 of the 99th Legislature is enacted into law.