

Michigan Governor Signs Anti-Bullying Law Applicable to Schools

Posted: December 14, 2011 | by Brian P. Swanson

On Tuesday, December 6, 2011, Governor Rick Snyder signed legislation making Michigan the 48th state to require schools to develop and enforce anti-bullying policies. The new state law, Public Act 241 of 2011 a/k/a "Matt's Safe School Law," requires the boards of school districts or intermediate school districts, or boards of directors of public school academies, to adopt and implement a policy prohibiting bullying at school within the next six (6) months.

Before adopting an anti-bullying policy, the board or board of directors shall hold at least one (1) public hearing on the proposed policy. This public hearing may be held as part of a regular board meeting. In addition, not later than 30 days after adopting an anti-bullying policy, the board or board of directors shall submit a copy of its policy to the State.

A school district, intermediate school district, or public school academy is not required to adopt and implement a new anti-bullying policy if, as of December 6, 2011, the school district, intermediate school district, or public school academy has already adopted and implemented an existing policy prohibiting bullying at school, and that policy is in compliance with the mandatory requirements as set forth in subsection (5) of Public Act 241 as identified below. The school district, intermediate school district, or public school academy must, however, submit a copy of its anti-bullying policy to the State by February 4, 2012.

Under the new law, a school's anti-bullying policy must include all of the following:

A statement prohibiting bullying of a pupil.

A statement prohibiting retaliation or false accusation against a target of bullying, a witness, or another person with reliable information about an act of bullying.

A provision indicating that all pupils are protected under the policy and that bullying is equally prohibited without regard to its subject matter or motivating animus.

The identification by job title of school officials responsible for ensuring that this policy is implemented.

A statement describing how the policy is to be publicized.

A procedure for providing notification to the parent or legal guardian of a victim of bullying and the parent or legal guardian of a perpetrator of the bullying.

A procedure for reporting an act of bullying.

A procedure for prompt investigation of a report of violation of the policy or a related complaint, identifying either the principal or the principal's designee as the person responsible for the investigation.

A procedure for each public school to document any prohibited incident that is reported and a procedure to report all verified incidents of bullying and the resulting consequences, including discipline and referrals, to the board of a school district or intermediate school district, or board of directors of the public school academy on an annual basis.

The new law also encourages (but does not require) a board or board of directors to form bullying-prevention task forces, programs, and teen courts; to conduct annual anti-bullying training for administrators, school employees, and volunteers who have significant contact with pupils; and to establish related educational programs for pupils and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying.

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Finally, under the new law, a school employee, school volunteer, pupil or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in the school district's or public school academy's policy, and who makes this report in compliance with the procedures set forth in the policy, is immune from a cause of action for damages arising out of the report itself or any failure to remedy the reported incident. However, this immunity does not apply to a school official who is designated for ensuring that the anti-bullying policy is implemented, or who is responsible for remedying the bullying, when acting in that capacity.

If you have any questions as to how this new law impacts your school district, intermediate school district, or public school academy, and/or if you need assistance in drafting an anti-bullying policy, please do not hesitate to contact our firm.

Brian P. Swanson

Brian has a strong reputation among his clients, peers, and community as a tireless, passionate, and aggressive attorney. This strong reputation is a product of his dedication and expertise in his field.

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