



Senate Fiscal Agency
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Senate Bill 223 (as introduced 3-10-21)
Sponsor: Senator Stephanie Chang
Committee: Judiciary and Public Safety

Date Completed: 4-28-21

CONTENT

The bill would amend the Revised School Code to do the following:

- Require the Department of Education to develop informational material relating to sexual assault and sexual harassment appropriate for pupils in grades six through 12.**
- Require the Department 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 had contact with pupils.**

The bill would take effect 90 days after its enacted.

Specifically, the bill would require the Department of Education, by June 1, 2021, 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 would have to include at least 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 experienced sexual assault or sexual harassment, including information on Title IX, appropriate contact information for organizations that offered assistance to victims of sexual assault or sexual harassment, and actions that the individuals could take.

The bill also would require a school district, ISD, or PSA to disseminate the informational material to each pupil in grades six through 12 who was enrolled in a school operated by the district or PSA. Additionally, the school district, ISD, or PSA would have to 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 would be required to ensure that all the information remained accessible to those pupils and their parents or legal guardians and was 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 maintained a webpage.

Beginning with the 2021-2022 school year, the board of a school district or ISD or board of directors of a PSA, together with a local organization that received funding from the Michigan Domestic and Sexual Violence Prevention and Treatment Board and that served the geographic area of the school district, ISD, or PSA, would be encouraged to provide all educators and school personnel who had contact with pupils training at least every five years in responding to pupils who had experienced sexual assault or sexual harassment. The training could be provided as part of professional development. If a school district, ISD, or PSA were located in an area without a local organization that received funding from the Treatment Board, the school district, ISD, or PSA would be 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.

Proposed MCL 380.1508 & 380.1526b

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

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

Local school district, ISDs, and PSAs could experience a minimal fiscal impact to disseminate the materials from the Department of Education and to require training for school employees every five years. The costs would 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 would be minimal for the remaining schools to conform to the bill's requirements.

Fiscal Analyst: Cory Savino

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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.