

# CLIENT ALERTS

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## Complying With the Michigan Anti-Bullying Law

### Client Alert

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Every public K-12 school in Michigan is required under the Matt Epling Safe School Law to have an anti-bullying policy in place. Many schools are not fully complying with this law and should be aware that a violation of a statute in Michigan can lead to a presumption of negligence by the courts if a duty of care is found and that violation is a proximate contributing cause of an event.

### What is Bullying?

Bullying and cyberbullying, according to Mich. Comp. Laws Serv. § 380.1310b, is any written act, verbal act, physical act or electronic communication that is intended (or a reasonable person would believe it is intended) to harm a student or multiple students (indirectly or directly).

### Where can a School's Anti-Bullying Policy Reach?

A school's anti-bullying policy covers all activity "at school". "At school" includes the classrooms, the school bus, anywhere on school grounds, school-related vehicles and any school-sponsored activity or event (this includes events held off-campus). Another area covered by the policy is any bullying using a telecommunications access device or telecommunications service provider that is owned or under the control of the school or school district, regardless of the location it took place.

### What Happens When There is Bullying in the School?

Schools must have a procedure for people to report incidents of bullying. Schools must have a designated individual responsible for the anti-bullying policy and must inform the Michigan Department of Education. The school should ensure that all students, parents and teachers know who this person is.

### Related People

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### Related Services

Education Industry Team

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Schools should consider providing the contact information regarding the OK2Say Michigan Student Safety Program to their school community. This program is a statewide Michigan student safety program that allows anyone to confidentially report tips on potential harm or criminal activities.

Schools are required to have an established procedure in place to document a bullying incident and promptly notify the parents or guardians of a bully and the victim.

The school principal or someone designated in their place must promptly investigate the bullying incident following an established procedure that the school has submitted to the Department of Education.

A verified incident of bullying or cyberbullying and the consequences and/or referrals resulting from the incident are required to be reported to the Board of the School District. Every school must have a procedure in place to report these bullying incidents.

### **Preventing Bullying Before it Starts:**

Schools must provide training annually to anyone in the school community who has significant contact with students, including administrators, employees and volunteers. The training must cover preventing, identifying, responding to, and reporting incidents of bullying. Similar training must be provided to students and parents in the school community.

Schools must include in their anti-bully policy provisions to form bullying prevention task forces, programs, teen courts, and other initiatives involving all school and community stakeholders.

Schools should be prepared to provide a copy of the school's anti-bullying policy to parents when requested. Schools may want to consider posting a copy on their school's internal website for parents, teachers and students to review.

Protecting Michigan's students from bullying is a critical function of schools and understanding how best to comply with the Matt Epling Safe School Law can be challenging. Please contact any member of the Butzel Education Industry Team with questions regarding the Matt Epling Safe School Law and how best to align your school's anti-bullying policy to comply with the law.

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