

SUBSTITUTE FOR
HOUSE BILL NO. 5618

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1310d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1310D. (1) BEFORE SUSPENDING OR EXPELLING A PUPIL UNDER
2 SECTION 1310, 1311(1), 1311(2), OR 1311A, THE BOARD OF A SCHOOL
3 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A
4 PUBLIC SCHOOL ACADEMY, OR A SUPERINTENDENT, SCHOOL PRINCIPAL, OR
5 OTHER DESIGNEE UNDER SECTION 1311(1), SHALL CONSIDER EACH OF THE
6 FOLLOWING FACTORS:

7 (A) THE PUPIL'S AGE.

8 (B) THE PUPIL'S DISCIPLINARY HISTORY.

9 (C) WHETHER THE PUPIL IS A STUDENT WITH A DISABILITY.

10 (D) THE SERIOUSNESS OF THE VIOLATION OR BEHAVIOR COMMITTED BY

1 THE PUPIL.

2 (E) WHETHER THE VIOLATION OR BEHAVIOR COMMITTED BY THE PUPIL
3 THREATENED THE SAFETY OF ANY PUPIL OR STAFF MEMBER.

4 (F) WHETHER RESTORATIVE PRACTICES WILL BE USED TO ADDRESS THE
5 VIOLATION OR BEHAVIOR COMMITTED BY THE PUPIL.

6 (G) WHETHER A LESSER INTERVENTION WOULD PROPERLY ADDRESS THE
7 VIOLATION OR BEHAVIOR COMMITTED BY THE PUPIL.

8 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THIS SECTION APPLIES
9 TO GIVE THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
10 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, OR ITS
11 DESIGNEE, DISCRETION OVER WHETHER OR NOT TO SUSPEND OR EXPEL A
12 PUPIL UNDER SECTION 1310, 1311(1), 1311(2), OR 1311A.

13 (3) THIS SECTION DOES NOT APPLY TO A PUPIL BEING EXPELLED
14 UNDER SECTION 1311(2) FOR POSSESSING A FIREARM IN A WEAPON FREE
15 SCHOOL ZONE.

16 (4) EXCEPT AS PROVIDED IN SUBSECTION (3), CONSIDERATION OF THE
17 FACTORS LISTED IN SUBSECTION (1) IS MANDATORY BEFORE SUSPENDING OR
18 EXPELLING A STUDENT UNDER SECTION 1310, 1311(1), 1311(2), OR 1311A.
19 THE METHOD USED FOR CONSIDERATION OF THE FACTORS IS AT THE SOLE
20 DISCRETION OF THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
21 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, OR ITS
22 DESIGNEE.

23 (5) AS USED IN THIS SECTION:

24 (A) "EXPEL" MEANS TO EXCLUDE A PUPIL FROM SCHOOL FOR
25 DISCIPLINARY REASONS FOR A PERIOD OF 60 OR MORE SCHOOL DAYS.

26 (B) "FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 1311.

27 (C) "SUSPEND" MEANS TO EXCLUDE A PUPIL FROM SCHOOL FOR

1 DISCIPLINARY REASONS FOR A PERIOD OF FEWER THAN 60 SCHOOL DAYS.

2 (D) "WEAPON FREE SCHOOL ZONE" MEANS THAT TERM AS DEFINED IN
3 SECTION 1311.

4 Enacting section 1. This amendatory act takes effect August 1,
5 2016.

6 Enacting section 2. This amendatory act does not take effect
7 unless all of the following bills of the 98th Legislature are
8 enacted into law:

9 (a) House Bill No. 5693.

10 (b) House Bill No. 5694.

11 (c) House Bill No. 5695.