

REPRINT  
HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 313

(As passed the House, May 13, 1998)  
(As amended by the Senate, June 4, 1998)

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1311a.

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

1 SEC. 1311A. (1) IF A PUPIL ENROLLED IN A PUBLIC SCHOOL IN  
2 GRADE 6 OR ABOVE COMMITS A PHYSICAL ASSAULT AT SCHOOL OR COMMITS  
3 ANOTHER INTENTIONAL ACT AT SCHOOL THAT RESULTS IN VIOLENCE TO  
4 ANOTHER'S PERSON OR PROPERTY OR POSES A DIRECT THREAT TO THE SAFETY  
5 OF OTHERS; IF THE ASSAULT OR OTHER ACT IS REPORTED TO THE SCHOOL  
6 BOARD BY THE VICTIM OR, IF THE VICTIM IS UNABLE TO REPORT THE  
7 ASSAULT, BY ANOTHER PERSON ON THE VICTIM'S BEHALF; AND IF THE SCHOOL  
8 BOARD DETERMINES THAT AN ASSAULT OR OTHER ACT DESCRIBED IN THIS  
9 SUBSECTION DID IN FACT OCCUR AND WAS COMMITTED BY THE PUPIL, THE  
10 SCHOOL BOARD SHALL EXPEL THE PUPIL FROM THE SCHOOL DISTRICT. THE  
11 EXPULSION SHALL BE PERMANENT, SUBJECT TO POSSIBLE REINSTATEMENT

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1 UNDER SUBSECTION (4). HOWEVER, IF A SCHOOL DISTRICT INCLUDES GRADE  
2 6 IN ITS ELEMENTARY SCHOOLS SO THAT THOSE SCHOOLS ARE OPERATED AS  
3 GRADE K-6 SCHOOLS, WITHIN THAT SCHOOL DISTRICT THE REQUIREMENTS OF  
4 THIS SUBSECTION APPLY ONLY TO PUPILS ENROLLED IN GRADE 7 OR ABOVE.

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12 (2) IF AN INDIVIDUAL IS EXPELLED PURSUANT TO THIS SECTION,  
13 THE EXPELLING SCHOOL DISTRICT SHALL ENTER ON THE INDIVIDUAL'S  
14 PERMANENT RECORD THAT HE OR SHE HAS BEEN EXPELLED PURSUANT TO  
15 THIS SECTION AND THE REASON FOR THE EXPULSION. EXCEPT IF A SCHOOL  
16 DISTRICT OPERATES OR PARTICIPATES COOPERATIVELY IN AN ALTERNATIVE  
17 EDUCATION PROGRAM APPROPRIATE FOR INDIVIDUALS EXPELLED PURSUANT TO  
THIS SECTION OR SECTION 1311(2) AND IN ITS DISCRETION ADMITS THE  
INDIVIDUAL TO THAT PROGRAM, AN INDIVIDUAL EXPELLED PURSUANT TO THIS  
SECTION IS EXPELLED FROM ALL PUBLIC SCHOOLS IN THIS STATE AND THE  
OFFICIALS OF A SCHOOL DISTRICT SHALL NOT ALLOW THE INDIVIDUAL TO  
ENROLL IN THE SCHOOL DISTRICT UNLESS THE INDIVIDUAL HAS BEEN  
REINSTATED UNDER SUBSECTION (4). EXCEPT AS OTHERWISE PROVIDED BY  
LAW, A PROGRAM OPERATED FOR INDIVIDUALS EXPELLED PURSUANT TO THIS  
SECTION OR SECTION 1311(2) SHALL ENSURE THAT THOSE INDIVIDUALS ARE  
PHYSICALLY SEPARATED AT ALL TIMES DURING THE SCHOOL DAY FROM THE  
GENERAL PUPIL POPULATION. IF AN INDIVIDUAL EXPELLED FROM A SCHOOL  
DISTRICT PURSUANT TO THIS SECTION IS NOT PLACED IN AN ALTERNATIVE  
EDUCATION PROGRAM, THE SCHOOL DISTRICT MAY PROVIDE, OR MAY ARRANGE  
FOR THE INTERMEDIATE SCHOOL DISTRICT TO PROVIDE, APPROPRIATE  
INSTRUCTIONAL SERVICES TO THE INDIVIDUAL AT HOME. THE TYPE OF  
SERVICES PROVIDED SHALL BE SIMILAR TO THOSE PROVIDED TO HOMEBOUND OR  
HOSPITALIZED PUPILS UNDER SECTION 109 OF THE STATE SCHOOL AID ACT OF  
1979, MCL 388.1709, AND THE SERVICES MAY BE CONTRACTED FOR IN THE  
SAME MANNER AS UNDER THAT SECTION. THIS SUBSECTION DOES NOT REQUIRE  
A SCHOOL DISTRICT TO EXPEND MORE MONEY FOR PROVIDING SERVICES FOR A  
PUPIL EXPELLED PURSUANT TO THIS SECTION THAN THE AMOUNT OF THE  
FOUNDATION ALLOWANCE THE SCHOOL DISTRICT RECEIVES FOR THE PUPIL  
UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1620.

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19 (3) IF A SCHOOL BOARD EXPELS AN INDIVIDUAL PURSUANT TO THIS  
20 SECTION, THE SCHOOL BOARD SHALL ENSURE THAT, WITHIN 3 DAYS AFTER  
21 THE EXPULSION, AN OFFICIAL OF THE SCHOOL DISTRICT REFERS THE  
22 INDIVIDUAL TO THE APPROPRIATE COUNTY COMMUNITY MENTAL HEALTH  
23 AGENCY OR OTHER APPROPRIATE HUMAN SERVICES AGENCY AND NOTIFIES  
THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN OR, IF THE INDIVIDUAL

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**24** IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, NOTIFIES THE INDI-  
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25 VIDUAL OF THE REFERRAL. [REDACTED]

26 [REDACTED]

27 [REDACTED]

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1 (4) IF A PUPIL IS PERMANENTLY EXPELLED UNDER THIS SECTION  
2 [REDACTED]  
3 [REDACTED], THE PARENT OR LEGAL GUARDIAN OF  
4 THE INDIVIDUAL OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN  
5 EMANCIPATED MINOR, THE INDIVIDUAL MAY PETITION THE EXPELLING  
6 SCHOOL BOARD FOR REINSTATEMENT OF THE INDIVIDUAL TO PUBLIC  
7 EDUCATION [REDACTED] IN THE SCHOOL DISTRICT. IF THE EXPELLING SCHOOL  
8 BOARD DENIES A PETITION FOR REINSTATEMENT, THE PARENT OR LEGAL  
GUARDIAN OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN  
EMANCIPATED MINOR, THE INDIVIDUAL MAY PETITION ANOTHER SCHOOL BOARD  
FOR REINSTATEMENT OF THE INDIVIDUAL IN THAT OTHER SCHOOL DISTRICT.  
ALL OF THE FOLLOWING APPLY TO REINSTATEMENT UNDER  
9 THIS SUBSECTION:

10 (A) [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED] THE PARENT OR LEGAL  
16 GUARDIAN OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMAN-  
17 CIPATED MINOR, THE INDIVIDUAL MAY INITIATE A PETITION FOR REIN-  
18 STATEMENT AT ANY TIME AFTER THE EXPIRATION OF 150 SCHOOL DAYS  
19 AFTER THE DATE OF EXPULSION.

20 (B) THE INDIVIDUAL [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED] SHALL NOT BE REINSTATED BEFORE THE EXPIRATION OF  
25 180 SCHOOL DAYS AFTER THE DATE OF EXPULSION.

26 (C) IT IS THE RESPONSIBILITY OF THE PARENT OR LEGAL GUARDIAN  
27 OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED

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1 MINOR, OF THE INDIVIDUAL TO PREPARE AND SUBMIT THE PETITION. A  
2 SCHOOL BOARD IS NOT REQUIRED TO PROVIDE ANY ASSISTANCE IN PREPAR-  
3 ING THE PETITION. UPON REQUEST BY A PARENT OR LEGAL GUARDIAN OR,  
4 IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR,  
5 BY THE INDIVIDUAL, A SCHOOL BOARD SHALL MAKE AVAILABLE A FORM FOR  
6 A PETITION.

7 (D) NOT LATER THAN 10 SCHOOL DAYS AFTER RECEIVING A PETITION  
8 FOR REINSTATEMENT UNDER THIS SUBSECTION, A SCHOOL BOARD SHALL  
9 APPOINT A COMMITTEE TO REVIEW THE PETITION AND ANY SUPPORTING  
10 INFORMATION SUBMITTED BY THE PARENT OR LEGAL GUARDIAN OR, IF THE  
11 INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, BY THE  
12 INDIVIDUAL. THE COMMITTEE SHALL CONSIST OF 2 SCHOOL BOARD MEM-  
13 BERS, 1 SCHOOL ADMINISTRATOR, 1 TEACHER, AND 1 PARENT OF A PUPIL  
14 IN THE SCHOOL DISTRICT. DURING THIS TIME THE SUPERINTENDENT OF  
15 THE SCHOOL DISTRICT OR HIS OR HER DESIGNEE SHALL PREPARE AND  
16 SUBMIT FOR CONSIDERATION BY THE COMMITTEE INFORMATION CONCERNING  
17 THE CIRCUMSTANCES OF THE PERMANENT EXPULSION AND ANY FACTORS MIT-  
18 IGATING FOR OR AGAINST REINSTATEMENT.

19 (E) NOT LATER THAN 10 SCHOOL DAYS AFTER ALL MEMBERS ARE  
20 APPOINTED, THE COMMITTEE DESCRIBED IN SUBDIVISION (D) SHALL  
21 REVIEW THE PETITION AND ANY SUPPORTING INFORMATION AND INFORMA-  
22 TION PROVIDED BY THE SCHOOL DISTRICT AND SHALL SUBMIT A RECOMMEN-  
23 DATION TO THE SCHOOL BOARD ON THE ISSUE OF REINSTATEMENT. THE  
24 RECOMMENDATION SHALL BE FOR UNCONDITIONAL REINSTATEMENT, FOR CON-  
25 DITIONAL REINSTATEMENT, OR AGAINST REINSTATEMENT, AND SHALL BE  
26 ACCOMPANIED BY AN EXPLANATION OF THE REASONS FOR THE  
27 RECOMMENDATION AND OF ANY RECOMMENDED CONDITIONS FOR

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1 REINSTATEMENT. THE RECOMMENDATION SHALL BE BASED ON

2 CONSIDERATION OF ALL OF THE FOLLOWING FACTORS:

3 (i) THE EXTENT TO WHICH REINSTATEMENT OF THE INDIVIDUAL  
4 [REDACTED] WOULD  
5 CREATE A RISK OF HARM TO PUPILS OR SCHOOL PERSONNEL.

6 (ii) THE EXTENT TO WHICH REINSTATEMENT OF THE INDIVIDUAL  
7 [REDACTED] WOULD  
8 CREATE A RISK OF SCHOOL DISTRICT OR INDIVIDUAL LIABILITY FOR THE  
9 SCHOOL BOARD OR SCHOOL DISTRICT PERSONNEL.

10 (iii) THE AGE AND MATURITY OF THE INDIVIDUAL.

11 (iv) THE INDIVIDUAL'S SCHOOL RECORD BEFORE THE INCIDENT THAT  
12 CAUSED THE PERMANENT EXPULSION.

13 (v) THE INDIVIDUAL'S ATTITUDE CONCERNING THE INCIDENT THAT  
14 CAUSED THE PERMANENT EXPULSION.

15 (vi) THE INDIVIDUAL'S BEHAVIOR SINCE THE PERMANENT EXPULSION  
16 AND THE PROSPECTS FOR REMEDIATION OF THE INDIVIDUAL.

17 (vii) IF THE PETITION WAS FILED BY A PARENT OR LEGAL GUARDI-  
18 AN, THE DEGREE OF COOPERATION AND SUPPORT THAT HAS BEEN PROVIDED  
19 BY THE PARENT OR LEGAL GUARDIAN AND THAT CAN BE EXPECTED IF THE  
20 INDIVIDUAL IS REINSTATED, INCLUDING, BUT NOT LIMITED TO, RECEP-  
21 TIVENESS TOWARD POSSIBLE CONDITIONS PLACED ON THE REINSTATEMENT.

22 (F) NOT LATER THAN THE NEXT REGULARLY SCHEDULED BOARD MEET-  
23 ING AFTER RECEIVING THE RECOMMENDATION OF THE COMMITTEE UNDER  
24 SUBDIVISION (E), A SCHOOL BOARD SHALL MAKE A DECISION TO UNCONDI-  
25 TIONALLY REINSTATE THE INDIVIDUAL, CONDITIONALLY REINSTATE THE  
26 INDIVIDUAL, OR DENY REINSTATEMENT OF THE INDIVIDUAL. THE  
27 DECISION OF THE SCHOOL BOARD IS FINAL.

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1 (G) A SCHOOL BOARD MAY REQUIRE AN INDIVIDUAL AND, IF THE  
2 PETITION WAS FILED BY A PARENT OR LEGAL GUARDIAN, HIS OR HER  
3 PARENT OR LEGAL GUARDIAN TO AGREE IN WRITING TO SPECIFIC CONDI-  
4 TIONS BEFORE REINSTATING THE INDIVIDUAL IN A CONDITIONAL  
5 REINSTATEMENT. THE CONDITIONS SHALL INCLUDE SPECIFIC REQUIRE-  
6 MENTS FOR PARENTAL INVOLVEMENT AND MAY INCLUDE, BUT ARE NOT  
7 LIMITED TO, AGREEMENT TO A BEHAVIOR CONTRACT, WHICH MAY INVOLVE  
8 THE INDIVIDUAL, PARENT OR LEGAL GUARDIAN, AND AN OUTSIDE AGENCY;  
9 PARTICIPATION IN OR COMPLETION OF AN ANGER MANAGEMENT PROGRAM OR  
10 OTHER APPROPRIATE COUNSELING; PERIODIC PROGRESS REVIEWS; AND  
11 SPECIFIED IMMEDIATE CONSEQUENCES FOR FAILURE TO ABIDE BY A  
12 CONDITION. A PARENT OR LEGAL GUARDIAN OR, IF THE INDIVIDUAL IS  
13 AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE INDIVIDUAL MAY  
14 INCLUDE PROPOSED CONDITIONS IN A PETITION FOR REINSTATEMENT SUB-  
15 MITTED UNDER THIS SUBSECTION.

16 (5) A SCHOOL BOARD OR SCHOOL ADMINISTRATOR THAT COMPLIES  
17 WITH THIS SECTION IS NOT LIABLE FOR DAMAGES FOR  
18 EXPELLING A PUPIL PURSUANT TO THIS SECTION, AND THE AUTHORIZING  
19 BODY OF A PUBLIC SCHOOL ACADEMY ESTABLISHED UNDER THIS ACT IS NOT  
20 LIABLE FOR DAMAGES FOR EXPULSION OF A PUPIL [REDACTED] BY  
21 THE PUBLIC SCHOOL ACADEMY PURSUANT TO THIS SECTION.

22 (6) THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE TO ALL  
23 SCHOOL DISTRICTS A FORM FOR A PETITION TO BE USED UNDER SUBSEC-  
24 TION (4). THE DEPARTMENT MAY DESIGNATE THE FORM USED FOR A PETI-  
25 TION FOR REINSTATEMENT UNDER SECTION 1311 AS A FORM THAT MAY BE  
26 USED UNDER SUBSECTION (4).

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1 (7) THE BOARD OF A SCHOOL DISTRICT SHALL USE THE  
2 LOCALLY-ADOPTED DUE PROCESS POLICY [REDACTED] IN  
3 EXPULSION PROCEEDINGS UNDER THIS SECTION. THE DEPARTMENT SHALL  
4 DEVELOP AND DISTRIBUTE TO SCHOOL DISTRICTS A MODEL DUE PROCESS  
5 POLICY THAT SCHOOL DISTRICTS MAY ADOPT FOR USE IN REINSTATEMENT  
6 PROCEEDINGS UNDER THIS SECTION AND SIMILAR PROCEEDINGS.

7 (8) THIS SECTION DOES NOT DIMINISH THE DUE PROCESS RIGHTS  
8 UNDER FEDERAL LAW OF A PUPIL WHO HAS BEEN DETERMINED TO BE ELIGI-  
9 BLE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES.

10 (9) A SCHOOL BOARD OR ITS DESIGNEE SHALL REPORT ALL PHYSICAL  
11 ASSAULTS OCCURRING AT SCHOOL TO APPROPRIATE STATE OR LOCAL LAW  
12 ENFORCEMENT OFFICIALS AND PROSECUTORS WITHIN THREE SCHOOL DAYS.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

(10) IN ORDER TO OBTAIN AN ACCURATE LOCAL AND STATEWIDE PICTURE  
OF SCHOOL CRIME AND TO DEVELOP THE PARTNERSHIPS NECESSARY TO PLAN  
AND IMPLEMENT SCHOOL SAFETY PROGRAMS, AT LEAST ANNUALLY, EACH SCHOOL  
BOARD SHALL REPORT TO THE DEPARTMENT, IN THE FORM AND MANNER  
PRESCRIBED BY THE DEPARTMENT, INCIDENTS OF CRIME OCCURRING AT SCHOOL  
WITHIN THE SCHOOL DISTRICT. THE REPORTING SHALL INCLUDE AT LEAST  
CRIMES INVOLVING PHYSICAL VIOLENCE, GANG-RELATED ACTIVITY, ILLEGAL  
POSSESSION OF A CONTROLLED SUBSTANCE OR CONTROLLED SUBSTANCE  
ANALOGUE, OR OTHER INTOXICANT, TRESPASSING, AND PROPERTY CRIMES  
INCLUDING, BUT NOT LIMITED TO, THEFT AND VANDALISM. FOR A PROPERTY  
CRIME, THE REPORT SHALL INCLUDE AN ESTIMATE OF THE COST TO THE  
SCHOOL DISTRICT RESULTING FROM THE PROPERTY CRIME. THE SCHOOL CRIME  
REPORTING REQUIREMENTS OF THIS SUBSECTION ARE INTENDED TO DO ALL OF  
THE FOLLOWING:

(A) HELP POLICY MAKERS AND PROGRAM DESIGNERS AT THE LOCAL AND  
STATE LEVELS DEVELOP APPROPRIATE PREVENTION AND INTERVENTION  
PROGRAMS.

(B) PROVIDE THE CONTINUOUS ASSESSMENT TOOLS NEEDED FOR REVISING  
AND REFINING SCHOOL SAFETY PROGRAMS.

(C) ASSIST SCHOOLS AND SCHOOL DISTRICTS TO IDENTIFY THE MOST  
PRESSING SAFETY ISSUES CONFRONTING THEIR SCHOOL COMMUNITIES, TO  
DIRECT RESOURCES APPROPRIATELY, AND TO ENHANCE CAMPUS SAFETY THROUGH  
PREVENTION AND INTERVENTION STRATEGIES.

(D) FOSTER THE CREATION OF PARTNERSHIPS AMONG SCHOOLS, SCHOOL  
DISTRICTS, STATE AGENCIES, COMMUNITIES, LAW ENFORCEMENT, AND THE  
MEDIA TO PREVENT FURTHER CRIME AND VIOLENCE AND TO ASSURE A SAFE  
LEARNING ENVIRONMENT FOR EVERY PUPIL.

(11) IF A PUPIL EXPELLED FROM A SCHOOL DISTRICT PURSUANT TO  
THIS SECTION IS ENROLLED BY A PUBLIC SCHOOL SPONSORED ALTERNATIVE  
EDUCATION PROGRAM OR A PUBLIC SCHOOL ACADEMY DURING THE PERIOD OF  
EXPULSION, THE PUBLIC SCHOOL ACADEMY OR THE ALTERNATIVE EDUCATION  
PROGRAM IS IMMEDIATELY ELIGIBLE FOR THE PRORATED SHARE OF EITHER THE  
PUBLIC SCHOOL ACADEMY'S FOUNDATION ALLOWANCE OR THE EXPELLING SCHOOL  
DISTRICT'S FOUNDATION ALLOWANCE, WHICHEVER IS HIGHER.

(12) AT LEAST ANNUALLY, EACH SCHOOL DISTRICT SHALL PREPARE AND  
SUBMIT TO THE DEPARTMENT, IN THE FORM AND MANNER PRESCRIBED BY THE  
DEPARTMENT, A REPORT STATING THE NUMBER OF PUPILS EXPELLED PURSUANT  
TO THIS SECTION DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR, WITH A  
BRIEF DESCRIPTION OF THE INCIDENT THAT CAUSED EACH EXPULSION.

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**16** (13) AS USED IN THIS SECTION:

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17 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL  
18 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT  
19 A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON  
20 SCHOOL PREMISES.

(B) "CONTROLLED SUBSTANCE" AND "CONTROLLED SUBSTANCE ANALOGUE"  
MEAN THOSE TERMS AS DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH  
CODE, 1978 PA 368, MCL 333.7104.

21 (C) "PHYSICAL ASSAULT" MEANS INTENTIONALLY CAUSING OR  
22 ATTEMPTING TO CAUSE PHYSICAL HARM TO ANOTHER THROUGH FORCE OR  
23 VIOLENCE.

24 (D) "SCHOOL BOARD" MEANS A SCHOOL BOARD, INTERMEDIATE SCHOOL  
25 BOARD, OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY  
26 ESTABLISHED UNDER THIS ACT.

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1 (E) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, A LOCAL ACT  
2 SCHOOL DISTRICT, AN INTERMEDIATE SCHOOL DISTRICT, OR A PUBLIC  
3 SCHOOL ACADEMY ESTABLISHED UNDER THIS ACT.

4 (F) "SCHOOL PRINCIPAL" MEANS THE CHIEF BUILDING-LEVEL ADMIN-  
5 ISTRATOR OF A PARTICULAR SCHOOL.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]