

HOUSE BILL No. 4240

February 9, 1999, Introduced by Reps. Bisbee, Birkholz, Sanborn, Jellema, Caul, Richardville, Julian, DeRossett, Law, Tabor, Mead, Kukuk, Cameron Brown, Pumford, Jelinek, Mortimer, LaSata, Gilbert, Hager, Rick Johnson, Bishop, Rocca, Kuipers, Ehardt, Allen, Shulman, Hart, Garcia, Faunce, Koetje, Toy, Patterson, Woronchak, DeVuyst, Van Woerkom, Jansen, Pappageorge, Stamas, Shackleton, Bradstreet, DeWeese, Voorhees, Kowall, Scranton, Richner, Green, Raczkowski and Cassis and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding sections 1308 and 1311a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 1308. (1) IF SCHOOL OFFICIALS OF A SCHOOL DISTRICT
2 DETERMINE THAT AN INCIDENT HAS OCCURRED AT SCHOOL THAT IS
3 REQUIRED TO BE REPORTED TO LAW ENFORCEMENT AGENCIES OR CHILD PRO-
4 TECTION AGENCIES, OR BOTH, ACCORDING TO THE MEMORANDUM OF UNDER-
5 STANDING UNDER SUBSECTION (5), THE SUPERINTENDENT OF THE SCHOOL
6 DISTRICT, OR HIS OR HER DESIGNEE, IMMEDIATELY SHALL REPORT THAT
7 FINDING TO THE APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT AGENCY
8 AND TO THE APPROPRIATE STATE OR LOCAL CHILD PROTECTION AGENCY, IN
9 THE MANNER PRESCRIBED IN THE MEMORANDUM OF UNDERSTANDING.
- 10 (2) IF PROVIDED IN THE MEMORANDUM OF UNDERSTANDING UNDER
11 SUBSECTION (5), A LOCAL LAW ENFORCEMENT AGENCY THAT HAS

1 JURISDICTION OVER A SCHOOL BUILDING OF A SCHOOL DISTRICT SHALL
2 REPORT TO THE SCHOOL OFFICIALS OF THE SCHOOL BUILDING INCIDENTS
3 REPORTED TO THE LAW ENFORCEMENT AGENCY THAT ALLEGE THE COMMISSION
4 OF A CRIME AND THAT, ACCORDING TO THE INCIDENT REPORT, EITHER
5 OCCURRED ON SCHOOL PROPERTY OR WITHIN 1,000 FEET OF THE SCHOOL
6 PROPERTY OR INVOLVED A PUPIL OR STAFF MEMBER OF THE SCHOOL AS A
7 VICTIM OR ALLEGED PERPETRATOR. UPON REQUEST BY A LAW ENFORCEMENT
8 AGENCY, SCHOOL OFFICIALS SHALL PROVIDE THE LAW ENFORCEMENT AGENCY
9 WITH ANY INFORMATION THE LAW ENFORCEMENT AGENCY DETERMINES IT
10 NEEDS TO PROVIDE THIS REPORT TO SCHOOL OFFICIALS.

11 (3) IF PROVIDED IN THE MEMORANDUM OF UNDERSTANDING UNDER
12 SUBSECTION (5), THE PROSECUTING ATTORNEY OF A COUNTY SHALL NOTIFY
13 A SCHOOL DISTRICT LOCATED IN WHOLE OR IN PART IN THAT COUNTY OF
14 ANY CRIMINAL OR JUVENILE COURT ACTION INITIATED OR TAKEN AGAINST
15 A PUPIL OF THE SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO,
16 CONVICTIONS, ADJUDICATIONS, AND DISPOSITIONS. THIS NOTIFICATION
17 SHALL BE MADE TO EITHER THE SCHOOL DISTRICT SUPERINTENDENT OR TO
18 THE INTERMEDIATE SUPERINTENDENT OF THE INTERMEDIATE SCHOOL DIS-
19 TRICT IN WHICH THE COUNTY IS LOCATED, AS PROVIDED IN THE MEMORAN-
20 DUM OF UNDERSTANDING. IF THE NOTIFICATION IS MADE TO THE INTER-
21 MEDIATE SUPERINTENDENT, THE INTERMEDIATE SUPERINTENDENT SHALL
22 FORWARD THE INFORMATION TO THE SUPERINTENDENT OF THE SCHOOL DIS-
23 TRICT IN WHICH THE PUPIL IS ENROLLED. UPON RECEIPT OF INFORMA-
24 TION UNDER THIS SUBSECTION, A SCHOOL DISTRICT SUPERINTENDENT
25 SHALL SHARE THE INFORMATION WITH APPROPRIATE SCHOOL BUILDING
26 PERSONNEL. THE PROSECUTING ATTORNEY MAY INQUIRE OF EACH SCHOOL
27 AGE INDIVIDUAL INVOLVED IN A COURT ACTION DESCRIBED IN THIS

1 SUBSECTION WHETHER THE INDIVIDUAL IS A PUPIL IN A SCHOOL DISTRICT
2 AND, IF SO, IN WHICH SCHOOL DISTRICT.

3 (4) IF PROVIDED FOR IN THE MEMORANDUM OF UNDERSTANDING UNDER
4 SUBSECTION (5), THE CIRCUIT COURT SHALL INFORM AN APPROPRIATE
5 SCHOOL ADMINISTRATOR OF THE NAME OF THE INDIVIDUAL ASSIGNED TO
6 MONITOR A CONVICTED OR ADJUDICATED YOUTH ATTENDING A PUBLIC
7 SCHOOL AND OF HOW THAT INDIVIDUAL MAY BE CONTACTED.

8 (5) A SCHOOL BOARD SHALL WORK WITH LOCAL LAW ENFORCEMENT
9 AGENCIES, CHILD PROTECTION AGENCIES, COUNTY PROSECUTORS, APPRO-
10 PRIATE PROBATION OFFICERS, AND OTHER APPROPRIATE ORGANIZATIONS TO
11 ESTABLISH AND IMPLEMENT A MEMORANDUM OF UNDERSTANDING, SIGNED BY
12 THE PARTIES INVOLVED, TO FACILITATE REPORTING OF INCIDENTS
13 AFFECTING SCHOOL SAFETY AND SHARING OF OTHER INFORMATION AFFECT-
14 ING SCHOOL SAFETY. THE MEMORANDUM OF UNDERSTANDING SHALL ESTAB-
15 LISH PROCEDURES TO BE FOLLOWED WHEN AN INCIDENT DESCRIBED IN SUB-
16 SECTION (1) OCCURS AT SCHOOL, AND ALSO MAY ADDRESS PROCEDURES FOR
17 REPORTING INCIDENTS INVOLVING POSSESSION OF A DANGEROUS WEAPON AS
18 REQUIRED UNDER SECTION 1313. THE MEMORANDUM OF UNDERSTANDING
19 SHALL ADDRESS AT LEAST ALL OF THE FOLLOWING:

20 (A) LAW ENFORCEMENT PROTOCOLS AND PRIORITIES FOR THE REPORT-
21 ING PROCESS. THE LAW ENFORCEMENT PROTOCOLS MUST BE DEVELOPED
22 WITH THE COOPERATION OF THE APPROPRIATE STATE OR LOCAL LAW
23 ENFORCEMENT AGENCY. THE LAW ENFORCEMENT PRIORITIES SHALL INCLUDE
24 AT LEAST INVESTIGATION OF REPORTED INCIDENTS, IDENTIFICATION OF
25 THOSE INVOLVED IN A REPORTED INCIDENT, AND ASSISTANCE IN PREVEN-
26 TION OF THESE TYPES OF INCIDENTS.

1 (B) DEFINITION OF THE TYPES OF INCIDENTS REQUIRING REPORTING
2 TO LAW ENFORCEMENT AND RESPONSE BY LAW ENFORCEMENT, TAKING INTO
3 ACCOUNT THE INTENT OF THE ACTOR AND THE CIRCUMSTANCES SURROUNDING
4 THE INCIDENT. THIS DEFINITION SHALL INCLUDE INCIDENTS OF SEXUAL
5 HARASSMENT THAT SHOULD BE REPORTED TO LAW ENFORCEMENT.

6 (C) PROTOCOLS FOR RESPONDING TO REPORTABLE INCIDENTS,
7 ADDRESSING AT LEAST ALL OF THE FOLLOWING:

8 (i) INITIAL NOTIFICATION AND REPORTING BY SCHOOL OFFICIALS.

9 (ii) THE INFORMATION TO BE PROVIDED BY SCHOOL OFFICIALS.

10 (iii) INITIAL RESPONSE BY LAW ENFORCEMENT AND CHILD PROTEC-
11 TION AGENCIES, WHICH SHALL BE SPECIFICALLY TAILORED FOR INCIDENTS
12 IN PROGRESS, INCIDENTS NOT IN PROGRESS, AND INCIDENTS INVOLVING
13 DELAYED REPORTING. SCHOOL OFFICIALS SHALL BE CONSULTED TO DETER-
14 MINE THE EXTENT OF LAW ENFORCEMENT OR CHILD PROTECTION INVOLVE-
15 MENT REQUIRED BY THE SITUATION.

16 (iv) CUSTODY OF ACTORS.

17 (D) THE AMOUNT AND NATURE OF ASSISTANCE TO BE PROVIDED BY
18 SCHOOL OFFICIALS, AND THE SCOPE OF THEIR INVOLVEMENT IN LAW
19 ENFORCEMENT PROCEDURES. THIS PROVISION SHALL REQUIRE SCHOOL
20 OFFICIALS TO NOTIFY THE PARENT OR LEGAL GUARDIAN OF A MINOR PUPIL
21 WHO IS A VICTIM OR WITNESS WHEN LAW ENFORCEMENT AUTHORITIES
22 INTERVIEW THE PUPIL.

23 (E) ANY OTHER MATTERS THAT WILL FACILITATE REPORTING OF
24 INCIDENTS AFFECTING SCHOOL SAFETY AND THE EXCHANGE OF OTHER
25 INFORMATION AFFECTING SCHOOL SAFETY.

26 (6) REPORTING OF INFORMATION BY A SCHOOL DISTRICT OR SCHOOL
27 PERSONNEL UNDER THIS SECTION IS SUBJECT TO SECTION 444 OF SUBPART

1 4 OF PART C OF THE GENERAL EDUCATION PROVISIONS ACT, TITLE IV OF
2 PUBLIC LAW 90-247, 20 U.S.C. 1232g, COMMONLY REFERRED TO AS THE
3 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.

4 (7) IF A PUPIL IS INVOLVED IN AN INCIDENT REPORTED TO LAW
5 ENFORCEMENT ACCORDING TO THE MEMORANDUM OF UNDERSTANDING UNDER
6 SUBSECTION (5), THEN UPON REQUEST BY SCHOOL OFFICIALS, THE
7 PUPIL'S PARENT OR LEGAL GUARDIAN SHALL EXECUTE ANY WAIVERS OR
8 CONSENTS NECESSARY TO ALLOW SCHOOL OFFICIALS ACCESS TO SCHOOL,
9 COURT, OR OTHER PERTINENT RECORDS OF THE PUPIL CONCERNING THE
10 INCIDENT AND ACTION TAKEN AS A RESULT OF THE INCIDENT.

11 (8) AS USED IN THIS SECTION:

12 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
13 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT
14 A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
15 SCHOOL PREMISES.

16 (B) "SCHOOL BOARD" AND "SCHOOL DISTRICT" MEAN THOSE TERMS AS
17 DEFINED IN SECTION 1311.

18 SEC. 1311A. (1) EACH SCHOOL BOARD SHALL DEVELOP, PUBLISH,
19 AND IMPLEMENT A POLICY CONCERNING DISCIPLINARY ACTION FOR PUPILS
20 WHO COMMIT AN ASSAULT AT SCHOOL. AT A MINIMUM, THIS POLICY SHALL
21 PROVIDE THAT A SCHOOL BOARD SHALL EXPEL A PUPIL AGE 12 OR OLDER
22 FROM THE SCHOOL DISTRICT IF THE PUPIL COMMITS AN ASSAULT SPECI-
23 FIED IN SUBSECTION (2) AT SCHOOL; IF THE ASSAULT IS REPORTED TO
24 THE SCHOOL BOARD BY THE VICTIM OR, IF THE VICTIM IS UNABLE TO
25 REPORT THE ASSAULT, BY ANOTHER PERSON ON THE VICTIM'S BEHALF; AND
26 IF THE SCHOOL BOARD DETERMINES THAT AN ASSAULT DID IN FACT OCCUR
27 AND WAS COMMITTED BY THE PUPIL. THE EXPULSION SHALL BE

1 PERMANENT, SUBJECT TO POSSIBLE REINSTATEMENT UNDER SUBSECTION
2 (5).

3 (2) THE POLICY REQUIRED UNDER SUBSECTION (1) SHALL REQUIRE
4 EXPULSION OF A PUPIL AGE 12 OR OLDER WHO COMMITS EITHER OF THE
5 FOLLOWING ASSAULTS AT SCHOOL:

6 (A) ANY ASSAULT ON A TEACHER OR OTHER SCHOOL EMPLOYEE OR ON
7 A PERSON ACTING AS A VOLUNTEER.

8 (B) AN ASSAULT ON ANOTHER PUPIL THAT RESULTS IN SERIOUS OR
9 AGGRAVATED INJURY OR THAT CONSTITUTES AN ASSAULT WITH A DANGEROUS
10 WEAPON.

11 (3) IF AN INDIVIDUAL IS EXPELLED PURSUANT TO THE POLICY
12 REQUIRED UNDER THIS SECTION, THE EXPELLING SCHOOL DISTRICT SHALL
13 ENTER ON THE INDIVIDUAL'S PERMANENT RECORD THAT HE OR SHE HAS
14 BEEN EXPELLED PURSUANT TO THE POLICY REQUIRED UNDER THIS SECTION
15 AND THE REASON FOR THE EXPULSION. EXCEPT IF A SCHOOL DISTRICT
16 OPERATES OR PARTICIPATES COOPERATIVELY IN AN ALTERNATIVE EDUCA-
17 TION PROGRAM APPROPRIATE FOR INDIVIDUALS EXPELLED PURSUANT TO THE
18 POLICY REQUIRED UNDER THIS SECTION OR PURSUANT TO SECTION 1311(2)
19 AND IN ITS DISCRETION ADMITS THE INDIVIDUAL TO THAT PROGRAM, AN
20 INDIVIDUAL EXPELLED PURSUANT TO THE POLICY REQUIRED UNDER THIS
21 SECTION IS EXPELLED FROM ALL PUBLIC SCHOOLS IN THIS STATE AND THE
22 OFFICIALS OF A SCHOOL DISTRICT SHALL NOT ALLOW THE INDIVIDUAL TO
23 ENROLL IN THE SCHOOL DISTRICT UNLESS THE INDIVIDUAL HAS BEEN
24 REINSTATED UNDER SUBSECTION (5). EXCEPT AS OTHERWISE PROVIDED BY
25 LAW, A PROGRAM OPERATED FOR INDIVIDUALS EXPELLED PURSUANT TO THE
26 POLICY REQUIRED UNDER THIS SECTION OR PURSUANT TO SECTION 1311(2)
27 SHALL ENSURE THAT THOSE INDIVIDUALS ARE PHYSICALLY SEPARATED AT

1 ALL TIMES DURING THE SCHOOL DAY FROM THE GENERAL PUPIL
2 POPULATION. IF AN INDIVIDUAL EXPELLED FROM A SCHOOL DISTRICT
3 PURSUANT TO THE POLICY REQUIRED UNDER THIS SECTION IS NOT PLACED
4 IN AN ALTERNATIVE EDUCATION PROGRAM, THE SCHOOL DISTRICT MAY PRO-
5 VIDE, OR MAY ARRANGE FOR THE INTERMEDIATE SCHOOL DISTRICT TO PRO-
6 VIDE, APPROPRIATE INSTRUCTIONAL SERVICES TO THE INDIVIDUAL AT
7 HOME. THE TYPE OF INSTRUCTIONAL SERVICES PROVIDED AT HOME SHALL
8 MEET THE REQUIREMENTS OF SECTION 6(4)(V)(i) TO (iv) OF THE STATE
9 SCHOOL AID ACT OF 1979, MCL 388.1606, AND THE SERVICES MAY BE
10 CONTRACTED FOR IN THE SAME MANNER AS SERVICES FOR HOMEBOUND
11 PUPILS UNDER SECTION 109 OF THE STATE SCHOOL AID ACT OF 1979, MCL
12 388.1709. THIS SUBSECTION DOES NOT REQUIRE A SCHOOL DISTRICT TO
13 EXPEND MORE MONEY FOR PROVIDING SERVICES FOR A PUPIL EXPELLED
14 PURSUANT TO THE POLICY REQUIRED UNDER THIS SECTION THAN THE
15 AMOUNT OF THE FOUNDATION ALLOWANCE THE SCHOOL DISTRICT RECEIVES
16 FOR THE PUPIL UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF
17 1979, MCL 388.1620.

18 (4) IF A SCHOOL BOARD EXPELS AN INDIVIDUAL PURSUANT TO THE
19 POLICY REQUIRED UNDER THIS SECTION, THE SCHOOL BOARD SHALL ENSURE
20 THAT, WITHIN 3 DAYS AFTER THE EXPULSION, AN OFFICIAL OF THE
21 SCHOOL DISTRICT REFERS THE INDIVIDUAL TO THE APPROPRIATE COUNTY
22 COMMUNITY MENTAL HEALTH AGENCY OR OTHER APPROPRIATE HUMAN SERV-
23 ICES AGENCY AND NOTIFIES THE INDIVIDUAL'S PARENT OR LEGAL GUARD-
24 IAN OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED
25 MINOR, NOTIFIES THE INDIVIDUAL OF THE REFERRAL.

26 (5) IF A PUPIL IS PERMANENTLY EXPELLED UNDER THE POLICY
27 REQUIRED UNDER THIS SECTION, THE PARENT OR LEGAL GUARDIAN OF THE

1 INDIVIDUAL OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN
2 EMANCIPATED MINOR, THE INDIVIDUAL MAY PETITION THE EXPELLING
3 SCHOOL BOARD FOR REINSTATEMENT OF THE INDIVIDUAL TO PUBLIC EDUCA-
4 TION IN THE SCHOOL DISTRICT. IF THE EXPELLING SCHOOL BOARD
5 DENIES A PETITION FOR REINSTATEMENT, THE PARENT OR LEGAL GUARDIAN
6 OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED
7 MINOR, THE INDIVIDUAL MAY PETITION ANOTHER SCHOOL BOARD FOR REIN-
8 STATEMENT OF THE INDIVIDUAL IN THAT OTHER SCHOOL DISTRICT. ALL
9 OF THE FOLLOWING APPLY TO REINSTATEMENT UNDER THIS SUBSECTION:

10 (A) THE PARENT OR LEGAL GUARDIAN OR, IF THE INDIVIDUAL IS AT
11 LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE INDIVIDUAL MAY INI-
12 TIATE A PETITION FOR REINSTATEMENT AT ANY TIME AFTER THE EXPIRA-
13 TION OF 150 SCHOOL DAYS AFTER THE DATE OF EXPULSION.

14 (B) THE INDIVIDUAL SHALL NOT BE REINSTATED BEFORE THE EXPI-
15 RATION OF 180 SCHOOL DAYS AFTER THE DATE OF EXPULSION.

16 (C) IT IS THE RESPONSIBILITY OF THE PARENT OR LEGAL GUARDIAN
17 OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED
18 MINOR, OF THE INDIVIDUAL TO PREPARE AND SUBMIT THE PETITION. A
19 SCHOOL BOARD IS NOT REQUIRED TO PROVIDE ANY ASSISTANCE IN PREPAR-
20 ING THE PETITION. UPON REQUEST BY A PARENT OR LEGAL GUARDIAN OR,
21 IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR,
22 BY THE INDIVIDUAL, A SCHOOL BOARD SHALL MAKE AVAILABLE A FORM FOR
23 A PETITION.

24 (D) NOT LATER THAN 10 SCHOOL DAYS AFTER RECEIVING A PETITION
25 FOR REINSTATEMENT UNDER THIS SUBSECTION, A SCHOOL BOARD SHALL
26 APPOINT A COMMITTEE TO REVIEW THE PETITION AND ANY SUPPORTING
27 INFORMATION SUBMITTED BY THE PARENT OR LEGAL GUARDIAN OR, IF THE

1 INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, BY THE
2 INDIVIDUAL. THE COMMITTEE SHALL CONSIST OF 2 SCHOOL BOARD MEM-
3 BERS, 1 SCHOOL ADMINISTRATOR, 1 TEACHER, AND 1 PARENT OF A PUPIL
4 IN THE SCHOOL DISTRICT. DURING THIS TIME THE SUPERINTENDENT OF
5 THE SCHOOL DISTRICT OR HIS OR HER DESIGNEE SHALL PREPARE AND
6 SUBMIT FOR CONSIDERATION BY THE COMMITTEE INFORMATION CONCERNING
7 THE CIRCUMSTANCES OF THE PERMANENT EXPULSION AND ANY FACTORS MIT-
8 IGATING FOR OR AGAINST REINSTATEMENT.

9 (E) NOT LATER THAN 10 SCHOOL DAYS AFTER ALL MEMBERS ARE
10 APPOINTED, THE COMMITTEE DESCRIBED IN SUBDIVISION (D) SHALL
11 REVIEW THE PETITION AND ANY SUPPORTING INFORMATION AND INFORMA-
12 TION PROVIDED BY THE SCHOOL DISTRICT AND SHALL SUBMIT A RECOMMEN-
13 DATION TO THE SCHOOL BOARD ON THE ISSUE OF REINSTATEMENT. THE
14 RECOMMENDATION SHALL BE FOR UNCONDITIONAL REINSTATEMENT, FOR CON-
15 DITIONAL REINSTATEMENT, OR AGAINST REINSTATEMENT, AND SHALL BE
16 ACCOMPANIED BY AN EXPLANATION OF THE REASONS FOR THE RECOMMENDA-
17 TION AND OF ANY RECOMMENDED CONDITIONS FOR REINSTATEMENT. THE
18 RECOMMENDATION SHALL BE BASED ON CONSIDERATION OF ALL OF THE FOL-
19 LOWING FACTORS:

20 (i) THE EXTENT TO WHICH REINSTATEMENT OF THE INDIVIDUAL
21 WOULD CREATE A RISK OF HARM TO PUPILS OR SCHOOL PERSONNEL.

22 (ii) THE EXTENT TO WHICH REINSTATEMENT OF THE INDIVIDUAL
23 WOULD CREATE A RISK OF SCHOOL DISTRICT LIABILITY OR INDIVIDUAL
24 LIABILITY FOR THE SCHOOL BOARD OR SCHOOL DISTRICT PERSONNEL.

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

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

1 (v) THE INDIVIDUAL'S ATTITUDE CONCERNING THE INCIDENT THAT
2 CAUSED THE PERMANENT EXPULSION.

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

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

10 (F) NOT LATER THAN THE NEXT REGULARLY SCHEDULED BOARD MEET-
11 ING AFTER RECEIVING THE RECOMMENDATION OF THE COMMITTEE UNDER
12 SUBDIVISION (E), A SCHOOL BOARD SHALL MAKE A DECISION TO UNCONDI-
13 TIONALLY REINSTATE THE INDIVIDUAL, CONDITIONALLY REINSTATE THE
14 INDIVIDUAL, OR DENY REINSTATEMENT OF THE INDIVIDUAL. THE DECI-
15 SION OF THE SCHOOL BOARD IS FINAL.

16 (G) A SCHOOL BOARD MAY REQUIRE AN INDIVIDUAL AND, IF THE
17 PETITION WAS FILED BY A PARENT OR LEGAL GUARDIAN, HIS OR HER
18 PARENT OR LEGAL GUARDIAN TO AGREE IN WRITING TO SPECIFIC CONDI-
19 TIONS BEFORE REINSTATING THE INDIVIDUAL IN A CONDITIONAL
20 REINSTATEMENT. THE CONDITIONS SHALL INCLUDE SPECIFIC REQUIRE-
21 MENTS FOR PARENTAL INVOLVEMENT AND MAY INCLUDE, BUT ARE NOT
22 LIMITED TO, AGREEMENT TO A BEHAVIOR CONTRACT, WHICH MAY INVOLVE
23 THE INDIVIDUAL, PARENT OR LEGAL GUARDIAN, AND AN OUTSIDE AGENCY;
24 PARTICIPATION IN OR COMPLETION OF AN ANGER MANAGEMENT PROGRAM OR
25 OTHER APPROPRIATE COUNSELING; PERIODIC PROGRESS REVIEWS; AND
26 SPECIFIED IMMEDIATE CONSEQUENCES FOR FAILURE TO ABIDE BY A
27 CONDITION. A PARENT OR LEGAL GUARDIAN OR, IF THE INDIVIDUAL IS

1 AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE INDIVIDUAL MAY
2 INCLUDE PROPOSED CONDITIONS IN A PETITION FOR REINSTATEMENT SUB-
3 MITTED UNDER THIS SUBSECTION.

4 (6) A SCHOOL BOARD OR SCHOOL ADMINISTRATOR THAT COMPLIES
5 WITH THIS SECTION IS NOT LIABLE FOR DAMAGES FOR EXPELLING A PUPIL
6 PURSUANT TO THE POLICY REQUIRED UNDER THIS SECTION, AND THE
7 AUTHORIZING BODY OF A PUBLIC SCHOOL ACADEMY ESTABLISHED UNDER
8 THIS ACT IS NOT LIABLE FOR DAMAGES FOR EXPULSION OF A PUPIL BY
9 THE PUBLIC SCHOOL ACADEMY PURSUANT TO THE POLICY REQUIRED UNDER
10 THIS SECTION.

11 (7) THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE TO ALL
12 SCHOOL DISTRICTS A FORM FOR A PETITION FOR REINSTATEMENT TO BE
13 USED UNDER SUBSECTION (5). THE DEPARTMENT MAY DESIGNATE THE FORM
14 USED FOR A PETITION FOR REINSTATEMENT UNDER SECTION 1311 AS A
15 FORM THAT MAY BE USED UNDER SUBSECTION (5).

16 (8) A SCHOOL BOARD SHALL USE ITS LOCALLY-ADOPTED DUE PROCESS
17 POLICY IN EXPULSION PROCEEDINGS PURSUANT TO THE POLICY REQUIRED
18 UNDER THIS SECTION. THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE
19 TO SCHOOL DISTRICTS A MODEL DUE PROCESS POLICY THAT SCHOOL DIS-
20 TRICTS MAY ADOPT FOR USE IN REINSTATEMENT PROCEEDINGS UNDER THIS
21 SECTION AND SIMILAR PROCEEDINGS.

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

25 (10) A SCHOOL BOARD OR ITS DESIGNEE SHALL REPORT ALL
26 ASSAULTS DESCRIBED IN SUBSECTION (2) OCCURRING AT SCHOOL TO

1 APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT OFFICIALS AND
2 PROSECUTORS WITHIN 3 SCHOOL DAYS.

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

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

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

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

26 (D) FOSTER THE CREATION OF PARTNERSHIPS AMONG SCHOOLS,
27 SCHOOL DISTRICTS, STATE AGENCIES, COMMUNITIES, LAW ENFORCEMENT,

1 AND THE MEDIA TO PREVENT FURTHER CRIME AND VIOLENCE AND TO ASSURE
2 A SAFE LEARNING ENVIRONMENT FOR EVERY PUPIL.

3 (12) IF A PUPIL EXPELLED FROM A SCHOOL DISTRICT PURSUANT TO
4 THE POLICY REQUIRED UNDER THIS SECTION IS ENROLLED BY A PUBLIC
5 SCHOOL SPONSORED ALTERNATIVE EDUCATION PROGRAM OR A PUBLIC SCHOOL
6 ACADEMY DURING THE PERIOD OF EXPULSION, THE PUBLIC SCHOOL ACADEMY
7 OR THE ALTERNATIVE EDUCATION PROGRAM IS IMMEDIATELY ELIGIBLE FOR
8 THE PRORATED SHARE OF EITHER THE PUBLIC SCHOOL ACADEMY'S FOUNDA-
9 TION ALLOWANCE OR THE EXPELLING SCHOOL DISTRICT'S FOUNDATION
10 ALLOWANCE, WHICHEVER IS HIGHER.

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

17 (14) IF AN INDIVIDUAL IS EXPELLED PURSUANT TO THE POLICY
18 REQUIRED UNDER THIS SECTION, IT IS THE RESPONSIBILITY OF THAT
19 INDIVIDUAL AND OF HIS OR HER PARENT OR LEGAL GUARDIAN TO LOCATE A
20 SUITABLE EDUCATIONAL PROGRAM AND TO ENROLL THE INDIVIDUAL IN SUCH
21 A PROGRAM DURING THE EXPULSION. THE OFFICE OF SAFE SCHOOLS IN
22 THE DEPARTMENT SHALL COMPILE INFORMATION ON AND CATALOG EXISTING
23 ALTERNATIVE EDUCATION PROGRAMS OR SCHOOLS AND NONPUBLIC SCHOOLS
24 THAT MAY BE OPEN TO ENROLLMENT OF INDIVIDUALS EXPELLED PURSUANT
25 TO THE POLICY REQUIRED UNDER THIS SECTION AND PURSUANT TO SECTION
26 1311(2), AND SHALL PERIODICALLY DISTRIBUTE THIS INFORMATION TO
27 SCHOOL DISTRICTS FOR DISTRIBUTION TO EXPELLED INDIVIDUALS. THE

1 OFFICE OF SAFE SCHOOLS ALSO SHALL WORK WITH AND PROVIDE TECHNICAL
2 ASSISTANCE TO SCHOOL DISTRICTS, AUTHORIZING BODIES FOR PUBLIC
3 SCHOOL ACADEMIES, AND OTHER INTERESTED PARTIES IN DEVELOPING
4 THESE TYPES OF ALTERNATIVE EDUCATION PROGRAMS OR SCHOOLS IN GEO-
5 GRAPHIC AREAS THAT ARE NOT BEING SERVED.

6 (15) AS USED IN THIS SECTION:

7 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
8 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT
9 A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
10 SCHOOL PREMISES.

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

14 (C) "SCHOOL BOARD" MEANS A SCHOOL BOARD, INTERMEDIATE SCHOOL
15 BOARD, OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
16 ESTABLISHED UNDER THIS ACT.

17 (D) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, A LOCAL ACT
18 SCHOOL DISTRICT, AN INTERMEDIATE SCHOOL DISTRICT, OR A PUBLIC
19 SCHOOL ACADEMY ESTABLISHED UNDER THIS ACT.