



HOUSE BILL No. 5651

April 18, 2000, Introduced by Reps. Bogardus, Minore, Jamnick, Stallworth, Clark, Garza, Hansen, Gielegem, Bovin, Dennis, Jacobs, Baird, Hale, Daniels, Lockwood, Neumann and Basham and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 627, 1310, 1311, and 1311a (MCL 380.627,
380.1310, 380.1311, and 380.1311a), section 627 as amended by
1995 PA 289, section 1310 as added by 1999 PA 102, section 1311
as amended by 1999 PA 23, and section 1311a as added by 1999 PA
104, and by adding section 1315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 627. (1) An intermediate school board shall do all of
2 the following:

3 (a) Upon request of the board of a constituent SCHOOL dis-
4 trict, furnish services on a management, consultant, or supervi-
5 sory basis to the district. The intermediate school board may
6 charge a constituent SCHOOL district for the costs of services
7 furnished under this subdivision.

1 (b) Upon request of the board of a constituent SCHOOL
2 district, direct, supervise, and conduct cooperative educational
3 programs on behalf of the district. The intermediate school
4 board may utilize available funds not otherwise obligated by law
5 and accept contributions from other sources for the purpose of
6 financing the programs. The funds shall be deposited with the
7 treasurer in a cooperative education fund and shall be disbursed
8 as the intermediate school board directs. The intermediate
9 school board may employ personnel and take other action necessary
10 to direct, supervise, and conduct cooperative educational
11 programs.

12 (c) Conduct cooperative programs mutually agreed upon by 2
13 or more intermediate school boards.

14 (d) Conduct cooperative programs mutually agreed upon with 1
15 or more public school academies.

16 (E) OPERATE OR OTHERWISE ARRANGE FOR THE PROVISION OF DISCI-
17 PLINARY EDUCATION PROGRAMS UNDER SECTION 1315 ON BEHALF OF CON-
18 STITUENT SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES LOCATED
19 WITHIN THE INTERMEDIATE SCHOOL DISTRICT. TO FINANCE THESE PRO-
20 GRAMS, THE INTERMEDIATE SCHOOL DISTRICT SHALL USE STATE APPROPRI-
21 ATIONS MADE FOR THIS PURPOSE AND MAY ACCEPT CONTRIBUTIONS FROM
22 OTHER SOURCES.

23 (2) An intermediate school board may conduct or participate
24 in cooperative programs for information technology systems which
25 may include, but are not limited to, equipment for storage,
26 retrieval, processing, and transmission of voice, data, or video
27 communications; contract with public schools or other educational

1 institutions, government agencies, public broadcasting stations
2 or systems, or information technology service providers in con-
3 ducting the programs; and acquire and install the equipment,
4 software, and training necessary for the programs in the manner
5 and at the places the intermediate school board considers
6 appropriate.

7 (3) Upon request of the board of a constituent school dis-
8 trict or public school academy located within the intermediate
9 school district, an intermediate school board may provide, either
10 solely or as part of a consortium of intermediate school dis-
11 tricts, comprehensive school improvement support services to the
12 district or public school academy. These services may include,
13 but are not limited to, all of the following:

14 (a) The development of a core curriculum.

15 (b) The evaluation of a core curriculum.

16 (c) The preparation of 1 or more school improvement plans.

17 (d) The dissemination of information concerning 1 or more
18 school improvement plans.

19 (e) The preparation of an annual educational report.

20 (f) Professional development.

21 (g) Educational research.

22 (h) The compilation of instructional objectives, instruc-
23 tional resources, pupil demographics, and pupil academic
24 achievement.

25 (i) Assistance in obtaining school accreditation.

26 (j) The provision of general technical assistance.

1 (4) To the extent allowed by law, if the most cost-effective
 2 business services are not available to constituent districts, an
 3 intermediate school board shall offer to provide for constituent
 4 districts and public school academies located within the interme-
 5 diate school district business services that can be accomplished
 6 more cost-effectively by an intermediate school district. An
 7 intermediate school district may charge a fee for these services,
 8 and may contract with a third party for provision of some or all
 9 of these services. These services may include, but are not
 10 limited to, any of the following:

- 11 (a) Data processing.
- 12 (b) Payroll.
- 13 (c) Class scheduling.
- 14 (d) Distance learning coordination and delivery.
- 15 (e) Transportation services.

16 Sec. 1310. (1) If a pupil enrolled in grade 6 or above com-
 17 mits a physical assault at school against another pupil and the
 18 physical assault is reported to the school board, school district
 19 superintendent, or building principal, the school board OR ITS
 20 DESIGNEE AS DESCRIBED IN SECTION 1311(1) shall expel the pupil
 21 ~~from the school district~~ for up to 180 school days FROM ANY
 22 EDUCATIONAL PLACEMENT IN THE SCHOOL DISTRICT OTHER THAN A DISCI-
 23 PLINARY EDUCATION PROGRAM. A district superintendent or building
 24 principal who receives a report described in this subsection
 25 shall forward the report to the school board. Notwithstanding
 26 section 1147, a school district is not required to allow ~~an~~
 27 ~~individual~~ A PUPIL expelled from another school district under

1 this section to attend school in the school district during the
2 expulsion.

3 (2) If ~~an individual~~ A PUPIL is expelled pursuant to this
4 section, ~~it is the responsibility of that individual and of his~~
5 ~~or her parent or legal guardian to locate a suitable educational~~
6 ~~program and to enroll the individual in such a program during the~~
7 ~~expulsion~~ THE PUPIL SHALL BE PLACED IN AN APPROPRIATE DISCI-
8 PLINARY EDUCATION PROGRAM AS PROVIDED UNDER SECTION 1315.

9 (3) The office for safe schools in the department shall com-
10 pile information on and catalog existing ~~alternative~~
11 DISCIPLINARY education programs ~~or schools~~ and nonpublic
12 schools that may be open to enrollment of ~~individuals~~ PUPILS
13 expelled under this section and pursuant to section 1311(2) or
14 1311a, and shall periodically distribute this information to
15 school districts for distribution to expelled ~~individuals~~
16 PUPILS. A school board that establishes ~~an alternative~~ A
17 DISCIPLINARY education program ~~or school~~ described in this sub-
18 section shall notify the office for safe schools about the pro-
19 gram ~~or school~~ and the types of pupils it serves. The office
20 for safe schools also shall work with and provide technical
21 assistance to school districts, authorizing bodies for public
22 school academies, and other interested parties in developing
23 these types of ~~alternative~~ DISCIPLINARY education programs ~~or~~
24 ~~schools~~ in geographic areas that are not being served.

25 (4) ~~(3)~~ As used in this section:

26 (a) "At school" means in a classroom, elsewhere on school
27 premises, on a school bus or other school-related vehicle, or at

1 a school-sponsored activity or event whether or not it is held on
2 school premises.

3 (b) "Physical assault" means intentionally causing or
4 attempting to cause physical harm to another through force or
5 violence.

6 (c) "School board" means a school board, intermediate school
7 board, or the board of directors of a public school academy.

8 (d) "School district" means a school district, a local act
9 school district, an intermediate school district, or a public
10 school academy.

11 Sec. 1311. (1) Subject to subsection (2), the school board,
12 or the school district superintendent, a school building princi-
13 pal, or another school district official if designated by the
14 school board, may authorize or order the suspension or expulsion
15 from school of a pupil guilty of gross misdemeanor or persistent
16 disobedience if, in the judgment of the school board or its des-
17 ignee, as applicable, the interest of the school is served by the
18 authorization or order. If there is reasonable cause to believe
19 that the pupil is handicapped, and the school district has not
20 evaluated the pupil in accordance with rules of the state board
21 to determine if the student is handicapped, the pupil shall be
22 evaluated immediately by the intermediate school district of
23 which the school district is constituent in accordance with sec-
24 tion 1711.

25 (2) If a pupil possesses in a weapon free school zone a
26 weapon that constitutes a dangerous weapon, commits arson in a
27 school building or on school grounds, or commits criminal sexual

1 conduct in a school building or on school grounds, the school
2 board, or the designee of the school board as described in sub-
3 section (1) on behalf of the school board, shall expel the pupil
4 ~~from the school district~~ permanently, subject to possible rein-
5 statement under subsection (5), FROM ANY EDUCATIONAL PLACEMENT IN
6 THE SCHOOL DISTRICT OTHER THAN A DISCIPLINARY EDUCATION PROGRAM.
7 However, a school board is not required to expel a pupil for pos-
8 sessing a weapon if the pupil establishes in a clear and convinc-
9 ing manner at least 1 of the following:

10 (a) The object or instrument possessed by the pupil was not
11 possessed by the pupil for use as a weapon, or for direct or
12 indirect delivery to another person for use as a weapon.

13 (b) The weapon was not knowingly possessed by the pupil.

14 (c) The pupil did not know or have reason to know that the
15 object or instrument possessed by the pupil constituted a danger-
16 ous weapon.

17 (d) The weapon was possessed by the pupil at the suggestion,
18 request, or direction of, or with the express permission of,
19 school or police authorities.

20 (3) If ~~an individual~~ A PUPIL is expelled pursuant to sub-
21 section (2), the expelling school district shall enter on the
22 ~~individual's~~ PUPIL'S permanent record that he or she has been
23 expelled pursuant to subsection (2). Except ~~if a school dis-~~
24 ~~trict operates or participates cooperatively in an alternative~~
25 ~~education program appropriate for individuals expelled pursuant~~
26 ~~to subsection (2) and in its discretion admits the individual to~~
27 ~~that program, and except~~ for A DISCIPLINARY EDUCATION PROGRAM

1 UNDER SECTION 1315 OR a strict discipline academy established
2 under sections 1311b to 1311l, ~~an individual~~ A PUPIL expelled
3 pursuant to subsection (2) is expelled from all public schools in
4 this state and the officials of a school district shall not allow
5 the ~~individual~~ PUPIL to enroll in the school district IN A PRO-
6 GRAM OTHER THAN A DISCIPLINARY EDUCATION PROGRAM unless the
7 ~~individual~~ PUPIL has been reinstated under subsection (5).
8 UNLESS THE PUPIL ENROLLS IN A STRICT DISCIPLINE ACADEMY, THE
9 PUPIL SHALL BE PLACED IN AN APPROPRIATE DISCIPLINARY EDUCATION
10 PROGRAM AS PROVIDED UNDER SUBSECTION (4) AND SECTION 1315. Except
11 as otherwise provided by law, a program operated for
12 ~~individuals~~ PUPILS expelled pursuant to subsection (2) shall
13 ensure that those ~~individuals~~ PUPILS are physically separated
14 at all times during the school day from the general pupil
15 population. If ~~an individual~~ A PUPIL expelled from a school
16 district pursuant to subsection (2) is not placed in ~~an~~
17 ~~alternative~~ A DISCIPLINARY education program or strict disci-
18 pline academy, the school district ~~may~~ SHALL provide, or ~~may~~
19 SHALL arrange for the intermediate school district to provide,
20 appropriate instructional services to the ~~individual~~ PUPIL at
21 home. The type of services provided AT HOME shall meet the
22 requirements of section 6(4)(v) of the state school aid act of
23 1979, MCL 388.1606, and the services may be contracted for in the
24 same manner as services for homebound pupils under section 109 of
25 the state school aid act of 1979, MCL 388.1709. ~~This subsection~~
26 ~~does not require a school district to expend more money for~~
27 ~~providing services for a pupil expelled pursuant to subsection~~

1 ~~(2) than the amount of the foundation allowance the school~~
2 ~~district receives for the pupil under section 20 of the state~~
3 ~~school aid act of 1979, MCL 388.1620.~~

4 (4) If a school board expels ~~an individual~~ A PUPIL pursu-
5 ant to subsection (2), the school board shall ensure that, within
6 3 days after the expulsion, an official of the school district
7 refers the ~~individual~~ PUPIL to the appropriate county depart-
8 ment of social services or county community mental health agency
9 and notifies the ~~individual's~~ PUPIL'S parent or legal guardian
10 or, if the ~~individual~~ PUPIL is at least age 18 or is an emanci-
11 pated minor, notifies the ~~individual~~ PUPIL of the referral.
12 UNLESS THE PUPIL ENROLLS IN A STRICT DISCIPLINE ACADEMY ESTAB-
13 LISHED UNDER SECTIONS 1311B TO 1311I, THE SCHOOL BOARD ALSO SHALL
14 REFER THE PUPIL FOR PLACEMENT IN A DISCIPLINARY EDUCATION PROGRAM
15 UNDER SECTION 1315.

16 (5) The parent or legal guardian of ~~an individual~~ A PUPIL
17 expelled pursuant to subsection (2) or, if the ~~individual~~ PUPIL
18 is at least age 18 or is an emancipated minor, the ~~individual~~
19 PUPIL may petition the expelling school board for reinstatement
20 of the ~~individual~~ PUPIL to ~~public education~~ AN EDUCATIONAL
21 PLACEMENT in the school district OTHER THAN DISCIPLINARY
22 EDUCATION. If the expelling school board denies a petition for
23 reinstatement, the parent or legal guardian or, if the
24 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
25 the ~~individual~~ PUPIL may petition another school board for
26 reinstatement of the ~~individual~~ PUPIL in that other school

1 district. All of the following apply to reinstatement under this
2 subsection:

3 (a) For ~~an individual~~ A PUPIL who was enrolled in grade 5
4 or below at the time of the expulsion and who has been expelled
5 for possessing a firearm or threatening another person with a
6 dangerous weapon, the parent or legal guardian or, if the
7 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
8 the ~~individual~~ PUPIL may initiate a petition for reinstatement
9 at any time after the expiration of 60 school days after the date
10 of expulsion. For ~~an individual~~ A PUPIL who was enrolled in
11 grade 5 or below at the time of the expulsion and who has been
12 expelled pursuant to subsection (2) for a reason other than pos-
13 sessing a firearm or threatening another person with a dangerous
14 weapon, the parent or legal guardian or, if the ~~individual~~
15 PUPIL is at least age 18 or is an emancipated minor, the
16 ~~individual~~ PUPIL may initiate a petition for reinstatement at
17 any time. For ~~an individual~~ A PUPIL who was in grade 6 or
18 above at the time of expulsion, the parent or legal guardian or,
19 if the ~~individual~~ PUPIL is at least age 18 or is an emancipated
20 minor, the ~~individual~~ PUPIL may initiate a petition for rein-
21 statement at any time after the expiration of 150 school days
22 after the date of expulsion.

23 (b) ~~An individual~~ A PUPIL who was in grade 5 or below at
24 the time of the expulsion and who has been expelled for possess-
25 ing a firearm or threatening another person with a dangerous
26 weapon shall not be reinstated before the expiration of 90 school
27 days after the date of expulsion. ~~An individual~~ A PUPIL who

1 was in grade 5 or below at the time of the expulsion and who has
2 been expelled pursuant to subsection (2) for a reason other than
3 possessing a firearm or threatening another person with a danger-
4 ous weapon shall not be reinstated before the expiration of 10
5 school days after the date of the expulsion. ~~An individual~~ A
6 PUPIL who was in grade 6 or above at the time of the expulsion
7 shall not be reinstated before the expiration of 180 school days
8 after the date of expulsion.

9 (c) It is the responsibility of the parent or legal guardian
10 or, if the ~~individual~~ PUPIL is at least age 18 or is an emanci-
11 pated minor, of the ~~individual~~ PUPIL to prepare and submit the
12 petition. A school board is not required to provide any assist-
13 ance in preparing the petition. Upon request by a parent or
14 legal guardian or, if the ~~individual~~ PUPIL is at least age 18
15 or is an emancipated minor, by the ~~individual~~ PUPIL, a school
16 board shall make available a form for a petition.

17 (d) Not later than 10 school days after receiving a petition
18 for reinstatement under this subsection, a school board shall
19 appoint a committee to review the petition and any supporting
20 information submitted by the parent or legal guardian or, if the
21 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
22 by the ~~individual~~ PUPIL. The committee shall consist of 2
23 school board members, 1 school administrator, 1 teacher, and 1
24 parent of a pupil in the school district. During this time the
25 superintendent of the school district may prepare and submit for
26 consideration by the committee information concerning the

1 circumstances of the expulsion and any factors mitigating for or
2 against reinstatement.

3 (e) Not later than 10 school days after all members are
4 appointed, the committee described in subdivision (d) shall
5 review the petition and any supporting information and informa-
6 tion provided by the school district and shall submit a recommen-
7 dation to the school board on the issue of reinstatement. The
8 recommendation shall be for unconditional reinstatement, for con-
9 ditional reinstatement, or against reinstatement, and shall be
10 accompanied by an explanation of the reasons for the recommenda-
11 tion and of any recommended conditions for reinstatement. The
12 recommendation shall be based on consideration of all of the fol-
13 lowing factors:

14 (i) The extent to which reinstatement of the ~~individual~~
15 PUPIL TO AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY
16 EDUCATION would create a risk of harm to pupils or school
17 personnel.

18 (ii) The extent to which reinstatement of the ~~individual~~
19 PUPIL TO AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY
20 EDUCATION would create a risk of school district liability or
21 individual liability for the school board or school district
22 personnel.

23 (iii) The age and maturity of the ~~individual~~ PUPIL.

24 (iv) The ~~individual's~~ PUPIL'S school record before the
25 incident that caused the expulsion.

26 (v) The ~~individual's~~ PUPIL'S attitude concerning the
27 incident that caused the expulsion.

1 (vi) The ~~individual's~~ PUPIL'S behavior since the expulsion
2 and the prospects for remediation of the ~~individual~~ PUPIL.

3 (vii) If the petition was filed by a parent or legal guardi-
4 an, the degree of cooperation and support that has been provided
5 by the parent or legal guardian and that can be expected if the
6 ~~individual~~ PUPIL is reinstated, including, but not limited to,
7 receptiveness toward possible conditions placed on the
8 reinstatement.

9 (f) Not later than the next regularly scheduled board meet-
10 ing after receiving the recommendation of the committee under
11 subdivision (e), a school board shall make a decision to uncondi-
12 tionally reinstate the ~~individual~~ PUPIL, conditionally rein-
13 state the ~~individual~~ PUPIL, or deny reinstatement of the
14 ~~individual~~ PUPIL. The decision of the school board is final.

15 (g) A school board may require ~~an individual~~ A PUPIL and,
16 if the petition was filed by a parent or legal guardian, his or
17 her parent or legal guardian to agree in writing to specific con-
18 ditions before reinstating the ~~individual~~ PUPIL in a condi-
19 tional reinstatement. The conditions may include, but are not
20 limited to, agreement to a behavior contract, which may involve
21 the ~~individual~~ PUPIL, parent or legal guardian, and an outside
22 agency; participation in or completion of an anger management
23 program or other appropriate counseling; periodic progress
24 reviews; and specified immediate consequences for failure to
25 abide by a condition. A parent or legal guardian or, if the
26 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,

1 the ~~individual~~ PUPIL may include proposed conditions in a
2 petition for reinstatement submitted under this subsection.

3 (6) A school board or school administrator that complies
4 with subsection (2) is not liable for damages for expelling a
5 pupil pursuant to subsection (2), and the authorizing body of a
6 public school academy is not liable for damages for expulsion of
7 a pupil by the public school academy pursuant to subsection (2).

8 (7) The department shall develop and distribute to all
9 school districts a form for a petition for reinstatement to be
10 used under subsection (5).

11 (8) This section does not diminish the due process rights
12 under federal law of a pupil who has been determined to be eligi-
13 ble for special education programs and services.

14 ~~(9) If a pupil expelled from a public school district pur-~~
15 ~~suant to subsection (2) is enrolled by a public school district~~
16 ~~sponsored alternative education program or a public school acad-~~
17 ~~emy during the period of expulsion, the public school academy or~~
18 ~~alternative education program shall immediately become eligible~~
19 ~~for the prorated share of either the public school academy or~~
20 ~~operating school district's foundation allowance or the expelling~~
21 ~~school district's foundation allowance, whichever is higher.~~

22 ~~(10) If an individual is expelled pursuant to subsection~~
23 ~~(2), it is the responsibility of that individual and of his or~~
24 ~~her parent or legal guardian to locate a suitable alternative~~
25 ~~educational program and to enroll the individual in such a pro-~~
26 ~~gram during the expulsion.~~

1 (9) The office of safe schools in the department shall
2 compile information on and catalog existing ~~alternative~~
3 DISCIPLINARY education programs ~~or schools~~ and nonpublic
4 schools that may be open to enrollment of ~~individuals~~ PUPILS
5 expelled pursuant to subsection (2) and pursuant to section
6 1311a, and shall periodically distribute this information to
7 school districts for distribution to expelled ~~individuals~~
8 PUPILS. A school board that establishes ~~an alternative~~ A
9 DISCIPLINARY education program ~~or school~~ described in this sub-
10 section shall notify the office of safe schools about the program
11 ~~or school~~ and the types of pupils it serves. The office of
12 safe schools also shall work with and provide technical assist-
13 ance to school districts, authorizing bodies for public school
14 academies, and other interested parties in developing these types
15 of ~~alternative~~ DISCIPLINARY education programs ~~or schools~~ in
16 geographic areas that are not being served.

17 (10) ~~(11)~~ As used in this section:

18 (a) "Arson" means a felony violation of chapter X of the
19 Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

20 (b) "Criminal sexual conduct" means a violation of
21 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal
22 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e,
23 and 750.520g.

24 (c) "Dangerous weapon" means that term as defined in
25 section 1313.

26 (d) "Firearm" means that term as defined in section 921 of
27 title 18 of the United States Code, 18 U.S.C. 921.

1 (e) "School board" means a school board, intermediate school
2 board, or the board of directors of a public school academy.

3 (f) "School district" means a school district, a local act
4 school district, an intermediate school district, or a public
5 school academy.

6 (g) "Weapon free school zone" means that term as defined in
7 section 237a of the Michigan penal code, 1931 PA 328,
8 MCL 750.237a.

9 Sec. 1311a. (1) If a pupil enrolled in grade 6 or above
10 commits a physical assault at school against a person employed by
11 or engaged as a volunteer or contractor by the school board and
12 the physical assault is reported to the school board, school dis-
13 trict superintendent, or building principal by the victim or, if
14 the victim is unable to report the assault, by another person on
15 the victim's behalf, then the school board, or the designee of
16 the school board as described in section 1311(1) on behalf of the
17 school board, shall expel the pupil ~~from the school district~~
18 permanently, subject to possible reinstatement under
19 subsection (5), FROM ANY EDUCATIONAL PLACEMENT IN THE SCHOOL DIS-
20 TRICT OTHER THAN A DISCIPLINARY EDUCATION PROGRAM. A SCHOOL dis-
21 trict superintendent or building principal who receives a report
22 described in this subsection shall forward the report to the
23 school board.

24 (2) If a pupil enrolled in grade 6 or above commits a verbal
25 assault, as defined by school board policy, at school against a
26 person employed by or engaged as a volunteer or contractor by the
27 school board and the verbal assault is reported to the school

1 board, school district superintendent, or building principal by
 2 the victim or, if the victim is unable to report the verbal
 3 assault, by another person on the victim's behalf, or if a pupil
 4 enrolled in grade 6 or above makes a bomb threat or similar
 5 threat directed at a school building, other school property, or a
 6 school-related event, then the school board, or the designee of
 7 the school board as described in section 1311(1) on behalf of the
 8 school board, shall expel the pupil ~~from the school district~~
 9 for up to 180 school days FROM ANY EDUCATIONAL PLACEMENT IN THE
 10 SCHOOL DISTRICT OTHER THAN A DISCIPLINARY EDUCATION PROGRAM. A
 11 district superintendent or building principal who receives a
 12 report described in this subsection shall forward the report to
 13 the school board. Notwithstanding section 1147, a school dis-
 14 trict is not required to allow ~~an individual~~ A PUPIL expelled
 15 from another school district under this subsection to attend
 16 school in the school district during the expulsion.

17 (3) If ~~an individual~~ A PUPIL is permanently expelled pur-
 18 suant to subsection (1), the expelling school district shall
 19 enter on the ~~individual's~~ PUPIL'S permanent record that he or
 20 she has been permanently expelled pursuant to subsection (1).
 21 Except ~~if a school district operates or participates coopera-~~
 22 ~~tively in an alternative education program appropriate for indi-~~
 23 ~~viduals expelled pursuant to subsection (1) and section 1311(2)~~
 24 ~~and in its discretion admits the individual to that program, and~~
 25 ~~except~~ for A DISCIPLINARY EDUCATION PROGRAM UNDER SECTION 1315
 26 OR a strict discipline academy established under sections 1311b
 27 to 1311l, ~~an individual~~ A PUPIL permanently expelled pursuant

1 to subsection (1) is expelled from all public schools in this
2 state and the officials of a school district shall not allow the
3 ~~individual~~ PUPIL to enroll in the school district IN A PROGRAM
4 OTHER THAN A DISCIPLINARY EDUCATION PROGRAM unless the
5 ~~individual~~ PUPIL has been reinstated under subsection (5).
6 Except as otherwise provided by law, a program operated for
7 ~~individuals~~ PUPILS expelled pursuant to subsection (1) and sec-
8 tion 1311(2) shall ensure that those ~~individuals~~ PUPILS are
9 physically separated at all times during the school day from the
10 general pupil population. If ~~an individual~~ A PUPIL permanently
11 expelled from a school district pursuant to subsection (1) is not
12 placed in ~~an alternative~~ A DISCIPLINARY education program or
13 strict discipline academy, the school district ~~may~~ SHALL pro-
14 vide, or ~~may~~ SHALL arrange for the intermediate school district
15 to provide, appropriate instructional services to the
16 ~~individual~~ PUPIL at home. The type of services provided AT
17 HOME shall meet the requirements of section 6(4)(v) of the state
18 school aid act of 1979, MCL 388.1606, and the services may be
19 contracted for in the same manner as services for homebound
20 pupils under section 109 of the state school aid act of 1979, MCL
21 388.1709. ~~This subsection does not require a school district to~~
22 ~~expend more money for providing services for a pupil permanently~~
23 ~~expelled pursuant to subsection (1) than the amount of the foun-~~
24 ~~dation allowance the school district receives for the pupil under~~
25 ~~section 20 of the state school aid act of 1979, MCL 388.1620.~~
26 (4) If a school board expels ~~an individual~~ A PUPIL
27 pursuant to this section, the school board shall ensure that,

1 within 3 days after the expulsion, an official of the school
2 district refers the ~~individual~~ PUPIL to the appropriate county
3 department of social services or county community mental health
4 agency and notifies the individual's parent or legal guardian or,
5 if the ~~individual~~ PUPIL is at least age 18 or is an emancipated
6 minor, notifies the ~~individual~~ PUPIL of the referral. UNLESS
7 THE PUPIL ENROLLS IN A STRICT DISCIPLINE ACADEMY ESTABLISHED
8 UNDER SECTIONS 1311B TO 1311I, THE SCHOOL BOARD ALSO SHALL REFER
9 THE PUPIL FOR PLACEMENT IN A DISCIPLINARY EDUCATION PROGRAM UNDER
10 SECTION 1315.

11 (5) The parent or legal guardian of ~~an individual~~ A PUPIL
12 permanently expelled pursuant to subsection (1) or, if the
13 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
14 the ~~individual~~ PUPIL may petition the expelling school board
15 for reinstatement of the ~~individual~~ PUPIL to public education
16 in the school district. If the expelling school board denies a
17 petition for reinstatement, the parent or legal guardian or, if
18 the ~~individual~~ PUPIL is at least age 18 or is an emancipated
19 minor, the ~~individual~~ PUPIL may petition another school board
20 for reinstatement of the ~~individual~~ PUPIL in that other school
21 district. All of the following apply to reinstatement under this
22 subsection:

23 (a) The ~~individual's~~ PUPIL'S parent or legal guardian or,
24 if the ~~individual~~ PUPIL is at least age 18 or is an emancipated
25 minor, the ~~individual~~ PUPIL may initiate a petition for rein-
26 statement at any time after the expiration of 150 school days
27 after the date of expulsion.

1 (b) The ~~individual~~ PUPIL shall not be reinstated before
2 the expiration of 180 school days after the date of expulsion.

3 (c) It is the responsibility of the parent or legal guardian
4 or, if the ~~individual~~ PUPIL is at least age 18 or is an emanci-
5 pated minor, of the ~~individual~~ PUPIL to prepare and submit the
6 petition. A school board is not required to provide any assist-
7 ance in preparing the petition. Upon request by a parent or
8 legal guardian or, if the ~~individual~~ PUPIL is at least age 18
9 or is an emancipated minor, by the ~~individual~~ PUPIL, a school
10 board shall make available a form for a petition.

11 (d) Not later than 10 school days after receiving a petition
12 for reinstatement under this subsection, a school board shall
13 appoint a committee to review the petition and any supporting
14 information submitted by the parent or legal guardian or, if the
15 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
16 by the ~~individual~~ PUPIL. The committee shall consist of 2
17 school board members, 1 school administrator, 1 teacher, and 1
18 parent of a pupil in the school district. During this time the
19 superintendent of the school district may prepare and submit for
20 consideration by the committee information concerning the circum-
21 stances of the expulsion and any factors mitigating for or
22 against reinstatement.

23 (e) Not later than 10 school days after all members are
24 appointed, the committee described in subdivision (d) shall
25 review the petition and any supporting information and informa-
26 tion provided by the school district and shall submit a
27 recommendation to the school board on the issue of

1 reinstatement. The recommendation shall be for unconditional
2 reinstatement, for conditional reinstatement, or against rein-
3 statement, and shall be accompanied by an explanation of the rea-
4 sons for the recommendation and of any recommended conditions for
5 reinstatement. The recommendation shall be based on considera-
6 tion of all of the following factors:

7 (i) The extent to which reinstatement of the ~~individual~~
8 PUPIL TO AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY
9 EDUCATION would create a risk of harm to pupils or school
10 personnel.

11 (ii) The extent to which reinstatement of the ~~individual~~
12 PUPIL TO AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY
13 EDUCATION would create a risk of school district or individual
14 liability for the school board or school district personnel.

15 (iii) The age and maturity of the ~~individual~~ PUPIL.

16 (iv) The ~~individual's~~ PUPIL'S school record before the
17 incident that caused the expulsion.

18 (v) The ~~individual's~~ PUPIL'S attitude concerning the inci-
19 dent that caused the expulsion.

20 (vi) The ~~individual's~~ PUPIL'S behavior since the expulsion
21 and the prospects for remediation of the ~~individual~~ PUPIL.

22 (vii) If the petition was filed by a parent or legal guardi-
23 an, the degree of cooperation and support that has been provided
24 by the parent or legal guardian and that can be expected if the
25 ~~individual~~ PUPIL is reinstated, including, but not limited to,
26 receptiveness toward possible conditions placed on the
27 reinstatement.

1 (f) Not later than the next regularly scheduled board
2 meeting after receiving the recommendation of the committee under
3 subdivision (e), a school board shall make a decision to uncondi-
4 tionally reinstate the ~~individual~~ PUPIL, conditionally rein-
5 state the ~~individual~~ PUPIL, or deny reinstatement of the
6 ~~individual~~ PUPIL. The decision of the school board is final.

7 (g) A school board may require ~~an individual~~ A PUPIL and,
8 if the petition was filed by a parent or legal guardian, his or
9 her parent or legal guardian to agree in writing to specific con-
10 ditions before reinstating the ~~individual~~ PUPIL in a condi-
11 tional reinstatement. The conditions may include, but are not
12 limited to, agreement to a behavior contract, which may involve
13 the ~~individual~~ PUPIL, parent or legal guardian, and an outside
14 agency; participation in or completion of an anger management
15 program or other appropriate counseling; periodic progress
16 reviews; and specified immediate consequences for failure to
17 abide by a condition. A parent or legal guardian or, if the
18 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
19 the ~~individual~~ PUPIL may include proposed conditions in a peti-
20 tion for reinstatement submitted under this subsection.

21 (6) A school board or school administrator that complies
22 with this section is not liable for damages for expelling a pupil
23 pursuant to this section, and the authorizing body of a public
24 school academy is not liable for damages for expulsion of a pupil
25 by the public school academy pursuant to this section.

26 (7) The department shall develop and distribute to all
27 school districts a form for a petition for reinstatement to be

1 used under subsection (5). The department may designate the form
2 used for a petition for reinstatement under section 1311 as a
3 form that may be used under this section.

4 (8) This section does not diminish the due process rights
5 under federal law of a pupil who has been determined to be eligi-
6 ble for special education programs and services.

7 ~~-(9) If a pupil expelled from a school district pursuant to~~
8 ~~this section is enrolled by a public school district sponsored~~
9 ~~alternative education program or a public school academy during~~
10 ~~the period of expulsion, the public school academy or the alter-~~
11 ~~native education program is immediately eligible for the prorated~~
12 ~~share of either the public school academy's or operating school~~
13 ~~district's foundation allowance or the expelling school~~
14 ~~district's foundation allowance, whichever is higher.~~

15 (9) ~~-(10)~~ A school board or its designee shall report all
16 assaults described in subsection (1) or (2) to appropriate state
17 or local law enforcement officials and prosecutors as provided in
18 the statewide school safety information policy under section
19 1308.

20 (10) ~~-(11) If an individual is expelled pursuant to this~~
21 ~~section, it is the responsibility of that individual and of his~~
22 ~~or her parent or legal guardian to locate a suitable educational~~
23 ~~program and to enroll the individual in such a program during the~~
24 ~~expulsion.~~ The office for safe schools in the department shall
25 compile information on and catalog existing ~~alternative~~
26 DISCIPLINARY education programs ~~or schools~~ and nonpublic
27 schools that may be open to enrollment of ~~individuals~~ PUPILS

1 expelled pursuant to this section and pursuant to section
 2 1311(2), and shall periodically distribute this information to
 3 school districts for distribution to expelled ~~individuals~~
 4 PUPILS. A school board that establishes ~~an alternative~~ A
 5 DISCIPLINARY education program ~~or school~~ described in this sub-
 6 section shall notify the office of safe schools about the program
 7 ~~or school~~ and the types of pupils it serves. The office for
 8 safe schools also shall work with and provide technical assist-
 9 ance to school districts, authorizing bodies for public school
 10 academies, and other interested parties in developing these types
 11 of alternative education programs ~~or schools~~ in geographic
 12 areas that are not being served.

13 (11) ~~(12)~~ As used in this section:

14 (a) "At school" means in a classroom, elsewhere on school
 15 premises, on a school bus or other school-related vehicle, or at
 16 a school-sponsored activity or event whether or not it is held on
 17 school premises.

18 (b) "Physical assault" means intentionally causing or
 19 attempting to cause physical harm to another through force or
 20 violence.

21 (c) "School board" means a school board, intermediate school
 22 board, or the board of directors of a public school academy.

23 (d) "School district" means a school district, a local act
 24 school district, an intermediate school district, or a public
 25 school academy.

26 SEC. 1315. (1) AN INTERMEDIATE SCHOOL DISTRICT SHALL
 27 OPERATE, OR OTHERWISE ARRANGE FOR THE PROVISION OF, A

1 DISCIPLINARY EDUCATION PROGRAM FOR PUPILS WHO ARE EXPELLED FROM A
2 SCHOOL DISTRICT LOCATED WITHIN THE INTERMEDIATE SCHOOL DISTRICT
3 UNDER SECTION 1310, 1311, OR 1311A, AND WHO DO NOT ENROLL IN A
4 STRICT DISCIPLINE ACADEMY ESTABLISHED UNDER SECTIONS 1311B TO
5 1311I. A SCHOOL BOARD LOCATED WITHIN THE INTERMEDIATE SCHOOL
6 DISTRICT MAY ALSO PLACE A DISRUPTIVE PUPIL IN THE DISCIPLINARY
7 EDUCATION PROGRAM. AN INTERMEDIATE SCHOOL DISTRICT MAY PROVIDE
8 THE DISCIPLINARY EDUCATION PROGRAM DIRECTLY OR MAY PROVIDE THE
9 PROGRAM IN A CONSORTIUM OR OTHER COOPERATIVE ARRANGEMENT WITH 1
10 OR MORE OTHER INTERMEDIATE SCHOOL DISTRICTS OR SCHOOL DISTRICTS.

11 (2) ALL OF THE FOLLOWING APPLY TO A DISCIPLINARY EDUCATION
12 PROGRAM OPERATED PURSUANT TO THIS SECTION:

13 (A) THE PROGRAM SHALL BE PROVIDED IN A SETTING OTHER THAN
14 THE CLASSROOM THAT WOULD BE THE PUPIL'S REGULAR CLASSROOM IF THE
15 PUPIL HAD NOT BEEN PLACED IN THE DISCIPLINARY EDUCATION PROGRAM.

16 (B) THE PROGRAM MAY BE LOCATED ON OR OFF A REGULAR SCHOOL
17 CAMPUS.

18 (C) THE PROGRAM SHALL BE IN A SETTING THAT ENSURES THAT THE
19 PUPILS ARE PHYSICALLY SEPARATED AT ALL TIMES DURING THE SCHOOL
20 DAY FROM THE GENERAL PUPIL POPULATION. THE PROGRAM MAY INCLUDE
21 PUPILS EXPELLED UNDER SECTION 1310, PUPILS EXPELLED UNDER
22 SECTION 1311(2), PUPILS EXPELLED UNDER SECTION 1311A, AND OTHER
23 PUPILS PLACED IN THE PROGRAM, OR ANY COMBINATION OF THESE,
24 TOGETHER IN THE SAME EDUCATIONAL AND PHYSICAL SETTING.

25 (D) THE PROGRAM SHALL PROVIDE FOR BOTH THE ACADEMIC AND
26 BEHAVIOR MANAGEMENT NEEDS OF THE PUPIL IN A STRUCTURED,
27 CONTROLLED ENVIRONMENT.

1 (E) TO THE GREATEST EXTENT PRACTICABLE, THE PROGRAM SHALL
2 INVOLVE LOCAL MENTAL HEALTH, SOCIAL SERVICES, COMMUNITY HEALTH,
3 AND OTHER SUPPORTIVE AGENCIES IN A COLLABORATIVE APPROACH FOR
4 REFERRAL, TREATMENT, AND ASSISTANCE IN MEETING THE NEEDS OF THE
5 PUPIL.

6 (F) THE PROGRAM SHALL INVOLVE A PUPIL'S PARENT OR LEGAL
7 GUARDIAN IN AN ONGOING FASHION.

8 (G) A PUPIL PLACED IN THE PROGRAM IS REQUIRED TO ATTEND
9 SCHOOL IN THE PROGRAM AND IS SUBJECT TO THE COMPULSORY SCHOOL
10 ATTENDANCE PROVISIONS OF PART 24 IF HE OR SHE FAILS TO ATTEND THE
11 PROGRAM.

12 (3) THE SCHOOL DISTRICT THAT PLACED THE PUPIL AND THE INTER-
13 MEDIATE SCHOOL DISTRICT OR OTHER ENTITY OPERATING THE DISCI-
14 PLINARY EDUCATION PROGRAM SHALL COOPERATE WITH OTHER GOVERNMENTAL
15 AGENCIES AND COMMUNITY ORGANIZATIONS THAT ARE PROVIDING SERVICES
16 TO A PUPIL WHO IS PLACED IN A DISCIPLINARY EDUCATION PROGRAM.

17 (4) THIS STATE SHALL APPROPRIATE SUFFICIENT FUNDS EACH YEAR
18 TO FULLY FUND DISCIPLINARY EDUCATION PROGRAMS UNDER THIS
19 SECTION.

20 (5) A SCHOOL BOARD MAY CHOOSE TO OPERATE A DISCIPLINARY EDU-
21 CATION PROGRAM ITSELF OR TO PARTICIPATE IN A CONSORTIUM OR OTHER
22 COOPERATIVE ARRANGEMENT PROVIDING A DISCIPLINARY EDUCATION
23 PROGRAM. UPON REQUEST FROM A SCHOOL DISTRICT THAT CHOOSES TO
24 OPERATE OR PARTICIPATE IN A DISCIPLINARY EDUCATION PROGRAM UNDER
25 THIS SECTION AND THAT IS LOCATED WITHIN THE INTERMEDIATE SCHOOL
26 DISTRICT, AN INTERMEDIATE SCHOOL DISTRICT SHALL DO 1 OR MORE OF
27 THE FOLLOWING:

1 (A) COORDINATE AND ASSIST THE SCHOOL DISTRICT'S OPERATION OF
2 OR PARTICIPATION IN THE DISCIPLINARY EDUCATION PROGRAM.

3 (B) PROVIDE TECHNICAL ASSISTANCE TO THE SCHOOL DISTRICT IN
4 DEVELOPING THE SCHOOL DISTRICT'S OWN DISCIPLINARY EDUCATION PRO-
5 GRAM UNDER THIS SECTION.

6 (6) AS USED IN THIS SECTION:

7 (A) "DISRUPTIVE PUPIL" MEANS A PUPIL WHO CONSISTENTLY
8 ENGAGES IN DISRUPTIVE BEHAVIOR AND WHOSE BEHAVIOR MEETS 1 OR MORE
9 OF THE FOLLOWING:

10 (i) POSES A THREAT TO THE SAFETY AND WELFARE OF OTHER
11 PUPILS, TEACHERS, AND OTHER SCHOOL PERSONNEL.

12 (ii) CREATES AN UNSAFE SCHOOL ENVIRONMENT.

13 (iii) MATERIALLY INTERFERES WITH THE LEARNING OF OTHER
14 PUPILS OR DISRUPTS THE OVERALL EDUCATIONAL PROCESS, IN A CONTINU-
15 ING AND ONGOING FASHION.

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