

SENATE BILL NO. 183

January 28, 1999, Introduced by Senators HAMMERSTROM,
SIKKEMA, NORTH, MC MANUS and GOSCHKA 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, 1311a, and
1311c.

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.

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

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

1 PERSONNEL. THE PROSECUTING ATTORNEY MAY INQUIRE OF EACH SCHOOL
2 AGE INDIVIDUAL INVOLVED IN A COURT ACTION DESCRIBED IN THIS SUB-
3 SECTION WHETHER THE INDIVIDUAL IS A PUPIL IN A SCHOOL DISTRICT
4 AND, IF SO, IN WHICH SCHOOL DISTRICT.

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

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

22 (A) LAW ENFORCEMENT PROTOCOLS AND PRIORITIES FOR THE REPORT-
23 ING PROCESS. THE LAW ENFORCEMENT PROTOCOLS MUST BE DEVELOPED
24 WITH THE COOPERATION OF THE APPROPRIATE STATE OR LOCAL LAW
25 ENFORCEMENT AGENCY. THE LAW ENFORCEMENT PRIORITIES SHALL INCLUDE
26 AT LEAST INVESTIGATION OF REPORTED INCIDENTS, IDENTIFICATION OF

1 THOSE INVOLVED IN A REPORTED INCIDENT, AND ASSISTANCE IN
2 PREVENTION OF THESE TYPES OF INCIDENTS.

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

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

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

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

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

18 (iv) CUSTODY OF ACTORS.

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

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

1 (6) REPORTING OF INFORMATION BY A SCHOOL DISTRICT OR SCHOOL
2 PERSONNEL UNDER THIS SECTION IS SUBJECT TO SECTION 444 OF SUBPART
3 4 OF PART C OF THE GENERAL EDUCATION PROVISIONS ACT, TITLE IV OF
4 PUBLIC LAW 90-247, 20 U.S.C. 1232g, COMMONLY REFERRED TO AS THE
5 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.

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

13 (8) 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) "SCHOOL BOARD" AND "SCHOOL DISTRICT" MEAN THOSE TERMS AS
19 DEFINED IN SECTION 1311.

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

1 IF THE SCHOOL BOARD DETERMINES THAT AN ASSAULT DID IN FACT OCCUR
2 AND WAS COMMITTED BY THE PUPIL. THE EXPULSION SHALL BE PER-
3 MANENT, SUBJECT TO POSSIBLE REINSTATEMENT UNDER SUBSECTION (5).

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

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

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

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

1 SHALL ENSURE THAT THOSE INDIVIDUALS ARE PHYSICALLY SEPARATED AT
2 ALL TIMES DURING THE SCHOOL DAY FROM THE GENERAL PUPIL
3 POPULATION. IF AN INDIVIDUAL EXPELLED FROM A SCHOOL DISTRICT
4 PURSUANT TO THE POLICY REQUIRED UNDER THIS SECTION IS NOT PLACED
5 IN AN ALTERNATIVE EDUCATION PROGRAM, THE SCHOOL DISTRICT MAY PRO-
6 VIDE, OR MAY ARRANGE FOR THE INTERMEDIATE SCHOOL DISTRICT TO PRO-
7 VIDE, APPROPRIATE INSTRUCTIONAL SERVICES TO THE INDIVIDUAL AT
8 HOME. THE TYPE OF INSTRUCTIONAL SERVICES PROVIDED AT HOME SHALL
9 MEET THE REQUIREMENTS OF SECTION 6(4)(V)(i) TO (iv) OF THE STATE
10 SCHOOL AID ACT OF 1979, MCL 388.1606, AND THE SERVICES MAY BE
11 CONTRACTED FOR IN THE SAME MANNER AS SERVICES FOR HOMEBOUND
12 PUPILS UNDER SECTION 109 OF THE STATE SCHOOL AID ACT OF 1979, MCL
13 388.1709. THIS SUBSECTION DOES NOT REQUIRE A SCHOOL DISTRICT TO
14 EXPEND MORE MONEY FOR PROVIDING SERVICES FOR A PUPIL EXPELLED
15 PURSUANT TO THE POLICY REQUIRED UNDER THIS SECTION THAN THE
16 AMOUNT OF THE FOUNDATION ALLOWANCE THE SCHOOL DISTRICT RECEIVES
17 FOR THE PUPIL UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF
18 1979, MCL 388.1620.

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

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

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

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

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

26 (D) NOT LATER THAN 10 SCHOOL DAYS AFTER RECEIVING A PETITION
27 FOR REINSTATEMENT UNDER THIS SUBSECTION, A SCHOOL BOARD SHALL

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

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

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

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

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

2 (iv) THE INDIVIDUAL'S SCHOOL RECORD BEFORE THE INCIDENT THAT

3 CAUSED THE PERMANENT EXPULSION.

4 (v) THE INDIVIDUAL'S ATTITUDE CONCERNING THE INCIDENT THAT

5 CAUSED THE PERMANENT EXPULSION.

6 (vi) THE INDIVIDUAL'S BEHAVIOR SINCE THE PERMANENT EXPULSION

7 AND THE PROSPECTS FOR REMEDIATION OF THE INDIVIDUAL.

8 (vii) IF THE PETITION WAS FILED BY A PARENT OR LEGAL GUARDI-

9 AN, THE DEGREE OF COOPERATION AND SUPPORT THAT HAS BEEN PROVIDED

10 BY THE PARENT OR LEGAL GUARDIAN AND THAT CAN BE EXPECTED IF THE

11 INDIVIDUAL IS REINSTATED, INCLUDING, BUT NOT LIMITED TO, RECEP-

12 TIVENESS TOWARD POSSIBLE CONDITIONS PLACED ON THE REINSTATEMENT.

13 (F) NOT LATER THAN THE NEXT REGULARLY SCHEDULED BOARD MEET-

14 ING AFTER RECEIVING THE RECOMMENDATION OF THE COMMITTEE UNDER

15 SUBDIVISION (E), A SCHOOL BOARD SHALL MAKE A DECISION TO UNCONDI-

16 TIONALLY REINSTATE THE INDIVIDUAL, CONDITIONALLY REINSTATE THE

17 INDIVIDUAL, OR DENY REINSTATEMENT OF THE INDIVIDUAL. THE DECI-

18 SION OF THE SCHOOL BOARD IS FINAL.

19 (G) A SCHOOL BOARD MAY REQUIRE AN INDIVIDUAL AND, IF THE

20 PETITION WAS FILED BY A PARENT OR LEGAL GUARDIAN, HIS OR HER

21 PARENT OR LEGAL GUARDIAN TO AGREE IN WRITING TO SPECIFIC CONDI-

22 TIONS BEFORE REINSTATING THE INDIVIDUAL IN A CONDITIONAL

23 REINSTATEMENT. THE CONDITIONS SHALL INCLUDE SPECIFIC REQUIRE-

24 MENTS FOR PARENTAL INVOLVEMENT AND MAY INCLUDE, BUT ARE NOT

25 LIMITED TO, AGREEMENT TO A BEHAVIOR CONTRACT, WHICH MAY INVOLVE

26 THE INDIVIDUAL, PARENT OR LEGAL GUARDIAN, AND AN OUTSIDE AGENCY;

27 PARTICIPATION IN OR COMPLETION OF AN ANGER MANAGEMENT PROGRAM OR

1 OTHER APPROPRIATE COUNSELING; PERIODIC PROGRESS REVIEWS; AND
2 SPECIFIED IMMEDIATE CONSEQUENCES FOR FAILURE TO ABIDE BY A
3 CONDITION. A PARENT OR LEGAL GUARDIAN OR, IF THE INDIVIDUAL IS
4 AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE INDIVIDUAL MAY
5 INCLUDE PROPOSED CONDITIONS IN A PETITION FOR REINSTATEMENT SUB-
6 MITTED UNDER THIS SUBSECTION.

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

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

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

25 (9) THIS SECTION DOES NOT DIMINISH THE DUE PROCESS RIGHTS
26 UNDER FEDERAL LAW OF A PUPIL WHO HAS BEEN DETERMINED TO BE
27 ELIGIBLE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES.

1 (10) A SCHOOL BOARD OR ITS DESIGNEE SHALL REPORT ALL
2 ASSAULTS DESCRIBED IN SUBSECTION (2) OCCURRING AT SCHOOL TO
3 APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT OFFICIALS AND PROSECU-
4 TORS WITHIN 3 SCHOOL DAYS.

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

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

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

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

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

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

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

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

1 1311(2), AND SHALL PERIODICALLY DISTRIBUTE THIS INFORMATION TO
2 SCHOOL DISTRICTS FOR DISTRIBUTION TO EXPELLED INDIVIDUALS. THE
3 OFFICE OF SAFE SCHOOLS ALSO SHALL WORK WITH AND PROVIDE TECHNICAL
4 ASSISTANCE TO SCHOOL DISTRICTS, AUTHORIZING BODIES FOR PUBLIC
5 SCHOOL ACADEMIES, AND OTHER INTERESTED PARTIES IN DEVELOPING
6 THESE TYPES OF ALTERNATIVE EDUCATION PROGRAMS OR SCHOOLS IN GEO-
7 GRAPHIC AREAS THAT ARE NOT BEING SERVED.

8 (15) AS USED IN THIS SECTION:

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

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

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

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

22 SEC. 1311C. (1) IF A TEACHER IN A PUBLIC SCHOOL HAS GOOD
23 REASON TO BELIEVE THAT A PUPIL'S PRESENCE IN A CLASS, SUBJECT, OR
24 ACTIVITY POSES A CLEAR THREAT TO THE SAFETY AND WELFARE OF OTHER
25 PUPILS OR SCHOOL PERSONNEL OR CREATES AN UNSAFE SCHOOL ENVIRON-
26 MENT, THE TEACHER MAY CAUSE THE PUPIL TO BE SUSPENDED FROM THE
27 CLASS, SUBJECT, OR ACTIVITY FOR UP TO 1 FULL SCHOOL DAY. THE

1 TEACHER SHALL IMMEDIATELY REPORT THE SUSPENSION AND THE REASON
2 FOR THE SUSPENSION TO THE SCHOOL PRINCIPAL AND SEND THE PUPIL TO
3 THE SCHOOL PRINCIPAL OR THE SCHOOL PRINCIPAL'S DESIGNEE FOR
4 APPROPRIATE ACTION. IF THAT ACTION REQUIRES THE CONTINUED PRES-
5 ENCE OF THE PUPIL AT SCHOOL, THE PUPIL SHALL BE UNDER APPROPRIATE
6 SUPERVISION. AS SOON AS POSSIBLE AFTER A SUSPENSION UNDER THIS
7 SECTION, THE TEACHER SHALL ASK THE PARENT OR GUARDIAN OF THE
8 PUPIL TO ATTEND A PARENT-TEACHER CONFERENCE REGARDING THE
9 SUSPENSION. WHENEVER PRACTICABLE, A SCHOOL COUNSELOR, SCHOOL
10 PSYCHOLOGIST, OR SCHOOL SOCIAL WORKER SHALL ATTEND THE
11 CONFERENCE. A SCHOOL ADMINISTRATOR SHALL ATTEND THE CONFERENCE
12 IF THE TEACHER OR THE PARENT OR GUARDIAN SO REQUESTS. DURING A
13 SUSPENSION UNDER THIS SECTION, THE PUPIL SHALL NOT BE RETURNED
14 THAT SCHOOL DAY TO THE CLASS, SUBJECT, OR ACTIVITY FROM WHICH HE
15 OR SHE WAS SUSPENDED WITHOUT THE CONCURRENCE OF THE TEACHER OF
16 THE CLASS, SUBJECT, OR ACTIVITY AND THE SCHOOL PRINCIPAL.

17 (2) AS USED IN THIS SECTION, "SCHOOL PRINCIPAL" MEANS THE
18 CHIEF ADMINISTRATOR OF A SCHOOL.