

# HOUSE BILL No. 5442

February 28, 2012, Introduced by Reps. Damrow and Rogers and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1310, 1311, and 1311a (MCL 380.1310, 380.1311, and 380.1311a), section 1310 as amended by 2000 PA 230, section 1311 as amended by 2008 PA 1, and section 1311a as amended by 2007 PA 138.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1310. (1) If a pupil enrolled in grade 6 or above commits  
2       a physical assault at school against another pupil and the physical  
3       assault is reported to the school board, school district  
4       superintendent, or building principal, then the school board or the  
5       designee of the school board as described in section 1311(1) on  
6       behalf of the school board shall suspend or expel the pupil from  
7       the school district for up to 180 school days. A district  
8       superintendent or building principal who receives a report

1 described in this subsection shall forward the report to the school  
2 board. Notwithstanding section 1147, a school district is not  
3 required to allow an individual expelled from another school  
4 district under this section to attend school in the school district  
5 during the expulsion, **AND SHALL NOT ALLOW AN INDIVIDUAL WHO IS NOT**  
6 **A RESIDENT OF THE SCHOOL DISTRICT AND WHO IS EXPELLED FROM ANOTHER**  
7 **SCHOOL DISTRICT UNDER THIS SECTION TO ATTEND SCHOOL IN THE SCHOOL**  
8 **DISTRICT DURING THE EXPULSION IF THE EXPULSION OCCURRED DURING THE**  
9 **CURRENT OR IMMEDIATELY PRECEDING SCHOOL YEAR.**

10 (2) If an individual is expelled pursuant to this section, it  
11 is the responsibility of that individual and of his or her parent  
12 or legal guardian to locate a suitable educational program and to  
13 enroll the individual in such a program during the expulsion. The  
14 office for safe schools in the department shall compile information  
15 on and catalog existing alternative education programs or schools  
16 and nonpublic schools that may be open to enrollment of individuals  
17 expelled under this section and pursuant to section 1311(2) or  
18 1311a, and shall periodically distribute this information to school  
19 districts for distribution to expelled individuals. A school board  
20 that establishes an alternative education program or school  
21 described in this subsection shall notify the office for safe  
22 schools about the program or school and the types of pupils it  
23 serves. The office for safe schools also shall work with and  
24 provide technical assistance to school districts, authorizing  
25 bodies for public school academies, and other interested parties in  
26 developing these types of alternative education programs or schools  
27 in geographic areas that are not being served.

1           (3) BEFORE ALLOWING AN INDIVIDUAL WHO IS EXPELLED UNDER THIS  
2 SECTION TO RETURN TO SCHOOL, A SCHOOL BOARD SHALL REQUIRE THE  
3 INDIVIDUAL OR HIS OR HER PARENT OR LEGAL GUARDIAN, OR BOTH, TO  
4 AGREE IN WRITING TO SPECIFIC CONDITIONS BEFORE CONDITIONALLY  
5 ALLOWING THE INDIVIDUAL TO RETURN TO SCHOOL. THE CONDITIONS MAY  
6 INCLUDE, BUT ARE NOT LIMITED TO, AGREEMENT TO A BEHAVIOR CONTRACT,  
7 WHICH MAY INVOLVE THE INDIVIDUAL, PARENT OR LEGAL GUARDIAN, AND AN  
8 OUTSIDE AGENCY; PARTICIPATION IN OR COMPLETION OF AN ANGER  
9 MANAGEMENT PROGRAM OR OTHER APPROPRIATE COUNSELING; PERIODIC  
10 PROGRESS REVIEWS; AND SPECIFIED IMMEDIATE CONSEQUENCES FOR FAILURE  
11 TO ABIDE BY A CONDITION.

12           (4) ~~(3)~~—As used in this section:

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

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

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

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

25           Sec. 1311. (1) Subject to subsection (2), the school board, or  
26 the school district superintendent, a school building principal, or  
27 another school district official if designated by the school board,

1 may authorize or order the suspension or expulsion from school of a  
2 pupil guilty of gross misdemeanor or persistent disobedience if, in  
3 the judgment of the school board or its designee, as applicable,  
4 the interest of the school is served by the authorization or order.

5 If there is reasonable cause to believe that the pupil is a student  
6 with a disability, and the school district has not evaluated the  
7 pupil in accordance with rules of the superintendent of public  
8 instruction to determine if the pupil is a student with a  
9 disability, the pupil shall be evaluated immediately by the

10 intermediate school district of which the school district is  
11 constituent in accordance with section 1711. **BEFORE ALLOWING AN  
12 INDIVIDUAL WHO IS SUSPENDED OR EXPELLED UNDER THIS SUBSECTION TO  
13 RETURN TO SCHOOL, A SCHOOL BOARD SHALL REQUIRE THE INDIVIDUAL OR  
14 HIS OR HER PARENT OR LEGAL GUARDIAN, OR BOTH, TO AGREE IN WRITING  
15 TO SPECIFIC CONDITIONS BEFORE CONDITIONALLY ALLOWING THE INDIVIDUAL  
16 TO RETURN TO SCHOOL. THE CONDITIONS MAY INCLUDE, BUT ARE NOT  
17 LIMITED TO, AGREEMENT TO A BEHAVIOR CONTRACT, WHICH MAY INVOLVE THE  
18 INDIVIDUAL, PARENT OR LEGAL GUARDIAN, AND AN OUTSIDE AGENCY;  
19 PARTICIPATION IN OR COMPLETION OF AN ANGER MANAGEMENT PROGRAM OR  
20 OTHER APPROPRIATE COUNSELING; PERIODIC PROGRESS REVIEWS; AND  
21 SPECIFIED IMMEDIATE CONSEQUENCES FOR FAILURE TO ABIDE BY A  
22 CONDITION.**

23 (2) If a pupil possesses in a weapon free school zone a weapon  
24 that constitutes a dangerous weapon, commits arson in a school  
25 building or on school grounds, or commits criminal sexual conduct  
26 in a school building or on school grounds, the school board, or the  
27 designee of the school board as described in subsection (1) on

1   behalf of the school board, shall expel the pupil from the school  
2   district permanently, subject to possible reinstatement under  
3   subsection (5). However, a school board is not required to expel a  
4   pupil for possessing a weapon if the pupil establishes in a clear  
5   and convincing manner at least 1 of the following:

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

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

10      (c) The pupil did not know or have reason to know that the  
11   object or instrument possessed by the pupil constituted a dangerous  
12   weapon.

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

16      (3) If an individual is expelled pursuant to subsection (2),  
17   the expelling school district shall enter on the individual's  
18   permanent record that he or she has been expelled pursuant to  
19   subsection (2). Except if a school district operates or  
20   participates cooperatively in an alternative education program  
21   appropriate for individuals expelled pursuant to subsection (2) and  
22   in its discretion admits the individual to that program, and except  
23   for a strict discipline academy established under sections 1311b to  
24   1311l, an individual expelled pursuant to subsection (2) is expelled  
25   from all public schools in this state and the officials of a school  
26   district shall not allow the individual to enroll in the school  
27   district unless the individual has been reinstated under subsection

(5). Except as otherwise provided by law, a program operated for individuals expelled pursuant to subsection (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 subsection (2) is not placed in an alternative education program or strict discipline academy, 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 meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil expelled pursuant to subsection (2) than the amount of the foundation allowance the school district receives for the pupil as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(4) If a school board expels an individual pursuant to subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(5) The parent or legal guardian of an individual expelled

1 pursuant to subsection (2) or, if the individual is at least age 18  
2 or is an emancipated minor, the individual may petition the  
3 expelling school board for reinstatement of the individual to  
4 public education in the school district. If **THE EXPULSION DID NOT**  
5 **OCCUR IN THE CURRENT OR IMMEDIATELY PRECEDING SCHOOL YEAR AND** the  
6 expelling school board denies a petition for reinstatement, the  
7 parent or legal guardian or, if the individual is at least age 18  
8 or is an emancipated minor, the individual may petition another  
9 school board for reinstatement of the individual in that other  
10 school district. All of the following apply to reinstatement under  
11 this subsection:

12 (a) For an individual who was enrolled in grade 5 or below at  
13 the time of the expulsion and who has been expelled for possessing  
14 a firearm or threatening another person with a dangerous weapon,  
15 the parent or legal guardian or, if the individual is at least age  
16 18 or is an emancipated minor, the individual may initiate a  
17 petition for reinstatement at any time after the expiration of 60  
18 school days after the date of expulsion. For an individual who was  
19 enrolled in grade 5 or below at the time of the expulsion and who  
20 has been expelled pursuant to subsection (2) for a reason other  
21 than possessing a firearm or threatening another person with a  
22 dangerous weapon, the parent or legal guardian or, if the  
23 individual is at least age 18 or is an emancipated minor, the  
24 individual may initiate a petition for reinstatement at any time.  
25 For an individual who was in grade 6 or above at the time of  
26 expulsion, the parent or legal guardian or, if the individual is at  
27 least age 18 or is an emancipated minor, the individual may

1 initiate a petition for reinstatement at any time after the  
2 expiration of 150 school days after the date of expulsion.

3 (b) An individual who was in grade 5 or below at the time of  
4 the expulsion and who has been expelled for possessing a firearm or  
5 threatening another person with a dangerous weapon shall not be  
6 reinstated before the expiration of 90 school days after the date  
7 of expulsion. An individual who was in grade 5 or below at the time  
8 of the expulsion and who has been expelled pursuant to subsection  
9 (2) for a reason other than possessing a firearm or threatening  
10 another person with a dangerous weapon shall not be reinstated  
11 before the expiration of 10 school days after the date of the  
12 expulsion. An individual who was in grade 6 or above at the time of  
13 the expulsion shall not be reinstated before the expiration of 180  
14 school days after the date of expulsion.

15 (c) It is the responsibility of the parent or legal guardian  
16 or, if the individual is at least age 18 or is an emancipated  
17 minor, of the individual to prepare and submit the petition. A  
18 school board is not required to provide any assistance in preparing  
19 the petition. Upon request by a parent or legal guardian or, if the  
20 individual is at least age 18 or is an emancipated minor, by the  
21 individual, a school board shall make available a form for a  
22 petition.

23 (d) Not later than 10 school days after receiving a petition  
24 for reinstatement under this subsection, a school board shall  
25 appoint a committee to review the petition and any supporting  
26 information submitted by the parent or legal guardian or, if the  
27 individual is at least age 18 or is an emancipated minor, by the



1 individual. The committee shall consist of 2 school board members,  
2 1 school administrator, 1 teacher, and 1 parent of a pupil in the  
3 school district. During this time the superintendent of the school  
4 district may prepare and submit for consideration by the committee  
5 information concerning the circumstances of the expulsion and any  
6 factors mitigating for or against reinstatement.

7 (e) Not later than 10 school days after all members are  
8 appointed, the committee described in subdivision (d) shall review  
9 the petition and any supporting information and information  
10 provided by the school district and shall submit a recommendation  
11 to the school board on the issue of reinstatement. The  
12 recommendation shall be for unconditional reinstatement, for  
13 conditional reinstatement, or against reinstatement, and shall be  
14 accompanied by an explanation of the reasons for the recommendation  
15 and of any recommended conditions for reinstatement. The  
16 recommendation shall be based on consideration of all of the  
17 following factors:

18 (i) The extent to which reinstatement of the individual would  
19 create a risk of harm to pupils or school personnel.

20 (ii) The extent to which reinstatement of the individual would  
21 create a risk of school district liability or individual liability  
22 for the school board or school district personnel.

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

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

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

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

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

8           (f) Not later than the next regularly scheduled board meeting  
9 after receiving the recommendation of the committee under  
10 subdivision (e), a school board shall make a decision to  
11 unconditionally reinstate the individual, conditionally reinstate  
12 the individual, or deny reinstatement of the individual. The  
13 decision of the school board is final.

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

27           (6) A school board or school administrator that complies with

1 subsection (2) is not liable for damages for expelling a pupil  
2 pursuant to subsection (2), and the authorizing body of a public  
3 school academy is not liable for damages for expulsion of a pupil  
4 by the public school academy pursuant to subsection (2).

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

8 (8) This section does not diminish any rights under federal  
9 law of a pupil who has been determined to be eligible for special  
10 education programs and services.

11 (9) If a pupil expelled from a ~~public school district~~ pursuant  
12 to subsection (2) is enrolled by a ~~public school district sponsored~~  
13 **AN** alternative education program ~~or a public school academy~~  
14 **SPONSORED OR OPERATED BY ANOTHER SCHOOL DISTRICT** during the period  
15 of expulsion, the ~~public school academy or~~ alternative education  
16 program shall immediately become eligible for the prorated share of  
17 either the ~~public school academy~~ **SPONSORING** or operating school  
18 district's foundation allowance or the expelling school district's  
19 foundation allowance, whichever is higher.

20 (10) If an individual is expelled pursuant to subsection (2),  
21 it is the responsibility of that individual and of his or her  
22 parent or legal guardian to locate a suitable alternative  
23 educational program and to enroll the individual in such a program  
24 during the expulsion. The office of safe schools in the department  
25 shall compile information on and catalog existing alternative  
26 education programs or schools and nonpublic schools that may be  
27 open to enrollment of individuals expelled pursuant to subsection

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

12 (11) As used in this section:

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

15 (b) "Criminal sexual conduct" means a violation of section  
16 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA  
17 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

18 (c) "Dangerous weapon" means that term as defined in section  
19 1313.

20 (d) "Firearm" means that term as defined in section 921 of  
21 title 18 of the United States Code, 18 USC 921.

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

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

27 (g) "Weapon free school zone" means that term as defined in

1 section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

2       Sec. 1311a. (1) If a pupil enrolled in grade 6 or above  
3 commits a physical assault at school against a person employed by  
4 or engaged as a volunteer or contractor by the school board and the  
5 physical assault is reported to the school board, school district  
6 superintendent, or building principal by the victim or, if the  
7 victim is unable to report the assault, by another person on the  
8 victim's behalf, then the school board, or the designee of the  
9 school board as described in section 1311(1) on behalf of the  
10 school board, shall expel the pupil from the school district  
11 permanently, subject to possible reinstatement under subsection  
12 (5). A district superintendent or building principal who receives a  
13 report described in this subsection shall forward the report to the  
14 school board.

15       (2) If a pupil enrolled in grade 6 or above commits a verbal  
16 assault, as defined by school board policy, at school against a  
17 person employed by or engaged as a volunteer or contractor by the  
18 school board and the verbal assault is reported to the school  
19 board, school district superintendent, or building principal by the  
20 victim or, if the victim is unable to report the verbal assault, by  
21 another person on the victim's behalf, or if a pupil enrolled in  
22 grade 6 or above makes a bomb threat or similar threat directed at  
23 a school building, other school property, or a school-related  
24 event, then the school board, or the designee of the school board  
25 as described in section 1311(1) on behalf of the school board,  
26 shall suspend or expel the pupil from the school district for a  
27 period of time as determined in the discretion of the school board

1 or its designee. A district superintendent or building principal  
2 who receives a report described in this subsection shall forward  
3 the report to the school board. Notwithstanding section 1147, a  
4 school district is not required to allow an individual expelled  
5 from another school district under this subsection to attend school  
6 in the school district during the expulsion, **AND SHALL NOT ALLOW AN**  
7 **INDIVIDUAL WHO IS NOT A RESIDENT OF THE SCHOOL DISTRICT AND WHO IS**  
8 **EXPELLED FROM ANOTHER SCHOOL DISTRICT UNDER THIS SECTION TO ATTEND**  
9 **SCHOOL IN THE SCHOOL DISTRICT DURING THE EXPULSION IF THE EXPULSION**  
10 **OCCURRED DURING THE CURRENT OR IMMEDIATELY PRECEDING SCHOOL YEAR.**  
11 **BEFORE ALLOWING AN INDIVIDUAL WHO IS SUSPENDED OR EXPELLED UNDER**  
12 **THIS SUBSECTION TO RETURN TO SCHOOL, A SCHOOL BOARD SHALL REQUIRE**  
13 **THE INDIVIDUAL OR HIS OR HER PARENT OR LEGAL GUARDIAN, OR BOTH, TO**  
14 **AGREE IN WRITING TO SPECIFIC CONDITIONS BEFORE CONDITIONALLY**  
15 **ALLOWING THE INDIVIDUAL TO RETURN TO SCHOOL. THE CONDITIONS MAY**  
16 **INCLUDE, BUT ARE NOT LIMITED TO, AGREEMENT TO A BEHAVIOR CONTRACT,**  
17 **WHICH MAY INVOLVE THE INDIVIDUAL, PARENT OR LEGAL GUARDIAN, AND AN**  
18 **OUTSIDE AGENCY; PARTICIPATION IN OR COMPLETION OF AN ANGER**  
19 **MANAGEMENT PROGRAM OR OTHER APPROPRIATE COUNSELING; PERIODIC**  
20 **PROGRESS REVIEWS; AND SPECIFIED IMMEDIATE CONSEQUENCES FOR FAILURE**  
21 **TO ABIDE BY A CONDITION.**

22 (3) If an individual is permanently expelled pursuant to this  
23 section, the expelling school district shall enter on the  
24 individual's permanent record that he or she has been permanently  
25 expelled pursuant to this section. Except if a school district  
26 operates or participates cooperatively in an alternative education  
27 program appropriate for individuals expelled pursuant to this

1 section and section 1311(2) and in its discretion admits the  
2 individual to that program, and except for a strict discipline  
3 academy established under sections 1311b to 1311l, an individual  
4 permanently expelled pursuant to this section is expelled from all  
5 public schools in this state and the officials of a school district  
6 shall not allow the individual to enroll in the school district  
7 unless the individual has been reinstated under subsection (5).

8 Except as otherwise provided by law, a program operated for  
9 individuals expelled pursuant to this section and section 1311(2)  
10 shall ensure that those individuals are physically separated at all  
11 times during the school day from the general pupil population. If  
12 an individual permanently expelled from a school district pursuant  
13 to this section is not placed in an alternative education program  
14 or strict discipline academy, the school district may provide, or  
15 may arrange for the intermediate school district to provide,  
16 appropriate instructional services to the individual at home. The  
17 type of services provided shall meet the requirements of section  
18 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the  
19 services may be contracted for in the same manner as services for  
20 homebound pupils under section 109 of the state school aid act of  
21 1979, MCL 388.1709. This subsection does not require a school  
22 district to expend more money for providing services for a pupil  
23 permanently expelled pursuant to this section than the amount of  
24 the foundation allowance the school district receives for the pupil  
25 under section 20 of the state school aid act of 1979, MCL 388.1620.

26 (4) If a school board permanently expels an individual  
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 to the appropriate county department  
3 of social services or county community mental health agency and  
4 notifies the individual's parent or legal guardian or, if the  
5 individual is at least age 18 or is an emancipated minor, notifies  
6 the individual of the referral.

7 (5) The parent or legal guardian of an individual permanently  
8 expelled pursuant to this section or, if the individual is at least  
9 age 18 or is an emancipated minor, the individual may petition the  
10 expelling school board for reinstatement of the individual to  
11 public education in the school district. If **THE EXPULSION DID NOT**  
12 **OCCUR IN THE CURRENT OR IMMEDIATELY PRECEDING SCHOOL YEAR AND** the  
13 expelling school board denies a petition for reinstatement, the  
14 parent or legal guardian or, if the individual is at least age 18  
15 or is an emancipated minor, the individual may petition another  
16 school board for reinstatement of the individual in that other  
17 school district. All of the following apply to reinstatement under  
18 this subsection:

19 (a) The individual's parent or legal guardian or, if the  
20 individual is at least age 18 or is an emancipated minor, the  
21 individual may initiate a petition for reinstatement at any time  
22 after the expiration of 150 school days after the date of  
23 expulsion.

24 (b) The individual shall not be reinstated before the  
25 expiration of 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



1 minor, of the individual to prepare and submit the petition. A  
2 school board is not required to provide any assistance in preparing  
3 the petition. Upon request by a parent or legal guardian or, if the  
4 individual is at least age 18 or is an emancipated minor, by the  
5 individual, a school board shall make available a form for a  
6 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 members,  
13 1 school administrator, 1 teacher, and 1 parent of a pupil in the  
14 school district. During this time the superintendent of the school  
15 district may prepare and submit for consideration by the committee  
16 information concerning the circumstances of the expulsion and any  
17 factors mitigating for or against reinstatement.

18 (e) Not later than 10 school days after all members are  
19 appointed, the committee described in subdivision (d) shall review  
20 the petition and any supporting information and information  
21 provided by the school district and shall submit a recommendation  
22 to the school board on the issue of reinstatement. The  
23 recommendation shall be for unconditional reinstatement, for  
24 conditional reinstatement, or against reinstatement, and shall be  
25 accompanied by an explanation of the reasons for the recommendation  
26 and of any recommended conditions for reinstatement. The  
27 recommendation shall be based on consideration of all of the

1 following factors:

2 (i) The extent to which reinstatement of the individual would  
3 create a risk of harm to pupils or school personnel.

4 (ii) The extent to which reinstatement of the individual would  
5 create a risk of school district or individual liability for the  
6 school board or school district personnel.

7 (iii) The age and maturity of the individual.

8 (iv) The individual's school record before the incident that  
9 caused the expulsion.

10 (v) The individual's attitude concerning the incident that  
11 caused the expulsion.

12 (vi) The individual's behavior since the expulsion and the  
13 prospects for remediation of the individual.

14 (vii) If the petition was filed by a parent or legal guardian,  
15 the degree of cooperation and support that has been provided by the  
16 parent or legal guardian and that can be expected if the individual  
17 is reinstated, including, but not limited to, receptiveness toward  
18 possible conditions placed on the reinstatement.

19 (f) Not later than the next regularly scheduled board meeting  
20 after receiving the recommendation of the committee under  
21 subdivision (e), a school board shall make a decision to  
22 unconditionally reinstate the individual, conditionally reinstate  
23 the individual, or deny reinstatement of the individual. The  
24 decision of the school board is final.

25 (g) A school board ~~may~~ **SHALL** require an individual and, if the  
26 petition was filed by a parent or legal guardian, his or her parent  
27 or legal guardian to agree in writing to specific conditions before

1 reinstating the individual in a conditional reinstatement. The  
2 conditions may include, but are not limited to, agreement to a  
3 behavior contract, which may involve the individual, parent or  
4 legal guardian, and an outside agency; participation in or  
5 completion of an anger management program or other appropriate  
6 counseling; periodic progress reviews; and specified immediate  
7 consequences for failure to abide by a condition. A parent or legal  
8 guardian or, if the individual is at least age 18 or is an  
9 emancipated minor, the individual may include proposed conditions  
10 in a petition for reinstatement submitted under this subsection.

11 (6) A school board or school administrator that complies with  
12 this section is not liable for damages for suspending or expelling  
13 a pupil pursuant to this section, and the authorizing body of a  
14 public school academy is not liable for damages for suspension or  
15 expulsion of a pupil by the public school academy pursuant to this  
16 section.

17 (7) The department shall develop and distribute to all school  
18 districts a form for a petition for reinstatement to be used under  
19 subsection (5). The department may designate the form used for a  
20 petition for reinstatement under section 1311 as a form that may be  
21 used under this section.

22 (8) This section does not diminish any rights under federal  
23 law of a pupil who has been determined to be eligible for special  
24 education programs and services.

25 (9) If a pupil expelled from a school district pursuant to  
26 this section is enrolled by ~~a public school district sponsored~~ **AN**  
27 ~~alternative education program or a public school academy~~ **SPONSORED**

1 **OR OPERATED BY ANOTHER SCHOOL DISTRICT** during the period of  
2 expulsion, the ~~public school academy or the~~ alternative education  
3 program is immediately eligible for the prorated share of either  
4 the ~~public school academy's~~ **SPONSORING** or operating school  
5 district's foundation allowance or the expelling school district's  
6 foundation allowance, whichever is higher.

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

11 (11) If an individual is expelled pursuant to this section, it  
12 is the responsibility of that individual and of his or her parent  
13 or legal guardian to locate a suitable educational program and to  
14 enroll the individual in such a program during the expulsion. The  
15 office for safe schools in the department shall compile information  
16 on and catalog existing alternative education programs or schools  
17 and nonpublic schools that may be open to enrollment of individuals  
18 expelled pursuant to this section and pursuant to section 1311(2),  
19 and shall periodically distribute this information to school  
20 districts for distribution to expelled individuals. A school board  
21 that establishes an alternative education program or school  
22 described in this subsection shall notify the office of safe  
23 schools about the program or school and the types of pupils it  
24 serves. The office for safe schools also shall work with and  
25 provide technical assistance to school districts, authorizing  
26 bodies for public school academies, and other interested parties in  
27 developing these types of alternative education programs or schools

1 in geographic areas that are not being served.

2 (12) As used in this section:

3 (a) "At school" means in a classroom, elsewhere on school  
4 premises, on a school bus or other school-related vehicle, or at a  
5 school-sponsored activity or event whether or not it is held on  
6 school premises.

7 (b) "Physical assault" means intentionally causing or  
8 attempting to cause physical harm to another through force or  
9 violence.

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

12 (d) "School district" means a school district, a local act  
13 school district, an intermediate school district, or a public  
14 school academy.