

Legislative Analysis



CHANGES TO SUSPENSION AND EXPULSION RULES IN SCHOOLS

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House Bill 5618 as introduced
Sponsor: Rep. Andy Schor

House Bill 5620 as introduced
Sponsor: Rep. Adam F. Zemke

House Bill 5619 as introduced
Sponsor: Rep. Al Pscholka

House Bill 5621 as introduced
Sponsor: Rep. Lisa Posthumus Lyons

Committee: Education
Complete to 5-11-16

SUMMARY:

House Bills 5618 to 5621 would amend the Revised School Code to provide that a student may not be suspended or expelled solely for being truant or chronically absent. The bills would also require schools to consider other factors and options before suspending or expelling a student, such as restorative justice, and encourage schools to include restorative justice in their school bullying policies. Finally, they would require additional reporting of serious incidents in schools. These bills would take effect 90 days after enactment.

Restorative justice: practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct. (House Bill 5619)

House Bill 5618 (proposed MCL 380.1310d)

No suspension or expulsion for chronic absence: This bill would provide that the board of a school district or intermediate school district (ISD) or board of directors of a public school academy (charter school), or a superintendent, principal, or administrator cannot suspend or expel a student solely for being truant or chronically absent.

Considerations before suspension or expulsion in other instances: Currently, under Section 1311(1) of the Code, the administrator may suspend or expel a student "guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order."

House Bill 5618 would require that, before exercising that power, the board or administrator must consider the following factors:

- The student's age,
- The student's disciplinary history,
- Whether the student has a disability, [Section 1311(1) does provide that if there is reasonable suspicion to believe the student has a disability and has not been evaluated, that evaluation will take place immediately]
- The seriousness of the violation or behavior,

- Whether the violation or behavior committed by the student threatened the safety of any student or staff member,
- Whether restorative justice will be used to address the violation or behavior, and
- Whether a lesser intervention would properly address the violation or behavior.

House Bill 5619: Restorative justice (proposed MCL 380.1310c)

The bill would require that a school board or its designee consider using restorative justice as an alternative or in addition to suspension or expulsion. It should be the first consideration for offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, thefts, damages to property, class disruption, harassment, and cyberbullying. Restorative justice practices may include *victim-offender conferences* that:

- Are initiated by the victim;
- Are approved by the victim's parent or legal guardian or, if the victim is at least 15, by the victim;
- Are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender; and
- Will provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm.

The attendees of the conference would be called a restorative justice team, and may require the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these. The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

House Bill 5620: Restorative justice in school bullying policy (MCL 380.1310b)

In addition to several technical changes, this bill would encourage the board of directors of a school district or ISD or board of directors of a charter school to include provisions for using restorative justice, as described above, in its required policy prohibiting school bullying. House Bill 5620 is tie-barred to House Bill 5619, meaning that it could not take effect unless HB 5619 is also enacted.

House Bill 5621: Reporting of serious incidents (MCL 380.1308)

The bill would add required reporting by schools and by the superintendent of schools for certain serious incidents. Currently, the policy identifies the types of incidents which must be reported to law enforcement, as well as procedures to be followed when an incident occurs.

House Bill 5621 would provide that, whether or not it is required under the statewide policy, a school board or its designee must report the following incidents to law enforcement and prosecutors:

- Bomb threats;
- Physical assaults that threatens or causes serious injury and leads to expulsion; and
- Incidents of arson, criminal sexual conduct, or weapon possession that leads to expulsion.

In addition to the incidents which currently must be reported immediately by the superintendent to law enforcement, the bill would also require the superintendent to report the above offenses to law enforcement.

FISCAL IMPACT:

House Bills 5618 to 5621 would have no fiscal impact on the state or local entities.

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