

Legislative Analysis



CHANGES TO SUSPENSION AND EXPULSION RULES IN SCHOOLS

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House Bill 5618 (proposed substitute H-2)
Sponsor: Rep. Andy Schor

House Bill 5620 (proposed substitute H-1)
Sponsor: Rep. Adam F. Zemke

House Bill 5619 (proposed substitute H-1)
Sponsor: Rep. Al Pscholka

House Bill 5621 (proposed substitute H-1)
Sponsor: Rep. Lisa Posthumus Lyons

Committee: Education
Complete to 5-18-16

SUMMARY:

House Bills 5618 to 5621 would amend the Revised School Code to require schools to consider other factors and options before suspending or expelling a student for reasons of truancy, chronic absence, or any other reason under their purview. The bills would make restorative practices one of those options to consider, and also encourage schools to include restorative practices in their school bullying policies. Finally, they would require school boards to report information required in the statewide school safety information policy to appropriate state or local law enforcement agencies and prosecutors. These bills would take effect 90 days after enactment.

Restorative practices: 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)

Considerations before suspension or expulsion: 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 authority, in cases of truancy or chronic absence or other incidents triggering suspension or expulsion (physical assault against another student, gross misdemeanor or persistent disobedience, possession of a weapon in a weapon free school zone, arson, or criminal sexual assault on school grounds), 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 practices will be used to address the violation or behavior, and
- Whether a lesser intervention would properly address the violation or behavior.

Intent of bill: increased discretion for school board or board of directors: The bill states that this section is intended to give a board or board of directors, or its designee, discretion over whether or not to suspend or expel a student, regardless of any provision under sections 1310, 1311(1), or 1311(2) [physical assault against another student, et al, as listed above] that would otherwise mandate a suspension or expulsion.

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

The bill would require that a school board or its designee consider using restorative practices 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 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
- Would 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 practices 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 practices 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 practices, 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 simplifies the reporting requirements under the statewide school safety information policy. 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 clarifies that reporting of that information required by the statewide school safety information policy must be done by a school board or its designee, to appropriate state or local law enforcement agencies and prosecutors. This change is an attempt to address concerns about duplicative or conflicting reporting requirements.

In addition to the incidents which currently must be reported immediately by the superintendent to law enforcement, the bill would also require the superintendent of the school district to report information required by the statewide school safety information policy to appropriate state and local law enforcement agencies.

FISCAL IMPACT:

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

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