

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5618

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1310d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 1310D. (1) BEFORE SUSPENDING OR EXPELLING A PUPIL UNDER
2 SECTION 1310, 1311(1), 1311(2), OR 1311A, THE BOARD OF A SCHOOL
3 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A
4 PUBLIC SCHOOL ACADEMY, OR A SUPERINTENDENT, SCHOOL PRINCIPAL, OR
5 OTHER DESIGNEE UNDER SECTION 1311(1), SHALL CONSIDER EACH OF THE
6 FOLLOWING FACTORS:
- 7 (A) THE PUPIL'S AGE.
- 8 (B) THE PUPIL'S DISCIPLINARY HISTORY.
- 9 (C) WHETHER THE PUPIL IS A STUDENT WITH A DISABILITY.

1 (D) THE SERIOUSNESS OF THE VIOLATION OR BEHAVIOR COMMITTED BY
2 THE PUPIL.

3 (E) WHETHER THE VIOLATION OR BEHAVIOR COMMITTED BY THE PUPIL
4 THREATENED THE SAFETY OF ANY PUPIL OR STAFF MEMBER.

5 (F) WHETHER RESTORATIVE PRACTICES WILL BE USED TO ADDRESS THE
6 VIOLATION OR BEHAVIOR COMMITTED BY THE PUPIL.

7 (G) WHETHER A LESSER INTERVENTION WOULD PROPERLY ADDRESS THE
8 VIOLATION OR BEHAVIOR COMMITTED BY THE PUPIL.

9 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THIS SECTION APPLIES
10 TO GIVE THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
11 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, OR ITS
12 DESIGNEE, DISCRETION OVER WHETHER OR NOT TO SUSPEND OR EXPEL A
13 PUPIL UNDER SECTION 1310, 1311(1), 1311(2), OR 1311A. IN EXERCISING
14 THIS DISCRETION WITH REGARD TO A SUSPENSION OF MORE THAN 10 DAYS OR
15 AN EXPULSION, THERE IS A REBUTTABLE PRESUMPTION THAT A SUSPENSION
16 OR EXPULSION IS NOT JUSTIFIED UNLESS THE BOARD OR BOARD OF
17 DIRECTORS, OR ITS DESIGNEE, CAN DEMONSTRATE THAT IT CONSIDERED EACH
18 OF THE FACTORS LISTED UNDER SUBSECTION (1). FOR A SUSPENSION OF 10
19 OR FEWER DAYS, THERE IS NO REBUTTABLE PRESUMPTION, BUT THE BOARD OR
20 BOARD OF DIRECTORS, OR ITS DESIGNEE, SHALL CONSIDER EACH OF THE
21 FACTORS LISTED UNDER SUBSECTION (1).

22 (3) THIS SECTION DOES NOT APPLY TO A PUPIL BEING EXPELLED
23 UNDER SECTION 1311(2) FOR POSSESSING A FIREARM IN A WEAPON FREE
24 SCHOOL ZONE.

25 (4) EXCEPT AS PROVIDED IN SUBSECTION (3), CONSIDERATION OF THE
26 FACTORS LISTED IN SUBSECTION (1) IS MANDATORY BEFORE SUSPENDING OR
27 EXPELLING A STUDENT UNDER SECTION 1310, 1311(1), 1311(2), OR 1311A.

1 THE METHOD USED FOR CONSIDERATION OF THE FACTORS IS AT THE SOLE
2 DISCRETION OF THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
3 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, OR ITS
4 DESIGNEE.

5 (5) AS USED IN THIS SECTION:

6 (A) "EXPEL" MEANS TO EXCLUDE A PUPIL FROM SCHOOL FOR
7 DISCIPLINARY REASONS FOR A PERIOD OF 60 OR MORE SCHOOL DAYS.

8 (B) "FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 1311.

9 (C) "SUSPEND" MEANS TO EXCLUDE A PUPIL FROM SCHOOL FOR
10 DISCIPLINARY REASONS FOR A PERIOD OF FEWER THAN 60 SCHOOL DAYS.

11 (D) "WEAPON FREE SCHOOL ZONE" MEANS THAT TERM AS DEFINED IN
12 SECTION 1311.

13 Enacting section 1. This amendatory act takes effect August 1,
14 2017.

15 Enacting section 2. This amendatory act does not take effect
16 unless all of the following bills of the 98th Legislature are
17 enacted into law:

18 (a) House Bill No. 5693.

19 (b) House Bill No. 5694.

20 (c) House Bill No. 5695.