

HOUSE BILL No. 5619

May 3, 2016, Introduced by Reps. Pscholka, Schor, Zemke, Lyons, Lucido, LaGrand and Irwin 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 section 1310c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1310C. (1) A SCHOOL BOARD OR ITS DESIGNEE SHALL CONSIDER
2 USING RESTORATIVE JUSTICE AS AN ALTERNATIVE OR IN ADDITION TO
3 SUSPENSION OR EXPULSION UNDER THIS ACT. IF A SCHOOL BOARD OR ITS
4 DESIGNEE SUSPENDS OR EXPELS A PUPIL UNDER THIS ACT, THE SCHOOL
5 BOARD OR ITS DESIGNEE SHALL CONSIDER USING RESTORATIVE JUSTICE IN
6 ADDITION TO SUSPENSION OR EXPULSION UNDER THIS SECTION. IF A SCHOOL
7 BOARD OR ITS DESIGNEE DECIDES NOT TO SUSPEND OR EXPEL A PUPIL UNDER
8 THIS ACT FOR A DISCIPLINARY ISSUE, THE SCHOOL BOARD OR ITS DESIGNEE

1 SHALL CONSIDER USING RESTORATIVE JUSTICE TO ADDRESS THE
2 DISCIPLINARY ISSUE.

3 (2) RESTORATIVE JUSTICE PRACTICES MAY INCLUDE VICTIM-OFFENDER
4 CONFERENCES THAT ARE INITIATED BY THE VICTIM; THAT ARE APPROVED BY
5 THE VICTIM'S PARENT OR LEGAL GUARDIAN OR, IF THE VICTIM IS AT LEAST
6 AGE 15, BY THE VICTIM; THAT ARE ATTENDED VOLUNTARILY BY THE VICTIM,
7 A VICTIM ADVOCATE, THE OFFENDER, MEMBERS OR THE SCHOOL COMMUNITY,
8 AND SUPPORTERS OF THE VICTIM AND THE OFFENDER; AND THAT PROVIDE AN
9 OPPORTUNITY FOR THE OFFENDER TO ACCEPT RESPONSIBILITY FOR THE HARM
10 CAUSED TO THOSE AFFECTED BY THE MISCONDUCT AND TO PARTICIPATE IN
11 SETTING CONSEQUENCES TO REPAIR THE HARM. THE ATTENDEES, KNOWN AS A
12 RESTORATIVE JUSTICE TEAM, MAY REQUIRE THE PUPIL TO DO 1 OR MORE OF
13 THE FOLLOWING: APOLOGIZE; PARTICIPATE IN COMMUNITY SERVICE,
14 RESTORATION, OR COUNSELING; OR PAY RESTITUTION. THE SELECTED
15 CONSEQUENCES SHALL BE INCORPORATED INTO AN AGREEMENT THAT SETS TIME
16 LIMITS FOR COMPLETION OF THE CONSEQUENCES AND IS SIGNED BY ALL
17 PARTICIPANTS. RESTORATIVE JUSTICE SHOULD BE THE FIRST CONSIDERATION
18 TO REMEDIATE OFFENSES SUCH AS INTERPERSONAL CONFLICTS, BULLYING,
19 VERBAL AND PHYSICAL CONFLICTS, THEFT, DAMAGE TO PROPERTY, CLASS
20 DISRUPTION, AND HARASSMENT AND CYBERBULLYING.

21 (3) AS USED IN THIS SECTION:

22 (A) "BULLYING" AND "CYBERBULLYING" MEAN THOSE TERMS AS DEFINED
23 IN SECTION 1310B.

24 (B) "RESTORATIVE JUSTICE" MEANS PRACTICES THAT EMPHASIZE
25 REPAIRING THE HARM TO THE VICTIM AND THE SCHOOL COMMUNITY CAUSED BY
26 A PUPIL'S MISCONDUCT.

27 (C) "SCHOOL BOARD" MEANS A SCHOOL BOARD, INTERMEDIATE SCHOOL

1 BOARD, OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

2 (D) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, AN INTERMEDIATE
3 SCHOOL DISTRICT, OR A PUBLIC SCHOOL ACADEMY.

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.