

SENATE BILL NO. 1229

November 18, 2020, Introduced by Senators IRWIN, HOLLIER, MCBROOM, BAYER, GEISS, CHANG and BULLOCK and referred to the Committee on Education and Career Readiness.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1310f. (1) The board of a school district or intermediate
2 school district or board of directors of a public school academy,
3 or its designee, shall develop an appeal process for a pupil to
4 appeal a disciplinary decision or a decision of an independent
5 decision maker or independent decision makers under section 1310e,
6 that must include the appointment of an appeal panel as described

1 in subsection (4). Except for the decision of an appeal panel
2 upholding an expulsion, the decision of an appeal panel under this
3 subsection is a final decision subject to judicial review under the
4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
5 24.328. An appeal process under this subsection must satisfy all of
6 the following requirements:

7 (a) Be conducted in writing.

8 (b) Require the pupil seeking to appeal to file the appeal no
9 later than 30 days after the pupil receives notification of the
10 disciplinary decision or decision of an independent decision maker
11 or independent decision makers under section 1310e.

12 (c) Require the pupil to give notice of the appeal by mail,
13 electronic mail, or facsimile to the pupil's school district or
14 intermediate school district, or public school academy, or its
15 designee, within 5 days after filing the appeal.

16 (d) Allow the pupil's school district or intermediate school
17 district, or public school academy, or its designee, to file a
18 written response to the appeal with the appeal panel within 5 days
19 after receiving notice of the appeal.

20 (e) Require the appeal to be decided by an appeal panel as
21 described in subsection (4). The appeal panel must review the
22 written submissions of the parties to the appeal and the evidence
23 that was the basis of the disciplinary decision or decision of an
24 independent decision maker or independent decision makers under
25 section 1310e, and correct any procedural errors in making the
26 disciplinary decision or decision of an independent decision maker
27 or independent decision makers under section 1310e.

28 (f) Require the appeal panel to submit its decision in writing
29 to the parties to the appeal no later than 14 days after the pupil

1 files the appeal.

2 (2) The department and intermediate school districts shall
3 develop a coordinated appeal process for a pupil to appeal the
4 decision of an appeal panel under subsection (1) upholding the
5 pupil's expulsion, that must include the appointment of an appeal
6 panel as described in subsection (4). The decision of an appeal
7 panel under this subsection is a final decision subject to judicial
8 review under the administrative procedures act of 1969, 1969 PA
9 306, MCL 24.201 to 24.328. An appeal process under this subsection
10 must satisfy all of the following requirements:

11 (a) Be conducted in writing.

12 (b) Require the pupil seeking to appeal to file the appeal no
13 later than 30 days after the pupil receives notification of the
14 decision of the appeal panel under subsection (1).

15 (c) Require the pupil to give notice of the appeal by mail,
16 electronic mail, or facsimile to the pupil's school district or
17 intermediate school district, or public school academy, or its
18 designee, within 5 days after filing the appeal.

19 (d) Allow the pupil's school district or intermediate school
20 district, or public school academy, or its designee, to file a
21 written response to the appeal with the appeal panel within 5 days
22 after receiving notice of the appeal.

23 (e) Require the appeal to be decided by an appeal panel as
24 described in subsection (4). The appeal panel must review the
25 written submissions of the parties to the appeal and the evidence
26 that was the basis of the decision of the appeal panel under
27 subsection (1), and correct any procedural errors in making the
28 decision.

29 (f) Require the appeal panel to submit its decision in writing

1 to the parties to the appeal no later than 14 days after the pupil
2 files the appeal.

3 (3) The department shall develop an appeal process for a
4 school district or intermediate school district, or a public school
5 academy, or its designee, to appeal a decision of an independent
6 decision maker or independent decision makers under section 1310e,
7 that must include the appointment of an appeal panel as described
8 in subsection (4). The decision of an appeal panel under this
9 subsection is a final decision subject to judicial review under the
10 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
11 24.328. An appeal process under this subsection must satisfy all of
12 the following requirements:

13 (a) Be conducted in writing.

14 (b) Require the school district or intermediate school
15 district, or a public school academy, or its designee, seeking to
16 appeal to file the appeal no later than 14 days after the school
17 district or intermediate school district, or a public school
18 academy, or its designee, receives notification of the decision of
19 the independent decision maker or independent decision makers under
20 section 1310e.

21 (c) Require the school district or intermediate school
22 district, or public school academy, or its designee, to give notice
23 of the appeal by mail, electronic mail, or facsimile to the pupil's
24 parent or legal guardian within 5 days after filing the appeal.

25 (d) Allow the pupil to file a written response to the appeal
26 with the appeal panel within 5 days after receiving notice of the
27 appeal.

28 (e) Require the appeal to be decided by an appeal panel as
29 described in subsection (4). The appeal panel must review the

1 written submissions of the parties to the appeal and the evidence
2 that was the basis of the decision of the independent decision
3 maker or independent decision makers under section 1310e, and
4 correct any procedural errors in making the decision.

5 (f) Require the appeal panel to submit its decision in writing
6 to the parties to the appeal no later than 14 days after the school
7 district or intermediate school district, or a public school
8 academy, or its designee, files the appeal.

9 (4) An appeal under this section must be decided by an appeal
10 panel of no less than 3 individuals, who may include a
11 superintendent or members of a board of a school district or
12 intermediate school district, or a chief administrator or members
13 of a board of directors of a public school academy. An appeal panel
14 under this section must not include an individual who meets either
15 of the following conditions:

16 (a) Was previously involved in the decision being appealed,
17 including an individual who did any of the following:

18 (i) Investigated the disciplinary incident that is the subject
19 of the appeal.

20 (ii) Made a disciplinary decision or referral related to the
21 appeal.

22 (iii) Appointed or served as an independent decision maker under
23 section 1310e for the decision being appealed.

24 (b) Has a personal interest in the outcome of the appeal.

25 (5) This section does not limit a pupil's right to seek relief
26 under other applicable law including, but not limited to, state and
27 federal civil rights laws.

28 (6) As used in this section:

29 (a) "Disciplinary decision" means any of the following actions

1 against a pupil:

2 (i) Alternative placement for disciplinary reasons for more
3 than 10 days.

4 (ii) Expulsion.

5 (iii) Suspension for more than 10 days.

6 (b) "Expel" means to exclude a pupil from school for
7 disciplinary reasons for a period of 60 or more school days.

8 (c) "Suspend" means to exclude a pupil from school for
9 disciplinary reasons for a period of fewer than 60 school days.

10 Enacting section 1. This amendatory act does not take effect
11 unless all of the following bills of the 100th Legislature are
12 enacted into law:

13 (a) Senate Bill No.1230.

14

15 (b) Senate Bill No. 1228.

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