

# SENATE BILL NO. 1230

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

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1310d (MCL 380.1310d), as added by 2016 PA 360.

## **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~~**must** consider each of  
6 the following factors:

1 (a) The pupil's age.

2 (b) The pupil's disciplinary history.

3 (c) Whether the pupil is a student with a disability.

4 (d) The seriousness of the violation or behavior committed by  
5 the pupil.

6 (e) Whether the violation or behavior committed by the pupil  
7 threatened the safety of any pupil or staff member.

8 (f) Whether restorative practices will be used to address the  
9 violation or behavior committed by the pupil.

10 (g) Whether a lesser intervention would properly address the  
11 violation or behavior committed by the pupil.

12 (2) Except as provided in subsection (3), **and subject to**  
13 **subsection (5)**, this section applies to give the board of a school  
14 district or intermediate school district or board of directors of a  
15 public school academy, or its designee, discretion over whether or  
16 not to suspend or expel a pupil under section 1310, 1311(1),  
17 1311(2), or 1311a. ~~In exercising this discretion with regard to~~ **For**  
18 a suspension of more than 10 days or an expulsion, there is a  
19 rebuttable presumption that ~~a~~ **the** suspension or expulsion is not  
20 justified unless the board or board of directors, or its designee,  
21 can demonstrate that it considered each of the factors listed under  
22 subsection (1) **and held a hearing as required under subsection (5)**.  
23 For a suspension of 10 or fewer days, there is no rebuttable  
24 presumption, but the board or board of directors, or its designee,  
25 ~~shall~~ **must** consider each of the factors listed under subsection  
26 (1).

27 (3) This section does not apply to a pupil being expelled  
28 under section 1311(2) for possessing a firearm in a weapon free  
29 school zone.

1           (4) Except as provided in subsection (3), consideration of the  
2 factors listed in subsection (1) is mandatory before suspending or  
3 expelling a ~~student~~**pupil** under section 1310, 1311(1), 1311(2), or  
4 1311a. The method used for consideration of the factors is at the  
5 sole discretion of the board of a school district or intermediate  
6 school district or board of directors of a public school academy,  
7 or its designee.

8           (5) Except as provided in subsection (3), for the suspension  
9 of a pupil for more than 10 days, the alternative placement of a  
10 pupil for more than 10 days for disciplinary reasons, or an  
11 expulsion, the board of a school district or intermediate school  
12 district or board of directors of a public school academy, or its  
13 designee, must do both of the following:

14           (a) Hold a hearing that complies with the requirements of  
15 section 1310e no later than 10 days after the beginning of the  
16 suspension, alternative placement described in this subsection, or  
17 expulsion, unless the pupil or the pupil's parent or legal guardian  
18 has agreed to or requested a delay. The hearing must not proceed if  
19 the pupil or the pupil's parent or legal guardian has agreed to or  
20 requested a delay.

21           (b) Not less than 5 days before the hearing described in  
22 subdivision (a), give notice by telephone and by mail or electronic  
23 mail to the pupil's parent or legal guardian of all of the  
24 following:

25           (i) The specific disciplinary complaint against the pupil,  
26 including a complete written description of the incident leading to  
27 removal.

28           (ii) The time, date, and place of the hearing described in  
29 subdivision (a).

1 (iii) The justification for the disciplinary decision.

2 (iv) A summary of the evidence that will be presented against  
3 the pupil.

4 (v) A copy of all documents and evidence relevant to the  
5 incident, including, but not limited to, witness statements.

6 (vi) A copy of all materials reviewed in investigating the  
7 incident, including, but not limited to, video recordings.

8 (vii) An explanation of the hearing procedures and the pupil's  
9 rights, including, but not limited to, the pupil's right to be  
10 represented by an attorney or a non-attorney advocate at the  
11 hearing described in subdivision (a).

12 (viii) A statement that it is possible under applicable law that  
13 any testimony the pupil gives in the presence of law enforcement  
14 officers may be used against the pupil in a court of law at a  
15 future date.

16 (ix) Notice that the pupil, or the pupil's parent, legal  
17 guardian, or representative described in subparagraph (vii), may  
18 request a closed hearing without the presence of the public, law  
19 enforcement officers, or security guards except as necessary for  
20 the safety of the participants in the hearing.

21 (6) A copy of a document provided under subsection (5) may be  
22 redacted, if necessary, to protect pupil privacy.

23 (7) ~~(5)~~As used in this section:

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

26 (b) "Firearm" means that term as defined in section 1311.

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

29 (d) "Weapon free school zone" means that term as defined in

1 section 1311.

2 Enacting section 1. This amendatory act does not take effect  
3 unless Senate Bill No. 1228 of the 100th Legislature is enacted  
4 into law.