

HOUSE BILL No. 4278

February 16, 1999, Introduced by Rep. Kilpatrick and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250, and by adding sections 1308, 1310, 1311a, and 1311b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1308. (1) IF SCHOOL OFFICIALS OF A SCHOOL DISTRICT
2 DETERMINE THAT AN INCIDENT HAS OCCURRED AT SCHOOL THAT IS
3 REQUIRED TO BE REPORTED TO LAW ENFORCEMENT AGENCIES OR CHILD PRO-
4 TECTION AGENCIES, OR BOTH, ACCORDING TO THE MEMORANDUM OF UNDER-
5 STANDING UNDER SUBSECTION (5), THE SUPERINTENDENT OF THE SCHOOL
6 DISTRICT, OR HIS OR HER DESIGNEE, IMMEDIATELY SHALL REPORT THAT
7 FINDING TO THE APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT AGENCY
8 AND TO THE APPROPRIATE STATE OR LOCAL CHILD PROTECTION AGENCY, IN
9 THE MANNER PRESCRIBED IN THE MEMORANDUM OF UNDERSTANDING.

1 (2) IF PROVIDED IN THE MEMORANDUM OF UNDERSTANDING UNDER
2 SUBSECTION (5), A LOCAL LAW ENFORCEMENT AGENCY THAT HAS
3 JURISDICTION OVER A SCHOOL BUILDING OF A SCHOOL DISTRICT SHALL
4 REPORT TO THE SCHOOL OFFICIALS OF THE SCHOOL BUILDING INCIDENTS
5 REPORTED TO THE LAW ENFORCEMENT AGENCY THAT ALLEGE THE COMMISSION
6 OF A CRIME AND THAT, ACCORDING TO THE INCIDENT REPORTED, EITHER
7 OCCURRED ON SCHOOL PROPERTY OR WITHIN 1,000 FEET OF THE SCHOOL
8 PROPERTY OR INVOLVED A PUPIL OR STAFF MEMBER OF THE SCHOOL AS A
9 VICTIM OR ALLEGED PERPETRATOR. UPON REQUEST BY A LAW ENFORCEMENT
10 AGENCY, SCHOOL OFFICIALS SHALL PROVIDE THE LAW ENFORCEMENT AGENCY
11 WITH ANY INFORMATION THE LAW ENFORCEMENT AGENCY DETERMINES IT
12 NEEDS TO PROVIDE THIS REPORT TO SCHOOL OFFICIALS.

13 (3) IF PROVIDED IN THE MEMORANDUM OF UNDERSTANDING UNDER
14 SUBSECTION (5), THE PROSECUTING ATTORNEY OF A COUNTY SHALL NOTIFY
15 A SCHOOL DISTRICT LOCATED IN WHOLE OR IN PART IN THAT COUNTY OF
16 ANY CRIMINAL OR JUVENILE COURT ACTION INITIATED OR TAKEN AGAINST
17 A PUPIL OF THE SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO,
18 CONVICTIONS, ADJUDICATIONS, AND DISPOSITIONS. THIS NOTIFICATION
19 SHALL BE MADE TO EITHER THE SCHOOL DISTRICT SUPERINTENDENT OR TO
20 THE INTERMEDIATE SUPERINTENDENT OF THE INTERMEDIATE SCHOOL DIS-
21 TRICT IN WHICH THE COUNTY IS LOCATED, AS PROVIDED IN THE MEMORAN-
22 DUM OF UNDERSTANDING. IF THE NOTIFICATION IS MADE TO THE INTER-
23 MEDIATE SUPERINTENDENT, THE INTERMEDIATE SUPERINTENDENT SHALL
24 FORWARD THE INFORMATION TO THE SUPERINTENDENT OF THE SCHOOL DIS-
25 TRICT IN WHICH THE PUPIL IS ENROLLED. UPON RECEIPT OF INFORMA-
26 TION UNDER THIS SUBSECTION, A SCHOOL DISTRICT SUPERINTENDENT
27 SHALL SHARE THE INFORMATION WITH APPROPRIATE SCHOOL BUILDING

1 PERSONNEL. THE PROSECUTING ATTORNEY MAY INQUIRE OF EACH SCHOOL
2 AGE INDIVIDUAL INVOLVED IN A COURT ACTION DESCRIBED IN THIS SUB-
3 SECTION WHETHER THE INDIVIDUAL IS A PUPIL IN A SCHOOL DISTRICT
4 AND, IF SO, IN WHICH SCHOOL DISTRICT.

5 (4) IF PROVIDED FOR IN THE MEMORANDUM OF UNDERSTANDING UNDER
6 SUBSECTION (5), THE CIRCUIT COURT SHALL INFORM AN APPROPRIATE
7 SCHOOL ADMINISTRATOR OF THE NAME OF THE INDIVIDUAL ASSIGNED TO
8 MONITOR A CONVICTED OR ADJUDICATED YOUTH ATTENDING A PUBLIC
9 SCHOOL AND OF HOW THAT INDIVIDUAL MAY BE CONTACTED.

10 (5) A SCHOOL BOARD SHALL WORK WITH LOCAL LAW ENFORCEMENT
11 AGENCIES, CHILD PROTECTION AGENCIES, COUNTY PROSECUTORS, APPRO-
12 PRIATE PROBATION OFFICERS, AND OTHER APPROPRIATE ORGANIZATIONS TO
13 ESTABLISH AND IMPLEMENT A MEMORANDUM OF UNDERSTANDING, SIGNED BY
14 THE PARTIES INVOLVED, TO FACILITATE REPORTING OF INCIDENTS
15 AFFECTING SCHOOL SAFETY AND SHARING OF OTHER INFORMATION AFFECT-
16 ING SCHOOL SAFETY. THE MEMORANDUM OF UNDERSTANDING SHALL ESTAB-
17 LISH PROCEDURES TO BE FOLLOWED WHEN AN INCIDENT OCCURS AT SCHOOL
18 THAT IS REQUIRED TO BE REPORTED UNDER SUBDIVISION (B), AND ALSO
19 MAY ADDRESS PROCEDURES FOR REPORTING INCIDENTS INVOLVING POSSES-
20 SION OF A DANGEROUS WEAPON AS REQUIRED UNDER SECTION 1313. THE
21 MEMORANDUM OF UNDERSTANDING SHALL ADDRESS AT LEAST ALL OF THE
22 FOLLOWING:

23 (A) LAW ENFORCEMENT PROTOCOLS AND PRIORITIES FOR THE REPORT-
24 ING PROCESS. THE LAW ENFORCEMENT PROTOCOLS MUST BE DEVELOPED
25 WITH THE COOPERATION OF THE APPROPRIATE STATE OR LOCAL LAW
26 ENFORCEMENT AGENCY. THE LAW ENFORCEMENT PRIORITIES SHALL INCLUDE
27 AT LEAST INVESTIGATION OF INCIDENTS, IDENTIFICATION OF THOSE

1 INVOLVED IN AN INCIDENT, AND ASSISTANCE IN PREVENTION OF THESE
2 TYPES OF INCIDENTS.

3 (B) DEFINITION OF THE TYPES OF INCIDENTS REQUIRING REPORTING
4 TO LAW ENFORCEMENT AND RESPONSE BY LAW ENFORCEMENT, TAKING INTO
5 ACCOUNT THE INTENT OF THE ACTOR AND THE CIRCUMSTANCES SURROUNDING
6 THE INCIDENT. THIS DEFINITION SHALL INCLUDE INCIDENTS OF SEXUAL
7 HARASSMENT THAT SHOULD BE REPORTED TO LAW ENFORCEMENT.

8 (C) PROTOCOLS FOR RESPONDING TO REPORTABLE INCIDENTS,
9 ADDRESSING AT LEAST ALL OF THE FOLLOWING:

10 (i) INITIAL NOTIFICATION AND REPORTING BY SCHOOL OFFICIALS.

11 (ii) THE INFORMATION TO BE PROVIDED BY SCHOOL OFFICIALS.

12 (iii) INITIAL RESPONSE BY LAW ENFORCEMENT AND CHILD PROTEC-
13 TION AGENCIES, WHICH SHALL BE SPECIFICALLY TAILORED FOR INCIDENTS
14 IN PROGRESS, INCIDENTS NOT IN PROGRESS, AND INCIDENTS INVOLVING
15 DELAYED REPORTING. SCHOOL OFFICIALS SHALL BE CONSULTED TO DETER-
16 MINE THE EXTENT OF LAW ENFORCEMENT OR CHILD PROTECTION INVOLVE-
17 MENT REQUIRED BY THE SITUATION.

18 (iv) CUSTODY OF ACTORS.

19 (D) THE AMOUNT AND NATURE OF ASSISTANCE TO BE PROVIDED BY
20 SCHOOL OFFICIALS, AND THE SCOPE OF THEIR INVOLVEMENT IN LAW
21 ENFORCEMENT PROCEDURES. THIS PROVISION SHALL REQUIRE SCHOOL
22 OFFICIALS TO NOTIFY THE PARENT OR LEGAL GUARDIAN OF A MINOR PUPIL
23 WHO IS A VICTIM OR WITNESS WHEN LAW ENFORCEMENT AUTHORITIES
24 INTERVIEW THE PUPIL.

25 (E) ANY OTHER MATTERS THAT WILL FACILITATE REPORTING OF
26 INCIDENTS AFFECTING SCHOOL SAFETY AND THE EXCHANGE OF OTHER
27 INFORMATION AFFECTING SCHOOL SAFETY.

1 (6) REPORTING OF INFORMATION BY A SCHOOL DISTRICT OR SCHOOL
2 PERSONNEL UNDER THIS SECTION IS SUBJECT TO SECTION 444 OF SUBPART
3 4 OF PART C OF THE GENERAL EDUCATION PROVISIONS ACT, TITLE IV OF
4 PUBLIC LAW 90-247, 20 U.S.C. 1232g, COMMONLY REFERRED TO AS THE
5 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.

6 (7) IF A PUPIL IS INVOLVED IN AN INCIDENT REPORTED TO LAW
7 ENFORCEMENT ACCORDING TO THE MEMORANDUM OF UNDERSTANDING UNDER
8 SUBSECTION (5), UPON REQUEST BY SCHOOL OFFICIALS, THE PUPIL'S
9 PARENT OR LEGAL GUARDIAN SHALL EXECUTE ANY WAIVERS OR CONSENTS
10 NECESSARY TO ALLOW SCHOOL OFFICIALS ACCESS TO SCHOOL, COURT, OR
11 OTHER PERTINENT RECORDS OF THE PUPIL CONCERNING THE INCIDENT AND
12 ACTION TAKEN AS A RESULT OF THE INCIDENT.

13 (8) AS USED IN THIS SECTION:

14 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
15 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT
16 A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
17 SCHOOL PREMISES.

18 (B) "SCHOOL BOARD" AND "SCHOOL DISTRICT" MEAN THOSE TERMS AS
19 DEFINED IN SECTION 1311.

20 SEC. 1310. (1) A SCHOOL BOARD SHALL MAKE AVAILABLE ALL OF
21 THE FOLLOWING:

22 (A) THE CODE OF STUDENT CONDUCT REQUIRED UNDER
23 SECTION 1312.

24 (B) THE SEXUAL HARASSMENT POLICY REQUIRED UNDER
25 SECTION 1300A.

26 (C) THE SUSPENSION/EXPULSION POLICY REQUIRED UNDER
27 SUBSECTION (3).

1 (D) THE DUE PROCESS POLICY REQUIRED UNDER SUBSECTION (4).

2 (2) A SCHOOL BOARD MAY COMBINE 2 OR MORE OF THE PUBLICATIONS
3 REQUIRED UNDER SUBSECTION (1) INTO A SINGLE DOCUMENT.

4 (3) NOT LATER THAN JULY 1, 1999, A SCHOOL BOARD SHALL
5 DEVELOP AND ADOPT A SUSPENSION/EXPULSION POLICY DESCRIBING THE
6 TYPES OF DISCIPLINARY VIOLATIONS THAT MAY RESULT IN SUSPENSION OR
7 EXPULSION FROM SCHOOL OR IN AN IN-SCHOOL SUSPENSION.

8 (4) NOT LATER THAN JULY 1, 1999, A SCHOOL BOARD SHALL
9 DEVELOP AND ADOPT A DUE PROCESS POLICY DESCRIBING THE DUE PROCESS
10 THAT WILL BE PROVIDED TO A PUPIL BEFORE A PUPIL IS SUSPENDED OR
11 EXPELLED FROM SCHOOL OR PLACED IN AN IN-SCHOOL SUSPENSION.

12 (5) DURING THE TIME A PUPIL IS EXPELLED FROM SCHOOL, THE
13 SCHOOL DISTRICT SHALL PLACE THE PUPIL IN AN APPROPRIATE DISCI-
14 PLINARY EDUCATION PLACEMENT.

15 (6) A SCHOOL DISTRICT'S DUE PROCESS POLICY UNDER THIS SEC-
16 TION SHALL INCLUDE A DESCRIPTION OF THE PROCEDURES FOR REINSTATE-
17 MENT OF A PUPIL WHO IS EXPELLED PERMANENTLY UNDER SECTION 1311(2)
18 OR 1311A.

19 (7) A DUE PROCESS POLICY DEVELOPED UNDER THIS SECTION SHALL
20 NOT DIMINISH THE DUE PROCESS RIGHTS UNDER FEDERAL LAW OF A PUPIL
21 WHO HAS BEEN DETERMINED TO BE ELIGIBLE FOR SPECIAL EDUCATION PRO-
22 GRAMS AND SERVICES.

23 (8) A SCHOOL BOARD SHALL DEVELOP AND MAINTAIN A SCHOOL DIS-
24 CIPLINE RECORD FOR EACH SCHOOL OPERATED BY THE SCHOOL BOARD. FOR
25 EACH SCHOOL, THE SCHOOL DISCIPLINE RECORD SHALL CONTAIN A REPORT
26 OF EACH OF THE FOLLOWING FOR EACH SCHOOL YEAR, WITH THE NUMBER

1 AND PERCENTAGE OF PUPILS IDENTIFIED BY AGE AND WHETHER THEY
2 RECEIVE SPECIAL EDUCATION SERVICES:

3 (A) THE NUMBER AND PERCENTAGE OF PUPILS WHO WERE SUSPENDED
4 FROM THE SCHOOL FOR A TOTAL ACCUMULATION OF AT LEAST 10 DAYS
5 DURING THE SCHOOL YEAR.

6 (B) THE NUMBER AND PERCENTAGE OF PUPILS WHO WERE EXPELLED
7 FROM SCHOOL, THE LENGTH OF TIME OF EACH EXPULSION, WHETHER THE
8 EXPULSION WAS PERMANENT OR LESS THAN PERMANENT, A BRIEF DESCRIP-
9 TION OF THE REASON FOR EACH EXPULSION, AND THE DISCIPLINARY EDU-
10 CATION PLACEMENT THAT WAS MADE FOR THE PUPIL.

11 (C) THE NUMBER AND PERCENTAGE OF PUPILS INVOLVED IN REPORTS
12 TO LAW ENFORCEMENT AGENCIES.

13 (9) A SCHOOL BOARD SHALL ENSURE THAT ALL INFORMATION CON-
14 TAINED IN THE SCHOOL DISCIPLINE RECORD IS AVAILABLE TO THE PUBLIC
15 IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
16 MCL 15.231 TO 15.246.

17 (10) A SCHOOL BOARD MAY COMPLY WITH SUBSECTIONS (8) AND (9)
18 BY INCLUDING THE INFORMATION REQUIRED UNDER SUBSECTION (8) IN THE
19 ANNUAL EDUCATIONAL REPORT PREPARED FOR EACH SCHOOL UNDER SECTION
20 1204A.

21 (11) AS USED IN THIS SECTION:

22 (A) "EXPULSION" MEANS THAT A PUPIL IS EXCLUDED FROM SCHOOL
23 FOR MORE THAN 10 CONSECUTIVE SCHOOL DAYS.

24 (B) "IN-SCHOOL SUSPENSION" MEANS THAT A PUPIL IS EXCLUDED
25 FROM 1 OR MORE PARTICULAR CLASSES BUT NOT FROM SCHOOL.

26 (C) "SCHOOL BOARD" AND "SCHOOL DISTRICT" MEAN THOSE TERMS AS
27 DEFINED IN SECTION 1311.

1 (D) "SUSPENSION" MEANS THAT A PUPIL IS EXCLUDED FROM SCHOOL
2 FOR NOT MORE THAN 10 SCHOOL DAYS, BUT DOES NOT INCLUDE AN
3 IN-SCHOOL SUSPENSION.

4 Sec. 1311. (1) Subject to subsection (2), AND USING THE
5 PROCEDURES PRESCRIBED IN THE SCHOOL DISTRICT'S DUE PROCESS POLICY
6 DEVELOPED UNDER SECTION 1310, the school board, or the school
7 district superintendent, a school building principal, or another
8 school district official if designated by the school board, may
9 authorize or order the suspension or expulsion from school of a
10 pupil ~~guilty of gross misdemeanor or persistent disobedience~~
11 WHO COMMITS A DISCIPLINARY VIOLATION OF THE TYPE DESCRIBED IN THE
12 SUSPENSION/EXPULSION POLICY DEVELOPED UNDER SECTION 1310 if, in
13 the judgment of the school board or its designee, as applicable,
14 the interest of the school is served by the authorization or
15 order. If there is reasonable cause to believe that the pupil is
16 ~~handicapped~~ A PERSON WITH DISABILITIES, and the school district
17 has not evaluated the pupil in accordance with rules of the state
18 board to determine if the student is ~~handicapped~~ A PERSON WITH
19 DISABILITIES, the pupil shall be evaluated immediately by the
20 intermediate school district of which the school district is con-
21 stituent in accordance with section 1711.

22 (2) If a pupil possesses ~~in a weapon free school zone~~ AT
23 SCHOOL a weapon that constitutes a dangerous weapon, commits
24 arson ~~in a school building or on school grounds~~ AT SCHOOL, or
25 commits criminal sexual conduct ~~in a school building or on~~
26 ~~school grounds~~ AT SCHOOL, the school board, or the designee of
27 the school board as described in subsection (1) on behalf of the

1 school board, shall expel the pupil ~~from the school district~~
2 permanently, subject to possible reinstatement under subsection
3 (5), FROM ANY EDUCATIONAL PLACEMENT IN THE SCHOOL DISTRICT OTHER
4 THAN A DISCIPLINARY EDUCATION PROGRAM. However, a school board
5 is not required to expel a pupil for possessing a weapon if the
6 pupil establishes in a clear and convincing manner at least 1 of
7 the following:

8 (a) The object or instrument possessed by the pupil was not
9 possessed by the pupil for use as a weapon, or for direct or
10 indirect delivery to another person for use as a weapon.

11 (b) The weapon was not knowingly possessed by the pupil.

12 (c) The pupil did not know or have reason to know that the
13 object or instrument possessed by the pupil constituted a danger-
14 ous weapon.

15 (d) The weapon was possessed by the pupil at the suggestion,
16 request, or direction of, or with the express permission of,
17 school or police authorities.

18 (3) If an individual is expelled pursuant to subsection (2),
19 the expelling school district shall enter on the individual's
20 permanent record that he or she has been expelled pursuant to
21 subsection (2) AND THE REASON FOR THE EXPULSION. Except ~~if a~~
22 ~~school district operates or participates cooperatively in an~~
23 ~~alternative education program appropriate for individuals~~
24 ~~expelled pursuant to subsection (2) and in its discretion admits~~
25 ~~the individual to that program, an~~ FOR A DISCIPLINARY EDUCATION
26 PROGRAM UNDER SECTION 1311B, AN individual expelled pursuant to
27 subsection (2) is expelled from all public schools in this state

1 and the officials of a school district shall not allow the
2 individual to enroll in the school district IN A PROGRAM OTHER
3 THAN A DISCIPLINARY EDUCATION PROGRAM unless the individual has
4 been reinstated under subsection (5). THE PUPIL SHALL BE PLACED
5 IN AN APPROPRIATE DISCIPLINARY EDUCATION PROGRAM AS PROVIDED
6 UNDER SUBSECTION (4) AND SECTION 1311B. Except as otherwise pro-
7 vided by law, a program operated for individuals expelled pursu-
8 ant to subsection (2) shall ensure that those individuals are
9 physically separated at all times during the school day from the
10 general pupil population. If an individual expelled from a
11 school district pursuant to subsection (2) is not placed in ~~an~~
12 ~~alternative~~ A DISCIPLINARY education program, the school dis-
13 trict ~~may~~ SHALL provide, or ~~may~~ SHALL arrange for the inter-
14 mediate school district to provide, appropriate instructional
15 services to the individual at home. The type of services pro-
16 vided AT HOME shall be similar to those provided to homebound or
17 hospitalized pupils under section 109 of the state school aid act
18 of 1979, ~~being section 388.1709 of the Michigan Compiled Laws~~
19 MCL 388.1709, and the services may be contracted for in the same
20 manner as under that section. ~~This subsection does not require~~
21 ~~a school district to expend more money for providing services for~~
22 ~~a pupil expelled pursuant to subsection (2) than the amount of~~
23 ~~the foundation allowance the school district receives for the~~
24 ~~pupil under section 20 of the state school aid act of 1979, being~~
25 ~~section 388.1620 of the Michigan Compiled Laws.~~

26 (4) If a school board expels an individual pursuant to
27 subsection (2), the school board shall ensure that, within 3 days

1 after the expulsion, an official of the school district refers
2 the individual to the appropriate ~~county department of social~~
3 ~~services or~~ county community mental health agency OR OTHER
4 APPROPRIATE HUMAN SERVICES AGENCY and notifies the individual's
5 parent or legal guardian or, if the individual is at least age 18
6 or is an emancipated minor, notifies the individual of the
7 referral. THE SCHOOL BOARD ALSO SHALL REFER THE PUPIL FOR PLACE-
8 MENT IN A DISCIPLINARY EDUCATION PROGRAM UNDER SECTION 1311B.

9 (5) The parent or legal guardian of an individual expelled
10 pursuant to subsection (2) or, if the individual is at least age
11 18 or is an emancipated minor, the individual may petition the
12 expelling school board for reinstatement of the individual to
13 ~~public education~~ AN EDUCATIONAL PLACEMENT in the school dis-
14 trict OTHER THAN DISCIPLINARY EDUCATION. If the expelling school
15 board denies a petition for reinstatement, the parent or legal
16 guardian or, if the individual is at least age 18 or is an eman-
17 cipated minor, the individual may petition another school board
18 for reinstatement of the individual TO AN EDUCATION PROGRAM in
19 that other school district OTHER THAN DISCIPLINARY EDUCATION.
20 All of the following apply to reinstatement under this
21 subsection:

22 (a) For an individual who was enrolled in grade 5 or below
23 at the time of the expulsion and who has been expelled for pos-
24 ssessing a firearm or threatening another person with a dangerous
25 weapon, the parent or legal guardian or, if the individual is at
26 least age 18 or is an emancipated minor, the individual may
27 initiate a petition for reinstatement at any time after the

1 expiration of 60 school days after the date of expulsion. For an
2 individual who was enrolled in grade 5 or below at the time of
3 the expulsion and who has been expelled pursuant to
4 subsection (2) for a reason other than possessing a firearm or
5 threatening another person with a dangerous weapon, the parent or
6 legal guardian or, if the individual is at least age 18 or is an
7 emancipated minor, the individual may initiate a petition for
8 reinstatement at any time. For an individual who was in grade 6
9 or above at the time of expulsion, the parent or legal guardian
10 or, if the individual is at least age 18 or is an emancipated
11 minor, the individual may initiate a petition for reinstatement
12 at any time after the expiration of 150 school days after the
13 date of expulsion.

14 (b) An individual who was in grade 5 or below at the time of
15 the expulsion and who has been expelled for possessing a firearm
16 or threatening another person with a dangerous weapon shall not
17 be reinstated before the expiration of 90 school days after the
18 date of expulsion. An individual who was in grade 5 or below at
19 the time of the expulsion and who has been expelled pursuant to
20 subsection (2) for a reason other than possessing a firearm or
21 threatening another person with a dangerous weapon shall not be
22 reinstated before the expiration of 10 school days after the date
23 of the expulsion. An individual who was in grade 6 or above at
24 the time of the expulsion shall not be reinstated before the
25 expiration of 180 school days after the date of expulsion.

26 (c) It is the responsibility of the parent or legal guardian
27 or, if the individual is at least age 18 or is an emancipated

1 minor, of the individual to prepare and submit the petition. A
2 school board is not required to provide any assistance in prepar-
3 ing the petition. Upon request by a parent or legal guardian or,
4 if the individual is at least age 18 or is an emancipated minor,
5 by the individual, a school board shall make available a form for
6 a petition.

7 (d) Not later than 10 school days after receiving a petition
8 for reinstatement under this subsection, a school board shall
9 appoint a committee to review the petition and any supporting
10 information submitted by the parent or legal guardian or, if the
11 individual is at least age 18 or is an emancipated minor, by the
12 individual. The committee shall consist of 2 school board mem-
13 bers, 1 school administrator, 1 teacher, and 1 parent of a pupil
14 in the school district. During this time the superintendent of
15 the school district ~~may~~ OR HIS OR HER DESIGNEE SHALL prepare
16 and submit for consideration by the committee information con-
17 cerning the circumstances of the expulsion and any factors miti-
18 gating for or against reinstatement.

19 (e) Not later than 10 school days after all members are
20 appointed, the committee described in subdivision (d) shall
21 review the petition and any supporting information and informa-
22 tion provided by the school district and shall submit a recommen-
23 dation to the school board on the issue of reinstatement. The
24 recommendation shall be for unconditional reinstatement, for con-
25 ditional reinstatement, or against reinstatement, and shall be
26 accompanied by an explanation of the reasons for the
27 recommendation and of any recommended conditions for

1 reinstatement. The recommendation shall be based on
2 consideration of all of the following factors:

3 (i) The extent to which reinstatement of the individual TO
4 AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY EDUCATION would
5 create a risk of harm to pupils or school personnel.

6 (ii) The extent to which reinstatement of the individual TO
7 AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY EDUCATION would
8 create a risk of school district LIABILITY or individual liabil-
9 ity for the school board or school district personnel.

10 (iii) The age and maturity of the individual.

11 (iv) The individual's school record before the incident that
12 caused the expulsion.

13 (v) The individual's attitude concerning the incident that
14 caused the expulsion.

15 (vi) The individual's behavior since the expulsion and the
16 prospects for remediation of the individual.

17 (vii) If the petition was filed by a parent or legal guardi-
18 an, the degree of cooperation and support that has been provided
19 by the parent or legal guardian and that can be expected if the
20 individual is reinstated, including, but not limited to, recep-
21 tiveness toward possible conditions placed on the reinstatement.

22 (f) Not later than the next regularly scheduled board meet-
23 ing after receiving the recommendation of the committee under
24 subdivision (e), a school board shall make a decision to uncondi-
25 tionally reinstate the individual, conditionally reinstate the
26 individual, or deny reinstatement of the individual. The
27 decision of the school board is final.

1 (g) A school board may require an individual and, if the
2 petition was filed by a parent or legal guardian, his or her
3 parent or legal guardian to agree in writing to specific condi-
4 tions before reinstating the individual in a conditional
5 reinstatement. The conditions SHALL INCLUDE SPECIFIC REQUIRE-
6 MENTS FOR PARENTAL INVOLVEMENT AND may include, but are not
7 limited to, agreement to a behavior contract, which may involve
8 the individual, parent or legal guardian, and an outside agency;
9 participation in or completion of an anger management program or
10 other appropriate counseling; periodic progress reviews; and
11 specified immediate consequences for failure to abide by a
12 condition. A parent or legal guardian or, if the individual is
13 at least age 18 or is an emancipated minor, the individual may
14 include proposed conditions in a petition for reinstatement sub-
15 mitted under this subsection.

16 (6) A school board or school administrator that complies
17 with subsection (2) is not liable for damages for expelling a
18 pupil pursuant to subsection (2), and the authorizing body of a
19 public school academy established under ~~part 6a or part 6b~~ THIS
20 ACT is not liable for damages for expulsion of a pupil by the
21 public school academy pursuant to subsection (2).

22 (7) The department shall develop and distribute to all
23 school districts a form for a petition FOR REINSTATEMENT to be
24 used under subsection (5).

25 (8) THE BOARD OF A SCHOOL DISTRICT SHALL USE THE
26 LOCALLY-ADOPTED DUE PROCESS POLICY REQUIRED UNDER SECTION 1310 IN
27 EXPULSION PROCEEDINGS UNDER THIS SECTION. THE STATE BOARD SHALL

1 DEVELOP AND DISTRIBUTE TO SCHOOL DISTRICTS A MODEL DUE PROCESS
2 POLICY THAT SCHOOL DISTRICTS MAY ADOPT FOR USE IN REINSTATEMENT
3 PROCEEDINGS UNDER THIS SECTION AND SIMILAR PROCEEDINGS.

4 (9) ~~(8)~~ Subsections (2) to ~~(7)~~ (8) do not diminish the
5 due process rights under federal law of a pupil who has been
6 determined to be eligible for special education programs and
7 services.

8 ~~(9) If a pupil expelled from a public school district pur-~~
9 ~~suant to subsection (2) is enrolled by a public school sponsored~~
10 ~~alternative education program or a public school academy during~~
11 ~~the period of expulsion, the public school academy or the alter-~~
12 ~~native education program shall immediately become eligible for~~
13 ~~the prorated share of either the public academy foundation allow-~~
14 ~~ance or the expelling school district's foundation allowance,~~
15 ~~whichever is higher.~~

16 (10) IF THE ACT IS AN INCIDENT THAT REQUIRES REPORTING TO
17 LAW ENFORCEMENT ACCORDING TO THE MEMORANDUM OF UNDERSTANDING
18 REQUIRED UNDER SECTION 1308, THE SCHOOL BOARD OR ITS DESIGNEE
19 SHALL REPORT AN ACT DESCRIBED IN SUBSECTION (2) TO APPROPRIATE
20 STATE OR LOCAL LAW ENFORCEMENT OFFICIALS ACCORDING TO THE MEMO-
21 RANDUM OF UNDERSTANDING.

22 (11) ~~(10)~~ As used in this section:

23 (a) "Arson" means a felony violation of chapter X of the
24 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
25 ~~being sections 750.71 to 750.80 of the Michigan Compiled Laws~~
26 1931 PA 328, MCL 750.71 TO 750.80.

1 (B) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
2 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT
3 A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
4 SCHOOL PREMISES.

5 (C) ~~(b)~~ "Criminal sexual conduct" means a violation of
6 section 520b, 520c, 520d, 520e, or 520g of ~~Act No. 328 of the~~
7 ~~Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d,~~
8 ~~750.520e, and 750.520g of the Michigan Compiled Laws~~ THE
9 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C,
10 750.520D, 750.520E, AND 750.520G.

11 (D) ~~(c)~~ "Dangerous weapon" means that term as defined in
12 section 1313.

13 (E) ~~(d)~~ "Firearm" means that term as defined in ~~the fed-~~
14 ~~eral gun-free schools act of 1994, Public Law 103-227, 20~~
15 ~~U.S.C. 3351~~ SECTION 921 OF TITLE 18 OF THE UNITED STATES CODE,
16 18 U.S.C. 921.

17 (F) ~~(e)~~ "School board" means a school board, intermediate
18 school board, or the board of directors of a public school acad-
19 emy established under ~~part 6a or 6b~~ THIS ACT.

20 (G) ~~(f)~~ "School district" means a school district, a local
21 act school district, an intermediate school district, or a public
22 school academy established under ~~part 6a or 6b~~ THIS ACT.

23 ~~(g)~~ "Weapon free school zone" means that term as defined in
24 ~~section 237a of the Michigan penal code, Act No. 328 of the~~
25 ~~Public Acts of 1931, being section 750.237a of the Michigan~~
26 ~~Compiled Laws.~~

1 SEC. 1311A. (1) IF A PUPIL ENROLLED IN A PUBLIC SCHOOL
2 COMMITTS A PHYSICAL ASSAULT AT SCHOOL OR COMMITTS ANOTHER
3 INTENTIONAL ACT AT SCHOOL THAT RESULTS IN VIOLENCE TO ANOTHER'S
4 PERSON OR PROPERTY OR POSES A DIRECT THREAT TO THE SAFETY OF
5 OTHERS AND THAT IS IDENTIFIED IN THE SCHOOL DISTRICT'S
6 SUSPENSION/EXPULSION POLICY UNDER SECTION 1310 AS A DISCIPLINARY
7 VIOLATION THAT MAY RESULT IN EXPULSION, AND IF THE ASSAULT OR
8 OTHER ACT IS REPORTED TO THE SCHOOL PRINCIPAL BY THE VICTIM OR,
9 IF THE VICTIM IS UNABLE TO REPORT THE ASSAULT, BY ANOTHER PERSON
10 ON THE VICTIM'S BEHALF, THE SCHOOL PRINCIPAL SHALL REVIEW THE
11 CIRCUMSTANCES OF THE INCIDENT. IF THE SCHOOL PRINCIPAL DETER-
12 MINES THAT AN ASSAULT OR OTHER ACT DESCRIBED IN THIS SUBSECTION
13 DID IN FACT OCCUR AND WAS COMMITTED BY THE PUPIL, THE SCHOOL
14 PRINCIPAL SHALL REPORT THAT DETERMINATION TO THE SCHOOL BOARD OR
15 ITS DESIGNEE AND THE SCHOOL BOARD SHALL CONDUCT AN EXPULSION
16 HEARING CONCERNING THE PUPIL, AFFORDING THE REQUIRED DUE PROCESS
17 ACCORDING TO THE DUE PROCESS POLICY UNDER SECTION 1310. IF THE
18 SCHOOL BOARD AGREES WITH THE SCHOOL PRINCIPAL'S DETERMINATION,
19 THE SCHOOL BOARD SHALL EXPEL THE PUPIL FROM ANY EDUCATIONAL
20 PLACEMENT IN THE SCHOOL DISTRICT OTHER THAN A DISCIPLINARY EDUCA-
21 TION PROGRAM. THE EXPULSION MAY BE PERMANENT, SUBJECT TO POSSI-
22 BLE REINSTATEMENT UNDER SUBSECTION (4), OR MAY BE FOR A SPECIFIED
23 NUMBER OF SCHOOL DAYS.

24 (2) IF AN INDIVIDUAL IS EXPELLED PURSUANT TO THIS SECTION,
25 THE EXPELLING SCHOOL DISTRICT SHALL ENTER ON THE INDIVIDUAL'S
26 PERMANENT RECORD THAT HE OR SHE HAS BEEN EXPELLED PURSUANT TO
27 THIS SECTION AND THE REASON FOR THE EXPULSION. THE PUPIL SHALL

1 BE PLACED IN AN APPROPRIATE DISCIPLINARY EDUCATION PROGRAM AS
2 PROVIDED UNDER SUBSECTION (3) AND SECTION 1311B.

3 (3) IF A SCHOOL BOARD EXPELS AN INDIVIDUAL PURSUANT TO THIS
4 SECTION, THE SCHOOL BOARD SHALL ENSURE THAT, WITHIN 3 DAYS AFTER
5 THE EXPULSION, AN OFFICIAL OF THE SCHOOL DISTRICT REFERS THE
6 INDIVIDUAL TO THE APPROPRIATE COUNTY COMMUNITY MENTAL HEALTH
7 AGENCY OR OTHER APPROPRIATE HUMAN SERVICES AGENCY AND NOTIFIES
8 THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN OR, IF THE INDIVIDUAL
9 IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, NOTIFIES THE INDI-
10 VIDUAL OF THE REFERRAL. THE SCHOOL BOARD ALSO SHALL REFER THE
11 PUPIL FOR PLACEMENT IN A DISCIPLINARY EDUCATION PROGRAM UNDER
12 SECTION 1311B.

13 (4) IF A PUPIL IS PERMANENTLY EXPELLED UNDER THIS SECTION
14 FROM ANY EDUCATIONAL PLACEMENT IN THE SCHOOL DISTRICT OTHER THAN
15 A DISCIPLINARY EDUCATION PROGRAM, THE PARENT OR LEGAL GUARDIAN OF
16 THE INDIVIDUAL OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN
17 EMANCIPATED MINOR, THE INDIVIDUAL MAY PETITION THE EXPELLING
18 SCHOOL BOARD FOR REINSTATEMENT OF THE INDIVIDUAL TO AN EDUCA-
19 TIONAL PLACEMENT IN THE SCHOOL DISTRICT OTHER THAN DISCIPLINARY
20 EDUCATION. ALL OF THE FOLLOWING APPLY TO REINSTATEMENT UNDER
21 THIS SUBSECTION:

22 (A) FOR AN INDIVIDUAL WHO WAS ENROLLED IN GRADE 5 OR BELOW
23 AT THE TIME OF THE PERMANENT EXPULSION, THE PARENT OR LEGAL
24 GUARDIAN OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMAN-
25 CIPATED MINOR, THE INDIVIDUAL MAY INITIATE A PETITION FOR REIN-
26 STATEMENT AT ANY TIME. FOR AN INDIVIDUAL WHO WAS IN GRADE 6 OR
27 ABOVE AT THE TIME OF THE PERMANENT EXPULSION, THE PARENT OR LEGAL

1 GUARDIAN OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN
2 EMANCIPATED MINOR, THE INDIVIDUAL MAY INITIATE A PETITION FOR
3 REINSTATEMENT AT ANY TIME AFTER THE EXPIRATION OF 150 SCHOOL DAYS
4 AFTER THE DATE OF EXPULSION.

5 (B) AN INDIVIDUAL WHO WAS IN GRADE 5 OR BELOW AT THE TIME OF
6 THE PERMANENT EXPULSION SHALL NOT BE REINSTATED BEFORE THE EXPI-
7 RATION OF 10 SCHOOL DAYS AFTER THE DATE OF THE EXPULSION. AN
8 INDIVIDUAL WHO WAS IN GRADE 6 OR ABOVE AT THE TIME OF THE PER-
9 MANENT EXPULSION SHALL NOT BE REINSTATED BEFORE THE EXPIRATION OF
10 180 SCHOOL DAYS AFTER THE DATE OF EXPULSION.

11 (C) IT IS THE RESPONSIBILITY OF THE PARENT OR LEGAL GUARDIAN
12 OR, IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED
13 MINOR, OF THE INDIVIDUAL TO PREPARE AND SUBMIT THE PETITION. A
14 SCHOOL BOARD IS NOT REQUIRED TO PROVIDE ANY ASSISTANCE IN PREPAR-
15 ING THE PETITION. UPON REQUEST BY A PARENT OR LEGAL GUARDIAN OR,
16 IF THE INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR,
17 BY THE INDIVIDUAL, A SCHOOL BOARD SHALL MAKE AVAILABLE A FORM FOR
18 A PETITION.

19 (D) NOT LATER THAN 10 SCHOOL DAYS AFTER RECEIVING A PETITION
20 FOR REINSTATEMENT UNDER THIS SUBSECTION, A SCHOOL BOARD SHALL
21 APPOINT A COMMITTEE TO REVIEW THE PETITION AND ANY SUPPORTING
22 INFORMATION SUBMITTED BY THE PARENT OR LEGAL GUARDIAN OR, IF THE
23 INDIVIDUAL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, BY THE
24 INDIVIDUAL. THE COMMITTEE SHALL CONSIST OF 2 SCHOOL BOARD MEM-
25 BERS, 1 SCHOOL ADMINISTRATOR, 1 TEACHER, AND 1 PARENT OF A PUPIL
26 IN THE SCHOOL DISTRICT. DURING THIS TIME THE SUPERINTENDENT OF
27 THE SCHOOL DISTRICT OR HIS OR HER DESIGNEE SHALL PREPARE AND

1 SUBMIT FOR CONSIDERATION BY THE COMMITTEE INFORMATION CONCERNING
2 THE CIRCUMSTANCES OF THE PERMANENT EXPULSION AND ANY FACTORS MIT-
3 IGATING FOR OR AGAINST REINSTATEMENT.

4 (E) NOT LATER THAN 10 SCHOOL DAYS AFTER ALL MEMBERS ARE
5 APPOINTED, THE COMMITTEE DESCRIBED IN SUBDIVISION (D) SHALL
6 REVIEW THE PETITION AND ANY SUPPORTING INFORMATION AND INFORMA-
7 TION PROVIDED BY THE SCHOOL DISTRICT AND SHALL SUBMIT A RECOMMEN-
8 DATION TO THE SCHOOL BOARD ON THE ISSUE OF REINSTATEMENT. THE
9 RECOMMENDATION SHALL BE FOR UNCONDITIONAL REINSTATEMENT, FOR CON-
10 DITIONAL REINSTATEMENT, OR AGAINST REINSTATEMENT, AND SHALL BE
11 ACCOMPANIED BY AN EXPLANATION OF THE REASONS FOR THE RECOMMENDA-
12 TION AND OF ANY RECOMMENDED CONDITIONS FOR REINSTATEMENT. THE
13 RECOMMENDATION SHALL BE BASED ON CONSIDERATION OF ALL OF THE FOL-
14 LOWING FACTORS:

15 (i) THE EXTENT TO WHICH REINSTATEMENT OF THE INDIVIDUAL TO
16 AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY EDUCATION WOULD
17 CREATE A RISK OF HARM TO PUPILS OR SCHOOL PERSONNEL.

18 (ii) THE EXTENT TO WHICH REINSTATEMENT OF THE INDIVIDUAL TO
19 AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY EDUCATION WOULD
20 CREATE A RISK OF SCHOOL DISTRICT LIABILITY OR INDIVIDUAL LIABIL-
21 ITY FOR THE SCHOOL BOARD OR SCHOOL DISTRICT PERSONNEL.

22 (iii) THE AGE AND MATURITY OF THE INDIVIDUAL.

23 (iv) THE INDIVIDUAL'S SCHOOL RECORD BEFORE THE INCIDENT THAT
24 CAUSED THE PERMANENT EXPULSION.

25 (v) THE INDIVIDUAL'S ATTITUDE CONCERNING THE INCIDENT THAT
26 CAUSED THE PERMANENT EXPULSION.

1 (vi) THE INDIVIDUAL'S BEHAVIOR SINCE THE PERMANENT EXPULSION
2 AND THE PROSPECTS FOR REMEDIATION OF THE INDIVIDUAL.

3 (vii) IF THE PETITION WAS FILED BY A PARENT OR LEGAL GUARDI-
4 AN, THE DEGREE OF COOPERATION AND SUPPORT THAT HAS BEEN PROVIDED
5 BY THE PARENT OR LEGAL GUARDIAN AND THAT CAN BE EXPECTED IF THE
6 INDIVIDUAL IS REINSTATED, INCLUDING, BUT NOT LIMITED TO, RECEP-
7 TIVENESS TOWARD POSSIBLE CONDITIONS PLACED ON THE REINSTATEMENT.

8 (F) NOT LATER THAN THE NEXT REGULARLY SCHEDULED BOARD MEET-
9 ING AFTER RECEIVING THE RECOMMENDATION OF THE COMMITTEE UNDER
10 SUBDIVISION (E), A SCHOOL BOARD SHALL MAKE A DECISION TO UNCONDI-
11 TIONALLY REINSTATE THE INDIVIDUAL, CONDITIONALLY REINSTATE THE
12 INDIVIDUAL, OR DENY REINSTATEMENT OF THE INDIVIDUAL. THE DECI-
13 SION OF THE SCHOOL BOARD IS FINAL.

14 (G) A SCHOOL BOARD MAY REQUIRE AN INDIVIDUAL AND, IF THE
15 PETITION WAS FILED BY A PARENT OR LEGAL GUARDIAN, HIS OR HER
16 PARENT OR LEGAL GUARDIAN TO AGREE IN WRITING TO SPECIFIC CONDI-
17 TIONS BEFORE REINSTATING THE INDIVIDUAL IN A CONDITIONAL
18 REINSTATEMENT. THE CONDITIONS SHALL INCLUDE SPECIFIC REQUIRE-
19 MENTS FOR PARENTAL INVOLVEMENT AND MAY INCLUDE, BUT ARE NOT
20 LIMITED TO, AGREEMENT TO A BEHAVIOR CONTRACT, WHICH MAY INVOLVE
21 THE INDIVIDUAL, PARENT OR LEGAL GUARDIAN, AND AN OUTSIDE AGENCY;
22 PARTICIPATION IN OR COMPLETION OF AN ANGER MANAGEMENT PROGRAM OR
23 OTHER APPROPRIATE COUNSELING; PERIODIC PROGRESS REVIEWS; AND
24 SPECIFIED IMMEDIATE CONSEQUENCES FOR FAILURE TO ABIDE BY A
25 CONDITION. A PARENT OR LEGAL GUARDIAN OR, IF THE INDIVIDUAL IS
26 AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE INDIVIDUAL MAY

1 INCLUDE PROPOSED CONDITIONS IN A PETITION FOR REINSTATEMENT
2 SUBMITTED UNDER THIS SUBSECTION.

3 (5) A SCHOOL BOARD OR SCHOOL ADMINISTRATOR THAT COMPLIES
4 WITH THIS SECTION IS NOT LIABLE FOR DAMAGES FOR EXPELLING A PUPIL
5 PURSUANT TO THIS SECTION, AND THE AUTHORIZING BODY OF A PUBLIC
6 SCHOOL ACADEMY ESTABLISHED UNDER THIS ACT IS NOT LIABLE FOR DAM-
7 AGES FOR EXPULSION OF A PUPIL MADE IN GOOD FAITH BY THE PUBLIC
8 SCHOOL ACADEMY PURSUANT TO THIS SECTION.

9 (6) THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE TO ALL
10 SCHOOL DISTRICTS A FORM FOR A PETITION FOR REINSTATEMENT TO BE
11 USED UNDER SUBSECTION (4). THE DEPARTMENT MAY DESIGNATE THE FORM
12 USED FOR A PETITION FOR REINSTATEMENT UNDER SECTION 1311 AS A
13 FORM THAT MAY BE USED UNDER SUBSECTION (4).

14 (7) THE BOARD OF A SCHOOL DISTRICT SHALL USE THE
15 LOCALLY-ADOPTED DUE PROCESS POLICY REQUIRED UNDER SECTION 1310 IN
16 EXPULSION PROCEEDINGS UNDER THIS SECTION. THE STATE BOARD SHALL
17 DEVELOP AND DISTRIBUTE TO SCHOOL DISTRICTS A MODEL DUE PROCESS
18 POLICY THAT SCHOOL DISTRICTS MAY ADOPT FOR USE IN REINSTATEMENT
19 PROCEEDINGS UNDER THIS SECTION AND SIMILAR PROCEEDINGS.

20 (8) THIS SECTION DOES NOT DIMINISH THE DUE PROCESS RIGHTS
21 UNDER FEDERAL LAW OF A PUPIL WHO HAS BEEN DETERMINED TO BE ELIGI-
22 BLE FOR SPECIAL EDUCATION PROGRAMS AND SERVICES.

23 (9) IF THE PHYSICAL ASSAULT OR OTHER ACT IS AN INCIDENT THAT
24 REQUIRES REPORTING TO LAW ENFORCEMENT ACCORDING TO THE MEMORANDUM
25 OF UNDERSTANDING REQUIRED UNDER SECTION 1308, THE SCHOOL BOARD OR
26 ITS DESIGNEE SHALL REPORT THE PHYSICAL ASSAULT OR OTHER ACT TO

1 APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT OFFICIALS ACCORDING TO
2 THE MEMORANDUM OF UNDERSTANDING.

3 (10) AS USED IN THIS SECTION:

4 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
5 PREMISES, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT
6 A SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
7 SCHOOL PREMISES.

8 (B) "PHYSICAL ASSAULT" MEANS INTENTIONALLY CAUSING OR
9 ATTEMPTING TO CAUSE PHYSICAL HARM TO ANOTHER THROUGH FORCE OR
10 VIOLENCE.

11 (C) "SCHOOL BOARD" MEANS A SCHOOL BOARD, INTERMEDIATE SCHOOL
12 BOARD, OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
13 ESTABLISHED UNDER THIS ACT.

14 (D) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, A LOCAL ACT
15 SCHOOL DISTRICT, AN INTERMEDIATE SCHOOL DISTRICT, OR A PUBLIC
16 SCHOOL ACADEMY ESTABLISHED UNDER THIS ACT.

17 (E) "SCHOOL PRINCIPAL" MEANS THE CHIEF BUILDING-LEVEL ADMIN-
18 ISTRATOR OF A PARTICULAR SCHOOL.

19 SEC. 1311B. (1) A SCHOOL BOARD SHALL ENSURE THAT ALL PUPILS
20 WHO ARE EXPELLED FROM THE SCHOOL DISTRICT UNDER SECTION 1311 OR
21 1311A ARE PROVIDED WITH AN APPROPRIATE DISCIPLINARY EDUCATION
22 PROGRAM. A SCHOOL BOARD MAY ALSO PLACE DISRUPTIVE PUPILS IN THE
23 DISCIPLINARY EDUCATION PROGRAM. A SCHOOL BOARD MAY PROVIDE THE
24 DISCIPLINARY EDUCATION PROGRAM DIRECTLY, MAY PROVIDE THE PROGRAM
25 IN A CONSORTIUM OR OTHER COOPERATIVE ARRANGEMENT WITH 1 OR MORE
26 OTHER SCHOOL DISTRICTS, OR MAY PARTICIPATE IN A DISCIPLINARY

1 EDUCATION PROGRAM CONDUCTED BY 1 OR MORE INTERMEDIATE SCHOOL
2 DISTRICTS.

3 (2) ALL OF THE FOLLOWING APPLY TO A DISCIPLINARY EDUCATION
4 PROGRAM OPERATED PURSUANT TO THIS SECTION:

5 (A) THE PROGRAM SHALL BE PROVIDED IN A SETTING OTHER THAN
6 THE CLASSROOM THAT WOULD BE THE PUPIL'S REGULAR CLASSROOM IF THE
7 PUPIL HAD NOT BEEN PLACED IN THE DISCIPLINARY EDUCATION PROGRAM.

8 (B) THE PROGRAM MAY BE LOCATED ON OR OFF A REGULAR SCHOOL
9 CAMPUS.

10 (C) THE PROGRAM SHALL BE IN A SETTING THAT ENSURES THAT THE
11 PUPILS ARE PHYSICALLY SEPARATED AT ALL TIMES DURING THE SCHOOL
12 DAY FROM THE GENERAL PUPIL POPULATION. THE PROGRAM MAY INCLUDE
13 PUPILS EXPELLED UNDER SECTION 1311(2), PUPILS EXPELLED UNDER
14 SECTION 1311A, AND OTHER PUPILS PLACED IN THE PROGRAM, OR ANY
15 COMBINATION OF THESE, TOGETHER IN THE SAME EDUCATIONAL AND PHYSI-
16 CAL SETTING.

17 (D) THE PROGRAM SHALL PROVIDE FOR BOTH THE ACADEMIC AND
18 BEHAVIOR MANAGEMENT NEEDS OF THE PUPIL IN A STRUCTURED, CON-
19 TROLLED ENVIRONMENT.

20 (E) TO THE GREATEST EXTENT PRACTICABLE, THE PROGRAM SHALL
21 INVOLVE LOCAL MENTAL HEALTH, SOCIAL SERVICES, COMMUNITY HEALTH,
22 AND OTHER SUPPORTIVE AGENCIES IN A COLLABORATIVE APPROACH FOR
23 REFERRAL, TREATMENT, AND ASSISTANCE IN MEETING THE NEEDS OF THE
24 PUPIL.

25 (F) THE PROGRAM SHALL INVOLVE A PUPIL'S PARENT OR LEGAL
26 GUARDIAN IN AN ONGOING FASHION.

1 (G) A PUPIL PLACED IN THE PROGRAM IS REQUIRED TO ATTEND
2 SCHOOL IN THE PROGRAM AND IS SUBJECT TO THE COMPULSORY SCHOOL
3 ATTENDANCE PROVISIONS OF PART 24 IF HE OR SHE FAILS TO ATTEND THE
4 PROGRAM.

5 (3) A SCHOOL DISTRICT SHALL COOPERATE WITH OTHER GOVERNMENTAL
6 AGENCIES AND COMMUNITY ORGANIZATIONS THAT ARE PROVIDING SERVICES
7 TO A PUPIL WHO IS PLACED IN A DISCIPLINARY EDUCATION
8 PROGRAM.

9 (4) THIS STATE SHALL APPROPRIATE SUFFICIENT FUNDS EACH YEAR
10 TO FULLY FUND DISCIPLINARY EDUCATION PROGRAMS UNDER THIS
11 SECTION.

12 (5) UPON REQUEST FROM A CONSTITUENT SCHOOL DISTRICT, AN
13 INTERMEDIATE SCHOOL DISTRICT SHALL DO 1 OR MORE OF THE
14 FOLLOWING:

15 (A) COORDINATE AND ASSIST THE SCHOOL DISTRICT'S PARTICIPATION
16 IN OR PROVIDING OF A DISCIPLINARY EDUCATION PROGRAM UNDER
17 THIS SECTION.

18 (B) PROVIDE TECHNICAL ASSISTANCE TO THE SCHOOL DISTRICT IN
19 DEVELOPING THE SCHOOL DISTRICT'S OWN DISCIPLINARY EDUCATION PROGRAM
20 UNDER THIS SECTION.

21 (6) AS USED IN THIS SECTION:

22 (A) "DISRUPTIVE PUPIL" MEANS A PUPIL WHO CONSISTENTLY
23 ENGAGES IN DISRUPTIVE BEHAVIOR AND WHOSE BEHAVIOR MEETS 1 OR MORE
24 OF THE FOLLOWING:

25 (i) POSES A THREAT TO THE SAFETY AND WELFARE OF OTHER
26 PUPILS, TEACHERS, AND OTHER SCHOOL PERSONNEL.

1 (ii) CREATES AN UNSAFE SCHOOL ENVIRONMENT.

2 (iii) MATERIALLY INTERFERES WITH THE LEARNING OF OTHER
3 PUPILS OR DISRUPTS THE OVERALL EDUCATIONAL PROCESS, IN A CONTINU-
4 ING AND ONGOING FASHION.

5 (B) "SCHOOL BOARD" AND "SCHOOL DISTRICT" MEAN THOSE TERMS AS
6 DEFINED IN SECTION 1311.