



# HOUSE BILL No. 4130

January 17, 1995, Introduced by Rep. Martinez and referred to the Committee on Education.

A bill to amend sections 1204a and 1311 of Act No. 451 of the Public Acts of 1976, entitled as amended "The school code of 1976," section 1204a as amended by Act No. 335 of the Public Acts of 1993 and section 1311 as amended by Act No. 328 of the Public Acts of 1994, being sections 380.1204a and 380.1311 of the Michigan Compiled Laws; and to add sections 1311a, 1311b, 1311c, 1311d, 1311e, 1311f, 1311g, 1311h, 1311i, 1311j, 1311k, 1311l, and 1763.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1204a and 1311 of Act No. 451 of the  
2 Public Acts of 1976, section 1204a as amended by Act No. 335 of  
3 the Public Acts of 1993 and section 1311 as amended by Act  
4 No. 328 of the Public Acts of 1994, being sections 380.1204a and  
5 380.1311 of the Michigan Compiled Laws, are amended and sections

1 1311a, 1311b, 1311c, 1311d, 1311e, 1311f, 1311g, 1311h, 1311i,  
2 1311j, 1311k, 1311l, and 1763 are added to read as follows:

3       Sec. 1204a. (1) In addition to the requirements specified  
4 in section 1280 for accreditation under that section, if the  
5 board of a school district wants all of its schools to be accred-  
6 ited under section 1280, the board shall prepare and submit to  
7 the state board not later than September 1 each year, and shall  
8 provide that each school in the school district distributes to  
9 the public at an open meeting not later than October 15 each  
10 year, an annual educational report. ~~The~~ EXCEPT AS PROVIDED IN  
11 SUBSECTION (2), THE annual educational report shall include, but  
12 is not limited to, all of the following information for each  
13 public school in the school district:

14       (a) The accreditation status of each school within the  
15 school district, the process by which pupils are assigned to par-  
16 ticular schools, and a description of each specialized school.

17       (b) The status of the 3- to 5-year school improvement plan  
18 as described in section 1277 for each school within the school  
19 district.

20       (c) A copy of the core academic curriculum and a description  
21 of its implementation, including how pupils are ensured enroll-  
22 ment in those courses or subjects necessary for them to receive  
23 adequate instruction in all of the core academic curriculum, and  
24 the variances and explanation for the variances from the model  
25 core academic curriculum developed by the state board pursuant to  
26 section 1278(2).

1 (d) A report for each school of aggregate student  
2 achievement based upon the results of any locally-administered  
3 student competency tests, statewide assessment tests, or nation-  
4 ally normed achievement tests that were given to pupils attending  
5 school in the school district.

6 (E) FOR THE YEAR IN WHICH THE REPORT IS FILED, A REPORT OF  
7 EACH OF THE FOLLOWING, WITH THE NUMBER AND PERCENTAGE OF PUPILS  
8 IDENTIFIED BY AGE, GRADE LEVEL, SOCIOECONOMIC STATUS AS DETER-  
9 MINED BY THE PUPIL'S ELIGIBILITY FOR THE FEDERAL HOT LUNCH SUBSI-  
10 DY, RACE OR ETHNICITY, GENDER, AND WHETHER THEY RECEIVE SPECIAL  
11 EDUCATION SERVICES:

12 (i) THE NUMBER AND PERCENTAGE OF PUPILS WHO WERE SUSPENDED  
13 FROM ANY SCHOOL IN THE SCHOOL DISTRICT FOR A TOTAL ACCUMULATION  
14 OF NOT LESS THAN 10 DAYS DURING THE SCHOOL YEAR, THE LENGTH OF  
15 TIME OF EACH SUSPENSION, THE REASON FOR EACH SUSPENSION, AND  
16 WHETHER THE SUSPENSION AFFECTED THE PUPIL'S ACADEMIC STANDING BY  
17 CONTRIBUTING TO A NUMBER OF ABSENCES THAT CAUSED A LOSS OF  
18 CREDIT.

19 (ii) THE NUMBER AND PERCENTAGE OF PUPILS WHO LOST ACADEMIC  
20 CREDIT, OR RECEIVED A FAILING GRADE IN A COURSE, SOLELY BECAUSE  
21 OF THE OPERATION OF A SCHOOL'S ATTENDANCE POLICY.

22 (iii) THE NUMBER AND PERCENTAGE OF PUPILS WHO WERE EXPELLED  
23 FROM ANY SCHOOL IN THE SCHOOL DISTRICT, THE LENGTH OF TIME OF  
24 EACH EXPULSION, WHETHER THE EXPULSION WAS PERMANENT OR LESS THAN  
25 PERMANENT, AND WHETHER THE OPPORTUNITY FOR ALTERNATIVE EDUCATION  
26 WAS MADE AVAILABLE TO THE PUPIL.

1        (iv) THE NUMBER AND PERCENTAGE OF PUPILS WHO WERE RETAINED  
2 AT THE SAME GRADE LEVEL IN WHICH THEY WERE ENROLLED DURING THE  
3 IMMEDIATELY PRECEDING SCHOOL YEAR.

4        (v) THE NUMBER AND PERCENTAGE OF PUPILS WHO ARE MORE THAN 2  
5 GRADE LEVELS BEHIND THE GRADE LEVEL IN WHICH THEY WOULD BE  
6 EXPECTED TO BE ENROLLED BASED UPON THE AGE AT WHICH THEY STARTED  
7 SCHOOL.

8        (vi) THE NUMBER AND PERCENTAGE OF SCHOOL DROPOUTS, AS  
9 DEFINED BY THE STATE BOARD, IN THE SCHOOL DISTRICT, AND WHETHER  
10 INTERVENTION BEFORE OR AFTER DROPOUT WAS FACILITATED BY ANY STATE  
11 FUNDED PROGRAM FOR IDENTIFYING AND SERVING AT RISK PUPILS AND  
12 DROPOUTS.

13        (F) ~~(e)~~ For the year in which the report is filed and the  
14 previous school year, the district pupil retention report as  
15 defined in section 6 of the state school aid act of 1979, being  
16 section 388.1606 of the Michigan Compiled Laws.

17        (G) ~~(f)~~ The number and percentage of parents, legal guard-  
18 ians, or persons in loco parentis with pupils enrolled in the  
19 school district who participate in parent-teacher conferences for  
20 pupils at the elementary, middle, and secondary school level, as  
21 appropriate.

22        (H) ~~(g)~~ A comparison with the immediately preceding school  
23 year of the information required by subdivisions (a) through  
24 ~~(f)~~ (G).

25        (2) FOR THE PURPOSE OF THE ANNUAL EDUCATION REPORT DISTRIB-  
26 UTED TO THE PUBLIC AS DESCRIBED IN SUBSECTION (1), THE  
27 INFORMATION REQUIRED TO BE REPORTED UNDER ANY SINGLE CATEGORY

1 SPECIFIED IN SUBSECTION (1)(E) OR UNDER SUBSECTION (1)(F) OR (G)  
2 MAY BE AGGREGATED BY SCHOOL IF THE NUMBER OF PUPILS IN A SPECI-  
3 FIED CATEGORY AT THE SCHOOL IS 2 OR LESS IN EACH GRADE LEVEL, AND  
4 MAY BE AGGREGATED BY SCHOOL DISTRICT IF THE NUMBER OF PUPILS IN A  
5 SPECIFIED CATEGORY AGGREGATED BY SCHOOL IS 2 OR LESS IN EACH  
6 SCHOOL. THE SCHOOL DISTRICT SHALL ENSURE THAT ALL INFORMATION  
7 REPORTED TO THE DEPARTMENT UNDER SUBSECTION (1) IS AVAILABLE TO  
8 THE PUBLIC AT EACH SCHOOL WITHIN THE SCHOOL DISTRICT IN ACCORD-  
9 ANCE WITH THE FREEDOM OF INFORMATION ACT, ACT NO. 442 OF THE  
10 PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO 15.246 OF THE  
11 MICHIGAN COMPILED LAWS, AND SHALL PUBLISH THE INFORMATION IN A  
12 NEWSPAPER IN GENERAL CIRCULATION WITHIN THE SCHOOL DISTRICT.

13 (3) ~~(2) Not later than June 11, 1990, the~~ THE state board  
14 shall prepare and make available to school districts suggestions  
15 for accumulating the information listed in subsection (1) and a  
16 model annual educational report for school districts to consider  
17 in the implementation of this section.

18 (4) NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE  
19 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE STATE BOARD SHALL  
20 PREPARE AND MAKE AVAILABLE TO SCHOOL DISTRICTS A FORM TO BE USED  
21 UNDER THIS SECTION FOR REPORTING THE INFORMATION REQUIRED UNDER  
22 SUBSECTION (1)(E) THROUGH (G). THE FORM SHALL BE DEVELOPED IN A  
23 MANNER THAT ENSURES THAT A PUPIL IS NOT COUNTED MORE THAN ONCE  
24 FOR EACH SUSPENSION, EXPULSION, DROPOUT, COURSE FAILURE RELATED  
25 TO ATTENDANCE, OR RETENTION AT GRADE LEVEL AND TO ENSURE AN ACCU-  
26 RATE COUNT OF THE TOTAL NUMBER OF SUSPENSIONS, EXPULSIONS,

1 DROPOUTS, COURSE FAILURES RELATED TO ATTENDANCE, AND RETENTIONS  
2 AT GRADE LEVEL IN A SCHOOL DISTRICT.

3       Sec. 1311. (1) Subject to subsection (2), the school board,  
4 or the school district superintendent, a school building princi-  
5 pal, or another school district official if designated by the  
6 school board, may authorize or order the suspension or expulsion  
7 from school of a pupil ~~guilty of gross misdemeanor or persistent~~  
8 ~~disobedience if, in the judgment of the school board or its des-~~  
9 ~~ignee, as applicable, the interest of the school is served by the~~  
10 ~~authorization or order~~ IN ACCORDANCE WITH THIS SECTION AND SEC-  
11 TIONS 1311A THROUGH 1311L. If ~~there is~~ A SCHOOL DISTRICT OFFI-  
12 CIAL INVOLVED IN A SUSPENSION OR EXPULSION HAS reasonable cause  
13 to believe that the pupil is handicapped OR IF REQUESTED BY THE  
14 PARENT OR LEGAL GUARDIAN OF THE PUPIL, and the school district  
15 has not evaluated the pupil in accordance with rules of the state  
16 board to determine if the ~~student~~ PUPIL is handicapped, the  
17 pupil shall be evaluated immediately by the intermediate school  
18 district of which the school district is constituent in accord-  
19 ance with section 1711 AND THE PUPIL SHALL BE ALLOWED TO REMAIN  
20 IN HIS OR HER REGULAR EDUCATIONAL PROGRAM AS PROVIDED IN SECTION  
21 1763.

22       (2) If, ~~a pupil possesses~~ AFTER BEING AFFORDED DUE PROCESS  
23 UNDER SECTIONS 1311A THROUGH 1311L, A PUPIL IS FOUND TO HAVE  
24 POSSESSED in a weapon free school zone a weapon that constitutes  
25 a dangerous weapon, ~~or commits~~ TO HAVE COMMITTED arson in ~~the~~  
26 A school building or on ~~the~~ school grounds, or ~~rapes someone~~  
27 ~~in the~~ TO HAVE COMMITTED CRIMINAL SEXUAL CONDUCT IN A SCHOOL

1 building or on school grounds, the school board, or the designee  
2 of the school board as described in subsection (1) on behalf of  
3 the school board, shall expel the pupil from the school district  
4 permanently, subject to possible reinstatement under subsection  
5 (5). ~~unless~~ HOWEVER, A SCHOOL BOARD IS NOT REQUIRED TO PER-  
6 MANENTLY EXPEL A PUPIL FOUND TO HAVE POSSESSED A DANGEROUS WEAPON  
7 IN A WEAPON FREE SCHOOL ZONE IF the pupil establishes in a clear  
8 and convincing manner at least 1 of the following:

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

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

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

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

19 (3) If an individual is expelled pursuant to subsection (2),  
20 the expelling school district shall enter on the individual's  
21 permanent record that he or she has been expelled pursuant to  
22 subsection (2). Except if a school district operates or partici-  
23 pates in a program appropriate for individuals expelled pursuant  
24 to subsection (2) and in its discretion admits the individual to  
25 that program, an individual expelled pursuant to subsection (2)  
26 is expelled from all public schools in this state and the  
27 officials of a school district shall not allow the individual to

1 enroll in the school district unless the individual has been  
2 reinstated under subsection (5). Except as otherwise provided by  
3 law, a program operated for individuals expelled pursuant to  
4 subsection (2) shall be operated in facilities or at times sepa-  
5 rate from those used for the general pupil population.

6       (4) If a school board expels an individual pursuant to sub-  
7 section (2), the school board shall ensure that, within 3 days  
8 after the expulsion, an official of the school district refers  
9 the individual to the appropriate county department of social  
10 services or county community mental health agency and notifies  
11 the individual's parent or legal guardian or, if the individual  
12 is at least age 18 or is an emancipated minor, notifies the indi-  
13 vidual of the referral.

14       (5) The parent or legal guardian of an individual expelled  
15 pursuant to subsection (2) or, if the individual is at least age  
16 18 or is an emancipated minor, the individual may petition the  
17 expelling school board for reinstatement of the individual to  
18 public education in the school district. If the expelling school  
19 board denies a petition for reinstatement, the parent or legal  
20 guardian or, if the individual is at least age 18 or is an eman-  
21 cipated minor, the individual may petition another school board  
22 for reinstatement of the individual in that other school  
23 district. All of the following apply to reinstatement under this  
24 subsection:

25       (a) For an individual who was enrolled in grade 5 or below  
26 at the time of the expulsion, the parent or legal guardian or, if  
27 the individual is at least age 18 or is an emancipated minor, the



1 individual may initiate a petition for reinstatement at any time  
2 after the expiration of 60 school days after the date of  
3 expulsion. For an individual who was in grade 6 or above at the  
4 time of expulsion, the parent or legal guardian or, if the indi-  
5 vidual is at least age 18 or is an emancipated minor, the indi-  
6 vidual may initiate a petition for reinstatement at any time  
7 after the expiration of 150 school days after the date of  
8 expulsion.

9 (b) An individual who was in grade 5 or below at the time of  
10 the expulsion shall not be reinstated before the expiration of 90  
11 school days after the date of expulsion. An individual who was  
12 in grade 6 or above at the time of the expulsion shall not be  
13 reinstated before the expiration of 180 school days after the  
14 date of expulsion.

15 (c) It is the responsibility of the parent or legal guardian  
16 or, if the individual is at least age 18 or is an emancipated  
17 minor, of the individual to prepare and submit the petition. A  
18 school board is not required to provide any assistance in prepar-  
19 ing the petition. Upon request by a parent or legal guardian or,  
20 if the individual is at least age 18 or is an emancipated minor,  
21 by the individual, a school board shall make available a form for  
22 a petition.

23 (d) Not later than 10 school days after receiving a petition  
24 for reinstatement under this subsection, a school board shall  
25 appoint a committee to review the petition and any supporting  
26 information submitted by the parent or legal guardian or, if the  
27 individual is at least age 18 or is an emancipated minor, by the

1 individual. The committee shall consist of 2 school board  
2 members, 1 school administrator, 1 teacher, and 1 parent of a  
3 pupil in the school district. During this time the superinten-  
4 dent of the school district may prepare and submit for considera-  
5 tion by the committee information concerning the circumstances of  
6 the expulsion and any factors mitigating for or against  
7 reinstatement.

8 (e) Not later than 10 school days after all members are  
9 appointed, the committee described in subdivision (d) shall  
10 review the petition and any supporting information and informa-  
11 tion provided by the school district and shall submit a recommen-  
12 dation to the school board on the issue of reinstatement. The  
13 recommendation shall be for unconditional reinstatement, for con-  
14 ditional reinstatement, or against reinstatement, and shall be  
15 accompanied by an explanation of the reasons for the recommenda-  
16 tion and of any recommended conditions for reinstatement. The  
17 recommendation shall be based on consideration of all of the fol-  
18 lowing factors:

19 (i) The extent to which reinstatement of the individual  
20 would create a risk of harm to pupils or school personnel.

21 (ii) The extent to which reinstatement of the individual  
22 would create a risk of school district or individual liability  
23 for the school board or school district personnel.

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

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

1 (v) The individual's attitude concerning the incident that  
2 caused the expulsion.

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

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

10 (f) Not later than the next regularly scheduled board meet-  
11 ing after receiving the recommendation of the committee under  
12 subdivision (e), a school board shall make a decision to uncondi-  
13 tionally reinstate the individual, conditionally reinstate the  
14 individual, or deny reinstatement of the individual. The deci-  
15 sion of the school board is final.

16 (g) A school board may require an individual and, if the  
17 petition was filed by a parent or legal guardian, his or her  
18 parent or legal guardian to agree in writing to specific condi-  
19 tions before reinstating the individual in a conditional  
20 reinstatement. The conditions may include, but are not limited  
21 to, agreement to a behavior contract, which may involve the indi-  
22 vidual, parent or legal guardian, and an outside agency; partici-  
23 pation in or completion of an anger management program or other  
24 appropriate counseling; periodic progress reviews; and specified  
25 immediate consequences for failure to abide by a condition. A  
26 parent or legal guardian or, if the individual is at least age 18  
27 or is an emancipated minor, the individual may include proposed

1 conditions in a petition for reinstatement submitted under this  
2 subsection.

3 (6) A school board or school administrator that complies  
4 with subsection (2) is not liable for damages for expelling a  
5 pupil pursuant to subsection (2), and the authorizing body of a  
6 public school academy established under part 6a is not liable for  
7 damages for expulsion of a pupil by the public school academy  
8 pursuant to subsection (2).

9 (7) Not later than 90 days after the effective date of the  
10 amendatory act that added this subsection, the department shall  
11 develop and distribute to all school districts a form for a peti-  
12 tion to be used under subsection (5).

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

16 (9) As used in this section:

17 (a) "Dangerous weapon" means that term as defined in  
18 section 1313.

19 (b) "School board" means a school board, intermediate school  
20 board, or the board of directors of a public school academy  
21 established under part 6a.

22 (c) "School district" means a school district, a local act  
23 school district, an intermediate school district, or a public  
24 school academy established under part 6a.

25 (d) "Weapon free school zone" means that term as defined in  
26 section 237a of the Michigan penal code, Act No. 328 of the

1 public Acts of 1931, being section 750.237a of the Michigan  
2 Compiled Laws.

3 SEC. 1311A. AS USED IN SECTIONS 1311B THROUGH 1311L:

4 (A) "DROPOUT" MEANS A PUPIL WHO WAS ENROLLED IN A REGULAR  
5 SCHOOL EDUCATIONAL PROGRAM IN A SCHOOL DISTRICT BUT LEAVES THE  
6 REGULAR SCHOOL PROGRAM IN THAT SCHOOL DISTRICT FOR A REASON OTHER  
7 THAN DEATH AND DOES NOT REENROLL IN A REGULAR SCHOOL PROGRAM IN  
8 ANOTHER SCHOOL DISTRICT.

9 (B) "EXPULSION" OR "EXPEL" MEANS TO PROHIBIT A PUPIL FROM  
10 ATTENDING ALL OR PART OF THE SCHOOL DAY OR FROM BEING TRANSPORTED  
11 TO OR FROM SCHOOL BY THE SCHOOL DISTRICT FOR A TIME PERIOD OF  
12 MORE THAN 10 CONSECUTIVE SCHOOL DAYS.

13 (C) "LONG-TERM SUSPENSION" MEANS TO SUSPEND A PUPIL FROM ALL  
14 OR PART OF THE SCHOOL DAY FOR EITHER A TIME PERIOD OF MORE THAN 3  
15 CONSECUTIVE SCHOOL DAYS UP TO 10 CONSECUTIVE SCHOOL DAYS, OR A  
16 CUMULATIVE TOTAL TIME PERIOD OF MORE THAN 10 SCHOOL DAYS IN 1  
17 SEMESTER.

18 (D) "SCHOOL DAY" MEANS A DAY ON WHICH CLASSES ARE SCHEDULED  
19 TO BE HELD FOR PUPILS.

20 (E) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, LOCAL ACT  
21 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR A PUBLIC SCHOOL  
22 ACADEMY ESTABLISHED UNDER PART 6A.

23 (F) "SHORT-TERM SUSPENSION" MEANS TO SUSPEND A PUPIL FROM  
24 ALL OR PART OF THE SCHOOL DAY FOR NOT MORE THAN 3 CONSECUTIVE  
25 SCHOOL DAYS.

26 (G) "SUSPENSION" OR "SUSPEND" MEANS TO EXCLUDE A PUPIL FOR  
27 DISCIPLINARY REASONS FROM HIS OR HER REGULARLY SCHEDULED CLASSES

1 FOR AT LEAST 1 FULL CLASS PERIOD OR FROM BEING TRANSPORTED TO OR  
2 FROM SCHOOL BY THE SCHOOL DISTRICT FOR 1 OR MORE SCHOOL DAYS, BUT  
3 DOES NOT INCLUDE EXPULSION.

4 SEC. 1311B. (1) A SCHOOL DISTRICT SHALL NOT SUSPEND A PUPIL  
5 FOR AN INDEFINITE TIME PERIOD, AND SHALL NOT MAKE A SUSPENSION  
6 CONDITIONAL.

7 (2) A SCHOOL DISTRICT SHALL NOT EXPEL A PUPIL FOR A TIME  
8 PERIOD THAT EXCEEDS THE NUMBER OF DAYS REMAINING IN THE BALANCE  
9 OF THE SEMESTER DURING WHICH THE PUPIL IS EXPELLED OR FOR A TIME  
10 PERIOD THAT EXCEEDS THE TOTAL NUMBER OF DAYS IN A SEMESTER.

11 (3) A SCHOOL DISTRICT SHALL NOT EXPEL OR SUSPEND A PUPIL FOR  
12 TARDINESS, EXCESSIVE ABSENCES, OR ANY OTHER ATTENDANCE RELATED  
13 REASON.

14 (4) A SCHOOL DISTRICT SHALL NOT SUSPEND, EXPEL, EXCLUDE FROM  
15 CURRICULAR OR EXTRACURRICULAR SCHOOL ACTIVITIES, OR OTHERWISE  
16 DISCIPLINE A PUPIL FOR IMPROPER CONDUCT UNLESS THE CONDUCT TAKES  
17 PLACE EITHER ON SCHOOL PREMISES OR WHILE THE PUPIL IS ENGAGED IN  
18 A SCHOOL ACTIVITY.

19 (5) A SCHOOL DISTRICT SHALL TREAT A CLASS HOUR OR SCHOOL DAY  
20 MISSED BY A SUSPENDED OR EXPELLED PUPIL OR MISSED BY A PUPIL  
21 PENDING SUSPENSION OR EXPULSION AS AN EXCUSED ABSENCE AND SHALL  
22 NOT IMPOSE AN ACADEMIC PENALTY FOR AN ABSENCE EXCUSED UNDER THIS  
23 SUBSECTION.

24 (6) A SCHOOL DISTRICT SHALL ENSURE THAT A SUSPENDED OR  
25 EXPELLED PUPIL IS ALLOWED A REASONABLE PERIOD OF TIME TO COMPLETE  
26 ASSIGNMENTS AND EXAMINATIONS THE PUPIL MISSED WHILE SUSPENDED OR

1 EXPELLED AND THAT THE PUPIL RECEIVES FULL ACADEMIC CREDIT FOR  
2 SUCCESSFUL COMPLETION OF THOSE ASSIGNMENTS AND EXAMINATIONS.

3 (7) IF SCHOOL DISTRICT PERSONNEL HAVE REASON TO BELIEVE THAT  
4 A PUPIL IS ENGAGED IN SUBSTANCE ABUSE, THE SCHOOL DISTRICT SHALL  
5 NOT SUSPEND OR EXPEL THE PUPIL FOR THE SUBSTANCE ABUSE BUT SHALL  
6 REFER THE PUPIL TO APPROPRIATE SUBSTANCE ABUSE SERVICES.

7 SEC. 1311C. (1) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE  
8 DATE OF THIS SECTION, THE BOARD OF EACH SCHOOL DISTRICT SHALL  
9 ADOPT A WRITTEN POLICY ON SUSPENSIONS AND EXPULSIONS THAT IS CON-  
10 SISTENT WITH SECTIONS 1311A THROUGH 1311I. THE POLICY SHALL AT  
11 LEAST EXPLAIN THE OFFENSES FOR WHICH A PUPIL MAY BE SUSPENDED OR  
12 EXPELLED, THE RANGE OF DISCIPLINE FOR EACH OFFENSE, AND THE  
13 RIGHTS OF PUPILS AND PARENTS IN THE DISCIPLINARY PROCESS.

14 (2) THE POLICY ADOPTED UNDER THIS SECTION SHALL IDENTIFY AND  
15 DEFINE A CONTINUUM OF RESPONSES TO DISCIPLINARY SITUATIONS THAT  
16 INCLUDES RESPONSES SUCH AS POSITIVE REWARDS, COUNSELING, AND  
17 IN-SCHOOL PENALTIES AS WELL AS SUSPENSIONS AND EXPULSIONS.

18 (3) THE POLICY ADOPTED UNDER THIS SECTION SHALL BE WRITTEN  
19 IN PLAIN LANGUAGE THAT PUPILS AND PARENTS CAN REASONABLY BE  
20 EXPECTED TO UNDERSTAND, INCLUDING WRITTEN TRANSLATIONS FOR HOME  
21 LANGUAGES OTHER THAN ENGLISH, AND THE BOARD OF THE SCHOOL DIS-  
22 TRICT SHALL ENSURE THAT A COPY OF THE POLICY IS PROVIDED TO EACH  
23 PUPIL AND PARENT OF A PUPIL IN THE SCHOOL DISTRICT WITHIN 3  
24 MONTHS AFTER IT IS APPROVED BY THE STATE BOARD. AFTER THE INI-  
25 TIAL DISTRIBUTION OF THE POLICY, THE BOARD SHALL ENSURE THAT EACH  
26 PUPIL AND PARENT OF A PUPIL IN THE DISTRICT RECEIVE A COPY OF THE  
27 POLICY AT THE BEGINNING OF EACH SCHOOL YEAR AND THAT NEWLY

1 ENROLLED PUPILS AND THEIR PARENTS RECEIVE A COPY UPON ENROLLMENT  
2 IN THE SCHOOL DISTRICT. IN ADDITION, EACH SCHOOL SHALL POST A  
3 COPY OF ITS SCHOOL DISTRICT'S POLICY IN CONSPICUOUS, PUPIL ORI-  
4 ENTED LOCATIONS ON THE SCHOOL PREMISES.

5 (4) BEFORE DISTRIBUTING COPIES OF THE POLICY REQUIRED UNDER  
6 THIS SECTION, THE BOARD OF A SCHOOL DISTRICT SHALL SUBMIT A COPY  
7 OF THE POLICY TO THE STATE BOARD FOR APPROVAL. IF THE POLICY  
8 MEETS THE REQUIREMENTS OF THIS SECTION, THE STATE BOARD SHALL  
9 APPROVE THE POLICY. IF THE POLICY DOES NOT MEET THE REQUIREMENTS  
10 OF THIS SECTION, THE STATE BOARD SHALL NOTIFY THE LOCAL BOARD OF  
11 THE DEFECT AND THE LOCAL BOARD SHALL REVISE THE POLICY  
12 ACCORDINGLY.

13 (5) THE BOARD OF A SCHOOL DISTRICT MAY PERIODICALLY REVISE  
14 THE POLICY ADOPTED UNDER THIS SECTION. A REVISED POLICY SHALL BE  
15 SUBMITTED TO THE STATE BOARD FOR APPROVAL AS PROVIDED IN  
16 SUBSECTION (4), AND REVISED COPIES SHALL BE DISTRIBUTED AS PRO-  
17 VIDED IN SUBSECTION (3) AFTER STATE BOARD APPROVAL.

18 (6) IN DEVELOPING THE POLICY REQUIRED UNDER THIS SECTION,  
19 THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE THE ACTIVE PARTICIPA-  
20 TION OF BOARD MEMBERS, SCHOOL BUILDING ADMINISTRATORS, TEACHERS  
21 AND OTHER SCHOOL EMPLOYEES, PUPILS, PARENTS, AND OTHER RESIDENTS  
22 OF THE SCHOOL DISTRICT. THE BOARD SHALL ALSO ENSURE THAT THE  
23 PERSONS SELECTED TO PARTICIPATE UNDER THIS SUBSECTION ARE REPRE-  
24 SENTATIVE OF THE RACIAL, ETHNIC, SOCIAL, AND ECONOMIC MAKEUP OF  
25 RESIDENTS OF THE SCHOOL DISTRICT.

26 (7) THE POLICY ADOPTED UNDER THIS SECTION SHALL CONTAIN A  
27 STATEMENT OF THE RIGHTS OF PUPILS UNDER STATE AND FEDERAL LAW.



1 SEC. 1311D. (1) A SCHOOL DISTRICT MAY SUSPEND A PUPIL FOR A  
2 SHORT-TERM SUSPENSION ONLY FOR INTENTIONAL CONDUCT THAT VIOLATES  
3 RULES REASONABLY DESIGNED TO ENSURE A SAFE AND PRODUCTIVE EDUCA-  
4 TIONAL ENVIRONMENT AND THAT CONSTITUTES A SUBSTANTIAL DISRUPTION  
5 OF THE EDUCATIONAL PROCESS.

6 (2) THE BOARD OF EACH SCHOOL DISTRICT SHALL DESIGNATE 1 OR  
7 MORE BUILDING ADMINISTRATORS IN EACH CLASSROOM BUILDING IN THE  
8 DISTRICT TO ACT AS A BUILDING LEVEL HEARING OFFICER TO CONDUCT  
9 HEARINGS HELD UNDER SUBSECTION (3). A HEARING UNDER  
10 SUBSECTION (3) SHALL BE CONDUCTED BY A BUILDING LEVEL HEARING  
11 OFFICER FROM A BUILDING OTHER THAN THE BUILDING WHERE THE EVENTS  
12 THAT ARE THE SUBJECT OF THE HEARING OCCURRED AND WHO WAS NOT  
13 INVOLVED IN THOSE EVENTS.

14 (3) BEFORE A PUPIL MAY BE SUSPENDED FOR A SHORT-TERM SUSPEN-  
15 SION, THE SCHOOL DISTRICT SHALL PROVIDE ALL OF THE FOLLOWING  
16 PROCEDURES:

17 (A) THE BUILDING LEVEL HEARING OFFICER THAT WILL CONDUCT THE  
18 HEARING UNDER SUBDIVISION (B) SHALL INFORM THE PUPIL AND THE  
19 PUPIL'S PARENT OR LEGAL GUARDIAN, ORALLY OR IN WRITING AND IN  
20 WORDS AND A LANGUAGE THAT THE PUPIL OR PARENT OR LEGAL GUARDIAN  
21 UNDERSTANDS, OF ALL OF THE FOLLOWING:

22 (i) THE CONDUCT THAT IS THE BASIS OF THE ALLEGATIONS AGAINST  
23 THE PUPIL.

24 (ii) THE RULE OR RULES THAT THE PUPIL IS ALLEGED TO HAVE  
25 VIOLATED.

26 (iii) THE EVIDENCE AND WITNESSES AGAINST THE PUPIL.

1       (iv) THE PROPOSED TIME AND PLACE OF THE HEARING TO BE HELD  
2 UNDER SUBDIVISION (B).

3       (v) THE PROCEDURES AND RIGHTS TO APPEAL PROVIDED UNDER THIS  
4 SECTION AND THE RIGHT TO JUDICIAL REVIEW PROVIDED UNDER  
5 SECTION 1311G.

6       (vi) SOURCES AVAILABLE IN THE AREA TO THE PUPIL AND PARENT  
7 OR LEGAL GUARDIAN FOR FREE OR LOW-COST LEGAL SERVICES OR OTHER  
8 INFORMED ADVICE.

9       (B) THE BUILDING LEVEL HEARING OFFICER SHALL CONDUCT A HEAR-  
10 ING IN WHICH THE PUPIL IS GIVEN AN ADEQUATE OPPORTUNITY TO CHAL-  
11 LENGE THE EVIDENCE AND WITNESSES AGAINST HIM OR HER. AT THE  
12 HEARING, THE PUPIL SHALL BE INFORMED, IN TERMS AND A LANGUAGE  
13 THAT THE PUPIL UNDERSTANDS, THAT HE OR SHE IS NOT REQUIRED TO  
14 ADMIT OR DENY THE ALLEGATIONS AGAINST HIM OR HER.

15       (C) THE BUILDING LEVEL HEARING OFFICER WHO WILL CONDUCT THE  
16 HEARING REQUIRED UNDER SUBDIVISION (B) SHALL NOTIFY THE PUPIL'S  
17 PARENT OR LEGAL GUARDIAN OF THE HEARING BEFORE CONDUCTING THE  
18 HEARING AND SHALL DETERMINE WHETHER THE PARENT OR LEGAL GUARDIAN  
19 CHOOSES TO ATTEND. IF THE PARENT OR LEGAL GUARDIAN CHOOSES TO  
20 ATTEND THE HEARING, THE HEARING SHALL BE HELD AT A TIME AND PLACE  
21 THAT IS CONVENIENT FOR THE PARENT OR LEGAL GUARDIAN AND HE OR SHE  
22 SHALL BE GIVEN AN ADEQUATE OPPORTUNITY TO CHALLENGE THE EVIDENCE  
23 AND WITNESSES AGAINST THE PUPIL.

24       (D) THE BUILDING LEVEL HEARING OFFICER WHO CONDUCTS THE  
25 HEARING REQUIRED UNDER SUBDIVISION (B) SHALL DECIDE WHETHER OR  
26 NOT THE SUSPENSION IS JUSTIFIED AND SHALL DOCUMENT HIS OR HER  
27 DECISION AND THE FACTS SUPPORTING HIS OR HER DECISION IN WRITING

1 AND SUBMIT A COPY OF THE WRITTEN DECISION TO THE BOARD OF THE  
2 SCHOOL DISTRICT. IF THE BUILDING LEVEL HEARING OFFICER'S DECI-  
3 SION IS THAT THE SUSPENSION IS NOT JUSTIFIED, THE PUPIL SHALL NOT  
4 BE SUSPENDED.

5 (E) THE PUPIL OR THE PUPIL'S PARENT OR LEGAL GUARDIAN, OR  
6 BOTH, MAY APPEAL THE DECISION OF THE BUILDING LEVEL HEARING OFFI-  
7 CER TO THE SCHOOL DISTRICT SUPERINTENDENT. IF AN APPEAL IS MADE,  
8 THE SUPERINTENDENT SHALL REVIEW THE SUSPENSION AND DETERMINE  
9 WHETHER, UNDER ALL THE CIRCUMSTANCES, THE SUSPENSION IS JUSTIFIED  
10 AND WHETHER THE PROCEDURES REQUIRED UNDER THIS SECTION WERE FOL-  
11 LOWED CORRECTLY. IF THE SUPERINTENDENT DETERMINES THAT THE SUS-  
12 PENSION IS NOT JUSTIFIED OR THAT THE PROCEDURES WERE NOT FOLLOWED  
13 CORRECTLY, THE PUPIL SHALL NOT BE SUSPENDED. THE SUPERINTENDENT  
14 SHALL DOCUMENT HIS OR HER DECISION AND THE FACTS SUPPORTING HIS  
15 OR HER DECISION IN WRITING AND SUBMIT A COPY OF THE WRITTEN DECI-  
16 SION TO THE BOARD OF THE SCHOOL DISTRICT.

17 (F) NOT LATER THAN 10 SCHOOL DAYS AFTER RECEIVING THE DECI-  
18 SION OF THE SCHOOL DISTRICT SUPERINTENDENT UNDER SUBDIVISION (E),  
19 THE PUPIL OR THE PUPIL'S PARENT OR LEGAL GUARDIAN, OR BOTH, MAY  
20 APPEAL THE DECISION OF THE SCHOOL DISTRICT SUPERINTENDENT TO THE  
21 BOARD OF THE SCHOOL DISTRICT. IF AN APPEAL IS MADE TO THE BOARD,  
22 THE BOARD SHALL, NOT EARLIER THAN 15 DAYS AND NOT LATER THAN 30  
23 DAYS AFTER RECEIVING THE APPEAL, REVIEW THE SUSPENSION AND DETER-  
24 MINE WHETHER, UNDER ALL THE CIRCUMSTANCES, THE SUSPENSION IS JUS-  
25 TIFIED AND WHETHER THE PROCEDURES REQUIRED UNDER THIS SECTION  
26 WERE FOLLOWED CORRECTLY. IF THE BOARD DETERMINES THAT THE

1 SUSPENSION IS NOT JUSTIFIED OR THAT THE PROCEDURES WERE NOT  
2 FOLLOWED CORRECTLY, THE PUPIL SHALL NOT BE SUSPENDED.

3 (G) NOT LATER THAN 15 DAYS AFTER ITS REVIEW OR 30 DAYS AFTER  
4 RECEIVING THE APPEAL, WHICHEVER IS EARLIER, THE BOARD OF THE  
5 SCHOOL DISTRICT SHALL MAKE WRITTEN FINDINGS OF FACT AND A FINAL  
6 WRITTEN DECISION REGARDING THE SUSPENSION AND SEND A COPY OF THE  
7 FINDINGS AND DECISION BY CERTIFIED MAIL, RETURN RECEIPT  
8 REQUESTED, TO THE PUPIL OR THE PUPIL'S PARENT OR LEGAL GUARDIAN  
9 AND TO THE DEPARTMENT.

10 (H) UNLESS THE PUPIL OR PARENT OR LEGAL GUARDIAN BRINGS AN  
11 ACTION UNDER SECTION 1311G, THE DECISION OF THE LOCAL BOARD IS  
12 FINAL.

13 (4) UNLESS THE BUILDING PRINCIPAL OF THE BUILDING THE PUPIL  
14 ATTENDS SPECIFICALLY FINDS THAT THE PRESENCE OF THE PUPIL IN  
15 SCHOOL POSES A SERIOUS THREAT TO THE PHYSICAL SAFETY OF OTHER  
16 PUPILS OR SCHOOL PERSONNEL AND DOCUMENTS THAT FINDING IN WRITING,  
17 A PUPIL INVOLVED IN THE SHORT-TERM SUSPENSION PROCEEDINGS UNDER  
18 THIS SECTION OR IN A JUDICIAL PROCEEDING BROUGHT UNDER SECTION  
19 1311G REGARDING THE SUSPENSION SHALL BE ALLOWED TO REMAIN IN HIS  
20 OR HER REGULAR EDUCATIONAL PROGRAM PENDING THE OUTCOME OF THE  
21 PROCEEDINGS. IF A PUPIL IS EXCLUDED UNDER THIS SUBSECTION, THE  
22 BUILDING LEVEL HEARING OFFICER SHALL INITIATE THE PROCEDURES  
23 REQUIRED UNDER SUBSECTION (3) NOT LATER THAN 24 HOURS AFTER THE  
24 PUPIL IS EXCLUDED.

25 SEC. 1311E. (1) A SCHOOL DISTRICT MAY SUSPEND A PUPIL FOR A  
26 LONG-TERM SUSPENSION ONLY FOR INTENTIONAL CONDUCT THAT CREATES A

1 DEFINABLE THREAT TO THE PHYSICAL SAFETY OF OTHER PUPILS OR SCHOOL  
2 PERSONNEL.

3 (2) CONSISTENT WITH THE REQUIREMENTS OF SECTION 1311C, THE  
4 BOARD OF A SCHOOL DISTRICT SHALL ESTABLISH AND DISTRIBUTE RULES  
5 SPECIFICALLY DEFINING THE TYPES OF INTENTIONAL CONDUCT FOR WHICH  
6 LONG-TERM SUSPENSION MAY BE IMPOSED. THESE RULES SHALL BE  
7 INCLUDED IN THE POLICY DISTRIBUTED UNDER SECTION 1311C.

8 (3) BEFORE A PUPIL MAY BE SUSPENDED FOR A LONG-TERM SUSPEN-  
9 SION, THE SCHOOL DISTRICT SHALL PROVIDE ALL OF THE FOLLOWING  
10 PROCEDURES:

11 (A) AT LEAST 3 SCHOOL DAYS BEFORE THE HEARING DESCRIBED IN  
12 SUBDIVISION (B), THE SCHOOL DISTRICT SUPERINTENDENT SHALL NOTIFY  
13 THE PUPIL AND THE PUPIL'S PARENT OR LEGAL GUARDIAN ORALLY AND IN  
14 WRITING, IN WORDS AND A LANGUAGE THE PUPIL AND PARENT OR LEGAL  
15 GUARDIAN WILL UNDERSTAND, OF ALL OF THE FOLLOWING:

16 (i) THE CONDUCT THAT FORMS THE BASIS FOR THE ALLEGATIONS  
17 AGAINST THE PUPIL.

18 (ii) THE RULES THE PUPIL IS ALLEGED TO HAVE VIOLATED.

19 (iii) THE EVIDENCE AND WITNESSES AGAINST THE PUPIL.

20 (iv) THE DATE, TIME, AND PLACE OF THE HEARING TO BE HELD BY  
21 THE SUPERINTENDENT UNDER SUBDIVISION (B).

22 (v) THE PROCEDURES AND RIGHTS TO APPEAL PROVIDED UNDER THIS  
23 SECTION AND THE RIGHT TO JUDICIAL REVIEW PROVIDED UNDER  
24 SECTION 1311G.

25 (vi) SOURCES AVAILABLE TO THE PUPIL AND PARENT OR LEGAL  
26 GUARDIAN FOR FREE OR LOW-COST LEGAL SERVICES OR OTHER INFORMED  
27 ADVICE.

1 (B) THE SCHOOL DISTRICT SUPERINTENDENT SHALL CONDUCT A FAIR  
2 AND IMPARTIAL HEARING ON THE ALLEGATIONS AGAINST THE PUPIL. THE  
3 SUPERINTENDENT SHALL CONSIDER ONLY EVIDENCE DISCLOSED TO THE  
4 PUPIL AND THE PARENT OR LEGAL GUARDIAN UNDER SUBDIVISION (A) AND  
5 MAY DETERMINE WHETHER THE REQUIREMENTS OF SUBDIVISION (A) HAVE  
6 BEEN MET. THE SUPERINTENDENT MAY ISSUE SUBPOENAS TO COMPEL THE  
7 TESTIMONY OF WITNESSES.

8 (C) AT THE HEARING, THE PUPIL AND PARENT OR LEGAL GUARDIAN  
9 HAVE ALL OF THE FOLLOWING RIGHTS:

10 (i) TO BE ADVISED AND REPRESENTED BY AN ATTORNEY OR OTHER  
11 PERSON OF THEIR CHOOSING.

12 (ii) TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES.

13 (iii) TO PRESENT EVIDENCE ON BEHALF OF THE PUPIL AND MAY  
14 SUBPOENA WITNESSES.

15 (iv) IS NOT REQUIRED TO TESTIFY.

16 (D) A VERBATIM RECORD SHALL BE MADE OF THE HEARING AND A  
17 TRANSCRIPT OR TAPE RECORDING SHALL BE PROVIDED AT NO COST TO THE  
18 PUPIL OR PARENT OR LEGAL GUARDIAN.

19 (E) AFTER THE HEARING, THE SCHOOL DISTRICT SUPERINTENDENT  
20 SHALL MAKE WRITTEN FINDINGS OF FACT AND A WRITTEN DECISION  
21 WHETHER OR NOT TO IMPOSE A LONG-TERM SUSPENSION, AND SHALL IMPOSE  
22 A LONG-TERM SUSPENSION ONLY IF HE OR SHE FINDS BY CLEAR AND CON-  
23 VINING EVIDENCE PRESENTED AT THE HEARING THAT THE PUPIL HAS COM-  
24 MITTED THE ACT OR ACTS ALLEGED, THAT THE ACT OR ACTS VIOLATE 1 OR  
25 MORE PROPERLY ESTABLISHED AND DISTRIBUTED SCHOOL RULES, AND THAT  
26 THE ACT OR ACTS CONSTITUTE A PROPER BASIS FOR LONG-TERM  
27 SUSPENSION UNDER SUBSECTION (1). THE SUPERINTENDENT SHALL NOT

1 IMPOSE A LONG-TERM SUSPENSION IF HE OR SHE FINDS THAT THE  
2 REQUIREMENTS OF SUBDIVISION (A) HAVE NOT BEEN MET. THE SUPERIN-  
3 TENDENT SHALL SUBMIT A COPY OF HIS OR HER FINDINGS AND DECISION  
4 TO THE BOARD OF THE SCHOOL DISTRICT AND TO THE PUPIL AND THE  
5 PUPIL'S PARENT OR LEGAL GUARDIAN.

6 (F) NOT LATER THAN 10 SCHOOL DAYS AFTER RECEIVING THE DECI-  
7 SION OF THE SCHOOL DISTRICT SUPERINTENDENT UNDER SUBDIVISION (E),  
8 THE PUPIL OR THE PUPIL'S PARENT OR LEGAL GUARDIAN, OR BOTH, MAY  
9 APPEAL THE DECISION OF THE SCHOOL DISTRICT SUPERINTENDENT TO THE  
10 BOARD OF THE SCHOOL DISTRICT. IF AN APPEAL IS MADE TO THE BOARD,  
11 THE BOARD SHALL APPOINT OR CONTRACT WITH AN INDEPENDENT HEARING  
12 OFFICER WHO IS MUTUALLY AGREEABLE TO THE PARTIES. THE HEARING  
13 OFFICER SHALL NOT BE AN EMPLOYEE OR BOARD MEMBER OF A SCHOOL DIS-  
14 TRICT, THE DEPARTMENT, OR THE STATE BOARD; SHALL NOT HAVE A PER-  
15 SONAL OR PROFESSIONAL INTEREST THAT WOULD CONFLICT WITH HIS OR  
16 HER OBJECTIVITY IN CONDUCTING THE HEARING; AND SHALL HAVE GOOD  
17 WORKING KNOWLEDGE OF STATE AND FEDERAL LAW RELATING TO  
18 EDUCATION. THE BOARD OF THE SCHOOL DISTRICT SHALL COMPENSATE THE  
19 HEARING OFFICER AND PAY ALL OTHER COSTS OF CONDUCTING THE  
20 HEARING.

21 (G) NOT EARLIER THAN 15 DAYS AND NOT LATER THAN 30 DAYS  
22 AFTER THE BOARD OF THE SCHOOL DISTRICT RECEIVES THE APPEAL UNDER  
23 SUBDIVISION (F), THE HEARING OFFICER SHALL CONDUCT A HEARING TO  
24 REVIEW THE LONG-TERM SUSPENSION AND DETERMINE WHETHER, UNDER ALL  
25 THE CIRCUMSTANCES, THE LONG-TERM SUSPENSION IS JUSTIFIED AND  
26 WHETHER THE PROCEDURES REQUIRED UNDER THIS SECTION WERE FOLLOWED  
27 CORRECTLY. THE HEARING OFFICER MAY ISSUE SUBPOENAS AND COMPEL

1 THE TESTIMONY OF WITNESSES, REQUIRE A PREHEARING CONFERENCE TO  
2 CLARIFY MATTERS PERTAINING TO THE HEARING, CONTROL THE CONDUCT OF  
3 PARTIES OR PARTICIPANTS IN THE HEARING TO ASSURE AN ORDERLY PRO-  
4 CEEDING, AND SUSPEND OR POSTPONE THE HEARING FOR GOOD CAUSE. AT  
5 THE HEARING, THE PUPIL AND PARENT OR LEGAL GUARDIAN HAVE ALL OF  
6 THE FOLLOWING RIGHTS:

7 (i) TO BE PRESENT AT THE HEARING.

8 (ii) TO BE REPRESENTED, ACCOMPANIED, AND ADVISED BY AN  
9 ATTORNEY OR OTHER PERSON OF THEIR CHOOSING.

10 (iii) TO PRESENT EVIDENCE AND COMPEL THE TESTIMONY OF ANY  
11 PERSON, INCLUDING, BUT NOT LIMITED TO, AN OFFICIAL, EMPLOYEE, OR  
12 AGENT OF THE SCHOOL DISTRICT WHO MAY HAVE RELEVANT EVIDENCE.

13 (iv) TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES.

14 (v) TO PROHIBIT THE INTRODUCTION OF ANY EVIDENCE OR THE TES-  
15 TIMONY OF ANY WITNESS IF THE EVIDENCE OR SUBSTANCE OF THE TESTI-  
16 MONY HAS NOT BEEN DISCLOSED TO THE PUPIL AND PARENT OR LEGAL  
17 GUARDIAN AT LEAST 5 CALENDAR DAYS BEFORE THE HEARING.

18 (vi) TO OBTAIN A WRITTEN OR ELECTRONIC VERBATIM RECORD OF  
19 THE HEARING OR AN ALTERNATE FORM OF THE VERBATIM RECORD IN THE  
20 PARENT'S NATIVE LANGUAGE.

21 (vii) TO OBTAIN WRITTEN FINDINGS OF FACT AND A WRITTEN  
22 DECISION.

23 (viii) TO OPEN THE HEARING TO THE PUBLIC.

24 (H) NOT LATER THAN 30 DAYS AFTER THE HEARING OR 45 DAYS  
25 AFTER THE APPEAL IS RECEIVED BY THE BOARD, WHICHEVER IS EARLIER,  
26 THE HEARING OFFICER SHALL MAKE WRITTEN FINDINGS OF FACT AND A  
27 FINAL WRITTEN DECISION ON WHETHER THE LONG-TERM SUSPENSION IS



1 JUSTIFIED AND SEND A COPY OF THE FINDINGS AND DECISION BY  
2 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO EACH PARTY AND TO  
3 THE DEPARTMENT.

4 (I) NOT LATER THAN 10 SCHOOL DAYS AFTER RECEIVING THE DECI-  
5 SION OF THE HEARING OFFICER, A PARTY AGGRIEVED BY THE FINDINGS  
6 AND DECISION OF THE HEARING OFFICER MAY APPEAL TO THE  
7 DEPARTMENT. THE APPEALING PARTY SHALL SEND A COPY OF THE APPEAL  
8 TO EACH OF THE OTHER PARTIES. IF AN APPEAL IS MADE UNDER THIS  
9 SUBSECTION, THE SCHOOL DISTRICT SHALL ENSURE THAT THE HEARING  
10 OFFICER HAS DELIVERED THE WRITTEN FINDINGS AND DECISION TO THE  
11 DEPARTMENT PURSUANT TO SUBDIVISION (H) AND SHALL DELIVER A COPY  
12 OF THE VERBATIM WRITTEN RECORD OF THE HEARING TO THE DEPARTMENT  
13 NOT LATER THAN 3 SCHOOL DAYS AFTER RECEIPT OF THE APPEAL. THE  
14 DEPARTMENT SHALL CONDUCT AN IMPARTIAL REVIEW OF THE HEARING. THE  
15 DEPARTMENT REVIEWING OFFICIAL SHALL DO ALL OF THE FOLLOWING:

16 (i) EXAMINE THE ENTIRE HEARING RECORD.

17 (ii) ENSURE THAT THE PROCEDURES AT THE HEARING WERE CONSIS-  
18 TENT WITH THIS SECTION AND THE REQUIREMENTS OF DUE PROCESS.

19 (iii) SEEK ADDITIONAL EVIDENCE IF NECESSARY. IF A HEARING  
20 IS HELD TO OBTAIN ADDITIONAL EVIDENCE, THE PUPIL AND PARENT OR  
21 LEGAL GUARDIAN HAVE THE SAME RIGHTS IN THAT HEARING AS UNDER SUB-  
22 DIVISION (G), THE DEPARTMENT REVIEWING OFFICIAL HAS THE SAME  
23 POWERS AND FUNCTIONS AS THE HEARING OFFICER UNDER THAT SUBDIVI-  
24 SION, AND THE HEARING SHALL BE HELD AT A TIME AND PLACE REASON-  
25 ABLY CONVENIENT TO THE PARTIES.

26 (iv) AFFORD THE PARTIES AN OPPORTUNITY FOR ORAL OR WRITTEN  
27 ARGUMENT, OR BOTH, AT THE DISCRETION OF THE REVIEWING OFFICIAL.

1 IF ORAL ARGUMENT IS HELD, IT SHALL BE HELD AT A TIME AND PLACE  
2 REASONABLY CONVENIENT TO THE PARTIES.

3 (v) NOT LATER THAN 30 CALENDAR DAYS AFTER RECEIPT OF THE  
4 APPEAL, MAKE AN INDEPENDENT WRITTEN DECISION AFTER COMPLETION OF  
5 THE REVIEW AFFIRMING, REVERSING, OR MODIFYING THE DECISION OF THE  
6 HEARING OFFICER OR REMANDING THE MATTER TO THE HEARING OFFICER  
7 FOR FURTHER PROCEEDINGS AND MAIL A COPY OF THE WRITTEN DECISION  
8 TO EACH PARTY BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

9 (J) UNLESS THE PUPIL OR PARENT OR LEGAL GUARDIAN BRINGS AN  
10 ACTION UNDER SECTION 1311G, THE DECISION OF THE DEPARTMENT  
11 REVIEWING OFFICIAL IS FINAL.

12 (4) UNLESS THE SCHOOL DISTRICT SUPERINTENDENT SPECIFICALLY  
13 FINDS THAT THE PRESENCE OF THE PUPIL IN SCHOOL POSES A SERIOUS  
14 THREAT TO THE PHYSICAL SAFETY OF OTHER PUPILS OR SCHOOL PERSONNEL  
15 AND DOCUMENTS THAT FINDING IN WRITING, A PUPIL WHO IS THE SUBJECT  
16 OF LONG-TERM SUSPENSION PROCEEDINGS UNDER THIS SECTION OR OF A  
17 JUDICIAL PROCEEDING BROUGHT UNDER SECTION 1311G REGARDING THE  
18 LONG-TERM SUSPENSION SHALL BE ALLOWED TO REMAIN IN HIS OR HER  
19 REGULAR EDUCATIONAL PROGRAM PENDING THE OUTCOME OF THE  
20 PROCEEDINGS. IF A PUPIL IS EXCLUDED UNDER THIS SUBSECTION, THE  
21 SCHOOL DISTRICT SUPERINTENDENT SHALL INITIATE THE PROCEDURES  
22 REQUIRED UNDER SUBSECTION (3) NOT LATER THAN 24 HOURS AFTER THE  
23 PUPIL IS EXCLUDED.

24 SEC. 1311F. (1) A SCHOOL BOARD MAY EXPEL A PUPIL ONLY FOR  
25 INTENTIONAL CONDUCT THAT CREATES OR IS LIKELY TO CREATE A SERI-  
26 OUS, CONTINUING THREAT TO THE PHYSICAL SAFETY OF PUPILS OR SCHOOL  
27 PERSONNEL.

1 (2) BEFORE A PUPIL MAY BE EXPELLED, THE SCHOOL DISTRICT  
2 SHALL PROVIDE ALL OF THE FOLLOWING PROCEDURES:

3 (A) AT LEAST 3 SCHOOL DAYS BEFORE THE HEARING DESCRIBED IN  
4 SUBDIVISION (B), THE SCHOOL DISTRICT SUPERINTENDENT SHALL NOTIFY  
5 THE PUPIL AND THE PUPIL'S PARENT OR LEGAL GUARDIAN ORALLY AND IN  
6 WRITING, IN WORDS AND A LANGUAGE THE PUPIL AND PARENT OR LEGAL  
7 GUARDIAN WILL UNDERSTAND, OF ALL OF THE FOLLOWING:

8 (i) THE CONDUCT THAT FORMS THE BASIS FOR THE ALLEGATIONS  
9 AGAINST THE PUPIL.

10 (ii) THE RULES THE PUPIL IS ALLEGED TO HAVE VIOLATED.

11 (iii) THE EVIDENCE AND WITNESSES AGAINST THE PUPIL.

12 (iv) THE DATE, TIME, AND PLACE OF THE HEARING TO BE HELD BY  
13 THE SUPERINTENDENT UNDER SUBDIVISION (B).

14 (v) THE PROCEDURES AND RIGHTS TO APPEAL PROVIDED UNDER THIS  
15 SECTION AND THE RIGHT TO JUDICIAL REVIEW PROVIDED UNDER  
16 SECTION 1311G.

17 (vi) SOURCES AVAILABLE TO THE PUPIL AND PARENT OR LEGAL  
18 GUARDIAN FOR FREE OR LOW-COST LEGAL SERVICES OR OTHER INFORMED  
19 ADVICE.

20 (B) THE SCHOOL DISTRICT SUPERINTENDENT SHALL CONDUCT A FAIR  
21 AND IMPARTIAL HEARING ON THE ALLEGATIONS AGAINST THE PUPIL. THE  
22 SUPERINTENDENT SHALL CONSIDER ONLY EVIDENCE DISCLOSED TO THE  
23 PUPIL AND THE PARENT OR LEGAL GUARDIAN UNDER SUBDIVISION (A) AND  
24 MAY DETERMINE WHETHER THE REQUIREMENTS OF SUBDIVISION (A) HAVE  
25 BEEN MET. THE SUPERINTENDENT MAY ISSUE SUBPOENAS TO COMPEL THE  
26 TESTIMONY OF WITNESSES.

1 (C) AT THE HEARING, THE PUPIL AND PARENT OR LEGAL GUARDIAN  
2 HAVE ALL OF THE FOLLOWING RIGHTS:

3 (i) TO BE ADVISED AND REPRESENTED BY AN ATTORNEY OR OTHER  
4 PERSON OF THEIR CHOOSING.

5 (ii) TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES.

6 (iii) TO PRESENT EVIDENCE ON BEHALF OF THE PUPIL AND MAY  
7 SUBPOENA WITNESSES.

8 (iv) IS NOT REQUIRED TO TESTIFY.

9 (D) A VERBATIM RECORD SHALL BE MADE OF THE HEARING AND A  
10 TRANSCRIPT OR TAPE RECORDING SHALL BE PROVIDED AT NO COST TO THE  
11 PUPIL OR PARENT OR LEGAL GUARDIAN.

12 (E) AFTER THE HEARING, THE SCHOOL DISTRICT SUPERINTENDENT  
13 SHALL MAKE WRITTEN FINDINGS OF FACT AND A WRITTEN DECISION  
14 WHETHER OR NOT TO EXPEL THE PUPIL, AND SHALL EXPEL THE PUPIL ONLY  
15 IF THE SCHOOL DISTRICT SUPERINTENDENT FINDS BY CLEAR AND CONVINC-  
16 ING EVIDENCE PRESENTED AT THE HEARING THAT THE PUPIL HAS COMMIT-  
17 TED THE ACT OR ACTS ALLEGED, THAT THE ACT OR ACTS VIOLATE 1 OR  
18 MORE PROPERLY ESTABLISHED AND DISTRIBUTED SCHOOL RULES, AND THAT  
19 THE ACT OR ACTS CONSTITUTE A PROPER BASIS FOR EXPULSION UNDER  
20 SUBSECTION (1). THE SUPERINTENDENT SHALL NOT EXPEL A PUPIL IF HE  
21 OR SHE FINDS THAT THE REQUIREMENTS OF SUBDIVISION (A) HAVE NOT  
22 BEEN MET. THE SUPERINTENDENT SHALL SUBMIT A COPY OF HIS OR HER  
23 FINDINGS AND DECISION TO THE BOARD OF THE SCHOOL DISTRICT AND TO  
24 THE PUPIL AND THE PUPIL'S PARENT OR LEGAL GUARDIAN.

25 (F) NOT LATER THAN 10 SCHOOL DAYS AFTER RECEIVING THE DECI-  
26 SION OF THE SCHOOL DISTRICT SUPERINTENDENT UNDER SUBDIVISION (E),  
27 THE PUPIL OR THE PUPIL'S PARENT OR LEGAL GUARDIAN, OR BOTH, MAY

1 APPEAL THE DECISION OF THE SCHOOL DISTRICT SUPERINTENDENT TO THE  
2 BOARD OF THE SCHOOL DISTRICT. IF AN APPEAL IS MADE TO THE BOARD,  
3 THE BOARD SHALL APPOINT OR CONTRACT WITH AN INDEPENDENT HEARING  
4 OFFICER WHO IS MUTUALLY AGREEABLE TO THE PARTIES. THE HEARING  
5 OFFICER SHALL NOT BE AN EMPLOYEE OR BOARD MEMBER OF A SCHOOL DIS-  
6 TRICT, THE DEPARTMENT, OR THE STATE BOARD; SHALL NOT HAVE A PER-  
7 SONAL OR PROFESSIONAL INTEREST THAT WOULD CONFLICT WITH HIS OR  
8 HER OBJECTIVITY IN CONDUCTING THE HEARING; AND SHALL HAVE GOOD  
9 WORKING KNOWLEDGE OF STATE AND FEDERAL LAW RELATING TO  
10 EDUCATION. THE BOARD OF THE SCHOOL DISTRICT SHALL COMPENSATE THE  
11 HEARING OFFICER AND PAY ALL OTHER COSTS OF CONDUCTING THE  
12 HEARING.

13 (G) NOT EARLIER THAN 15 DAYS AND NOT LATER THAN 30 DAYS  
14 AFTER THE BOARD OF THE SCHOOL DISTRICT RECEIVES THE APPEAL UNDER  
15 SUBDIVISION (F), THE HEARING OFFICER SHALL CONDUCT A HEARING TO  
16 REVIEW THE EXPULSION AND DETERMINE WHETHER, UNDER ALL THE CIRCUM-  
17 STANCES, THE EXPULSION IS JUSTIFIED AND WHETHER THE PROCEDURES  
18 REQUIRED UNDER THIS SECTION WERE FOLLOWED CORRECTLY. THE HEARING  
19 OFFICER MAY ISSUE SUBPOENAS AND COMPEL THE TESTIMONY OF WIT-  
20 NESSES, REQUIRE A PREHEARING CONFERENCE TO CLARIFY MATTERS PER-  
21 TAINING TO THE HEARING, CONTROL THE CONDUCT OF PARTIES OR PARTIC-  
22 IPANTS IN THE HEARING TO ASSURE AN ORDERLY PROCEEDING, AND SUS-  
23 PEND OR POSTPONE THE HEARING FOR GOOD CAUSE. AT THE HEARING, THE  
24 PUPIL AND PARENT OR LEGAL GUARDIAN HAVE ALL OF THE FOLLOWING  
25 RIGHTS:

26 (i) TO BE PRESENT AT THE HEARING.

1       (ii) TO BE REPRESENTED, ACCOMPANIED, AND ADVISED BY AN  
2 ATTORNEY OR OTHER PERSON OF THEIR CHOOSING.

3       (iii) TO PRESENT EVIDENCE AND COMPEL THE TESTIMONY OF ANY  
4 PERSON, INCLUDING, BUT NOT LIMITED TO, AN OFFICIAL, EMPLOYEE, OR  
5 AGENT OF THE SCHOOL DISTRICT WHO MAY HAVE RELEVANT EVIDENCE.

6       (iv) TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES.

7       (v) TO PROHIBIT THE INTRODUCTION OF ANY EVIDENCE OR THE TES-  
8 TIMONY OF ANY WITNESS IF THE EVIDENCE OR SUBSTANCE OF THE TESTI-  
9 MONY HAS NOT BEEN DISCLOSED TO THE PUPIL AND PARENT OR LEGAL  
10 GUARDIAN AT LEAST 5 CALENDAR DAYS BEFORE THE HEARING.

11       (vi) TO OBTAIN A WRITTEN OR ELECTRONIC VERBATIM RECORD OF  
12 THE HEARING OR AN ALTERNATE FORM OF THE VERBATIM RECORD IN THE  
13 PARENT'S NATIVE LANGUAGE.

14       (vii) TO OBTAIN WRITTEN FINDINGS OF FACT AND A WRITTEN  
15 DECISION.

16       (viii) TO OPEN THE HEARING TO THE PUBLIC.

17       (H) NOT LATER THAN 30 DAYS AFTER THE HEARING OR 45 DAYS  
18 AFTER THE APPEAL IS RECEIVED BY THE BOARD, WHICHEVER IS EARLIER,  
19 THE HEARING OFFICER SHALL MAKE WRITTEN FINDINGS OF FACT AND A  
20 FINAL WRITTEN DECISION ON WHETHER THE EXPULSION IS JUSTIFIED AND  
21 SEND A COPY OF THE FINDINGS AND DECISION BY CERTIFIED MAIL,  
22 RETURN RECEIPT REQUESTED, TO EACH PARTY AND TO THE DEPARTMENT.

23       (I) NOT LATER THAN 10 SCHOOL DAYS AFTER RECEIVING THE DECI-  
24 SION OF THE HEARING OFFICER, A PARTY AGGRIEVED BY THE FINDINGS  
25 AND DECISION OF THE HEARING OFFICER MAY APPEAL TO THE  
26 DEPARTMENT. THE APPEALING PARTY SHALL SEND A COPY OF THE APPEAL  
27 TO EACH OF THE OTHER PARTIES. IF AN APPEAL IS MADE UNDER THIS

1 SUBDIVISION, THE SCHOOL DISTRICT SHALL ENSURE THAT THE HEARING  
2 OFFICER HAS DELIVERED THE WRITTEN FINDINGS AND DECISION TO THE  
3 DEPARTMENT PURSUANT TO SUBDIVISION (H) AND SHALL DELIVER A COPY  
4 OF THE VERBATIM WRITTEN RECORD OF THE HEARING TO THE DEPARTMENT  
5 NOT LATER THAN 3 SCHOOL DAYS AFTER RECEIPT OF THE APPEAL. THE  
6 DEPARTMENT SHALL CONDUCT AN IMPARTIAL REVIEW OF THE HEARING. THE  
7 DEPARTMENT REVIEWING OFFICIAL SHALL DO ALL OF THE FOLLOWING:

8 (i) EXAMINE THE ENTIRE HEARING RECORD.

9 (ii) ENSURE THAT THE PROCEDURES AT THE HEARING WERE CONSIS-  
10 TENT WITH THIS SECTION AND THE REQUIREMENTS OF DUE PROCESS.

11 (iii) SEEK ADDITIONAL EVIDENCE IF NECESSARY. IF A HEARING  
12 IS HELD TO OBTAIN ADDITIONAL EVIDENCE, THE PUPIL AND PARENT OR  
13 LEGAL GUARDIAN HAVE THE SAME RIGHTS IN THAT HEARING AS UNDER SUB-  
14 DIVISION (G), THE DEPARTMENT REVIEWING OFFICIAL HAS THE SAME  
15 POWERS AND FUNCTIONS AS THE HEARING OFFICER UNDER THAT SUBDIVI-  
16 SION, AND THE HEARING SHALL BE HELD AT A TIME AND PLACE REASON-  
17 ABLY CONVENIENT TO THE PARTIES.

18 (iv) AFFORD THE PARTIES AN OPPORTUNITY FOR ORAL OR WRITTEN  
19 ARGUMENT, OR BOTH, AT THE DISCRETION OF THE REVIEWING OFFICIAL.  
20 IF ORAL ARGUMENT IS HELD, IT SHALL BE HELD AT A TIME AND PLACE  
21 REASONABLY CONVENIENT TO THE PARTIES.

22 (v) NOT LATER THAN 30 CALENDAR DAYS AFTER RECEIPT OF THE  
23 APPEAL, MAKE AN INDEPENDENT WRITTEN DECISION AFTER COMPLETION OF  
24 THE REVIEW AFFIRMING, REVERSING, OR MODIFYING THE DECISION OF THE  
25 HEARING OFFICER OR REMANDING THE MATTER TO THE HEARING OFFICER  
26 FOR FURTHER PROCEEDINGS AND MAIL A COPY OF THE WRITTEN DECISION  
27 TO EACH PARTY BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

1 (J) UNLESS THE PUPIL OR PARENT OR LEGAL GUARDIAN BRINGS AN  
2 ACTION UNDER SECTION 1311G, THE DECISION OF THE DEPARTMENT  
3 REVIEWING OFFICIAL IS FINAL.

4 (3) UNLESS THE BOARD OF A SCHOOL DISTRICT SPECIFICALLY FINDS  
5 THAT THE PRESENCE OF THE PUPIL IN SCHOOL POSES A SERIOUS THREAT  
6 TO THE PHYSICAL SAFETY OF OTHER PUPILS OR SCHOOL PERSONNEL AND  
7 DOCUMENTS THAT FINDING IN WRITING, A PUPIL WHO IS THE SUBJECT OF  
8 EXPULSION PROCEEDINGS UNDER THIS SECTION OR OF A JUDICIAL PRO-  
9 CEEDING BROUGHT UNDER SECTION 1311G REGARDING THE EXPULSION SHALL  
10 BE ALLOWED TO REMAIN IN HIS OR HER REGULAR EDUCATIONAL PROGRAM  
11 PENDING THE OUTCOME OF THE PROCEEDINGS. IF A PUPIL IS EXCLUDED  
12 UNDER THIS SECTION, THE SCHOOL DISTRICT SUPERINTENDENT SHALL INI-  
13 TIATE THE PROCEDURES REQUIRED UNDER SUBSECTION (2) NOT LATER THAN  
14 24 HOURS AFTER THE PUPIL IS EXCLUDED.

15 SEC. 1311G. A PARTY AGGRIEVED BY THE FINAL DECISION OF THE  
16 BOARD OF A SCHOOL DISTRICT UNDER SECTION 1311D OR THE DEPARTMENT  
17 UNDER SECTION 1311E OR 1311F MAY BRING SUIT IN THE CIRCUIT COURT  
18 FOR A COUNTY IN WHICH ALL OR PART OF THE SCHOOL DISTRICT IS  
19 LOCATED. THE COURT MAY GRANT APPROPRIATE LEGAL OR EQUITABLE  
20 RELIEF.

21 SEC. 1311H. NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE  
22 DATE OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE  
23 TO EACH SCHOOL DISTRICT A LIST OF INDIVIDUALS QUALIFIED TO SERVE  
24 AS A HEARING OFFICER FOR A HEARING CONDUCTED UNDER SECTION 1311E  
25 OR 1311F, AND SHALL PERIODICALLY UPDATE THE LIST. THE LIST SHALL  
26 INCLUDE A STATEMENT OF THE QUALIFICATIONS OF EACH OF THE  
27 INDIVIDUALS. EACH SCHOOL DISTRICT SHALL MAINTAIN THE LIST AND



1 PROVIDE A COPY TO A PUPIL OR PARENT OR LEGAL GUARDIAN WHO  
2 REQUESTS A HEARING UNDER SECTION 1311E OR 1311F.

3 SEC. 1311I. IF A PUPIL OR PARENT OR LEGAL GUARDIAN INVOLVED  
4 IN A PROCEEDING UNDER SECTION 1311D, 1311E, OR 1311F IS DEAF OR  
5 HAS LIMITED ENGLISH SPEAKING ABILITY, THE SCHOOL DISTRICT  
6 INVOLVED SHALL PROVIDE AN INTERPRETER FOR EACH HEARING.

7 SEC. 1311J. (1) THE BOARD OF A SCHOOL DISTRICT SHALL PRO-  
8 VIDE ALTERNATIVE EDUCATION FOR ALL PUPILS WHO ARE SUSPENDED OR  
9 EXPELLED OR ARE EXCLUDED PENDING SUSPENSION OR EXPULSION PROCEED-  
10 INGS UNDER SECTION 1311D(4), 1311E(4), OR 1311F(3), AND SHALL  
11 MAKE THE ALTERNATIVE EDUCATION PROGRAMS AVAILABLE TO OTHER PUPILS  
12 AND TO DROPOUTS WHO CHOOSE TO PARTICIPATE.

13 (2) NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THIS  
14 SECTION, A BOARD SHALL DEVELOP A POLICY TO CREATE AND IMPLEMENT 1  
15 OR MORE PROGRAMS OF ALTERNATIVE EDUCATION UNDER SUBSECTION (1)  
16 THAT MEET ALL OF THE FOLLOWING REQUIREMENTS:

17 (A) IS THE SUBSTANTIAL EQUIVALENT OF THE PUPIL'S PREVIOUS  
18 EDUCATIONAL PROGRAM.

19 (B) IS AVAILABLE TO A PUPIL UNTIL THE PUPIL ATTAINS AGE 21.

20 (C) IS APPROPRIATE FOR THE PUPIL'S AGE.

21 (D) IS PROVIDED AT NO COST TO THE PUPIL OR THE PUPIL'S  
22 PARENT OR LEGAL GUARDIAN.

23 (E) PROVIDES HOURS OF INSTRUCTION THAT ARE AT LEAST EQUIVA-  
24 LENT TO THE PUPIL'S PREVIOUS EDUCATIONAL PROGRAM.

25 (F) PROVIDES A PUPIL IN THE PROGRAM WITH FULL ACADEMIC  
26 CREDIT FOR WORK COMPLETED AND ALLOWS THE PUPIL TO MAKE REGULAR  
27 PROGRESS TOWARD GRADUATION.

1 (G) RESULTS IN A HIGH SCHOOL DIPLOMA THAT IS IDENTICAL TO  
2 OTHER HIGH SCHOOL DIPLOMAS AWARDED BY THE SCHOOL DISTRICT.

3 (H) PROVIDES THE OPPORTUNITY FOR A PUPIL TO RETURN TO REGU-  
4 LAR EDUCATION AS SOON AS POSSIBLE BY INCLUDING AT LEAST THE EDU-  
5 CATIONAL AND BEHAVIORAL SERVICES NECESSARY TO PREPARE THE PUPIL  
6 TO SUCCESSFULLY RETURN TO REGULAR EDUCATION AND PERIODIC REVIEWS  
7 OF EACH PUPIL TO MONITOR AND PROMOTE HIS OR HER READINESS TO  
8 RETURN TO REGULAR EDUCATION.

9 (I) IS TAUGHT BY CERTIFICATED TEACHERS.

10 (J) IF POSSIBLE, IS LOCATED IN THE SAME SCHOOL THE PUPIL  
11 WOULD ATTEND FOR HIS OR HER REGULAR EDUCATIONAL PROGRAM.

12 (K) PROVIDES TRANSPORTATION TO THE LOCATION OF THE ALTERNA-  
13 TIVE EDUCATION IF THAT LOCATION IS DIFFERENT FROM THE SCHOOL THE  
14 PUPIL WOULD ATTEND FOR HIS OR HER REGULAR EDUCATIONAL PROGRAM.

15 (L) IS PROVIDED IN 1 OR MORE UNLOCKED ROOMS OF ADEQUATE SIZE  
16 AND VENTILATION AND DOES NOT PLACE A PUPIL IN ISOLATION.

17 (3) A BOARD SHALL FILE A COPY OF THE POLICY REQUIRED UNDER  
18 SUBSECTION (2) WITH THE DEPARTMENT.

19 (4) IN DEVELOPING THE POLICY REQUIRED UNDER SUBSECTION (2),  
20 A BOARD SHALL ENSURE THE ACTIVE PARTICIPATION OF BOARD MEMBERS,  
21 SCHOOL BUILDING ADMINISTRATORS, TEACHERS AND OTHER SCHOOL EMPLOY-  
22 EES, PUPILS, PARENTS, AND OTHER RESIDENTS OF THE SCHOOL  
23 DISTRICT. THE BOARD SHALL ALSO ENSURE THAT THE PERSONS SELECTED  
24 TO PARTICIPATE UNDER THIS SUBSECTION ARE REPRESENTATIVE OF THE  
25 RACIAL, ETHNIC, SOCIAL, AND ECONOMIC MAKEUP OF RESIDENTS OF THE  
26 SCHOOL DISTRICT.

1 (5) THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE THAT THE  
2 PARENT OR LEGAL GUARDIAN OF A SUSPENDED OR EXPELLED PUPIL HAS A  
3 MEANINGFUL OPPORTUNITY TO BE INVOLVED IN AND TO GIVE INPUT INTO  
4 THE DECISION ON THE TYPE OF ALTERNATIVE EDUCATION TO BE PROVIDED  
5 FOR THE PUPIL.

6 (6) NOT LATER THAN 3 MONTHS AFTER THE EFFECTIVE DATE OF THIS  
7 SECTION, THE STATE BOARD SHALL DEVELOP A MODEL POLICY FOR CRE-  
8 ATION AND IMPLEMENTATION OF ALTERNATIVE EDUCATION PROGRAMS. THE  
9 MODEL POLICY SHALL INCLUDE ILLUSTRATIVE MODELS OF VARIOUS TYPES  
10 OF ALTERNATIVE EDUCATION THAT MEET THE REQUIREMENTS OF THIS SEC-  
11 TION, INCLUDING AT LEAST ALL OF THE FOLLOWING:

12 (A) OPPORTUNITIES TO COMPLETE AND RECEIVE CREDIT FOR ASSIGN-  
13 MENTS AND EXAMINATIONS MISSED DURING A SUSPENSION OR EXPULSION.

14 (B) IN-SCHOOL SUSPENSION PROGRAMS IN WHICH THE PUPIL IS  
15 REASSIGNED TO ANOTHER LOCATION WITHIN THE SCHOOL BUILDING TO WORK  
16 ON ASSIGNMENTS AND EXAMINATIONS UNDER THE SUPERVISION OF A  
17 TEACHER.

18 (C) TRANSFER TO ANOTHER SCHOOL WITHIN OR WITHOUT THE SCHOOL  
19 DISTRICT.

20 (D) SPECIAL CENTRALIZED ALTERNATIVE EDUCATION PROGRAMS.

21 (7) THIS SECTION DOES NOT LIMIT THE OPPORTUNITY OF A DROPOUT  
22 TO RETURN TO THE REGULAR EDUCATION PROGRAM AT ANY TIME.

23 SEC. 1311K. THE STATE BOARD SHALL REVIEW AND MONITOR EACH  
24 SCHOOL DISTRICT'S SUSPENSIONS AND EXPULSIONS AS REPORTED IN THE  
25 ANNUAL EDUCATIONAL REPORT UNDER SECTION 1204A. IF MONITORING  
26 REVEALS SUSPENSIONS OR EXPULSIONS IN A SCHOOL DISTRICT AT 125% OR  
27 MORE OF THE STATEWIDE AVERAGE OF SUSPENSIONS OR EXPULSIONS IN A

1 PARTICULAR SCHOOL YEAR OR REVEALS DISPARATE IMPACT OF SUSPENSIONS  
2 AND EXPULSIONS IN A SCHOOL DISTRICT ON 1 OR MORE GROUPS OF  
3 PUPILS, THE STATE BOARD SHALL CONDUCT AN AUDIT OF SUSPENSION AND  
4 EXPULSION PRACTICES IN THE SCHOOL DISTRICT.

5 SEC. 13114. (1) SECTIONS 1311 TO 1311K DO NOT PROHIBIT  
6 SCHOOL DISTRICT OFFICIALS FROM TAKING IMMEDIATE ACTION NECESSARY  
7 TO PROTECT PUPILS AND EMPLOYEES FROM AN IMMINENT THREAT TO PHYSI-  
8 CAL SAFETY.

9 (2) SECTIONS 1311 TO 1311K DO NOT LIMIT THE RIGHTS OF HANDI-  
10 CAPPED PUPILS UNDER STATE AND FEDERAL LAW.

11 SEC. 1763. THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE THAT  
12 A PUPIL WHO IS BEING EVALUATED PURSUANT TO STATE BOARD RULE OR  
13 SECTION 1311 OR 1711 TO DETERMINE IF HE OR SHE IS HANDICAPPED IS  
14 ALLOWED TO REMAIN IN HIS OR HER REGULAR EDUCATIONAL PROGRAM UNTIL  
15 THE INTERMEDIATE SCHOOL DISTRICT COMPLETES THE EVALUATION AND THE  
16 PUPIL'S PARENTS OR LEGAL GUARDIAN AGREE TO PLACING THE PUPIL IN A  
17 DIFFERENT EDUCATIONAL PROGRAM.