

# HOUSE BILL No. 5482

January 20, 1998, Introduced by Reps. Hammerstrom, McBryde, Birkholz, Fitzgerald, Voorhees, Rhead, Gilmer, Johnson, Dalman, Cassis, Raczkowski, Jellema, Jelinek, Goschka, DeVuyst, Jansen, Godchaux, Richner, McNutt, Scranton, Llewellyn and Perricone and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1311 and 1596 (MCL 380.1311 and 380.1596),  
section 1311 as amended by 1995 PA 250, and by adding sections  
1305 and 1309.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 1305. SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES ARE  
2 ENCOURAGED TO DEVELOP AND IMPLEMENT A CODE OF CONDUCT FOR PUPILS,  
3 INCLUDING POSSIBLE DISCIPLINARY MEASURES, WITH THE PARTICIPATION  
4 OF PUPILS, PARENTS, TEACHERS, AND ADMINISTRATORS IN DEVELOPING  
5 THE CODE OF CONDUCT. IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACAD-  
6 EMY HAS AN EXISTING CODE OF CONDUCT FOR PUPILS, THE SCHOOL DIS-  
7 TRICT OR PUBLIC SCHOOL ACADEMY IS ENCOURAGED TO REVIEW ITS  
8 EXISTING CODE OF CONDUCT WITH THE PARTICIPATION OF PUPILS,  
9 PARENTS, TEACHERS, AND SCHOOL ADMINISTRATORS IN THAT REVIEW.

1 FURTHER, SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES ARE  
2 ENCOURAGED TO INCLUDE AS PART OF THE CODE OF CONDUCT DISPUTE RES-  
3 OLUTION PROCESSES AND CONDUCT CODE ENFORCEMENT PROCESSES THAT ARE  
4 CONDUCTED BY PUPILS.

5 SEC. 1309. (1) THE DEPARTMENT SHALL ESTABLISH AN OFFICE FOR  
6 SAFE SCHOOLS WITHIN THE DEPARTMENT. THE OFFICE FOR SAFE SCHOOLS  
7 SHALL WORK WITH LOCAL SCHOOL BOARDS, LAW ENFORCEMENT AGENCIES,  
8 COMMUNITY LEADERS, AND OTHER STATE DEPARTMENTS AND AGENCIES FOR  
9 THE PREVENTION OF SCHOOL VIOLENCE, AND SHALL SERVE AS A STATEWIDE  
10 CLEARINGHOUSE FOR INFORMATION, PROGRAM DEVELOPMENT, AND TECHNICAL  
11 ASSISTANCE ON SCHOOL VIOLENCE PREVENTION.

12 (2) THE OFFICE FOR SAFE SCHOOLS SHALL DO ALL OF THE  
13 FOLLOWING:

14 (A) COLLECT AND COMPILE INFORMATION ON SCHOOL VIOLENCE AND  
15 CAMPUS CRIME AT PUBLIC SCHOOLS, COMMUNITY COLLEGES, AND STATE  
16 UNIVERSITIES, AND SHALL MAKE THIS INFORMATION AVAILABLE IN WRIT-  
17 TEN AND ELECTRONIC INTERNET FORMAT TO PARENTS, PUPILS, SCHOOL  
18 PERSONNEL, AND OTHERS.

19 (B) EVALUATE THE EFFECTIVENESS OF PUBLIC SCHOOL VIOLENCE  
20 PREVENTION PROGRAMS, INCLUDING BUT NOT LIMITED TO PROGRAMS AIMED  
21 AT REDUCING THE POSSESSION OF WEAPONS ON SCHOOL CAMPUSES, VIO-  
22 LENCE PREVENTION CURRICULA, CONFLICT RESOLUTION AND PEER MEDIA-  
23 TION TRAINING, PARENTAL INVOLVEMENT PROGRAMS, AND SCHOOL SAFETY  
24 PLANNING.

25 (C) DEVELOP AND DISTRIBUTE TO LOCAL SCHOOL BOARDS A MODEL  
26 MEMORANDUM OF UNDERSTANDING WITH LOCAL LAW ENFORCEMENT OFFICIALS

1 TO FACILITATE REPORTING OF INCIDENTS AFFECTING SCHOOL SAFETY THAT  
2 SHOULD APPROPRIATELY BE REPORTED TO LAW ENFORCEMENT OFFICIALS.

3 (D) PROVIDE PUBLIC EDUCATION ON SCHOOL VIOLENCE PREVENTION  
4 AND CRIME AWARENESS, INCLUDING BUT NOT LIMITED TO PRESENTATIONS  
5 TO PUPILS, SCHOOL PERSONNEL, CIVIC GROUPS, AND OTHER  
6 ORGANIZATIONS.

7 Sec. 1311. (1) Subject to subsection (2), the school board,  
8 or the school district superintendent, a school building princi-  
9 pal, or another school district official if designated by the  
10 school board, may authorize or order the suspension or expulsion  
11 from school of a pupil guilty of gross misdemeanor or persistent  
12 disobedience if, in the judgment of the school board or its des-  
13 ignee, as applicable, the interest of the school is served by the  
14 authorization or order. IN ADDITION, IF A PUPIL ENGAGES IN  
15 BEHAVIOR THAT POSES A CLEAR THREAT TO THE SAFETY AND WELFARE OF  
16 OTHER PUPILS OR SCHOOL PERSONNEL OR CREATES AN UNSAFE SCHOOL  
17 ENVIRONMENT, THE PUPIL'S TEACHER OR ANOTHER TEACHER AT THE  
18 PUPIL'S SCHOOL WHO WITNESSES THE BEHAVIOR MAY ORDER THE IMMEDIATE  
19 SUSPENSION OF THE PUPIL FROM SCHOOL FOR UP TO 1 FULL SCHOOL DAY.  
20 THE SCHOOL BUILDING PRINCIPAL SHALL IMPLEMENT A SUSPENSION  
21 ORDERED BY A TEACHER UNDER THIS SUBSECTION AND PROVIDE ANY NECES-  
22 SARY DUE PROCESS. If there is reasonable cause to believe that  
23 ~~the~~ A SUSPENDED OR EXPELLED pupil is handicapped, and the  
24 school district has not evaluated the pupil in accordance with  
25 rules of the state board to determine if the student is handi-  
26 capped, the pupil shall be evaluated immediately by the

1 intermediate school district of which the school district is  
2 constituent in accordance with section 1711.

3       (2) ~~If a pupil possesses in a weapon free school zone a~~  
4 ~~weapon that constitutes a dangerous weapon, commits arson in a~~  
5 ~~school building or on school grounds, or commits criminal sexual~~  
6 ~~conduct in a school building or on school grounds, the~~ A school  
7 board, or the designee of the school board as described in sub-  
8 section (1) on behalf of the school board, shall expel ~~the~~ A  
9 pupil from the school district permanently, subject to possible  
10 reinstatement under subsection (5), IF THE PUPIL DOES ANY OF THE  
11 FOLLOWING:

12       (A) POSSESSES IN A WEAPON FREE SCHOOL ZONE A WEAPON THAT  
13 CONSTITUTES A DANGEROUS WEAPON. However, a school board is not  
14 required to expel a pupil for possessing a weapon if the pupil  
15 establishes in a clear and convincing manner at least 1 of the  
16 following:

17       (i) ~~(a)~~ The object or instrument possessed by the pupil  
18 was not possessed by the pupil for use as a weapon, or for direct  
19 or indirect delivery to another person for use as a weapon.

20       (ii) ~~(b)~~ The weapon was not knowingly possessed by the  
21 pupil.

22       (iii) ~~(c)~~ The pupil did not know or have reason to know  
23 that the object or instrument possessed by the pupil constituted  
24 a dangerous weapon.

25       (iv) ~~(d)~~ The weapon was possessed by the pupil at the sug-  
26 gestion, request, or direction of, or with the express permission  
27 of, school or police authorities.

1 (B) COMMITS ARSON AT SCHOOL.

2 (C) COMMITS CRIMINAL SEXUAL CONDUCT AT SCHOOL.

3 (D) FOR A PUPIL ENROLLED IN GRADE 6 OR ABOVE, COMMITS A  
4 PHYSICAL ASSAULT AT SCHOOL AGAINST A PERSON EMPLOYED BY OR  
5 ENGAGED AS A VOLUNTEER OR CONTRACTOR BY THE SCHOOL BOARD, IF THE  
6 ASSAULT IS REPORTED TO THE SCHOOL BOARD BY THE VICTIM OR, IF THE  
7 VICTIM IS UNABLE TO REPORT THE ASSAULT, BY ANOTHER PERSON ON THE  
8 VICTIM'S BEHALF. HOWEVER, IF A SCHOOL DISTRICT INCLUDES GRADE 6  
9 IN ITS ELEMENTARY SCHOOLS SO THAT THOSE SCHOOLS ARE OPERATED AS  
10 GRADE K-6 SCHOOLS, WITHIN THAT SCHOOL DISTRICT, THIS SUBDIVISION  
11 APPLIES ONLY TO PUPILS ENROLLED IN GRADE 7 OR ABOVE.

12 (E) DELIVERS OR DISTRIBUTES A CONTROLLED SUBSTANCE OR CON-  
13 TROLLED SUBSTANCE ANALOGUE AT SCHOOL OR WITHIN 1,000 FEET OF  
14 SCHOOL PROPERTY OR POSSESSES WITH INTENT TO DELIVER A CONTROLLED  
15 SUBSTANCE OR CONTROLLED SUBSTANCE ANALOGUE AT SCHOOL OR WITHIN  
16 1,000 FEET OF SCHOOL PROPERTY.

17 (3) If an individual is expelled pursuant to subsection (2),  
18 the expelling school district shall enter on the individual's  
19 permanent record that he or she has been expelled pursuant to  
20 subsection (2) AND THE REASON FOR THE EXPULSION. Except if a  
21 school district operates or participates cooperatively in an  
22 alternative education program appropriate for individuals  
23 expelled pursuant to subsection (2) and in its discretion admits  
24 the individual to that program, an individual expelled pursuant  
25 to subsection (2) is expelled from all public schools in this  
26 state and the officials of a school district shall not allow the  
27 individual to enroll in the school district unless the individual

1 has been reinstated under subsection (5). Except as otherwise  
2 provided by law, a program operated for individuals expelled pur-  
3 suant to subsection (2) shall ensure that those individuals are  
4 physically separated at all times during the school day from the  
5 general pupil population. If an individual expelled from a  
6 school district pursuant to subsection (2) is not placed in an  
7 alternative education program, the school district may provide,  
8 or may arrange for the intermediate school district to provide,  
9 appropriate instructional services to the individual at home.  
10 The type of services provided shall be similar to those provided  
11 to homebound or hospitalized pupils under section 109 of the  
12 state school aid act of 1979, ~~being section 388.1709 of the~~  
13 ~~Michigan Compiled Laws~~ MCL 388.1709, and the services may be  
14 contracted for in the same manner as under that section. This  
15 subsection does not require a school district to expend more  
16 money for providing services for a pupil expelled pursuant to  
17 subsection (2) than the amount of the foundation allowance OR PER  
18 PUPIL PAYMENT the school district receives for the pupil under  
19 section 20 of the state school aid act of 1979, ~~being section~~  
20 ~~388.1620 of the Michigan Compiled Laws~~ MCL 388.1620.

21 (4) If a school board expels an individual pursuant to sub-  
22 section (2), the school board shall ensure that, within 3 days  
23 after the expulsion, an official of the school district refers  
24 the individual to the appropriate county department of social  
25 services or county community mental health agency and notifies  
26 the individual's parent or legal guardian or, if the individual

1 is at least age 18 or is an emancipated minor, notifies the  
2 individual of the referral.

3       (5) The parent or legal guardian of an individual expelled  
4 pursuant to subsection (2) or, if the individual is at least age  
5 18 or is an emancipated minor, the individual may petition the  
6 expelling school board for reinstatement of the individual to  
7 public education in the school district. If the expelling school  
8 board denies a petition for reinstatement, the parent or legal  
9 guardian or, if the individual is at least age 18 or is an eman-  
10 cipated minor, the individual may petition another school board  
11 for reinstatement of the individual in that other school  
12 district. All of the following apply to reinstatement under this  
13 subsection:

14       (a) For an individual who was enrolled in grade 5 or below  
15 at the time of the expulsion and who has been expelled for pos-  
16 sessing a firearm or threatening another person with a dangerous  
17 weapon, the parent or legal guardian or, if the individual is at  
18 least age 18 or is an emancipated minor, the individual may ini-  
19 tiate a petition for reinstatement at any time after the expira-  
20 tion of 60 school days after the date of expulsion. For an indi-  
21 vidual who was enrolled in grade 5 or below at the time of the  
22 expulsion and who has been expelled pursuant to subsection (2)  
23 for a reason other than possessing a firearm or threatening  
24 another person with a dangerous weapon, the parent or legal  
25 guardian or, if the individual is at least age 18 or is an eman-  
26 cipated minor, the individual may initiate a petition for  
27 reinstatement at any time. For an individual who was in grade 6

1 or above at the time of expulsion, the parent or legal guardian  
2 or, if the individual is at least age 18 or is an emancipated  
3 minor, the individual may initiate a petition for reinstatement  
4 at any time after the expiration of 150 school days after the  
5 date of expulsion.

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

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

26 (d) Not later than 10 school days after receiving a petition  
27 for reinstatement under this subsection, a school board shall



1 appoint a committee to review the petition and any supporting  
2 information submitted by the parent or legal guardian or, if the  
3 individual is at least age 18 or is an emancipated minor, by the  
4 individual. The committee shall consist of 2 school board mem-  
5 bers, 1 school administrator, 1 teacher, and 1 parent of a pupil  
6 in the school district. During this time the superintendent of  
7 the school district may prepare and submit for consideration by  
8 the committee information concerning the circumstances of the  
9 expulsion and any factors mitigating for or against  
10 reinstatement.

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

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

24 (ii) The extent to which reinstatement of the individual  
25 would create a risk of school district or individual liability  
26 for the school board or school district personnel.

- 1       (iii) The age and maturity of the individual.
- 2       (iv) The individual's school record before the incident that  
3 caused the expulsion.
- 4       (v) The individual's attitude concerning the incident that  
5 caused the expulsion.
- 6       (vi) The individual's behavior since the expulsion and the  
7 prospects for remediation of the individual.
- 8       (vii) If the petition was filed by a parent or legal guardi-  
9 an, the degree of cooperation and support that has been provided  
10 by the parent or legal guardian and that can be expected if the  
11 individual is reinstated, including, but not limited to, recep-  
12 tiveness toward possible conditions placed on the reinstatement.
- 13       (f) Not later than the next regularly scheduled board meet-  
14 ing after receiving the recommendation of the committee under  
15 subdivision (e), a school board shall make a decision to uncondi-  
16 tionally reinstate the individual, conditionally reinstate the  
17 individual, or deny reinstatement of the individual. The deci-  
18 sion of the school board is final.
- 19       (g) A school board may require an individual and, if the  
20 petition was filed by a parent or legal guardian, his or her  
21 parent or legal guardian to agree in writing to specific condi-  
22 tions before reinstating the individual in a conditional  
23 reinstatement. The conditions may include, but are not limited  
24 to, agreement to a behavior contract, which may involve the indi-  
25 vidual, parent or legal guardian, and an outside agency; partici-  
26 pation in or completion of an anger management program or other  
27 appropriate counseling; periodic progress reviews; and specified

1 immediate consequences for failure to abide by a condition. A  
2 parent or legal guardian or, if the individual is at least age 18  
3 or is an emancipated minor, the individual may include proposed  
4 conditions in a petition for reinstatement submitted under this  
5 subsection.

6 (6) A school board or school administrator that complies  
7 with subsection (2) is not liable for damages for expelling a  
8 pupil pursuant to subsection (2), and the authorizing body of a  
9 public school academy established under ~~part 6a or part 6b~~ THIS  
10 ACT is not liable for damages for expulsion of a pupil by the  
11 public school academy pursuant to subsection (2).

12 (7) The department shall develop and distribute to all  
13 school districts a form for a petition to be used under subsec-  
14 tion (5).

15 (8) IF A PUPIL ENROLLED IN GRADE 6 OR ABOVE COMMITS A VERBAL  
16 ASSAULT AT SCHOOL AGAINST A PERSON EMPLOYED BY OR ENGAGED AS A  
17 VOLUNTEER OR CONTRACTOR BY THE SCHOOL BOARD AND THE ASSAULT IS  
18 REPORTED TO THE SCHOOL BOARD BY THE VICTIM, THE SCHOOL BOARD, OR  
19 THE DESIGNEE OF THE SCHOOL BOARD AS DESCRIBED IN SUBSECTION (1)  
20 ON BEHALF OF THE SCHOOL BOARD, AFTER AFFORDING THE REQUIRED DUE  
21 PROCESS, SHALL SUSPEND THE PUPIL FROM THE SCHOOL DISTRICT FOR 10  
22 SCHOOL DAYS. HOWEVER, IF A SCHOOL DISTRICT INCLUDES GRADE 6 IN  
23 ITS ELEMENTARY SCHOOLS SO THAT THOSE SCHOOLS ARE OPERATED AS  
24 GRADE K-6 SCHOOLS, WITHIN THAT SCHOOL DISTRICT, THIS SUBSECTION  
25 APPLIES ONLY TO PUPILS ENROLLED IN GRADE 7 OR ABOVE.

26 (9) IF A PUPIL KNOWINGLY OR INTENTIONALLY POSSESSES A  
27 CONTROLLED SUBSTANCE, CONTROLLED SUBSTANCE ANALOGUE, OR TOBACCO

1 PRODUCT AT SCHOOL, THE SCHOOL BOARD, OR THE DESIGNEE OF THE  
 2 SCHOOL BOARD AS DESCRIBED IN SUBSECTION (1) ON BEHALF OF THE  
 3 SCHOOL BOARD, SHALL SUSPEND OR EXPEL THE PUPIL FROM SCHOOL.  
 4 HOWEVER, THIS SUBSECTION DOES NOT APPLY TO POSSESSION OF A CON-  
 5 TROLLED SUBSTANCE THAT WAS OBTAINED BY THE PUPIL DIRECTLY FROM,  
 6 OR PURSUANT TO A VALID PRESCRIPTION OR ORDER OF, A HEALTH CARE  
 7 PRACTITIONER IN THE COURSE OF THE PRACTITIONER'S PROFESSIONAL  
 8 PRACTICE.

9       (10) ~~-(8)-~~ Subsections (2) to ~~-(7)-~~ (9) do not diminish the  
 10 due process rights under federal law of a pupil who has been  
 11 determined to be eligible for special education programs and  
 12 services.

13       (11) ~~-(9)-~~ If a pupil expelled from a ~~public~~ school dis-  
 14 trict pursuant to subsection (2) is enrolled by a public school  
 15 sponsored alternative education program or a public school acad-  
 16 emy during the period of expulsion, the public school academy or  
 17 the alternative education program shall immediately become eligi-  
 18 ble for the prorated share of either the public ~~academy founda-~~  
 19 ~~tion allowance~~ SCHOOL ACADEMY'S PER PUPIL PAYMENT UNDER  
 20 SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1620, or  
 21 the expelling school district's foundation allowance UNDER THAT  
 22 SECTION, whichever is higher.

23       (12) ~~-(10)-~~ As used in this section:

24       (a) "Arson" means a felony violation of chapter X of the  
 25 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
 26 ~~being sections 750.71 to 750.80 of the Michigan Compiled Laws~~  
 27 1931 PA 328, MCL 750.71 TO 750.80.

1 (B) "ASSAULT" MEANS A VIOLATION OF CHAPTER XI OF THE  
2 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81 TO 750.90.

3 (C) "AT SCHOOL" MEANS ON PROPERTY OWNED BY OR UNDER THE CON-  
4 TROL OF THE SCHOOL DISTRICT, ON A VEHICLE USED BY THE SCHOOL DIS-  
5 TRICT OR UNDER CONTRACT WITH THE SCHOOL DISTRICT TO TRANSPORT  
6 PUPILS TO OR FROM SCHOOL, OR AT A SCHOOL-RELATED ACTIVITY SPON-  
7 SORED OR APPROVED BY THE SCHOOL DISTRICT.

8 (D) "CONTROLLED SUBSTANCE" AND "CONTROLLED SUBSTANCE  
9 ANALOGUE" MEAN THOSE TERMS AS DEFINED IN SECTION 7104 OF THE  
10 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.

11 (E) ~~-(b)-~~ "Criminal sexual conduct" means a violation of  
12 section 520b, 520c, 520d, 520e, or 520g of ~~Act No. 328 of the~~  
13 ~~Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d,~~  
14 ~~750.520e, and 750.520g of the Michigan Compiled Laws~~ THE  
15 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C,  
16 750.520D, 750.520E, AND 750.520G.

17 (F) ~~-(c)-~~ "Dangerous weapon" means that term as defined in  
18 section 1313.

19 (G) "DELIVER" AND "DISTRIBUTE" MEAN THOSE TERMS AS DEFINED  
20 IN SECTION 7105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL  
21 333.7105.

22 (H) ~~-(d)-~~ "Firearm" means that term as defined in the fed-  
23 eral gun-free schools act of 1994, Public Law 103-227, 20  
24 U.S.C. 3351.

25 (I) ~~-(e)-~~ "School board" means a school board, intermediate  
26 school board, or the board of directors of a public school  
27 academy established under ~~part 6a or 6b~~ THIS ACT.

1       (J) ~~(f)~~ "School district" means a school district, a local  
2 act school district, an intermediate school district, or a public  
3 school academy established under ~~part 6a or 6b~~ THIS ACT.

4       (K) "SCHOOL PROPERTY" MEANS THAT TERM AS DEFINED IN  
5 SECTION 7410 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL  
6 333.7410.

7       (1) ~~(g)~~ "Weapon free school zone" means that term as  
8 defined in section 237a of the Michigan penal code, ~~Act No. 328~~  
9 ~~of the Public Acts of 1931, being section 750.237a of the~~  
10 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.237A.

11       Sec. 1596. (1) The board of a school district, ~~other than~~  
12 ~~a primary school district~~ OR A CONSORTIUM OF SCHOOL DISTRICTS,  
13 may establish ~~1 or more ungraded schools~~ AND OPERATE ALTERNA-  
14 TIVE EDUCATION PROGRAMS for the instruction of ~~certain~~  
15 DISRUPTIVE pupils AND PUPILS WHO ARE HABITUALLY TRUANT.  
16 ~~classified in subsection (2). The board may require the pupils~~  
17 ~~to attend an ungraded school or a department of the school as the~~  
18 ~~board directs.~~

19       ~~(2) The following cases of persons, aged 7 to the sixteenth~~  
20 ~~birthday residing in the school district shall be deemed juvenile~~  
21 ~~disorderly persons and in the judgment of the proper school~~  
22 ~~authorities may be assigned to the ungraded school or~~  
23 ~~department:~~

24       ~~(a) Class 1, habitual truants from the school in which they~~  
25 ~~are enrolled as pupils.~~

1       ~~(b) Class 2, children who, while attending school, are~~  
2 ~~incorrigibly turbulent, disobedient, and insubordinate, or who~~  
3 ~~are immoral in conduct.~~

4       ~~(c) Class 3, children who are not attending school and who~~  
5 ~~habitually frequent streets and other public places, having no~~  
6 ~~lawful business, employment, or occupation.~~

7       (2) AN ALTERNATIVE EDUCATION PROGRAM OPERATED UNDER THIS  
8 SECTION SHALL INCLUDE, BUT IS NOT LIMITED TO, AT LEAST 1 OF THE  
9 FOLLOWING FEATURES:

10       (A) SHORT-TERM IN-SCHOOL SUSPENSION PROVIDING INTENSIVE  
11 SUPERVISION OF DISRUPTIVE PUPILS.

12       (B) PROGRAMS WITH SMALL CLASS SIZES DESIGNED TO PROVIDE  
13 INTENSIVE SUPERVISION OF DISRUPTIVE PUPILS.

14       (3) A PUPIL SHALL NOT BE PLACED IN AN ALTERNATIVE EDUCATION  
15 PROGRAM OPERATED UNDER THIS SECTION UNLESS THE SCHOOL DISTRICT OR  
16 CONSORTIUM OF SCHOOL DISTRICTS HAS AFFORDED THE PUPIL DUE PROCESS  
17 AS REQUIRED BY LAW OR HAS THE CONSENT OF THE PUPIL'S PARENT OR  
18 LEGAL GUARDIAN.

19       (4) AS USED IN THIS SECTION, "DISRUPTIVE PUPIL" MEANS A  
20 PUPIL, OTHER THAN A PUPIL ELIGIBLE FOR SPECIAL EDUCATION PROGRAMS  
21 AND SERVICES, WHO CONSISTENTLY EXHIBITS DISRUPTIVE BEHAVIOR AND  
22 WHOSE BEHAVIOR MEETS 1 OR MORE OF THE FOLLOWING:

23       (A) POSES A CLEAR THREAT TO THE SAFETY AND WELFARE OF OTHER  
24 PUPILS, SCHOOL TEACHERS, OR OTHER SCHOOL PERSONNEL.

25       (B) CREATES AN UNSAFE SCHOOL ENVIRONMENT.

26       (C) MATERIALLY INTERFERES WITH THE LEARNING OF OTHER PUPILS  
27 OR DISRUPTS THE OVERALL EDUCATIONAL PROCESS.

1       Enacting section 1. This amendatory act does not take  
2 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
3 (request no. 04734'97 \*) of the 89th Legislature is enacted into  
4 law.