

HOUSE BILL No. 4435

March 8, 2001, Introduced by Reps. Bogardus, Kolb, Schermesser, Lipsey, Hale, Gielegthem, Jamnick, Dennis, Phillips, Adamini, Jacobs, Callahan, Lockwood and Minore and referred to the Committee on Appropriations.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 627, 1310, 1311, and 1311a (MCL 380.627,
380.1310, 380.1311, and 380.1311a), section 627 as amended by
1995 PA 289, sections 1310 and 1311a as amended by 2000 PA 230,
and section 1311 as amended by 1999 PA 23, and by adding section
1315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 627. (1) An intermediate school board shall do all of
2 the following:

3 (a) Upon request of the board of a constituent SCHOOL dis-
4 trict, furnish services on a management, consultant, or supervi-
5 sory basis to the district. The intermediate school board may
6 charge a constituent SCHOOL district for the costs of services
7 furnished under this subdivision.

1 (b) Upon request of the board of a constituent SCHOOL
2 district, direct, supervise, and conduct cooperative educational
3 programs on behalf of the district. The intermediate school
4 board may utilize available funds not otherwise obligated by law
5 and accept contributions from other sources for the purpose of
6 financing the programs. The funds shall be deposited with the
7 treasurer in a cooperative education fund and shall be disbursed
8 as the intermediate school board directs. The intermediate
9 school board may employ personnel and take other action necessary
10 to direct, supervise, and conduct cooperative educational
11 programs.

12 (c) Conduct cooperative programs mutually agreed upon by 2
13 or more intermediate school boards.

14 (d) Conduct cooperative programs mutually agreed upon with 1
15 or more public school academies.

16 (E) OPERATE OR OTHERWISE ARRANGE FOR THE PROVISION OF DISCI-
17 PLINARY EDUCATION PROGRAMS UNDER SECTION 1315 ON BEHALF OF CON-
18 STITUENT SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES LOCATED
19 WITHIN THE INTERMEDIATE SCHOOL DISTRICT. TO FINANCE THESE PRO-
20 GRAMS, THE INTERMEDIATE SCHOOL DISTRICT SHALL USE STATE APPROPRI-
21 ATIONS MADE FOR THIS PURPOSE AND MAY ACCEPT CONTRIBUTIONS FROM
22 OTHER SOURCES.

23 (2) An intermediate school board may conduct or participate
24 in cooperative programs for information technology systems which
25 may include, but are not limited to, equipment for storage,
26 retrieval, processing, and transmission of voice, data, or video
27 communications; contract with public schools or other educational

1 institutions, government agencies, public broadcasting stations
2 or systems, or information technology service providers in con-
3 ducting the programs; and acquire and install the equipment,
4 software, and training necessary for the programs in the manner
5 and at the places the intermediate school board considers
6 appropriate.

7 (3) Upon request of the board of a constituent school dis-
8 trict or public school academy located within the intermediate
9 school district, an intermediate school board may provide, either
10 solely or as part of a consortium of intermediate school dis-
11 tricts, comprehensive school improvement support services to the
12 district or public school academy. These services may include,
13 but are not limited to, all of the following:

14 (a) The development of a core curriculum.

15 (b) The evaluation of a core curriculum.

16 (c) The preparation of 1 or more school improvement plans.

17 (d) The dissemination of information concerning 1 or more
18 school improvement plans.

19 (e) The preparation of an annual educational report.

20 (f) Professional development.

21 (g) Educational research.

22 (h) The compilation of instructional objectives, instruc-
23 tional resources, pupil demographics, and pupil academic
24 achievement.

25 (i) Assistance in obtaining school accreditation.

26 (j) The provision of general technical assistance.

1 (4) To the extent allowed by law, if the most cost-effective
2 business services are not available to constituent districts, an
3 intermediate school board shall offer to provide for constituent
4 districts and public school academies located within the interme-
5 diate school district business services that can be accomplished
6 more cost-effectively by an intermediate school district. An
7 intermediate school district may charge a fee for these services,
8 and may contract with a third party for provision of some or all
9 of these services. These services may include, but are not
10 limited to, any of the following:

- 11 (a) Data processing.
- 12 (b) Payroll.
- 13 (c) Class scheduling.
- 14 (d) Distance learning coordination and delivery.
- 15 (e) Transportation services.

16 Sec. 1310. (1) If a pupil enrolled in grade 6 or above com-
17 mits a physical assault at school against another pupil and the
18 physical assault is reported to the school board, school district
19 superintendent, or building principal, then the school board or
20 the designee of the school board as described in section 1311(1)
21 on behalf of the school board shall suspend or expel the pupil
22 ~~from the school district~~ for up to 180 school days FROM ANY
23 EDUCATIONAL PLACEMENT IN THE SCHOOL DISTRICT OTHER THAN A DISCI-
24 PLINARY EDUCATION PROGRAM. A district superintendent or building
25 principal who receives a report described in this subsection
26 shall forward the report to the school board. Notwithstanding
27 section 1147, a school district is not required to allow ~~an~~

1 ~~individual~~ A PUPIL expelled from another school district under
2 this section to attend school in the school district during the
3 expulsion.

4 (2) If ~~an individual~~ A PUPIL is expelled pursuant to this
5 section, ~~it is the responsibility of that individual and of his~~
6 ~~or her parent or legal guardian to locate a suitable educational~~
7 ~~program and to enroll the individual in such a program during the~~
8 ~~expulsion~~ THE PUPIL SHALL BE PLACED IN AN APPROPRIATE DISCI-
9 PLINARY EDUCATION PROGRAM AS PROVIDED UNDER SECTION 1315.

10 (3) The office for safe schools in the department shall com-
11 pile information on and catalog existing ~~alternative~~
12 DISCIPLINARY education programs ~~or schools~~ and nonpublic
13 schools that may be open to enrollment of ~~individuals~~ PUPILS
14 expelled under this section and pursuant to section 1311(2) or
15 1311a, and shall periodically distribute this information to
16 school districts for distribution to expelled ~~individuals~~
17 PUPILS. A school board that establishes ~~an alternative~~ A
18 DISCIPLINARY program ~~or school~~ described in this subsection
19 shall notify the office for safe schools about the program ~~or~~
20 ~~school~~ and the types of pupils it serves. The office for safe
21 schools also shall work with and provide technical assistance to
22 school districts, authorizing bodies for public school academies,
23 and other interested parties in developing these types of
24 ~~alternative~~ DISCIPLINARY education programs ~~or schools~~ in
25 geographic areas that are not being served.

26 (4) ~~-(3)-~~ As used in this section:

1 (a) "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 (b) "Physical assault" means intentionally causing or
6 attempting to cause physical harm to another through force or
7 violence.

8 (c) "School board" means a school board, intermediate school
9 board, or the board of directors of a public school academy.

10 (d) "School district" means a school district, a local act
11 school district, an intermediate school district, or a public
12 school academy.

13 Sec. 1311. (1) Subject to subsection (2), the school board,
14 or the school district superintendent, a school building princi-
15 pal, or another school district official if designated by the
16 school board, may authorize or order the suspension or expulsion
17 from school of a pupil guilty of gross misdemeanor or persistent
18 disobedience if, in the judgment of the school board or its des-
19 ignee, as applicable, the interest of the school is served by the
20 authorization or order. If there is reasonable cause to believe
21 that the pupil is handicapped, and the school district has not
22 evaluated the pupil in accordance with rules of the state board
23 to determine if the student is handicapped, the pupil shall be
24 evaluated immediately by the intermediate school district of
25 which the school district is constituent in accordance with sec-
26 tion 1711.

1 (2) If a pupil possesses in a weapon free school zone a
2 weapon that constitutes a dangerous weapon, commits arson in a
3 school building or on school grounds, or commits criminal sexual
4 conduct in a school building or on school grounds, the school
5 board, or the designee of the school board as described in sub-
6 section (1) on behalf of the school board, shall expel the pupil
7 ~~from the school district~~ permanently, subject to possible rein-
8 statement under subsection (5), FROM ANY EDUCATIONAL PLACEMENT IN
9 THE SCHOOL DISTRICT OTHER THAN A DISCIPLINARY EDUCATION PROGRAM.
10 However, a school board is not required to expel a pupil for pos-
11 sessing a weapon if the pupil establishes in a clear and convinc-
12 ing manner at least 1 of the following:

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

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

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

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

23 (3) If ~~an individual~~ A PUPIL is expelled pursuant to sub-
24 section (2), the expelling school district shall enter on the
25 ~~individual's~~ PUPIL'S permanent record that he or she has been
26 expelled pursuant to subsection (2). Except ~~if a school~~
27 ~~district operates or participates cooperatively in an alternative~~

1 ~~education program appropriate for individuals expelled pursuant~~
2 ~~to subsection (2) and in its discretion admits the individual to~~
3 ~~that program, and except~~ for A DISCIPLINARY EDUCATION PROGRAM
4 UNDER SECTION 1315 OR a strict discipline academy established
5 under sections 1311b to 1311l, ~~an individual~~ A PUPIL expelled
6 pursuant to subsection (2) is expelled from all public schools in
7 this state and the officials of a school district shall not allow
8 the ~~individual~~ PUPIL to enroll in the school district IN A PRO-
9 GRAM OTHER THAN A DISCIPLINARY EDUCATION PROGRAM unless the
10 ~~individual~~ PUPIL has been reinstated under subsection (5).
11 UNLESS THE PUPIL ENROLLS IN A STRICT DISCIPLINE ACADEMY, THE
12 PUPIL SHALL BE PLACED IN AN APPROPRIATE DISCIPLINARY EDUCATION
13 PROGRAM AS PROVIDED UNDER SUBSECTION (4) AND SECTION 1315. Except
14 as otherwise provided by law, a program operated for
15 ~~individuals~~ PUPILS expelled pursuant to subsection (2) shall
16 ensure that those ~~individuals~~ PUPILS are physically separated
17 at all times during the school day from the general pupil
18 population. If ~~an individual~~ A PUPIL expelled from a school
19 district pursuant to subsection (2) is not placed in ~~an~~
20 ~~alternative~~ A DISCIPLINARY education program or strict disci-
21 pline academy, the school district ~~may~~ SHALL provide, or ~~may~~
22 SHALL arrange for the intermediate school district to provide,
23 appropriate instructional services to the ~~individual~~ PUPIL at
24 home. The type of services provided AT HOME shall meet the
25 requirements of section 6(4)(v) of the state school aid act of
26 1979, MCL 388.1606, and the services may be contracted for in the
27 same manner as services for homebound pupils under section 109 of

1 the state school aid act of 1979, MCL 388.1709. ~~This subsection~~
2 ~~does not require a school district to expend more money for pro-~~
3 ~~viding services for a pupil expelled pursuant to subsection (2)~~
4 ~~than the amount of the foundation allowance the school district~~
5 ~~receives for the pupil under section 20 of the state school aid~~
6 ~~act of 1979, MCL 388.1620.~~

7 (4) If a school board expels ~~an individual~~ A PUPIL pursu-
8 ant to subsection (2), the school board shall ensure that, within
9 3 days after the expulsion, an official of the school district
10 refers the ~~individual~~ PUPIL to the appropriate county depart-
11 ment of social services or county community mental health agency
12 and notifies the ~~individual's~~ PUPIL'S parent or legal guardian
13 or, if the ~~individual~~ PUPIL is at least age 18 or is an emanci-
14 pated minor, notifies the ~~individual~~ PUPIL of the referral.
15 UNLESS THE PUPIL ENROLLS IN A STRICT DISCIPLINE ACADEMY ESTAB-
16 LISHED UNDER SECTIONS 1311B TO 1311I, THE SCHOOL BOARD ALSO SHALL
17 REFER THE PUPIL FOR PLACEMENT IN A DISCIPLINARY EDUCATION PROGRAM
18 UNDER SECTION 1315.

19 (5) The parent or legal guardian of ~~an individual~~ A PUPIL
20 expelled pursuant to subsection (2) or, if the ~~individual~~ PUPIL
21 is at least age 18 or is an emancipated minor, the ~~individual~~
22 PUPIL may petition the expelling school board for reinstatement
23 of the ~~individual~~ PUPIL to ~~public education~~ AN EDUCATIONAL
24 PLACEMENT in the school district OTHER THAN DISCIPLINARY
25 EDUCATION. If the expelling school board denies a petition for
26 reinstatement, the parent or legal guardian or, if the
27 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,

1 the ~~individual~~ PUPIL may petition another school board for
2 reinstatement of the ~~individual~~ PUPIL in that other school
3 district. All of the following apply to reinstatement under this
4 subsection:

5 (a) For ~~an individual~~ A PUPIL who was enrolled in grade 5
6 or below at the time of the expulsion and who has been expelled
7 for possessing a firearm or threatening another person with a
8 dangerous weapon, the parent or legal guardian or, if the
9 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
10 the ~~individual~~ PUPIL may initiate a petition for reinstatement
11 at any time after the expiration of 60 school days after the date
12 of expulsion. For ~~an individual~~ A PUPIL who was enrolled in
13 grade 5 or below at the time of the expulsion and who has been
14 expelled pursuant to subsection (2) for a reason other than pos-
15 sessing a firearm or threatening another person with a dangerous
16 weapon, the parent or legal guardian or, if the ~~individual~~
17 PUPIL is at least age 18 or is an emancipated minor, the
18 ~~individual~~ PUPIL may initiate a petition for reinstatement at
19 any time. For ~~an individual~~ A PUPIL who was in grade 6 or
20 above at the time of expulsion, the parent or legal guardian or,
21 if the ~~individual~~ PUPIL is at least age 18 or is an emancipated
22 minor, the ~~individual~~ PUPIL may initiate a petition for rein-
23 statement at any time after the expiration of 150 school days
24 after the date of expulsion.

25 (b) ~~An individual~~ A PUPIL who was in grade 5 or below at
26 the time of the expulsion and who has been expelled for
27 possessing a firearm or threatening another person with a

1 dangerous weapon shall not be reinstated before the expiration of
2 90 school days after the date of expulsion. ~~An individual~~ A
3 PUPIL who was in grade 5 or below at the time of the expulsion
4 and who has been expelled pursuant to subsection (2) for a reason
5 other than possessing a firearm or threatening another person
6 with a dangerous weapon shall not be reinstated before the expi-
7 ration of 10 school days after the date of the expulsion. ~~An~~
8 ~~individual~~ A PUPIL who was in grade 6 or above at the time of
9 the 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~~ PUPIL is at least age 18 or is an emanci-
13 pated minor, of the ~~individual~~ PUPIL to prepare and submit the
14 petition. A school board is not required to provide any assist-
15 ance in preparing the petition. Upon request by a parent or
16 legal guardian or, if the ~~individual~~ PUPIL is at least age 18
17 or is an emancipated minor, by the ~~individual~~ PUPIL, a school
18 board shall make available a form for 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~~ PUPIL is at least age 18 or is an emancipated minor,
24 by the ~~individual~~ PUPIL. The committee shall consist of 2
25 school board members, 1 school administrator, 1 teacher, and 1
26 parent of a pupil in the school district. During this time the
27 superintendent of the school district may prepare and submit for

1 consideration by the committee information concerning the
2 circumstances of the expulsion and any factors mitigating for or
3 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~~
16 PUPIL TO AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY
17 EDUCATION would create a risk of harm to pupils or school
18 personnel.

19 (ii) The extent to which reinstatement of the ~~individual~~
20 PUPIL TO AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY
21 EDUCATION would create a risk of school district liability or
22 individual liability for the school board or school district
23 personnel.

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

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

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

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

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~~ PUPIL is reinstated, including, but not limited to,
9 receptiveness toward possible conditions placed on the
10 reinstatement.

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

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

1 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
2 the ~~individual~~ PUPIL may include proposed conditions in a peti-
3 tion for reinstatement submitted under this subsection.

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

9 (7) The department shall develop and distribute to all
10 school districts a form for a petition for reinstatement to be
11 used under subsection (5).

12 (8) This section does not diminish the due process rights
13 under federal law of a pupil who has been determined to be eligi-
14 ble for special education programs and services.

15 ~~(9) If a pupil expelled from a public school district pur-~~
16 ~~suant to subsection (2) is enrolled by a public school district~~
17 ~~sponsored alternative education program or a public school acad-~~
18 ~~emy during the period of expulsion, the public school academy or~~
19 ~~alternative education program shall immediately become eligible~~
20 ~~for the prorated share of either the public school academy or~~
21 ~~operating school district's foundation allowance or the expelling~~
22 ~~school district's foundation allowance, whichever is higher.~~

23 ~~(10) If an individual is expelled pursuant to subsection~~
24 ~~(2), it is the responsibility of that individual and of his or~~
25 ~~her parent or legal guardian to locate a suitable alternative~~
26 ~~educational program and to enroll the individual in such a~~
27 ~~program during the expulsion.~~

1 (9) The office of safe schools in the department shall
2 compile information on and catalog existing ~~alternative~~
3 DISCIPLINARY education programs ~~or schools~~ and nonpublic
4 schools that may be open to enrollment of ~~individuals~~ PUPILS
5 expelled pursuant to subsection (2) and pursuant to section
6 1311a, and shall periodically distribute this information to
7 school districts for distribution to expelled ~~individuals~~
8 PUPILS. A school board that establishes ~~an alternative~~ A
9 DISCIPLINARY education program ~~or school~~ described in this sub-
10 section shall notify the office of safe schools about the program
11 ~~or school~~ and the types of pupils it serves. The office of
12 safe schools also shall work with and provide technical assist-
13 ance to school districts, authorizing bodies for public school
14 academies, and other interested parties in developing these types
15 of ~~alternative~~ DISCIPLINARY education programs ~~or schools~~ in
16 geographic areas that are not being served.

17 (10) ~~(11)~~ As used in this section:

18 (a) "Arson" means a felony violation of chapter X of the
19 Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

20 (b) "Criminal sexual conduct" means a violation of
21 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal
22 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e,
23 and 750.520g.

24 (c) "Dangerous weapon" means that term as defined in
25 section 1313.

26 (d) "Firearm" means that term as defined in section 921 of
27 title 18 of the United States Code, 18 U.S.C. 921.

1 (e) "School board" means a school board, intermediate school
2 board, or the board of directors of a public school academy.

3 (f) "School district" means a school district, a local act
4 school district, an intermediate school district, or a public
5 school academy.

6 (g) "Weapon free school zone" means that term as defined in
7 section 237a of the Michigan penal code, 1931 PA 328,
8 MCL 750.237a.

9 Sec. 1311a. (1) If a pupil enrolled in grade 6 or above
10 commits a physical assault at school against a person employed by
11 or engaged as a volunteer or contractor by the school board and
12 the physical assault is reported to the school board, school dis-
13 trict superintendent, or building principal by the victim or, if
14 the victim is unable to report the assault, by another person on
15 the victim's behalf, then the school board, or the designee of
16 the school board as described in section 1311(1) on behalf of the
17 school board, shall expel the pupil ~~from the school district~~
18 permanently, subject to possible reinstatement under
19 subsection (5), FROM ANY EDUCATIONAL PLACEMENT IN THE SCHOOL DIS-
20 TRICT OTHER THAN A DISCIPLINARY EDUCATION PROGRAM. A SCHOOL dis-
21 trict superintendent or building principal who receives a report
22 described in this subsection shall forward the report to the
23 school board.

24 (2) If a pupil enrolled in grade 6 or above commits a verbal
25 assault, as defined by school board policy, at school against a
26 person employed by or engaged as a volunteer or contractor by the
27 school board and the verbal assault is reported to the school

1 board, school district superintendent, or building principal by
2 the victim or, if the victim is unable to report the verbal
3 assault, by another person on the victim's behalf, or if a pupil
4 enrolled in grade 6 or above makes a bomb threat or similar
5 threat directed at a school building, other school property, or a
6 school-related event, then the school board, or the designee of
7 the school board as described in section 1311(1) on behalf of the
8 school board, shall suspend or expel the pupil from ~~the school~~
9 ~~district~~ ANY EDUCATIONAL PLACEMENT IN THE SCHOOL DISTRICT OTHER
10 THAN A DISCIPLINARY EDUCATION PROGRAM for a period of time as
11 determined in the discretion of the school board or its
12 designee. A SCHOOL district superintendent or building principal
13 who receives a report described in this subsection shall forward
14 the report to the school board. Notwithstanding section 1147, a
15 school district is not required to allow ~~an individual~~ A PUPIL
16 expelled from another school district under this subsection to
17 attend school in the school district during the expulsion.

18 (3) If ~~an individual~~ A PUPIL is permanently expelled pur-
19 suant to this section, the expelling school district shall enter
20 on the ~~individual's~~ PUPIL'S permanent record that he or she has
21 been permanently expelled pursuant to this section. Except ~~if a~~
22 ~~school district operates or participates cooperatively in an~~
23 ~~alternative education program appropriate for individuals~~
24 ~~expelled pursuant to this section and section 1311(2) and in its~~
25 ~~discretion admits the individual to that program, and except~~ for
26 A DISCIPLINARY EDUCATION PROGRAM UNDER SECTION 1315 OR a strict
27 discipline academy established under sections 1311b to 1311l, ~~an~~

1 ~~individual~~ A PUPIL permanently expelled pursuant to this section
2 is expelled from all public schools in this state and the offi-
3 cials of a school district shall not allow the ~~individual~~ PUPIL
4 to enroll in the school district IN A PROGRAM OTHER THAN A DISCI-
5 PLINARY EDUCATION PROGRAM unless the ~~individual~~ PUPIL has been
6 reinstated under subsection (5). Except as otherwise provided by
7 law, a program operated for ~~individuals~~ PUPILS expelled pursu-
8 ant to this section and section 1311(2) shall ensure that those
9 ~~individuals~~ PUPILS are physically separated at all times during
10 the school day from the general pupil population. If ~~an~~
11 ~~individual~~ A PUPIL permanently expelled from a school district
12 pursuant to this section is not placed in ~~an alternative~~ A
13 DISCIPLINARY education program or strict discipline academy, the
14 school district ~~may~~ SHALL provide, or ~~may~~ SHALL arrange for
15 the intermediate school district to provide, appropriate instruc-
16 tional services to the ~~individual~~ PUPIL at home. The type of
17 services provided AT HOME shall meet the requirements of section
18 6(4)(v) of the state school aid act of 1979, MCL 388.1606, and
19 the services may be contracted for in the same manner as services
20 for homebound pupils under section 109 of the state school aid
21 act of 1979, MCL 388.1709. ~~This subsection does not require a~~
22 ~~school district to expend more money for providing services for a~~
23 ~~pupil permanently expelled pursuant to this section than the~~
24 ~~amount of the foundation allowance the school district receives~~
25 ~~for the pupil under section 20 of the state school aid act of~~
26 ~~1979, MCL 388.1620.~~

1 (4) If a school board permanently expels ~~an individual~~ A
2 PUPIL pursuant to this section, the school board shall ensure
3 that, within 3 days after the expulsion, an official of the
4 school district refers the ~~individual~~ PUPIL to the appropriate
5 county department of social services or county community mental
6 health agency and notifies the individual's parent or legal
7 guardian or, if the ~~individual~~ PUPIL is at least age 18 or is
8 an emancipated minor, notifies the ~~individual~~ PUPIL of the
9 referral. UNLESS THE PUPIL ENROLLS IN A STRICT DISCIPLINE ACAD-
10 EMY ESTABLISHED UNDER SECTIONS 1311B TO 1311I, THE SCHOOL BOARD
11 ALSO SHALL REFER THE PUPIL FOR PLACEMENT IN A DISCIPLINARY EDUCA-
12 TION PROGRAM UNDER SECTION 1315.

13 (5) The parent or legal guardian of ~~an individual~~ A PUPIL
14 permanently expelled pursuant to this section or, if the
15 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
16 the ~~individual~~ PUPIL may petition the expelling school board
17 for reinstatement of the ~~individual to public education~~ PUPIL
18 TO AN EDUCATIONAL PLACEMENT in the school district OTHER THAN
19 DISCIPLINARY EDUCATION. If the expelling school board denies a
20 petition for reinstatement, the parent or legal guardian or, if
21 the ~~individual~~ PUPIL is at least age 18 or is an emancipated
22 minor, the ~~individual~~ PUPIL may petition another school board
23 for reinstatement of the ~~individual~~ PUPIL in that other school
24 district. All of the following apply to reinstatement under this
25 subsection:

26 (a) The ~~individual's~~ PUPIL'S parent or legal guardian or,
27 if the ~~individual~~ PUPIL is at least age 18 or is an emancipated

1 minor, the ~~individual~~ PUPIL may initiate a petition for
2 reinstatement at any time after the expiration of 150 school days
3 after the date of expulsion.

4 (b) The ~~individual~~ PUPIL shall not be reinstated before
5 the expiration of 180 school days after the date of expulsion.

6 (c) It is the responsibility of the parent or legal guardian
7 or, if the ~~individual~~ PUPIL is at least age 18 or is an emanci-
8 pated minor, of the ~~individual~~ PUPIL to prepare and submit the
9 petition. A school board is not required to provide any assist-
10 ance in preparing the petition. Upon request by a parent or
11 legal guardian or, if the ~~individual~~ PUPIL is at least age 18
12 or is an emancipated minor, by the ~~individual~~ PUPIL, a school
13 board shall make available a form for a petition.

14 (d) Not later than 10 school days after receiving a petition
15 for reinstatement under this subsection, a school board shall
16 appoint a committee to review the petition and any supporting
17 information submitted by the parent or legal guardian or, if the
18 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
19 by the ~~individual~~ PUPIL. The committee shall consist of 2
20 school board members, 1 school administrator, 1 teacher, and 1
21 parent of a pupil in the school district. During this time the
22 superintendent of the school district may prepare and submit for
23 consideration by the committee information concerning the circum-
24 stances of the expulsion and any factors mitigating for or
25 against reinstatement.

26 (e) Not later than 10 school days after all members are
27 appointed, the committee described in subdivision (d) shall

1 review the petition and any supporting information and
2 information provided by the school district and shall submit a
3 recommendation to the school board on the issue of
4 reinstatement. The recommendation shall be for unconditional
5 reinstatement, for conditional reinstatement, or against rein-
6 statement, and shall be accompanied by an explanation of the rea-
7 sons for the recommendation and of any recommended conditions for
8 reinstatement. The recommendation shall be based on considera-
9 tion of all of the following factors:

10 (i) The extent to which reinstatement of the ~~individual~~
11 PUPIL TO AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY
12 EDUCATION would create a risk of harm to pupils or school
13 personnel.

14 (ii) The extent to which reinstatement of the ~~individual~~
15 PUPIL TO AN EDUCATIONAL PLACEMENT OTHER THAN DISCIPLINARY
16 EDUCATION would create a risk of school district or individual
17 liability for the school board or school district personnel.

18 (iii) The age and maturity of the ~~individual~~ PUPIL.

19 (iv) The ~~individual's~~ PUPIL'S school record before the
20 incident that caused the expulsion.

21 (v) The ~~individual's~~ PUPIL'S attitude concerning the inci-
22 dent that caused the expulsion.

23 (vi) The ~~individual's~~ PUPIL'S behavior since the expulsion
24 and the prospects for remediation of the ~~individual~~ PUPIL.

25 (vii) If the petition was filed by a parent or legal guardi-
26 an, the degree of cooperation and support that has been provided
27 by the parent or legal guardian and that can be expected if the

1 ~~individual~~ PUPIL is reinstated, including, but not limited to,
2 receptiveness toward possible conditions placed on the
3 reinstatement.

4 (f) Not later than the next regularly scheduled board meet-
5 ing after receiving the recommendation of the committee under
6 subdivision (e), a school board shall make a decision to uncondi-
7 tionally reinstate the ~~individual~~ PUPIL, conditionally rein-
8 state the ~~individual~~ PUPIL, or deny reinstatement of the
9 ~~individual~~ PUPIL. The decision of the school board is final.

10 (g) A school board may require ~~an individual~~ A PUPIL and,
11 if the petition was filed by a parent or legal guardian, his or
12 her parent or legal guardian to agree in writing to specific con-
13 ditions before reinstating the ~~individual~~ PUPIL in a condi-
14 tional reinstatement. The conditions may include, but are not
15 limited to, agreement to a behavior contract, which may involve
16 the ~~individual~~ PUPIL, parent or legal guardian, and an outside
17 agency; participation in or completion of an anger management
18 program or other appropriate counseling; periodic progress
19 reviews; and specified immediate consequences for failure to
20 abide by a condition. A parent or legal guardian or, if the
21 ~~individual~~ PUPIL is at least age 18 or is an emancipated minor,
22 the ~~individual~~ PUPIL may include proposed conditions in a peti-
23 tion for reinstatement submitted under this subsection.

24 (6) A school board or school administrator that complies
25 with this section is not liable for damages for suspending or
26 expelling a pupil pursuant to this section, and the authorizing
27 body of a public school academy is not liable for damages for

1 suspension or expulsion of a pupil by the public school academy
2 pursuant to this section.

3 (7) The department shall develop and distribute to all
4 school districts a form for a petition for reinstatement to be
5 used under subsection (5). The department may designate the form
6 used for a petition for reinstatement under section 1311 as a
7 form that may be used under this section.

8 (8) This section does not diminish the due process rights
9 under federal law of a pupil who has been determined to be eligi-
10 ble for special education programs and services.

11 ~~(9) If a pupil expelled from a school district pursuant to~~
12 ~~this section is enrolled by a public school district sponsored~~
13 ~~alternative education program or a public school academy during~~
14 ~~the period of expulsion, the public school academy or the alter-~~
15 ~~native education program is immediately eligible for the prorated~~
16 ~~share of either the public school academy's or operating school~~
17 ~~district's foundation allowance or the expelling school~~
18 ~~district's foundation allowance, whichever is higher.~~

19 (9) ~~(10)~~ A school board or its designee shall report all
20 assaults described in subsection (1) or (2) to appropriate state
21 or local law enforcement officials and prosecutors as provided in
22 the statewide school safety information policy under section
23 1308.

24 (10) ~~(11) If an individual is expelled pursuant to this~~
25 ~~section, it is the responsibility of that individual and of his~~
26 ~~or her parent or legal guardian to locate a suitable educational~~
27 ~~program and to enroll the individual in such a program during the~~

1 ~~expulsion.~~ The office for safe schools in the department shall
2 compile information on and catalog existing ~~alternative~~
3 DISCIPLINARY education programs ~~or schools~~ and nonpublic
4 schools that may be open to enrollment of ~~individuals~~ PUPILS
5 expelled pursuant to this section and pursuant to section
6 1311(2), and shall periodically distribute this information to
7 school districts for distribution to expelled ~~individuals~~
8 PUPILS. A school board that establishes ~~an alternative~~ A
9 DISCIPLINARY education program ~~or school~~ described in this sub-
10 section shall notify the office of safe schools about the program
11 ~~or school~~ and the types of pupils it serves. The office for
12 safe schools also shall work with and provide technical assist-
13 ance to school districts, authorizing bodies for public school
14 academies, and other interested parties in developing these types
15 of alternative education programs ~~or schools~~ in geographic
16 areas that are not being served.

17 (11) ~~(12)~~ As used in this section:

18 (a) "At school" means in a classroom, elsewhere on school
19 premises, on a school bus or other school-related vehicle, or at
20 a school-sponsored activity or event whether or not it is held on
21 school premises.

22 (b) "Physical assault" means intentionally causing or
23 attempting to cause physical harm to another through force or
24 violence.

25 (c) "School board" means a school board, intermediate school
26 board, or the board of directors of a public school academy.

1 (d) "School district" means a school district, a local act
2 school district, an intermediate school district, or a public
3 school academy.

4 SEC. 1315. (1) AN INTERMEDIATE SCHOOL DISTRICT SHALL OPER-
5 ATE, OR OTHERWISE ARRANGE FOR THE PROVISION OF, A DISCIPLINARY
6 EDUCATION PROGRAM FOR PUPILS WHO ARE EXPELLED FROM A SCHOOL DIS-
7 TRICT LOCATED WITHIN THE INTERMEDIATE SCHOOL DISTRICT UNDER SEC-
8 TION 1310, 1311, OR 1311A, AND WHO DO NOT ENROLL IN A STRICT DIS-
9 CIPLINE ACADEMY ESTABLISHED UNDER SECTIONS 1311B TO 1311I. A
10 SCHOOL BOARD LOCATED WITHIN THE INTERMEDIATE SCHOOL DISTRICT MAY
11 ALSO PLACE A DISRUPTIVE PUPIL IN THE DISCIPLINARY EDUCATION
12 PROGRAM. AN INTERMEDIATE SCHOOL DISTRICT MAY PROVIDE THE DISCI-
13 PLINARY EDUCATION PROGRAM DIRECTLY OR MAY PROVIDE THE PROGRAM IN
14 A CONSORTIUM OR OTHER COOPERATIVE ARRANGEMENT WITH 1 OR MORE
15 OTHER INTERMEDIATE SCHOOL DISTRICTS OR SCHOOL DISTRICTS.

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

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

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

23 (C) THE PROGRAM SHALL BE IN A SETTING THAT ENSURES THAT THE
24 PUPILS ARE PHYSICALLY SEPARATED AT ALL TIMES DURING THE SCHOOL
25 DAY FROM THE GENERAL PUPIL POPULATION. THE PROGRAM MAY INCLUDE
26 PUPILS EXPELLED UNDER SECTION 1310, PUPILS EXPELLED UNDER
27 SECTION 1311(2), PUPILS EXPELLED UNDER SECTION 1311A, AND OTHER

1 PUPILS PLACED IN THE PROGRAM, OR ANY COMBINATION OF THESE,
2 TOGETHER IN THE SAME EDUCATIONAL AND PHYSICAL SETTING.

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

6 (E) TO THE GREATEST EXTENT PRACTICABLE, THE PROGRAM SHALL
7 INVOLVE LOCAL MENTAL HEALTH, SOCIAL SERVICES, COMMUNITY HEALTH,
8 AND OTHER SUPPORTIVE AGENCIES IN A COLLABORATIVE APPROACH FOR
9 REFERRAL, TREATMENT, AND ASSISTANCE IN MEETING THE NEEDS OF THE
10 PUPIL.

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

13 (G) A PUPIL PLACED IN THE PROGRAM IS REQUIRED TO ATTEND
14 SCHOOL IN THE PROGRAM AND IS SUBJECT TO THE COMPULSORY SCHOOL
15 ATTENDANCE PROVISIONS OF PART 24 IF HE OR SHE FAILS TO ATTEND THE
16 PROGRAM.

17 (3) THE SCHOOL DISTRICT THAT PLACED THE PUPIL AND THE INTER-
18 MEDIATE SCHOOL DISTRICT OR OTHER ENTITY OPERATING THE DISCI-
19 PLINARY EDUCATION PROGRAM SHALL COOPERATE WITH OTHER GOVERNMENTAL
20 AGENCIES AND COMMUNITY ORGANIZATIONS THAT ARE PROVIDING SERVICES
21 TO A PUPIL WHO IS PLACED IN A DISCIPLINARY EDUCATION PROGRAM.

22 (4) THIS STATE SHALL APPROPRIATE SUFFICIENT FUNDS EACH YEAR
23 TO FULLY FUND DISCIPLINARY EDUCATION PROGRAMS UNDER THIS
24 SECTION.

25 (5) A SCHOOL BOARD MAY CHOOSE TO OPERATE A DISCIPLINARY EDU-
26 CATION PROGRAM ITSELF OR TO PARTICIPATE IN A CONSORTIUM OR OTHER
27 COOPERATIVE ARRANGEMENT PROVIDING A DISCIPLINARY EDUCATION

1 PROGRAM. UPON REQUEST FROM A SCHOOL DISTRICT THAT CHOOSES TO
2 OPERATE OR PARTICIPATE IN A DISCIPLINARY EDUCATION PROGRAM UNDER
3 THIS SECTION AND THAT IS LOCATED WITHIN THE INTERMEDIATE SCHOOL
4 DISTRICT, AN INTERMEDIATE SCHOOL DISTRICT SHALL DO 1 OR MORE OF
5 THE FOLLOWING:

6 (A) COORDINATE AND ASSIST THE SCHOOL DISTRICT'S OPERATION OF
7 OR PARTICIPATION IN THE DISCIPLINARY EDUCATION PROGRAM.

8 (B) PROVIDE TECHNICAL ASSISTANCE TO THE SCHOOL DISTRICT IN
9 DEVELOPING THE SCHOOL DISTRICT'S OWN DISCIPLINARY EDUCATION PRO-
10 GRAM UNDER THIS SECTION.

11 (6) AS USED IN THIS SECTION:

12 (A) "DISRUPTIVE PUPIL" MEANS A PUPIL WHO CONSISTENTLY
13 ENGAGES IN DISRUPTIVE BEHAVIOR AND WHOSE BEHAVIOR MEETS 1 OR MORE
14 OF THE FOLLOWING:

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

17 (ii) CREATES AN UNSAFE SCHOOL ENVIRONMENT.

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

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