

# MICHIGAN *Safe Schools* INITIATIVE

## The Education Alliance

- Michigan Association of School Boards
- Michigan Education Association
- Michigan Association of Intermediate School Administrators
- Michigan Association of Secondary School Principals
- Michigan Parent Teacher Association
- Michigan Elementary and Middle School Principals Association
- Michigan School Business Officials
- Michigan Federation of Teachers and School Related Personnel
- Michigan Association of School Administrators
- Middle Cities Education Association
- Michigan Business Leaders for Education Excellence
- Michigan State University College of Education
- Auburn Hills Police Department
- Big Rapids School District
- City of Sterling Heights
- Crime Victim Services, Michigan Department of Community Health
- Hazel Park Schools
- Incident Management Team
- Inkster Public Schools
- Jackson Community College
- Joseph A. Young & Associates
- Lansing Schools District Department of Public Safety
- Lansing Police Department
- Marshall Public Schools
- Mason Public Schools
- Metropolitan Association of Improved School Legislation
- Michigan Association of Chiefs of Police
- Michigan Association of Public School Academies
- Michigan Center for the Prevention of Violence in Schools, Ferris State University
- Michigan Department of Education
- Michigan Department of State Police Prevention Services
- Michigan Department of State Police Emergency Management Division
- Michigan Family Independence Agency
- Michigan Municipal League
- Michigan Regional Community Policing Institute
- Michigan Sheriff's Association
- Michigan Township Association
- Michigan State University School of Criminal Justice
- Middle Cities Risk Management Trust
- National Center of Community Policing
- Neighborhood Associations of Michigan
- Office of Drug Control Policy - Michigan Department of Community Health
- Prosecuting Attorney Coordinating Council
- School Employer Trust/School Employers Group
- State 4-H Youth Program
- Sterling Heights Emergency Services
- U.S. Bureau of Alcohol, Tobacco & Firearms
- U.S. Secret Service
- Walter French Academy
- Western Michigan Risk Management Trust

# *Fast Facts.....*

## Michigan School Safety Legislation

### A. Student Discipline (Now in Effect)

#### 1. Gross Misdemeanors or Persistent Disobedience:

(MCL 380.1311 (1))

- Suspension or expulsion - incidents leading to same should be further delineated in student handbooks
- Student due process procedures must also be delineated for student discipline regardless of infraction.

#### 2. Dangerous Weapons, Arson, or Criminal Sexual Conduct (each infraction defined by law) (MCL 380.1311(11)(a-g)):

a. In weapon situations, notify law enforcement immediately and parent/guardian; school may confiscate weapon (MCL 380.1311 (2));

b. Permanent expulsion from all public schools subject to possible reinstatement by expelling school district (MCL 380.1311(2));

c. Expulsion must be listed on student's record (MCL 380.1311(2)(3));

d. Within three (3) days of expulsion, report same to county Social Services or Mental Health Agency with copy to parent/guardian (MCL 380.1311(4));

e. Expelled students may be admitted (discretionary) into an alternative education program, strict discipline academy (see MCL 380.1311(b-1)) or be provided homebound services (MCL 380.1311(3)); prorated foundation allowance between expelling and recipient school (MCL 380.1311(9));

f. Burden on parent/guardian of expelled student to find alternative education program; Office of Safe Schools to maintain alternative program lists (MCL 380.1311(10));

#### g. Reinstatement process:

1. K-5 -- If weapon possession or threat to use weapon, may petition for reinstatement from expelling school after sixty (60) school days; cannot be reinstated until after (90) school days; if arson or criminal sexual conduct expul-

sion can petition for reinstatement anytime, but cannot be reinstated until after ten (10) school days (MCL 380.1311(5)(a) and (b));

2. Grades 6-12 -- In weapons cases, cannot petition until after one hundred fifty (150) school days; but cannot be readmitted until after one hundred eighty (180) school days (MCL 380.1311(5)(a) and (b));
3. Burden on parent/guardian to prepare, submit petition without any assistance from school (MCL 380.1311(5)(c));
4. Reinstatement proceedings include committee of board, administrator, teacher, parent to access information of factors for/against reinstatement including risk of harm to self and others, student prior record age/maturity of student, student attitude and post-expulsion behavior. Reinstatement request can be denied or granted with conditions (such as behavior contract, counseling, anger management program, progress review, consequences for breach). Committees recommendations submitted to board for final action (MCL 380.1311(5)(e)-(g)).

h. Special Education Students:

Federal and state laws regarding special education students still applicable in administering safe school legislation (MCL 380.1311(8); MCL 380.1311(1));

i. Immunity:

No liability for good faith actions in administering law (MCL 380.1311(6); MCL 380.1313)).

3. Physical Assaults:

- a. Students in grades 6-2 who physically assault school employees, volunteers or contractors, shall be permanently expelled. Physical assault defined by law (MCL 380.1311(a)(12)(b)). (See sample attached policy for definition). The above-referenced provisions for grades 6-12 in this outline (sections 2 (a)-(h)) are also applicable here (MCL 380.1311(a)(1)(3)-(11));
- b. Students in grades 6-2 who physically assault other students shall be expelled for up to one hundred eighty (180) school days. Again, parent/guardian burden to find alternative education program unless special education student (MCL 380.1310(1) and (2)). Physical assault defined again by law (see attached sample policy) MCL 380.1310(3)(b)). Readmission guidelines can be set by school.

4. Verbal Assaults:

By student in grades 6-12 shall be expelled for up to one hundred eighty (180) school days. Definition to be provided by board policy (no statutory definition), but must include bomb or similar threats. (See attached sample policy.) Finding alternative education program is parent burden unless special education student. Readmission guidelines can be set by school (MCL 380.1311(a)(2)).

5. Teacher Empowerment to Suspend For Up To One School Day:

- a. Board policy required to specify types of conduct for which a teacher may suspend a student from a class, subject or activity. (MCL380.1309(2)(b)). (See attached sample policy.) Teacher required to immediately report the reason for the suspension to the principal and send the pupil to the principal. Teacher is to schedule a parent/guardian conference as soon as possible with appropriate

other school personnel. Suspended students cannot return to that class before one full school day without the teacher and principal concurrence (MCL 380.1309(1));

## **B. Statewide School Safety Information Policy (Action Required Between October 4, 1999, Through January 2, 2000)**

### 1. Statewide Policy Implementation:

By October 4, 1999, schools are to receive statewide policy adopted by the State Superintendent of Public Instruction, Attorney General and Director of department of State Police. Thereafter, each local school, county prosecutor and appropriate law enforcement agency must (meet and confer) to determine how best to comply with a statewide policy by January 2, 2000 (MCL 380.1308 (1));

### 2. Cooperation Required:

Schools required to cooperate and provide all information necessary to local law enforcement officials in order to investigate and prosecute student; parent/guardians to waive/consent to release any pertinent student or school records relating to the incident upon school request (MCL 380.1308(4)(7)-(9)).

### 3. Incident Reporting to State and Parents/Guardians:

Statewide policy will identify the types of incidents occurring at school that schools must report to local law enforcement agencies (MCL 380.1308(2) and (3)). School incidents, crimes committed and action taken must be reported by schools annually to the State Superintendent. Types of incidents for reporting include physical violence, gang related activity, illegal possession of a controlled substance or intoxicants, trespassing and property crimes, as well as all assaults (verbal and physical) (MCL 380.1310(a)(1), (2); MCL 380.1311(a)(1) and (10)); MCL 380.1310(1)). At least once each semester schools must also report most recent information required to be submitted to the State Superintendent to each parent/guardian of each enrolled pupil. The policy may also include requirements of law enforcement prosecutors and courts to report student alleged or adjudicated criminal conduct to school officials. (MCL 380.1308(3)-(6)).

## *[Specify Academy/School District]* **SAFE SCHOOLS STUDENT DISCIPLINE POLICY**

*[Specify Academy/School District] [Specify Board of Directors or Board of Education] endeavors to ensure that [Specify Academy/School District] is a safe place for teaching, learning and working. Physical and/or verbal assaults committed by a student against school personnel and/or other student(s) will not be tolerated. Student possession of any dangerous weapons will not be tolerated. [Specify Academy/School District] will take swift and appropriate disciplinary action for the following infractions:*

### **Physical Assaults Against School Personnel**

Any student in grade 6 or above who commits a physical assault against an Academy employee or against a person engaged as a volunteer or contractor for the Academy on school property, on a school bus or other schools related vehicle, or at a school-sponsored activity or event shall be permanently expelled for a period of not less than one hundred eighty (180) days. Physical assault is defined as intentionally causing or attempting to cause physical harm to another through force or violence.

### **Physical Assaults Against Students**

Any student in grade 6 or above who commits a physical assault against another student on school property, on a school bus or other school related vehicle, or at a school-sponsored activity or event shall be suspended or expelled,

depending upon the circumstances, for up to one hundred eighty (180) days. Physical assault is defined as intentionally causing or attempting to cause physical harm to another through force or violence.

### **Verbal Assaults**

Any student in grade 6 or above who commits a verbal assault on school property, on a school bus or other school related vehicle, or at a school sponsored activity or event against an Academy employee or against a person engaged as a volunteer or contractor for the Academy shall be suspended or expelled, depending upon the circumstances, for up to one hundred eighty (180) days. “Verbal assault” means a threat of an immediate harmful or offensive touching, coupled with an apparent immediate ability to commit same, and which puts a person in a reasonable apprehension of such touching; or, the use of offensive language directed at a person, where such language is likely to provoke a reasonable person to physical violence; a bomb threat (or similar threat) directed at a school building, other school property, or a school related event. For purposes of this policy, the definition of assault also includes written threats.

### **Teacher Empowerment To Suspend**

Pursuant to MCL 380.1309(2), the type of conduct for which teachers may unilaterally suspend students in grades 6 and above from a class subject or activity for up to one day, is expressly limited to misconduct involving a physical assault committed against another student or other school personnel. Physical assault is defined as intentionally causing or attempting to cause physical harm to another through force or violence. Following a teacher initiated suspension, the teacher shall send the student to the (Specify Administrator)’s office, immediately report the suspension and reason for same to the (Specify Administrator). The teacher shall schedule as soon as possible a conference with the student’s parent(s)/guardian(s) and the (Specify Administrator) to discuss the suspension. The teacher and administrator shall be in attendance at the conference. Any student suspended pursuant to this policy shall not be allowed to return to the class from which he or she was suspended from until the passage of one full school day from the time of the student’s infraction unless otherwise permitted to return by the teacher who ordered the suspension and the school (Specify Administrator)’s concurrence. Further, suspended students under this section shall not be permitted, during the term of the suspension to attend other classes in the school building or extracurricular activities, unless the (Specify Administrator) or designee permits the student to continue the school day under appropriate supervision. This policy does not negate the (Specify Administrator)’s discretion to impose a multiple day suspension or expulsion beyond the teacher’s statutorily limited suspension period when the student’s conduct warrants more severe disciplinary action in the (Specify Administrator)’s sole discretion.

### **Application to Students With Disabilities**

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special Directors programs and services.

### **Implementation**

The (specify administrator) shall develop written regulations for dealing with discipline of students authorized by this policy.

The regulations shall include procedures for reporting violations of this policy to the students parent(s)/guardian(s), (specify administrator) and Board, procedures for referring permanently expelled students to appropriate Family Independence Agencies or County Community Health Agencies and specifics for the reinstatement of students.

### **Annual Review**

As part of its oversight function, The Board will revisit this policy annually and review the effectiveness of the policy and, if necessary, consider any policy or procedural changes that may increase the policy’s efficacy.

**LEGAL REF: MCL 380.1311; 750.82; 750.235a; 752.891 (Weapons Free School Law). MCL 380.1309 (Teacher Suspensions); MCL 380.1311a (Physical and Verbal Assaults Against School Personnel); MCL 380.1310 (Physical Assaults Against Students).**