

Dangerous Weapons, Arson, Rape Physical Assault, Verbal Assault, Criminal Sexual Conduct

The school environment must be a place which is free from the threat of or actual physical harm to any student or staff member. The Board of Education will not tolerate arson, rape, physical assault, verbal assault, Criminal Sexual Conduct or the possession of a “dangerous weapon,” in a “weapon free school zone” or in a school building, on school grounds nor at any school related function. In implementing this policy, the district will comply with all of the dictates of Public Act 335 of 1993 and also Public Acts 104 and 102 of 1999.

DEFINITIONS

Dangerous weapons - means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, brass knuckles, any explosive, incendiary, poison gas, or other destructive device as more fully explained and prohibited by state and/or federal law. Also, any device used to intentionally harm or threaten another person will be considered a weapon by the Dansville Board of Education. By way of example this could include, but not be limited to, a utility knife or ball bat.

Weapons free school zone - means school property and a vehicle used by a school to transport students to or from school property.

School property - means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses. This policy pertains to all school personnel and students while away from the school on field trips, athletic events and any other event sponsored by the school.

Physical Assault - means to do bodily harm or injury to another person. As way of example, physical assault includes striking another person with a fist or other object, throwing or causing a person to fall or using one’s body parts to inflict pain upon another person.

Verbal Assault - Any statement or act oral or written which can reasonably be expected to induce in another person(s) an apprehension of danger or bodily injury or harm.

Criminal Sexual Conduct – As defined by laws and courts of the State of Michigan.

PROCEDURE

Any student who possesses a “dangerous weapon” in a “weapon free school zone” or commits arson, rape, or commits physical assault or criminal sexual conduct upon school employees, volunteers or contractors in a school building or on school property shall be expelled from the School District permanently subject only to possible reinstatement as set out below unless the student establishes in a clear manner at least one of the following:

1. The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon or for direct or indirect delivery to another person for use as a weapon.

2. The weapon was not knowingly possessed by the pupil.
3. The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.
4. The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

The district will evaluate whether the student is handicapped and if the student is handicapped, he/she shall be afforded all due process rights under federal and state law.

Any student expelled pursuant to this policy shall have entered on his/her permanent record that he or she has been expelled pursuant to the law and this policy of the Board. Students expelled from the district pursuant to MCLA 380.1311 shall not be eligible for enrollment in any district unless they have been reinstated pursuant to the act.

Students expelled pursuant to this policy shall be referred to the appropriate county department or social services or county community mental health agency within 3 days. The individual's parents, guardian, and/or the emancipated individual himself/herself will be notified of the referral. The Superintendent or his/her designee shall also notify the appropriate law enforcement agency if the expulsion is for possession of a dangerous weapon.

REINSTATEMENT

The parent, legal guardian, or emancipated expelled individual may petition the Board of Education for reinstatement. The Board of Education will provide all due process rights to reinstatement as outlined in the law.

1. For students in grade 5 or below at the time of the expulsion, the student, parent or guardian may initiate a petition for reinstatement at any time after the expiration of 60 school days after the expulsion. For a student who was in grade 6 or above at the time of expulsion, the petition for reinstatement may be initiated after the expiration of 150 school days after the date of expulsion.
2. Students who were in grade 5 or below at the time of the expulsion shall not be reinstated before the expiration of 90 school days after the date of expulsion.

Students who were in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

3. It is the responsibility of the student, parent or guardian to prepare and submit the petition. The district is not required to provide any assistance in preparing the petition. Upon request, the district shall make available a form for a petition.

Once the Board of Education receives a petition, the Board of Education may appoint a committee to review the petition

Not later than 10 days after the committee is appointed, it shall complete its review of all relevant information and shall submit a recommendation to the School Board. The recommendation shall be one of the following:

1. Unconditional reinstatement.
2. Conditional reinstatement.
3. Against reinstatement.

The Superintendent of Schools may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement. The recommendation shall be accomplished by an explanation of the committee's decision and shall be based on the following:

1. The extent to which reinstatement of the individual would create a risk or harm to pupils or school personnel.
2. The extent to which reinstatement of the individual would create a risk of School District or individual liability for the School Board or School District personnel.
3. The age and maturity of the individual.
4. The individual's school record before the incident that caused the expulsion.
5. The individual's attitude concerning the incident that caused the expulsion.
6. The individual's behavior since the expulsion and the prospects for remediation of the individual.
7. If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

At the next regularly scheduled Board Meeting, the Board of Education shall make a decision on reinstatement. The decision of the Board shall be final.

Policy regulation is meant for illustrative purposes only and any additional rights or duties provided by law which ensure either to the Board of Education and/or the expelled student are preserved.

PHYSICAL ASSAULT BY STUDENT UPON STUDENTS

Any student committing physical assault upon another student may be expelled for up to 180 days.

Verbal Assault by a student towards a school employee, contractor, volunteer or another student may be expelled for up to 180 days.

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