



**POLICY
ON THE
PROHIBITION OF
WEAPONS, ARSON, OR
CRIMINAL SEXUAL CONDUCT
IN A SCHOOL BUILDING OR
ON SCHOOL GROUNDS**

Hope Academy School District is required by Michigan law to suspend or permanently expel students who violate the school policies in this brochure.

Hope Academy School District Policy

It is the policy of Hope Academy School District, Hope Academy Board of Directors, and BFDI Educational Services, Inc. to comply with the legal

requirements of the State of Michigan's Revised School Code regarding the suspensions and expulsions of students guilty of gross misconduct or persistent disobedience.

It is recognized that exclusionary disciplines can negatively impact the Hope Academy School District. Therefore, the Hope Academy Board of Directors reserve exclusion for only the most serious offenses and those required by law. As required by law, the Hope Academy School Board or its designee (Principal or Superintendent) shall consider using Restorative Practices as an alternative or in addition to suspension and expulsion. Before suspension or expulsion of a Hope Academy student, there are seven (7) factors that are required by law to be considered.

1. Student's Age: *How old is the student in question? Does this influence the level of intervention necessary to address this behavior?*
2. Disciplinary History: *What is the student's disciplinary history? Does this influence the level of intervention necessary to address this behavior?*
3. Disability: *Does the student in question have a disability? Does this influence the level of intervention necessary to address the behavior?*
4. Seriousness of Behavior: *What was the seriousness of this student's behavior? Does this influence the level of intervention necessary to address this behavior?*
5. Safety Risk: *Did the student pose a safety risk to others? Does this influence the level of intervention necessary to address this behavior?*
6. Use of Restorative Practices: *Have restorative practices already been used as a means of intervention in this student's disciplinary history? Does this influence the level of intervention necessary to address this behavior?*
7. Level of Intervention: *Would a lesser intervention than suspension or expulsion appropriately address this behavior in question?*

Fairness And Due Process

The Hope Academy School District, the Hope Academy Board of Directors, and BFDI Educational Services, Inc. Board of Directors is committee to fairness and ensuring due process. Fairness dictates that students be given notice of the types of conduct which are prohibited and the potential consequences of the misconduct. The Hope Academy school's rules and procedures for suspending or expelling a student are outlined in the Staff, Parents, and Students Handbook.

Michigan law requires a school district to permanently expel (subject to possible reinstatement) a student who possesses a dangerous weapon in a weapon-free school zone unless that student meets one of the four (4) exceptions (outlined below) provided in the law.

Michigan law also requires permanent expulsion (subject to possible reinstatement) of students who commit arson, criminal sexual conduct

against another student (as defined in the law and noted in this brochure), or a physical assault against a school employee, contractor, or volunteer.

Michigan law also requires school districts to suspend or expel a student in grades 6 and above who commits physical assault against another student. Those exclusions can last no more than 180 days.

Weapons, Arson, or Criminal Sexual Conduct Expulsion

School districts are required to permanently expel (subject to possible reinstatement) students who possess a dangerous weapon, commit arson, or engage in criminal sexual conduct in a school building or on school grounds. Federal law defines "firearm" as:

- *Any weapon (including a starter gun) which will or is designed to, or may readily be converted to, expel a projectile by the action of an explosive.*
- *The frame or receiver of any such weapon.*
- *Any firearm muffler or firearm silencer.*
- *Any destructive device.*

Dangerous Weapon Exceptions

School Boards are not required to expel a student if the student can establish in a clear and convincing manner at least one of the following:

- *The object or instrument possessed by the student was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.*
- *The weapon was not knowingly possessed by the student.*
- *The student did not know or have reason to know that the object or instrument possessed by the student constituted a dangerous weapon.*
- *The weapon was possessed by the student at the suggestion, request, or direction of, or with the express permission of school or police authorities.*

There is a rebuttable presumption that expulsion for possession of a weapon is not justified if both of the following are met:

- *The School Board, or its designee, determines in writing at least one of the factors listed has been established in a clear and convincing manner.*
- *The pupil has no history of suspension or expulsion.*

A student who possesses a weapon in a weapon-free school zone or commits arson or criminal sexual conduct at school or on school grounds

is expelled from all Michigan public schools unless the school district operates or participates in an alternative education program.

Bomb Threats or Similar Threat

If a student in grade six (6) or above makes a bomb threat, or similar threat, directed at a school building, other school property, or a school-related event, then the School Board or the designee on behalf of the School Board, shall suspend or expel the pupil from the school district for a period of time as determined at the discretion of the School Board or its designee.

Physical Assault – Student to Student

A student in grade six (6) or above who commits physical assault at school against another student shall be suspended or **expelled for up to 180 days by the School Board** if the physical assault is reported to the School Board, Superintendent, or Principal.

Physical Assault – Student to Employee or Volunteer

A student expelled for committing physical assault against an employee, contractor, or volunteer of a district at school is **expelled from all Michigan public schools** unless the school district operates or participates in an alternative education program, and Hope Academy does not. If a student in grade six (6) or above is expelled for committing a physical assault against a school employee, contractor, or volunteer, the School Board shall ensure that **within three (3) days after the expulsion**, an official of the school district refers the individual to the appropriate county Department of Human Services or county Department of Community Mental Health agency.

A copy of the 10 page document on State required suspension and expulsion guidance can be obtained from the Hope Academy Office Manager upon verbal request. -- 8/24