



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

May 30, 2006

**MEMORANDUM**

**TO:** State Board of Education  
**FROM:** Michael P. Flanagan, Chairman  
**SUBJECT:** Report on Keeping Kids in School

Keeping children in school is a top priority of state and local educators and parents. The State Board has spent considerable time discussing and reviewing the policy issues regarding the challenge of keeping our kids in school. There is no one single solution.

The Keeping Kids in School initiative is intent on changing the educational environment. Students thrive in schools that apply equal amounts of challenge and support. In addition to balancing these two goals, schools find an increase in appropriate student behavior when they have emphasized respect, positive behavior supports, and proactive approaches to prevent disruptive and dangerous behaviors. Students who experience a school community in which each member models respect and responsibility will have the best chance to internalize these values.

There are a number of areas of effort that could be helpful for state policy makers to consider that have the potential for making significant structural changes in the educational community, resulting in reduced drop out rates, truancy, and increased graduation rates. The following outlines recommendations and actions that the State Board of Education and Michigan Legislature should consider in order to increase the likelihood that more students will bond to their school community and may be less likely to be suspended or expelled.

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## **AREAS OF EFFORT**

### **1. SCHOOL CLIMATE – A school must be safe and students need to feel secure to learn.**

#### ***State Board Action – Policy:***

- (a) Review Policies on Bullying (July 2001).
- (b) Adopt a model policy prohibiting harassment and bullying at school.
- (c) Continue to support the Policies for Creating Effective Learning Environments (December 2000). The policy recommends that school personnel model appropriate behavior.
- (d) Continue to support the Policy on Quality Character Education (June 2004). The policy recommends that schools support ethical action and social skills development. The school is encouraged to engage families as partners to promote a caring school community.
- (e) Continue to support the Policies on Safe Schools (May 2000). The policy recommends proactive approaches to safe school environments, access to programs and options to youth at risk for academic failure, and post-traumatic supports for students and staff.
- (f) Continue to support the universal education vision and principles.

#### ***Department of Education Action:***

- (g) Develop a guidance/resource document that encourages a positive school climate and more proactive approaches to student discipline. (The guidance resource document is intended to be a companion to the Model Code of Student Conduct listed in 2(a).)
- (h) Provide website access to resources and information on a positive school climate and proactive approaches to student discipline.
- (i) Consider and support future recommendations on high school reform to promote the importance of rigor, relevance, and relationships.

#### ***Legislative Action:***

- (j) Amend the Revised School Code to require districts to adopt a policy prohibiting harassment and bullying at school (House Bills 4026, 4581, 5616 and Senate Bills 44, 369, 1012 and 1156).
- (k) Amend the State School Aid Act to fund pilot or model programs such as positive behavior supports or for methods such as transformative conferencing (offenders and victims and supporters explore consequences) and re-entry initiatives to help suspended or expelled students become engaged in school and achieve academic success.
- (l) Amend the State School Aid Act to allow training such as positive behavior support and transformative conferencing to count toward hours of professional development time that may be counted as pupil instructional time (MCL 388.1701).

## **2. SUSPENSIONS AND EXPULSIONS – Existing state laws exceed federal requirements and have yielded unintended negative consequences.**

### ***State Board Action - Policy:***

- (a) Revise the Model Code of Student Conduct to include procedures on due process and reinstatement that are not currently included. Parents should know their rights and educational options for their children. The U.S. Supreme Court ruled that districts must provide due process for short and long-term suspensions and expulsions (*Goss v Lopez*, 1975). (The guidance resource document listed in 1(g) is intended to be a companion to this Model Code of Student Conduct.)
- (b) Encourage districts to provide parents of expelled students with information on available alternative education programs and provide referral assistance to other educational options such as virtual learning and Michigan Works (for students 14 and above).

### ***Department of Education Action:***

- (c) Provide “parent friendly” website access to school expulsion data and school safety data.

### ***Legislative Action:***

- (d) Amend the Revised School Code to eliminate permanent expulsion requirements in existing state laws that exceed federal legislation. (This change would not eliminate local district authority to suspend or expel students.)
- (e) Amend the Revised School Code to require a petition of reinstatement process to be available for non-mandatory expulsions.
- (f) Amend the Revised School Code to allow districts the flexibility, under certain circumstances, to include non-expelled students in alternative programs with expelled students.

## **3. ATTENDANCE – Students must be in school to learn.**

### ***State Board Action - Policy:***

- (a) Continue to consider the vision and principles of Universal Education in relationship to increased school attendance.
- (b) Continue to consider the recommendations of high school reform in relationship to increased school attendance.

### ***Department of Education Action:***

- (c) Amend the administrative rules governing pupil accounting to require local districts to report the number of unexcused absences by a student quarterly (in a form and manner prescribed by the Center for Educational Performance and Information).

***Legislative Action:***

- (c) Amend the Revised School Code to increase the compulsory school attendance age from 16 to 18 (House Bill 4049 and Senate Bill 4).
- (d) Amend the Revised School Code to require a local truancy policy and allow the Secretary of State to suspend a driver's permit or license of a student who is truant (House Bills 4338-4340).

**4. ALTERNATIVE EDUCATION – Educational/nontraditional options can keep kids in school.**

***Department of Education Action:***

- (a) Encourage local and intermediate school districts to provide alternative education opportunities.
- (b) Amend the administrative rules governing pupil accounting to expand home-based education alternative options for expelled students, including virtual classes.
- (c) Amend the administrative rules governing pupil accounting to expand options to allow credit recovery, such as adult education credit, credit through tutoring, testing out after student has taken part or all of a class, and other strategies as identified through high school reform.
- (d) Support the High School Reform recommendations of the Student Support and Intervention action team tasked to increase student engagement and learning.

***Legislative Action:***

- (e) Amend the pupil definition in the State School Aid Act to allow a suspended or expelled student to be counted in membership in another district without requiring a release from the resident district. (Current law allows a suspended or expelled student to be counted in membership ***only in an alternative education program*** operated by a district other than his or her resident district.)
- (f) Seek funding that would allow the Department to track the effectiveness of strict discipline programs in regards to enrollment of expelled students and returning expelled students to their home district after the suspension or expulsion.



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May 30, 2006

**MEMORANDUM**

TO: State Board of Education

FROM: Michael P. Flanagan, Chairman

SUBJECT: Presentation on Draft State Board of Education Model  
Anti-Bullying Policy

The subject of bullying has been receiving attention from media, the Governor's office, the state Legislature, student advocacy groups, educators, and the Michigan Department of Education, through the State Board of Education and staff.

Recent research suggests that the impact of bullying on victims is profound and can last late into adult life. Detrimental methods of coping can include school absenteeism, avoidance of extra-curricular and social activities, feelings of shame, inadequacy, humiliation, and depression. At its worst, bullying can lead to school dropout, violence, and suicide.

For many bullies whose behavior remains unchecked, the future holds a possibility of escalating intimidation, which can lead to abuse, violence, criminal behavior, and imprisonment.

There are strategies which, if employed, can either prevent or intervene in bullying behavior, change the perpetrator's behavior into more socially-adaptive approaches to peers, or repair the harm caused by bullying.

Given this information, the State Board of Education, at its last meeting, asked that a draft Model Anti-Bullying Policy be developed. The attached draft policy is meant to address issues of prevention and intervention strategies, partnerships with families, community and human service

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agencies, professional development, and providing safe, supportive learning environments for all students. It is also meant to incorporate policy aspects contained in proposed legislation by Representative Glenn Anderson and Senator Buzz Thomas, and supported by Governor Jennifer Granholm.

Given input by the Board, the policy could come back to a regular meeting of the State Board of Education for approval.

Attachment

## **Michigan State Board of Education Draft Model Anti-Bullying Policy**

The (fill in district name) board of education prohibits acts of harassment or bullying. The board of education has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying.

"Harassment or bullying" means any gesture or written, verbal, or physical act that takes place on school property, at any school-sponsored function, whether or not it takes place on school premises or on a school bus and that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory handicap; or by any other distinguishing characteristic.

"Harassment" means conduct that meets all of the following:

- is directed at one or more pupils.
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils.
- adversely affects the ability of a pupil to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect.
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

“Bullying” means conduct that meets all of the following:

- is directed at one or more pupils.
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils.
- adversely affects the ability of a pupil to participate in or benefit from the school district’s educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing emotional distress.
- is based on a pupil’s actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

The (fill in district name) board of education expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The (fill in district name) board of education believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members.

The (fill in district name) board of education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to *prevent* discipline problems and encourage students’ abilities to grow in self-discipline.

Since bystander support of harassment or bullying can support these behaviors, the district prohibits active or passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The (fill in district name) board of education requires its school administrators to develop and implement procedures that ensure *both* the appropriate consequences *and* remedial responses to a student or staff member who commits one or more acts of harassment or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment or bullying.

***Factors for Determining Consequences***

- Age and developmental and maturity levels of the parties involved
- Degrees of harm
- Surrounding circumstances
- Nature and severity of the behaviors
- Incidences of past or continuing patterns of behavior
- Relationships between the parties involved
- Context in which the alleged incidents occurred

***Factors for Determining Remedial Measures***

*Personal*

- Life skill deficiencies
- Experiential deficiencies
- Social relationships
- Strengths
- Talents
- Traits
- Interests
- Hobbies
- Extra-curricular activities
- Classroom participation
- Academic performance

*Environmental*

- School culture
- School climate
- Student-staff relationships and staff behavior toward the student
- General staff management of classrooms or other educational environments
- Staff ability to prevent and manage difficult or inflammatory situations
- Social-emotional and behavioral supports
- Social relationships
- Community activities

- Neighborhood situation
- Family situation

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the board of education's approved code of student conduct or employee handbook.

Consequences for a student who commits an act of harassment or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the board of education's approved code of student conduct. Remedial measures shall be designed to *correct the problem behavior*; *prevent another occurrence* of the problem; and *protect the victim* of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples listed below:

### ***Examples of Consequences***

- Admonishment
- Temporary removal from the classroom
- Deprivation of privileges
- Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult supports the bully to find a better way to solve the problem or meet the goal.
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension during the school week or the weekend
- Out-of-school suspension
- Legal action
- Expulsion

### ***Examples of Remedial Measures***

#### *Personal*

- Restitution and restoration
- Transformative conferencing
- Peer support group
- Corrective instruction or other relevant learning or service experience
- Supportive discipline to increase accountability for the bullying offense
- Supportive student interventions, including participation of an Intervention and Referral Services team

- Behavioral assessment or evaluation, including, but not limited to, a referral to a Child Study Team, as appropriate
- Behavioral management plan, with benchmarks that are closely monitored
- Assignment of leadership responsibilities (e.g., hallway or bus monitor)
- Involvement of school disciplinarian
- Student counseling
- Parent conferences
- Student treatment
- Student therapy

*Environmental (Classroom, School Building, or School District)*

- Set a time, place, and person to help the bully reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- School culture change
- School climate improvement
- Adoption of research-based, systemic bullying prevention programs
- Modifications of schedules
- Adjustments in hallway traffic
- Modifications in student routes or patterns traveling to and from school
- Targeted use of monitors (e.g., hallway, cafeteria, bus)
- General professional development programs for certificated and non-certificated staff
- Professional development plans for involved staff
- Disciplinary action for school staff who contributed to the problem
- Parent conferences
- Family counseling
- Involvement of parent-teacher organizations
- Involvement of community-based organizations
- Development of a general bullying response plan
- Peer support groups
- Law enforcement involvement (e.g., school resource officer, juvenile officer)

The (fill in district name) board of education requires the principal and/or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal

disciplinary action *may not* be based solely on the basis of an anonymous report.

The (fill in district name) board of education requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after a report or complaint is made.

The (fill in district name) board of education prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

The (fill in district name) board of education prohibits any person from falsely accusing another as a means of harassment or bullying. The consequences and appropriate remedial action for a *student* found to have falsely accused another as a means of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a *school employee* found to have falsely accused another as a means of harassment or bullying shall be disciplined in accordance with district policies, procedures, and agreements.

The (fill in district name) board of education requires school officials to annually disseminate the policy to all school staff, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school property, at school-sponsored functions, or on a school bus. The chief school administrator shall develop an annual process for discussing the school district policy on harassment and bullying with students.

The school district shall incorporate information regarding the policy against harassment or bullying into each school employee training program and handbook.