



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

October 27, 2009

MEMORANDUM

TO: Local and Intermediate School District Superintendents and Public School Academy Directors

FROM: Mike Flanagan 
Superintendent of Public Instruction

SUBJECT: Mandatory Expulsion Laws

While the reluctance to expel a student for at least 180 days for a mandatory expulsion offense might be understandable, it violates the letter and spirit of the law that would allow a student to simply dropout or disenroll. A district must follow the procedures established in law, giving that student an alternative opportunity to continue his/her education.

MCL 380.1311 states, "If a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds, the school board... shall expel the pupil from the school district permanently, subject to possible reinstatement..."

MCL 380.1311a states, "If a pupil... commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board... then the school board... shall expel the pupil from the school district permanently, subject to possible reinstatement..."

With great advancements in technology, specifically online learning opportunities, the actual interruption to a student's educational progress can be minimal. Any student expelled under the above laws could fall under the "seat-time waiver" option. Fifty-four intermediate school districts already have signed up under the Genesee ISD seat time waiver program that allows 25% of students in a building, but not more than 10% of students in the ISD region, to take all of their education classes online.

Districts are obligated to follow the mandates of the law and should take great care in adhering to the procedures outlined in the law, knowing that students do have options for continuing their education. The Michigan Department of Education strongly encourages districts to work with students and families affected by this law

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to identify alternative educational opportunities. If you have questions about the Genesee program, please contact Beverly Knox-Pipes, Assistant Superintendent at stwinfo@geneseeisd.org.

cc: William Mayes, MASA
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