

Vicksburg Community Schools Bylaws & Policies

5610.01 - PERMANENT EXPULSION

The Board of Education is continually concerned about the safety and welfare of District students and staff and, therefore, will not tolerate behavior that creates an unsafe environment or a threat to safety.

In compliance with State law, the Board shall permanently expel any student who possesses a dangerous weapon in a weapon-free school zone or commits either arson or criminal sexual conduct in a District building or on District property, including school buses and other school transportation or at a school event.

For purposes of this policy, a dangerous weapon is defined as "a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar (to include bludgeoning instruments of other materials), or brass knuckles" or other devices designed to or likely to inflict bodily harm, including, but not limited to, air guns and explosive devices. The term "firearm" is defined as:

- A. 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 the explosive;
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- B. the frame or receiver of any such weapon;
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- C. any firearm muffler or firearm silencer;
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- D. any destructive device, including explosives, incendiaries, poison gas (to include irritants such as pepper gas and mace), or any weapons which will (or may readily be converted to) expel a projectile by the action of an explosive, spring, or other propellant; for purposes of application and enforcement of this policy, a b-b gun is considered to be a "firearm". (See Board Policy [5772](#))
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The Board need not expel if the student can establish to the satisfaction of the Board that:

- A. the object or instrument was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon;
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- B. the weapon was not knowingly possessed;
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- C. the student did not know or have reason to know that the object or instrument possessed constituted a dangerous weapon;
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- D. the weapon was possessed at the suggestion, request, or direction of, or with the express

permission of a District administrator or the police.
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The above exceptions will not apply to student misconduct involving sexual misconduct or arson.

The Board shall permanently expel a student in grade six or above if that student commits physical assault at school against a District employee, volunteer, or contractor. Physical Assault is defined as "intentionally causing or attempting to cause physical harm to another through force or violence".

The Board shall also suspend or expel a student in grade six or above for up to 180 school days if the student commits physical assault at school against another student. The Board shall suspend or expel a student in grade six or above for a period of time as determined at the Board's discretion if the student commits verbal assault against a District employee, volunteer, or contractor or makes a bomb threat or similar threat directed at a school building, property, or school-related activity. Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.

Disabled students under IDEA or Section 504 shall be expelled only in accordance with Board Policy [2461](#) and Federal due process rights appropriate to these students.

The Superintendent shall ensure that the expulsion is duly noted in the student's record and that the student has been referred to the Family Independence Agency or Mental Health Department within three (3) school days after the expulsion and the parents informed of the referral. In compliance with Federal law, the Superintendent shall also refer any student expelled for possession of a dangerous weapon to the criminal justice or juvenile delinquency system serving the District. In addition, the Superintendent shall ensure that a copy of this policy and Policy [5610](#) is sent to the State Department of Education as well as a description of the circumstances surrounding the expulsion of a student for possessing a weapon in a weapon-free school zone together with the name of the school, the number of students so expelled, and the types of weapons that were brought into the weapon-free school zone and other reasons listed in Policy [8400](#).

A student who has been expelled under this policy may apply for reinstatement in accordance with the following guidelines:

- A. If the student is in grade 5 or below at the time of the expulsion, and was expelled for possessing a dangerous weapon under the provisions of State or Federal Weapons Free Schools or Safe Schools legislation, the parent(s) or legal guardian(s) may submit a request for reinstatement after sixty (60) school days from the date of expulsion, but the student may not be reinstated before ninety (90) school days from the expulsion date.
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- B. If the student is in grade 6 or above at the time of the expulsion, and was expelled for possessing a dangerous weapon or committing a physical assault or verbal assault or threat under the provisions of State or Federal "Weapons Free Schools" or "Safe Schools" Legislation, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement after 150 school days from the date of the expulsion, but the student may not be reinstated before 180 school days from the expulsion date.
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- C. If a student, at any grade, is expelled for a reasons other than possession of a dangerous weapon or committing a physical assault or verbal assault or threat under the provisions of State or Federal "Weapons Free Schools" or " Safe Schools" Legislation, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement thirty (30) days before the expiration of the Board designated minimum term of expulsion; but

the student may not be reinstated before the end of the expulsion period.

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D. High School students expelled for reasons other than for a violation of state or federal "Weapons Free School" or "Safe Schools" Legislation may apply for admission immediately to the District's Alternative Education Program. If so admitted, the student could attend the Alternative Learning Lab, but would still be prohibited from attending in other social or extra-curricular events until the term of his/her expulsion had expired.

DE. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Superintendent on District [Form 5610.01 F1](#).

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EF. The Superintendent shall, within ten (10) school days after receiving the form, submit the request, together with any other information s/he deems pertinent to the requested reinstatement, to a Board-appointed committee consisting of two (2) Board members, a District administrator, a teacher, and a parent of a District student.

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FG. The committee shall, within ten (10) school days after being appointed, review all pertinent information, and submit its recommendation to the Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or nonreinstatement, based on the committee's consideration of:

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1. the extent to which reinstatement would create a risk of harm to students or school personnel;

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2. the extent to which reinstatement would create a risk of District or individual liability for the Board or District personnel;

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3. the age and maturity of the student;

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4. the student's school record before the expulsion incident;

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5. the student's attitude concerning the expulsion incident;

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6. the student's behavior since the expulsion and the prospects for remediation;

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7. if the request was filed by a parent, the degree of cooperation and support the parent has provided and will provide if the student is reinstated, including, but not limited to the parent's receptiveness toward possible conditions placed on the reinstatement. Such conditions may, as an example, include a written agreement by the student and/or a parent who filed the reinstatement request to:

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a. abide by a behavior contract which may involve the student, his/her parents, and an outside agency;

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b. participate in an anger management program or other counseling activities;

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c. cooperate in processing and discussing periodic progress reviews;

- - d. meet other conditions deemed appropriate by the committee;
- e. accept the consequences for not fulfilling the agreed-upon conditions.

The committee may also allow the parent, adult student, or emancipated minor to propose conditions as part of the request for reinstatement.

The Board shall make its decision no later than the next regular Board meeting following the committee's submission of its recommendations. The Board's decision shall be final and not subject to appeal.

In the event a student who has been permanently expelled from another school district requests admission to this District, the Superintendent shall review the request and determine whether or not to recommend consideration of admission to the Board of Education. Upon the recommendation of the Superintendent, the Board shall, in making its decision, follow the same procedure it has established in paragraphs A-F above for the reinstatement of a District student.

The Superintendent shall ensure that Board policies and District guidelines regarding a student's rights to due process are adhered to when dealing with a possible expulsion under this policy.

M.C.L.A. 380.1311, 380.1308, 380.1310; 380.1310a, 380.1311a

Adopted 8/12/96
Revised 9/9/96
Revised 11/11/99
Revised 12/11/00
Revised 12/11/06

[Revised 9/10/12](#)