

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

380.1310e Suspension or expulsion of pupil; reporting of sexual assault; exceptions; "sexual assault" and "title IX coordinator" defined.

Sec. 1310e.

(1) Notwithstanding any other provision of this act, except as otherwise provided in subsection (2), the board of a school district or intermediate school district or board of directors of a public school academy shall not expel a pupil, or suspend a pupil for more than 10 school days, for an action that the pupil took immediately preceding, immediately following, or that could be reasonably tied to an incident in which the pupil reports being sexually assaulted or an incident in which a school official, staff member, or other individual witnesses and reports a sexual assault on the pupil or receives and reports credible evidence that the pupil has been sexually assaulted. The board of a school district or intermediate school district or board of directors of a public school academy is encouraged to follow the recommendations or guidance of the title IX coordinator for the school district, intermediate school district, or public school academy in deciding to suspend a pupil described in this subsection.

(2) Subsection (1) does not apply to a pupil if any of the following are met concerning an incident reported under subsection (1):

(a) The pupil is convicted of, pleads guilty to, pleads responsible for, or is adjudicated responsible for aggravated assault, felonious assault, assault with intent to commit murder, assault with intent for great bodily harm, assault with intent to maim, attempted murder, homicide, or manslaughter in violation of section 81a, 82, 83, 84, 86, 91, 316, 317, or 321 of the Michigan penal code, 1931 PA 328, MCL 750.81a, 750.82, 750.83, 750.84, 750.86, 750.91, 750.316, 750.317, and 750.321, or an act constituting criminal sexual assault in violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, in a court of competent jurisdiction.

(b) The pupil commits an act described in section 1311(2).

(c) A completed title IX investigation determines by clear and convincing evidence that the report of sexual assault is conclusively false.

(d) The board of the school district or intermediate school district or board of directors of the public school academy, or its designee, considered any reports of sexual assault under subsection (1) and the factors under section 1310d(1) and determined that the expulsion or suspension of more than 10 days is justified.

(3) As used in this section:

(a) "Sexual assault" means an act that constitutes criminal sexual conduct in violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(b) "Title IX coordinator" means the official responsible for overseeing compliance with title IX of the education amendments of 1972, 20 USC 1681 to 1688.

History: Add. 2023, Act 51, Eff. Sept. 27, 2023

Popular Name: Act 451