

MANDATORY EXPULSIONS/SUSPENSIONS POLICY

The Fitzgerald 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, a threat to safety or undue disruption of the educational environment.

Violations

1. Arson (Starting a Fire): A student will not willfully and maliciously burn or attempt to burn any part of property that belongs to, or is under contract with the school district, or property of persons employed by the district or on school property or the setting of fires on school property. Students found guilty of this offense are subject to mandatory expulsion. "Arson" means a felony violation as set forth in Chapter X of the Michigan Penal Code ([MCL 750.71](#) to [MCL 750.80](#)).

2. Physical Assault: A student will not physically assault another person. "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence ([MCL 380.1310\(3\)\(b\)](#), [MCL 380.1311a\(12\)\(b\)](#)). A student in grade six (6) or above shall be permanently expelled for any assault against an employee, contractor, or volunteer of the district. A students in grade six (6) or above who commits physical assault against another student shall be suspended or expelled for up to 180 days.

3. Criminal Sexual Assault Conduct: A student will not sexually assault another person. For students in grades 6 and above, school districts may expel students who possess a dangerous weapon, commit arson or commits criminal sexual conduct in a school building, on school grounds or off campus with a victim that is enrolled in the same school district. The law allows for possible reinstatement ([MCL 380.1311](#)). The term "criminal sexual conduct" is defined in the Michigan Penal Code, 1931, PA 328 ([MCL 750.520](#) and [MCL 380.1311](#) effective August 8, 2018).

(NOTE: Under state law, the District **may** suspend or expel a student who **commits** criminal sexual conduct with another District student. The District **shall** suspend or expel a student who is **convicted**, by plea or adjudication, of criminal sexual conduct with another District student.)

4. Weapons - Dangerous Instruments: A student will not possess, handle, transmit or use a dangerous instrument capable of harming another person. A "dangerous

instrument” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous instruments include, but are not limited to, chemical mace, pepper gas or like substances, stun guns, BB guns, pellet guns, razors, or box cutters. ([FPS-Weapons Policy](#))

5. Weapons - Dangerous Weapons: A student will not possess, handle, transmit, or use as a dangerous weapon an instrument capable of harming another person. A “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar or brass knuckles. ([MCL 380.1313](#)) ([FPS-Weapons Policy](#))

6. Weapons - Use of Legitimate Tools as Weapons: A student will not use a legitimate tool, instrument, or equipment as a weapon with the intent to harm another. These items include, but are not limited to, pens, pencils, scissors, compasses, or combs.