

BULLETIN BOARD

Student Discipline Hearings—Key Legal Points to Know

Depending on board policy, the board of your school district may be involved in student discipline when an alleged offense is serious enough to warrant suspension or expulsion. For more detail, see this guidance from the Michigan Department of Education (www.michigan.gov/documents/suspensions_118759_7.pdf) or contact your district's legal counsel.

Student Privacy and the Open Meetings Act

The Open Meetings Act allows boards to consider the discipline of a student if the student or parent/guardian requests a closed hearing (MCL 15.268). A simple majority vote is required in open session in order for the board to meet in closed session for this purpose. If neither the student nor a parent/guardian requests that the board go into closed session, the board must conduct the full hearing in open session.

However, whether or not there is a closed session, the board must take care to not disclose any personally identifiable information about the student without express parental consent. This includes keeping student names out of meeting minutes, and disclosing any information about the student that makes the student's identity easily traceable.

Even if there is a closed session, the board must meet in open session in order to act on the matter. The closed meeting exception does not extend to any votes on a discipline matter.

Long-Term Suspensions vs. "Ordinary" Expulsions vs. Permanent Expulsions

While each of these discipline options involve keeping a student out of school for a period of time, the legal ramifications of each can be quite different. Here is what each one means:

Long-Term Suspension—Keeping a student out of school for at least 10 days but fewer than 60 days.

Expulsion—Keeping a student out of school for 60 or more days.

Permanent Expulsion—Expels a student from all public schools in the state, except alternative education programs and strict discipline academies. Such expulsions could occur as a result of weapons, arson, sexual assault or physical assault violations.



MASB
MICHIGAN ASSOCIATION
OF SCHOOL BOARDS

Upcoming Law Changes—Aug. 1, 2017

There are a number of significant changes to our state statutes on student discipline that will become effective on Aug. 1. They generally provide more discretion to school districts when it comes to permanent expulsions. School boards should work with their policy professionals to ensure that their student discipline policies comply with the revised statutes.