**EXCEPTIONS ALLOWED TO MICHIGAN’S ZERO TOLERANCE LAW**

**Discretion/Exceptions allowed:**

MCL 380.1311 (2) provides four exceptions to zero tolerance weapons possession:

1. The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon or,
2. The weapon was not knowingly possessed by the pupil or,
3. The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon or,
4. The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

**No exceptions for a student that commits:**

1. Arson[[1]](#footnote-1) in a school building or on school grounds, or
2. Criminal sexual conduct in a school building or on school grounds, or
3. Physical and verbal assault on school personnel (employee, volunteer, or contractor.)

Note: Ensure student is evaluated for disability before permanent suspension. MCL 380.1311(1).

**DEFINITIONS FOR MICHIGAN’S ZERO TOLERANCE LAW**

**SCHOOL CODE STATUTES**

**Definitions:**

As used in this section, “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles. MCL 380.1313(4).

(a) "Arson" means a felony violation of chapter X of the Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

(b) "Criminal sexual conduct" means a 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.

(c)”Dangerous weapon" means that term as defined in section 1313. MCL 380.1311(11)(a),(b) and (c).

**GOALS (BUT NOT REQUIREMENTS) FOR MICHIGAN’S ZERO TOLERANCE LAW**

**Due Process (Goals):**

* Provide substantial due process rights—notice, hearing, right to attorney.
* Provide advance notice whether law enforcement referral will be made.
* Allow student to speak with parents before being questioned by school.
* Explain appeal procedure.
* Provide assistance for reinstatement, i.e., notify parents when eligible and provide forms. (can petition 150 days after expulsion –reinstatement no sooner than 180 days for dangerous weapon and assaultive expulsions; 5th grade and below can petition 60 days after expulsion for dangerous weapon – reinstatement no sooner than 90 days; other infractions - petition at any time but reinstatement no sooner than 10 days after expulsion.)
* Arrange alternative schooling.
* Alternative discipline—restorative or graduated

1. Arson must constitute a felony MCL 380.1311 (11) [↑](#footnote-ref-1)