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BILL ANALYSIS



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Senate Bill 527 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Leon Stille  
Committee: Education

### **CONTENT**

The bill would amend the School Code to revise provisions concerning the reinstatement of students enrolled in grade five or below who were expelled for possessing a dangerous weapon or committing arson or rape. Under the bill, the current 60-school-day waiting period that must expire before a reinstatement petition may be initiated would apply only to a student who had been expelled for possessing a firearm. A reinstatement petition for a student who had been expelled for reasons other than a firearm's possession could be initiated at any time. Also, the current 90-school-day waiting period that must expire before a student may be reinstated would apply only to students who had been expelled for possessing a firearm. Students expelled for reasons other than possessing a firearm could not be reinstated before the expiration of 10 school days after the expulsion.

Currently, in regard to all grades, an alternative education program for students expelled for weapons' possession, arson, or rape, must be operated in facilities or at times separate from those used for the general pupil population. The bill would require school districts that operated or participated in an alternative education program to ensure that those students were physically separated at all times during the school day from the general pupil population. If an expelled individual were not placed in an alternative education program, the school district could provide, or arrange for the ISD to provide, appropriate instructional services to the individual at home; this would not require a school district to spend more for an expelled pupil than the amount of the district's foundation allowance under the State School Aid Act.

Currently, an expelled individual is expelled from all public schools in the State. Under the bill, an expelled individual could enroll in a public school alternative program or public school academy. If the individual enrolled during the period of expulsion, the program or academy immediately would become eligible for the prorated share of the foundation allowance of either the academy or the expelling district, whichever was higher.

MCL 380.1311

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill would have no fiscal impact on State government. It would, however, have an impact on local and intermediate school districts and public school academies that conducted programs for students expelled for possessing a dangerous weapon or committing rape or arson at school.

A student expelled for possessing a dangerous weapon or committing rape or arson at school could be enrolled under the bill by an alternative education program or public school academy in a program separated from other students. The bill would make a public school academy or

alternative education program that enrolled the expelled pupil immediately eligible for the prorated share of the public school academy's foundation allowance or the expelling school district's foundation allowance, whichever was higher. This could be interpreted as requiring the district receiving foundation allowance funding for the pupil to pay the academy or alternative program educating the expelled student a portion of the foundation allowance attributable to that pupil's membership. The bill would not change State foundation allowance payments, which are determined by the State School Aid Act.

In FY 1995-96, foundation allowance payments are determined by a local district's foundation allowance per pupil and the district's pupil membership count. The foundation allowance that applies is generally that of the pupil's district of residence. The pupil membership of a district is the average of pupils who are enrolled and in regular daily attendance on the February 1995 and October 1995 pupil count days. A pupil who is expelled on one of those days and not enrolled and in attendance at an alternative program is not counted in pupil membership on that count day. For example, a pupil who was in school in February 1995 and expelled on the October 1995 count day and not attending an alternative program would only generate 0.5 full-time equivalent membership or one-half of a foundation allowance in the current fiscal year.

A district that chose to offer educational services to an expelled student in the student's home under the bill could incur additional expenses to provide the program. Under the current State School Aid Act, an expelled student taught in a homebound program on a pupil membership count day would not be eligible to be counted in pupil membership on that day. The existing exception that allows homebound pupils to be counted in membership applies only to students with medical conditions.

Date Completed: 10-17-95

Fiscal Analyst: E. Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.