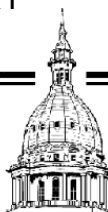




**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 527 (Substitute S-1)  
Sponsor: Senator Leon Stille  
Committee: Education

Date Completed: 9-27-95

**SUMMARY OF SENATE BILL 527 (Substitute S-1):**

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. The bill would do the following:

- Specify that the current 60-school-day waiting period that must expire before a reinstatement petition may be initiated for an expelled student would apply only to a student who had been expelled for possessing a firearm.
- Permit a reinstatement petition for a student who had been expelled for reasons other than a firearm's possession to be initiated at any time.
- Specify that the current 90-school-day waiting period that must expire before a student may be reinstated in school would apply only to students who had been expelled for possessing a firearm.
- Provide that students who had been expelled for reasons other than possessing a firearm could not be reinstated in school before the expiration of 10 school days after the expulsion.

Also, in regard to all grades, the bill would: delete the requirement that an alternative education program be operated separately from the general student population; specify that certain criminal sexual conduct offenses, instead of "rape", would require student expulsion; and, define "arson" as felony violations under the Michigan Penal Code.

**Expulsion Requirements**

The School Code requires a local school board or a superintendent, principal, or other designated school official to expel permanently a pupil who unlawfully possesses a dangerous weapon in a weapon free school zone, commits arson in a school building or on school grounds, or rapes a person in the building or on school grounds.

The bill would delete reference to “rape” and require, instead, that a student be expelled for committing “criminal sexual conduct” in a school building or on school grounds. Under the bill, criminal sexual conduct would mean a violation of the Michigan Penal Code’s provisions on first-, second-, third-, or fourth-degree criminal sexual conduct, or assault with intent to commit criminal sexual conduct (MCL 750.520b, 750.520c, 750.520d, 750.520e, or 750.520g).

The bill also would define “arson” as a felony violation of Chapter 10 of the Penal Code. (Chapter 10 of the Penal Code includes the following felony violations: burning any dwelling house (MCL 750.72); burning of other real property (MCL 750.73); burning personal property valued at more than \$50 (MCL 750.74); burning of insured property (MCL 750.75); willfully and maliciously setting fire to property valued at more than \$50 (MCL 750.77); willfully or negligently setting fire to woods, prairies, or grounds (MCL 750.78); and, setting fire to mines and mining material (MCL 750.80).

In addition, the bill would define “firearm” as that term is defined in the 1994 Federal Gun-Free Schools Act (i.e., “(A) any weapon (including a shorter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device” (e.g., a bomb); the term does not include an antique firearm.)

#### Alternative Education

Currently, a student expelled under these provisions is expelled from all public schools in the State and is prohibited from enrolling in a school district unless he or she has been reinstated, as provided in the Code. A school district, however, may operate or participate in a program that is appropriate for students expelled under these provisions. The Code requires that this program be operated in facilities or at times that are separate from those used for the general pupil population. The bill would delete the requirement that the program be operated separately from the general student population.

#### Petition for Reinstatement

Under the Code, the parent or legal guardian of an expelled student, or a student who is at least 18 or emancipated, may petition the board of the expelling school district for the student’s reinstatement in the district. Currently, a reinstatement petition for an expelled student who was in grade five or below at the time of the expulsion may be initiated after the expiration of 60 school days following the expulsion date. The bill specifies that this provision would apply to a student who had been expelled for possessing a firearm.

Under the bill, for a student who was enrolled in grade five or below at the time of the expulsion and who had been expelled for a reason other than possessing a firearm, the parent or legal guardian of an expelled student, or a student who was at least 18 or emancipated, could initiate a petition for reinstatement at any time.

## Reinstatement

Under the Code, a student who was in grade five or below at the time of the expulsion cannot be reinstated before the expiration of 90 school days after the date of expulsion. The bill specifies that this provision would apply to a student who had been expelled for possessing a firearm.

Under the bill, a student who was in grade five or below at the time of the expulsion and who had been expelled for a reason other than possessing a firearm could not be reinstated before the expiration of 10 school days after the date of expulsion.

MCL 380.1311

Legislative Analyst: L. Arasim

## **FISCAL IMPACT**

The bill would have no fiscal impact on State government. Those school districts operating alternative education programs for expelled students could have lower costs due to the additional flexibility allowed under the bill to conduct alternative programs at the same locations as programs for the general school population.

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.