

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 689 (as passed by the Senate)
Sponsor: Senator Dale L. Shugars
Committee: Education

Date Completed: 8-11-98

RATIONALE

In December 1996, a 15-year-old girl who attended Kalamazoo Central High School reportedly was assaulted and raped near a school baseball diamond by eight youths, some of whom allegedly were armed. The girl's family reported the attack to police and school authorities. The girl did not want to return to school and instead received instruction from her teachers at home. Evidently, at that time, no schools in the Kalamazoo Intermediate School District (ISD) were participating in an ISD schools of choice program, as permitted under the State School Aid Act. Although the Portage School District, located in the Kalamazoo ISD, was willing to enroll the student, her parents were concerned that because Portage neighbored Kalamazoo, their daughter could run into her attackers and their friends at school functions. Consequently, the family requested the Kalamazoo School District to release the girl from the district so she could attend school in Otsego, which is located in the Allegan ISD. Apparently, the Kalamazoo School District initially refused the request, but reversed its decision eight months later and allowed the girl to leave.

Under the State School Aid Act's school choice provisions, a student may enroll in a district other than his or her district of residence as long as the educating district is located within the same intermediate school district. The foundation allowance--State funding--follows the student to the educating district (MCL 388.1705). If a student is educated in a district other than his or her district of residence and the educating district is not in the same ISD as the district of residence, the Act prohibits the student from being counted in membership in any district unless the student's district of residence approves. Thus, the educating district is not be eligible to receive the foundation allowance for that pupil (MCL 388.1606). Some people believe that the Act should permit students

who are victims of assault on school grounds to transfer to any public school in the State where the student's family feels the environment is safe.

CONTENT

The bill would amend the State School Aid Act to allow a nonresident pupil who had been the victim of criminal sexual assault or other criminal assault, or who had been the victim of an act that violated a school district's sexual harassment policy, to be counted in the membership of another school district, without having to obtain the approval of the pupil's district of residence.

The Act defines "pupil" as a person in membership in a public school. Under the Act, a district must have the approval of a pupil's district of residence to count the pupil in membership, except that approval by a pupil's district of residence is not required for: nonpublic part-time pupils; pupils receiving one-half or less of their instruction in a district other than their district of residence; pupils enrolled in a district other than their district of residence under an intermediate district schools of choice pilot program; pupils enrolled in a district other than their district of residence but within the same intermediate district; and, pupils enrolled in a district other than their district of residence if they have been enrolled continuously in the educating district.

Under the bill, a district would not need the approval of a pupil's district of residence to count the nonresident pupil in membership if he or she had reported or his or her parent or legal guardian had reported to law enforcement officials and to school officials of the pupil's district of residence that the pupil had been the victim of an act constituting criminal sexual assault or other criminal

assault, or an act constituting a violation of the district's sexual harassment policy adopted under the Revised School Code, if the report indicated that the act met one or both of the following:

- The act occurred on property owned or under the control of the district of residence, on a vehicle used by the district of residence or under contract with that district to transport pupils to and from school, or at a school-related activity sponsored or approved by the district of residence.
- The act had been committed by one or more other pupils enrolled in the school that the nonresident pupil otherwise would attend in the district of residence or by an employee of the district of residence.

In addition, the bill would exempt these pupils from the Act's definition of a tuition pupil, which is a pupil of school age attending school in a district other than the pupil's district of residence from whom tuition may be charged.

MCL 388.1606

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

In many school districts across the State, obtaining permission for a student to transfer from his or her district of residence to another district outside of the local ISD may be a slow and burdensome process. In the case of the Kalamazoo student who was assaulted, she and her family not only had to suffer the trauma of the violent attack but subsequently were subjected to a protracted battle for the right to transfer to a school they considered to be safe. The bill would allow parents to move their child to another school district if there were sufficient evidence to prompt the filing of a police report on the incident. Students who suffer serious assaults should not have to attend school with the perpetrators of the assaults or their friends. Furthermore, parents should not have to go through a cumbersome, perhaps heavily publicized process, to be able to remove a child from an unsafe school environment, but should have the freedom to enroll their child in a school of their choice that would be more conducive to learning.

Response: The bill would remove from local school boards the authority to resolve these kinds of problems with students and their parents. The

Kalamazoo district's handling of the situation may have been unfortunate, although it did follow the provisions of the State School Aid Act. Most school boards, however, presumably would be sensitive to a student's needs in similar cases. In addition, there are some concerns that the term "criminal assault" may be too broad, and that the bill should specify the types of criminal assaults that are listed in the Michigan Penal Code.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The exact fiscal impact is indeterminate. Under the bill, a student who was a victim of criminal sexual assault, criminal assault, or sexual harassment could enroll in a nonresident district of the pupil's choice if the parents or legal guardian reported the assault to law enforcement officials. There could be the potential for a large cost to a district losing a pupil to a nonresident district. Because the terms "criminal sexual assault" and "criminal assault" are not defined, there could be many students who would become eligible to enroll in a nonresident district. A district would lose an average of \$5,913 for each pupil who left, which would result in a gain of \$5,913 for the receiving district. If a district lost 20 students under this scenario, that district would lose over \$118,000 in State aid in FY 1997-98. The exact impact of this legislation is unknown, however, because data on criminal sexual assault, criminal assault, and sexual harassment are unknown.

Fiscal Analyst: J. Carrasco

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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.