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SFA**BILL ANALYSIS**

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Senate Bill 689 (as introduced 9-24-97)
Sponsor: Senator Dale L. Shugars
Committee: Education

Date Completed: 10-14-97

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 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 by 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 means 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

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 just 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.