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## DISCIPLINARY EDUCATION PROGRAM FOR EXPELLED STUDENTS

**House Bill 5651**

**Sponsor: Rep. Rose Bogardus**

**Committee: Education**

**Complete to 7-5-00**

### **A SUMMARY OF HOUSE BILL 5651 AS INTRODUCED 4-18-00**

House Bill 5651 would amend the Revised School Code to require intermediate school boards to offer disciplinary education programs for expelled students, on behalf of their constituent school districts.

Currently an intermediate school board is required to furnish services on a management, consultant, or supervisory basis to their constituent school districts upon request, and the intermediate school district (ISD) can charge for those services. The intermediate school board can also conduct cooperative programs with other intermediate school boards, or with public school academies. House Bill 5651 would retain these provisions, and also require an intermediate school board to operate or otherwise arrange for the provision of disciplinary education programs on behalf of constituent school districts and public school academies. To finance the programs, the ISDs would use state appropriations provided for that purpose, and also could accept contributions from other sources.

Disciplinary education program. The bill would require that an intermediate school district operate a disciplinary education program for expelled students, if those students are not enrolled in a strict discipline academy. The bill also would allow a school board located within the ISD to place a disruptive pupil in the disciplinary education program. ["Disruptive pupil" is defined to mean a pupil who consistently engages in disruptive behavior and whose behavior meets one or more of the following: i) poses a threat to the safety and welfare of other pupils, teachers, and other school personnel; ii) creates an unsafe school environment; or, iii) materially interferes with the learning of other pupils or disrupts the overall educational process, in a continuing and ongoing fashion.] House Bill 5651 specifies that the ISD could provide the disciplinary education program directly, or in a consortium with other ISDs or school districts.

Under the bill, the disciplinary education program would be required to:

- be provided in a setting other than the classroom that would be the student's regular classroom;
- be located on or off a regular school campus;

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- be offered in a setting that ensures that the students are physically separated at all times during the school day from the general student population (however, the program could combine students expelled for any reason);

- provide for both the academic and behavior management needs of the students in a structured, controlled environment;

- to the greatest extent practicable, involve local mental health, social services, community health, and other supportive agencies in a collaborative approach for referral, treatment, and assistance in meeting the student's needs;

- involve a student's parent or legal guardian in an ongoing fashion; and,

- require that the students placed in the program abide by the compulsory school attendance laws, if they fail to attend the program.

House Bill 5651 specifies that the school district that placed the student, and the intermediate school district or other entity operating the disciplinary education program, would be required to cooperate with other governmental agencies and community organizations that are providing services. The bill also would require that the state appropriate sufficient funds each year in order to fully fund disciplinary education programs. It would allow a school board to operate its own program or participate in a consortium or other cooperative arrangement. In either instance, the ISD would be required to coordinate and assist the school district, and to provide technical assistance if the school district developed its own disciplinary education program.

To establish the program, House Bill 5651 would amend three sections of the Revised School Code in slightly different ways.

180-day expulsion for physical assault of student. Current law specifies that if a student in grade six or above commits a physical assault against another student while at school, the school district must expel the student for up to 180 school days. The student is then the responsibility of his or her parent or legal guardian, and it is up to that adult to locate a suitable educational program and enroll the expelled student. In contrast, House Bill 5651 would require that the expelled student be placed in an appropriate disciplinary education program, and it would not require automatic expulsion for a physical assault if the student's education placement were in a disciplinary education program.

Permanent expulsion for weapons, arson, and criminal sexual conduct. Further, current law specifies that a school board may authorize or order the suspension or expulsion of a pupil guilty of gross misdemeanor or persistent disobedience. In addition, if a pupil possesses a dangerous weapon, commits arson in a school building or on school grounds, or commits criminal sexual conduct, the school board must expel the student permanently. The expulsion is noted on the student's permanent record, and officials of another school district cannot allow the student to enroll in their district.

However, the law allows a school district to operate a strict discipline academy and that district may, at its discretion, enroll previously expelled students there. House Bill 5651 would retain these provisions, but add that a district also could enroll previously expelled students in a disciplinary education program, and the bill would eliminate automatic expulsion for weapons, arson, and criminal sexual conduct if the educational placement of the student was in a district's disciplinary education program.

Under the law if a school board expels a student for weapons, arson, or criminal sexual conduct, then within three days the school district is required to refer the student to the appropriate county department of social services or county community mental health agency, and to notify the student's parent or legal guardian of the referral. House Bill 5651 would retain these provisions and also require that unless the student enrolled in a strict discipline academy, the school board also would be required to refer the student for placement in a disciplinary education program.

Currently, a permanently expelled student can petition for reinstatement to a school district, and when a petition for reinstatement has been received, the board convenes a committee to review the request and make a recommendation. The committee can recommend unconditional or conditional reinstatement, or against reinstatement, and its recommendation is accompanied by reasons and, if appropriate, also by conditions. Among the factors the committee must consider are the degree to which reinstatement would create a risk of harm to pupils or school personnel, and the extent to which it would create a risk of school district liability or individual liability for the school board or school district personnel. House Bill 5651 would retain the two conditions, but specify that the committee consider the extent to which reinstatement to an educational placement other than disciplinary education would create these risks.

House Bill 5651 would eliminate the provisions of this subsection which make a public school academy or an alternative education program eligible to receive a prorated share of the foundation allowance. Currently the law specifies that if a pupil expelled from a public school district is enrolled by a district-sponsored alternative education program, or a public school academy during the period of expulsion, then the academy or alternative education program immediately becomes eligible for the prorated share of either the academy's or the district's foundation allowance, or the expelling school district's foundation allowance, whichever is higher. The bill would eliminate this provision.

Currently the law also specifies that if an individual is expelled for weapons, arson, or criminal sexual conduct, it is the responsibility of that individual and his or her parent or legal guardian to locate a suitable alternative education program, and to enroll in that program during the expulsion. House Bill 5651 would eliminate this provision.

Under the law, the Office of Safe Schools in the Department of Education is required to compile information about existing alternative education programs or schools, and nonpublic schools that may be open to enrollment of expelled students, and to offer technical assistance to school districts that have an interest in creating alternative programs. House Bill 5651 would retain these requirements but change the references in the law from "alternative" to "disciplinary" programs.

House Bill 5651 would eliminate language that specifies this subsection of the law would not require a school district to expend more money for providing services for a pupil expelled than the amount of the foundation allowance the school district receives for the pupil under the School Aid Act.

Permanent expulsion for physical assault of school personnel; 180-day expulsion for bomb threat. Finally, current law specifies that a school board must permanently expel a pupil enrolled in grade six or above who commits a physical assault against a person employed by, or engaged as a volunteer or contractor by, the school board. House Bill 5651 would eliminate automatic expulsion if the educational placement of the student was in a district's disciplinary education program.

In addition, current law specifies that if a pupil enrolled in grade six or above commits a verbal assault as defined by board policy, or if a pupil makes a bomb threat or similar threat, then the student must be expelled for up to 180 days. House Bill 5651 would eliminate automatic expulsion if the educational placement of the student was in a district's disciplinary education program.

Currently the law specifies that a permanent expulsion for assaulting school personnel be noted on the student's permanent record, and officials of another school district cannot allow the student to enroll in their district. However, the law allows a school district to operate an alternative education program or a strict discipline academy, and the district may, at its discretion, enroll previously expelled students there. House Bill 5651 would retain these provisions, but eliminate the references to an "alternative education program" and substitute instead "a disciplinary education program".

House Bill 5651 would eliminate language that specifies this subsection of the law would not require a school district to expend more money for providing services for a pupil expelled than the amount of the foundation allowance the school district receives for the pupil under the School Aid Act.

Under the law if a school board expels a student under this section, then within three days the school district is required to refer the student to the appropriate county department of social services or county community mental health agency, and to notify the student's parent or legal guardian of the referral. House Bill 5651 would retain these provisions and also require that unless the student enrolled in a strict discipline academy, the school board also would be required to refer the student for placement in a disciplinary education program.

Currently, a permanently expelled student can petition for reinstatement to a school district, and when a petition for reinstatement has been received, the board convenes a committee to review the request and make a recommendation. The committee can recommend unconditional or conditional reinstatement, or against reinstatement, and its recommendation is accompanied by reasons and conditions. Among the factors the committee must consider are the degree to which

reinstatement would create a risk of harm to pupils or school personnel, and the extent to which it would create a risk of school district liability or individual liability for the school board or school district personnel. House Bill 5651 would retain the two conditions, but specify that the committee consider the extent to which reinstatement to an educational placement other than disciplinary education would create these risks.

House Bill 5651 would eliminate the provisions of this subsection which make a public school academy or an alternative education program eligible to receive a prorated share of the foundation allowance. Currently the law specifies that if a pupil expelled from a public school district is enrolled by a district-sponsored alternative education program, or a public school academy during the period of expulsion, then the academy or alternative education program immediately becomes eligible for the prorated share of either the academy's or the district's foundation allowance, or the expelling school district's foundation allowance, whichever is higher. The bill would eliminate this provision.

Currently the law also specifies that if an individual is expelled under this section, it is the responsibility of that individual and his or her parent or legal guardian to locate a suitable alternative education program, and to enroll in that program during the expulsion. House Bill 5651 would eliminate this provision.

Under the law, the Office of Safe Schools in the Department of Education is required to compile information about existing alternative education programs or schools, and nonpublic schools that may be open to enrollment of expelled students, and to offer technical assistance to school districts that have an interest in creating alternative programs. House Bill 5651 would retain these requirements but change the references in the law from "alternative" to "disciplinary" programs.

Throughout the bill and where appropriate, the word "individual" would be replaced by the word "pupil."

MCL 380.627, 380.1310, 380.1311, 380.1311a, and 380.1315

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.