



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



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 571 (as introduced 6-7-07)
Sponsor: Senator Wayne Kuipers
Committee: Education

Date Completed: 6-7-07

CONTENT

The bill would amend the Revised School Code to state that certain sections concerning the expulsion or suspension of a pupil would not diminish "any" rights (rather than due process rights, as currently provided) of a special education pupil under Federal law.

Under Section 1311 of the Code, a pupil who is guilty of gross misdemeanor or persistent disobedience may be suspended or expelled from school if, in the judgment of the school board or its designee, that suspension or expulsion serves the interest of the school. If there is reason to believe that the pupil is handicapped, and the school district has not evaluated the pupil to determine if he or she is handicapped, then the pupil must be evaluated immediately.

Section 1311 requires a pupil to be expelled permanently from a school district if he or she possesses a dangerous weapon in a weapon-free school zone, commits arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds.

Under Section 1311a, a pupil in 6th grade or above must be expelled permanently if he or she physically assaults a school employee, contract employee, or volunteer engaged by the school board. A pupil in 6th grade or above who verbally assaults a school employee, contract employee, or volunteer is subject to suspension or expulsion from the school district for a period of time determined by the school board or its designee.

When a pupil is expelled under Section 1311 or 1311a, the school district may provide, or arrange for the intermediate school district to provide, appropriate instructional services at home. If the district operates or cooperates in an alternative education program appropriate for expelled individuals, the district may admit the individual into that program. Alternatively, he or she may be enrolled in a strict discipline academy. It is the responsibility of the individual and his or her parent or legal guardian to locate a suitable alternative education program and to enroll the individual in such a program during the expulsion.

The parent or legal guardian of an individual expelled under Section 1311 or 1311a (or the individual, if he or she is at least 18 or an emancipated minor) may initiate a petition for reinstatement, to be reviewed by a designated committee consisting of two school board members, a school administrator, a teacher, and a parent of a pupil in the district. Based on certain factors, the committee must review the petition for reinstatement and submit a

recommendation for unconditional reinstatement, for conditional reinstatement, or against reinstatement.

The Code states that Sections 1311 and 1311a do not diminish the due process rights under Federal law of a pupil who has been determined to be eligible for special education programs and services.

Under the bill, these sections would not diminish any rights under Federal law of such a pupil.

MCL 380.1311 & 380.1311a

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Because this bill simply would align State law with current practice, there would be no fiscal impact on the State or local units of government.

Fiscal Analyst: Kathryn Summers-Coty