

# Legislative Analysis

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## ALLOW SUSPENDED STUDENTS TO ENROLL IN STRICT DISCIPLINE ACADEMIES

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**Senate Bill 69 (Substitute H-1)**  
**Sponsor: Sen. Patricia L. Birkholz**  
**House Committee: Education**  
**Senate Committee: Education**

### First Analysis (4-11-05)

**BRIEF SUMMARY:** Senate Bill 69 would allow suspended students to attend strict discipline academies (special charter schools) for the duration of their suspensions from their 'home' schools.

**FISCAL IMPACT:** The bill would have no fiscal impact to the state. There may be minimal fiscal impact to a local school district. The transfer of a suspended student to a strict discipline academy could result in a loss of a portion of the foundation allowance to the school district.

### **THE APPARENT PROBLEM:**

The Revised School Code provides for the establishment of strict discipline academies: a form of public school academy, or charter school, whose enrollment is limited to specific categories of students.

Provisions for strict discipline academies were enacted by the legislature in 1999, along with requirements that schools expel students for particular offenses, such as possessing a dangerous weapon in a weapon-free school zone, committing criminal sexual conduct on school grounds, or physically assaulting a school employee (as described in Background Information below). A school board also must suspend or expel a student for physically assaulting another student at school, making a bomb threat directed at a school, or verbally assaulting a school employee.

Strict discipline academies may enroll students who have been expelled under these provisions, whether referred to the academy by other school districts or placed there by a student's parent or guardian.

Since many students are suspended rather than expelled, it has been suggested that enrollment in strict discipline academies should be expanded to accommodate suspended students.

### **THE CONTENT OF THE BILL:**

The bill would amend the Revised School Code to include suspended students among those permitted to attend strict discipline academies.

Currently, a strict discipline academy may only enroll students:

-- placed in the academy by a court or by the Department of Human Services or a county juvenile facility under the direction of a court.

-- expelled under Section 1311(2) (for possession of a dangerous weapon, arson, or criminal sexual conduct).

-- expelled under Section 1311a (for assault against a school employee or a bomb threat), or under another provision of the law.

-- expelled for other reasons and referred to the academy by a student's school and placed in the academy by the student's parent or legal guardian.

Senate Bill 69 would add to this list suspended students who had been referred to an academy by the school and placed there by the student's parent or guardian. However, a suspended student would be allowed to attend the strict discipline academy only for the duration of the suspension.

Under the code, special education students who do not meet the preceding criteria may enroll in a strict discipline academy if the "individualized educational planning committee" recommends the placement. The bill would refer instead to a student's "individualized education program team," as defined in the federal Individuals with Disabilities Education Act (IDEA). (The current term embraces an individualized educational program team as defined in federal law but also refers to planning committees as defined in state rules.)

MCL 380.1311g

***HOUSE COMMITTEE ACTION:***

The House Committee on Education added two amendments to the Senate-passed version of the bill. First, all references to the Family Independence Agency were updated to refer to the Department of Human Services. Second, the bill was amended to specify that a suspended student could attend a strict discipline academy only for the duration if the suspension.

***BACKGROUND INFORMATION:***

The following information, as well as other information in the analysis, was derived from the Senate Fiscal Agency's analysis of the Senate-passed version of the bill dated 2-16-05.

Expulsion or suspension from school. Public Acts 102 and 103 of 1999 amended the Revised School Code to require school boards to expel students for particular offenses.

Under amendments enacted by Public Act 230 of 2000, a school board must either expel or suspend the pupil, in some cases. These provisions are described below.

Section 1310 of the code requires a school board to suspend or expel a pupil for up to 180 school days for committing a physical assault at school against another student. This applies to pupils in grade six or above.

Under Section 1311, a school board must expel a pupil permanently for possessing a dangerous weapon in a weapon free school zone, or committing arson or criminal sexual conduct in a school building or on school grounds. The expelled student is subject to possible reinstatement upon petition to the school board. This section applies regardless of grade level.

Under Section 1311a, if a pupil commits a physical assault at school against a school employee, volunteer, or contractor, the board must expel the pupil permanently, subject to possible reinstatement. This section also requires a school board to suspend or expel a pupil for a period of time determined by the board, if the pupil commits a verbal assault against a school employee, volunteer, or contractor, or if a pupil makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event. Section 1113a applies to pupils in grade six or above.

A student who is expelled "permanently" under Section 1311 or 1311a is expelled from all public schools in this state. If the expelling school district, however, operates or participates in an alternative education program appropriate to individuals expelled under these provisions, the student may be admitted to that program. A permanently expelled student also may be admitted to a strict discipline academy. If the student is not admitted to either an alternative education program or a strict discipline academy, the school district may provide, or arrange for the ISD to provide, appropriate instructional services at home.

Strict discipline academies. Public Act 23 of 1999 added the Safe Schools and Communities Law to the Revised School Code to provide for strict discipline academies. Strict discipline academies are public schools, subject to the supervision of the State Board of Education, and are school districts for purposes of Article IX, Section 11 of the State Constitution (which provides for state school aid). They may not charge tuition, or levy any tax for any purpose. Strict discipline academies are exempt from all taxation on their earnings and property.

One or more individuals or an entity may apply to an authorizing body for a contract to organize and operate a strict discipline academy. Any of the following may act as an authorizing body: the board of a public school district, an intermediate school board, the board of a community college, or the governing body of a state public university. The authorizing body for a strict discipline academy is its fiscal agent and is responsible for overseeing (or contracting with an intermediate school district, community college, or university to oversee) the strict discipline academy.

A strict discipline academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. Except in regard to the types of pupils who may be enrolled, a strict discipline academy must not discriminate in its pupil admission policies or practices on any basis that would be illegal if used by a school district.

According to the statute, strict discipline academies are not intended to enroll or otherwise be used to educate individuals who are committed to a high- or medium-security juvenile facility operated by the Department of Human Services or another state department or agency.

Location of three strict discipline academies. At this time, there are three strict discipline academies in the state: the Outlook Academy, authorized by the Allegan Intermediate School District (ISD); the Blue Water Learning Academy, authorized by the St. Clair ISD; and the Blanche Kelso Bruce Academy, authorized by the Wayne RESA (Regional Education Service Area).

#### **ARGUMENTS:**

##### ***For:***

The requirements for expelling students who commit certain offenses were enacted to address concerns about school violence, an issue that received heightened attention after the school shootings in Littleton, Colorado in April 1999. Although the law mandates that students be permanently expelled for certain offenses and prevents them from being admitted to a public school in this state, it also recognizes that expelled students need to continue their education. To meet this need, the 1999 legislation authorized the creation of strict discipline academies. In some cases, however, a school board has the discretion to suspend rather than expel a pupil for committing an offense. In addition, the Revised School Code allows a school board or school official to either suspend or to expel a student guilty of a gross misdemeanor or persistent disobedience. A board might opt for suspension due to mitigating circumstances, for example, or simply to save the pupil the stigma associated with expulsion.

Because of the discretion afforded local school officials under the law, two students could engage in the same behavior, and one might be suspended while the other is expelled. Although the suspension may last for the balance of the school year, only the expelled student would be eligible for enrollment in a strict discipline academy.

While the focus in 1999 was to create educational opportunity for expelled students, strict discipline academies also may admit court-placed youths and special education pupils whose IDEA plan recommends that placement. By allowing strict discipline academies to enroll suspended pupils as well, the bill would accommodate the needs of more students.

Finally, expanding enrollment at strict discipline academies could make the operation of the academies more economically feasible for intermediate school districts, since a

proportion of a student's state school aid per capita foundation allowance would follow the student to the academy upon enrollment.

***POSITIONS:***

The Department of Education supports the bill. (3-23-05)

Wayne County Regional Education Service Area (RESA) supports the bill. (3-23-05)

The Michigan Small and Rural Schools Association supports the bill. (3-23-05)

The Allegan Intermediate School District supports the bill. (3-23-05)

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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.