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BILL ANALYSIS

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Senate Bill 69 (as enrolled)
Sponsor: Senator Patricia L. Birkholz
Senate Committee: Education
House Committee: Education

PUBLIC ACT 28 of 2005

Date Completed: 9-21-05

RATIONALE

The Revised School Code provides for the establishment of strict discipline academies, which are a form of public school academy (charter school) whose enrollment is limited to specific categories of students. Provisions for strict discipline academies were enacted 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**, below). A school board also must suspend or expel a pupil 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 a pupil who has been expelled under these provisions, or another expelled student referred to a strict discipline academy by his or her school and placed there by the student's parent or guardian. Since many students are suspended, however, rather than expelled, it was suggested that strict discipline academies' enrollment should be expanded to accommodate them.

- Pupils 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.
- Pupils who have been expelled under Section 1311(2) (for possession of a dangerous weapon, arson, or criminal sexual conduct).
- Pupils who have been expelled under Section 1311a (for assault against a school employee, or a bomb threat), or under another provision of the Law.
- Other expelled pupils referred to the academy by a pupil's school and placed in the academy by the pupil's parent or legal guardian.

The bill added to this list pupils who have suspended from school for more than 10 school days and who are referred to an academy by the school and placed there by the pupil's parent or guardian. A suspended pupil may attend a strict discipline academy only for the duration of the suspension.

Under the Code, a strict discipline academy must allow any pupil who was enrolled in it in the immediately preceding school year to enroll in the academy in the appropriate grade level unless that grade is not offered at the academy. Under the bill, this requirement does not apply to a suspended pupil who is attending the academy for the duration of the suspension.

Previously, the Code required a strict discipline academy to be open for enrollment of a special education pupil who did not meet the criteria described above, if his or her "individualized educational planning

CONTENT

The bill amended the Safe Schools and Communities Law (within the Revised School Code) to allow pupils suspended for more than 10 school days to attend strict discipline academies.

Under the Code, a strict discipline academy may enroll one or more of the following types of pupils:

committee” recommended that the pupil be placed in the academy. The bill retains this requirement but refers to a pupil’s “individualized education program team”, as defined in the Federal Individuals with Disabilities Education Act (IDEA). (The former term meant an individualized educational planning committee as defined in the Michigan Administrative Code or an individualized education program team as defined in the IDEA.)

The bill took effect on May 23, 2005.

MCL 380.1311g

BACKGROUND

Expulsion or Suspension

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 intermediate school district (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 ISD, 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.

At this time, there are three strict discipline academies in the State: the Outlook Academy, authorized by the Allegan Intermediate School District; 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

(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

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 also provided for the creation of strict discipline academies for these students. In some cases, however, a school board has the discretion to suspend a pupil, rather than expel him or her, for committing a particular offense. In addition, the Code authorizes a school board or school official either to suspend or to expel a student who is guilty of 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.

Under the law, therefore, if two students engage in the same behavior, one might be suspended while the other is expelled. Although a suspension may last for the balance of the school year, only the expelled student could be admitted to a strict

discipline academy under the original law. The focus in 1999 may have been on creating an educational opportunity for expelled students, but 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 will accommodate the needs of more students. In addition, expanding the enrollment of strict discipline academies might make it more economically feasible for them to operate, if they receive State school aid for suspended pupils.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill will have no fiscal impact on State government.

The bill might have a minimal impact on local school districts that place suspended pupils in a strict discipline academy, in proportion to the length of the suspension, which will equate to a partial foundation allowance.

Fiscal Analyst: Joe 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.