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BILL ANALYSIS

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Senate Bill 69 (as introduced 1-25-05)
Sponsor: Senator Patricia L. Birkholz
Committee: Education

Date Completed: 2-10-05

CONTENT

The bill would amend the Safe Schools and Communities Law within the Revised School Code to include suspended pupils among those permitted to attend strict discipline academies.

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

- Pupils placed in the academy by a court or by the Family Independence Agency (FIA) or a county juvenile facility under the direction of a court.
- Pupils who have been expelled under Section 1311 (for possession of a dangerous weapon, for committing arson, or for committing criminal sexual conduct in a school building or on school grounds).
- Pupils who have been expelled under Section 1311a (for assault against a school employee, or for a bomb threat), or under another section 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 would add to this list suspended pupils who had been referred to the academy by the school and placed there by the pupil's parent or guardian.

Under the Code, a strict discipline academy also must be open for enrollment of a special education pupil who does not meet the preceding requirements, if the pupil's individualized educational planning committee recommends that the pupil be placed in the academy. The bill would refer to a pupil's "individualized education program team", as defined in the Federal Individuals with Disabilities Education Act (IDEA), instead of a pupil's "individualized educational planning committee". (The present term means an individualized educational planning committee as defined in the Michigan Administrative Code *or* an individualized education program team as defined in the IDEA.)

MCL 380.1311g

BACKGROUND

Public Act 23 of 1999 created the Safe Schools and Communities Law to provide for the establishment of strict discipline academies. As other charter schools are, strict discipline academies are public schools, subject to the supervision of the State Board of Education and organized under the Nonprofit Corporation Act. A strict discipline academy may be located

in all or part of an existing public school building and contain any grade up to 12 or any configuration of those grades, including kindergarten and early childhood education.

An authorizing body (the board of a public school district, intermediate school district, community college, or State public university) may issue a contract to a person or entity that applies to operate a strict discipline academy. If the authorizing body does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by the voters of that school district.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would have no fiscal impact on State government.

The bill could result in a minimal impact on local school districts that would place suspended pupils in a strict discipline academy. If these pupils permanently moved to the academy, the district would lose the proportionate amount of foundation allowance for the pupils.

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.