

# Legislative Analysis

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## **STUDENT WITH A DISABILITY; SPECIAL EDUCATION RIGHTS**

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**Senate Bill 730 (Substitute S-1)**  
**Sponsor: Sen. John J. Gleason**  
**House Committee: Education**  
**Senate Committee: Education**

**Complete to 11-26-07**

### **A SUMMARY OF SENATE BILL 730 AS PASSED BY THE SENATE 10-23-07**

The bill would amend the Revised School Code to replace references to a "handicapped person" with "student with a disability," and to state that a section of the code concerning the expulsion or suspension of a pupil would not diminish "any" rights (rather than "due process rights") of a special education pupil under federal law.

The code contains references to a "handicapped person," "handicapped pupil," and "handicapper" in certain definitions and other provisions throughout the code. The bill would replace those terms with "student with a disability."

"Student with a disability" would mean that term as defined in R 340.1702 of the Administrative Code. [There, the term is defined as follows: "A person who is determined by an individualized education program team or a hearing officer to have one or more of specified impairments that necessitate special education or related services, or both, who is not more than 25 years of age as of September 1 of the school year of enrollment, who has not completed a normal course of study, and who has not graduated from high school."]

Under Section 1311 of the Revised School Code, a student 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 action serves the interest of the school. If there is reason to believe the student is handicapped, and the school district had not evaluated the student to determine if he or she was handicapped, then the student must be evaluated immediately. Section 1311 also requires a student to be expelled permanently from a school district if he or she possesses a dangerous weapon in a weapon-free school zone, or commits arson or criminal sexual conduct in a school building or on school grounds.

If a student is expelled under these provisions, Section 1311 allows home instructional services, alternative education, and enrollment in a strict discipline academy, and permits a person to file a petition for reinstatement. The bill would retain all of these provisions.

In addition, the law currently states that Section 1311 does 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. The bill would modify this provision to refer to "any rights," rather than "the due process rights." The bill also would refer to a "student with a disability" rather than "handicapped."

MCL 380.4 et al.

**FISCAL IMPACT:**

The bill would have no fiscal impact.

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