



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 777 and 778 (as introduced 12-7-21)
Sponsor: Senator Aric Nesbitt (S.B. 777)
Senator Winnie Brinks (S.B. 778)
Committee: Education and Career Readiness

Date Completed: 2-1-22

CONTENT

Senate Bill 777 would amend the Revised School Code to do the following:

- **Allow a qualifying strict discipline academy to enroll a pupil who was determined to be eligible for special education and related services, either before or after being referred to the strict discipline academy, among other criteria.**
- **Require a pupil's school to conduct an expedited evaluation of that pupil if he or she were not determined to be eligible for special education and related services before the behavior that precipitated the referral occurred.**
- **Require a strict discipline academy to provide special education and related services to an applicable pupil in accordance with the Individuals with Disabilities Education Act (IDEA).**
- **Specify that the placement of a pupil in a strict discipline academy would be subject to State and Federal special education laws.**
- **Define "qualifying strict discipline academy".**

Senate Bill 778 would amend the Revised School Code to specify that a strict discipline academy would have to measure pupil progress via the Michigan student test of educational progress (M-STEP) or the Michigan merit examination (MME), as applicable, and to modify Michigan Compiled Laws references to incorporate the changes proposed under Senate Bill 777.

The bills are tie-barred.

Senate Bill 777

The Code prohibits a strict discipline academy from discriminating in its pupil admissions policies or practices based on intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a strict discipline academy may limit admission to pupil who are within a range of age or grade level or any other basis that would be *legal* if used by a district.

A strict discipline academy must be established for the purpose of enrolling one or more of the following types of pupils:

- Pupils placed in the strict discipline academy by a court or by the Department of Health and Human Services or a county juvenile agency under the direction of a court.

- Pupil who have been expelled under the provisions of the Code.
- Other pupils who have been expelled from school, or pupils who have been suspended from school for a suspension that is for a period in excess of 10 school days, and who are referred to the strict discipline academy by that pupil's school or placed in the strict discipline academy by the pupil's parent or guardian.

Additionally, a strict discipline academy may allow enrollment of a special education pupil who does not meet the requirements above if the special education pupil's individualized education program team recommends that the pupil be placed in the strict discipline academy, or a pupil who is placed in certain facilities.

Under the bill, in addition to the types of pupils specified above, a strict discipline academy that was a qualifying strict discipline academy could allow enrollment of a pupil to whom all the following applied:

- Before being suspended or expelled, the pupil had been identified by the chief administrator of the pupil's school, after he or she conferred with the pupil's parent or legal guardian, as requiring intense individual intervention designed for a pupil with highly accelerated or severe and persistently challenging academic or nonacademic needs, including tier 3 support based on a multitiered system of supports.
- The pupil was determined to be eligible for special education and related services, *or* the pupil was not determined to be eligible for special education and related services before the behavior that precipitated the referral (described below) occurred, the pupil's school had no basis of knowledge that indicated that the pupil was a child with a disability as prescribed under IDEA.
- The pupil was referred to the strict discipline academy by his or her school.

"Qualifying strict discipline academy" would mean a strict discipline academy that is located in either of the following counties in Michigan:

- A county with a population that was equal to or greater than 600,000 or equal to or less than 700,000.
- A county that is contiguous to a county described above.

If the pupil were not determined to be eligible for special education and related services before the behavior that precipitated the referral occurred, all the following would apply to that type of referral:

- If a request were made for an evaluation of a pupil designed to determine if the pupil was eligible for special education programs and services during the period in which the pupil was subjected to a referral, the pupil's school would have to conduct the evaluation in an expedited manner.
- Until an evaluation was completed, if applicable, the pupil would have to remain in an educational placement determined by the school authorities of the pupil's school, which could include suspension or expulsion without educational services.

If a pupil who was referred to a strict discipline academy enrolled in the strict discipline academy and that pupil was determined to be eligible for special education and related services, or, if following an evaluation, if applicable, and after taking into consideration information provided by the pupil's parent or legal guardian, the pupil was determined to be a child with a disability, the strict discipline academy in which the pupil was enrolled would have to provide special education and related services in accordance with IDEA and applicable Federal regulations.

Under the bill, the placement of a pupil in a strict discipline academy would be subject to State and Federal special education laws.

Senate Bill 778

Generally, Section 1311d of the Code pertains to the organization of a strict discipline academy. Among other requirements, to obtain a contract to organize and operate one or more strict discipline academies, one or more entities may apply to an authorizing body. The Code prescribes the documentation that must be included in the application, which includes a copy of the educational goals of the strict discipline academy and the curricula to be offered and methods of pupil assessment to be used.

Currently, the progress of pupils in the strict discipline academy must be assessed using at least a Michigan Education Assessment Program (MEAP) or an assessment instrument developed under the Code. Under the bill, progress would be assessed by at least the M-STEP or the MME, as applicable.

The application also must include the type of pupils to be enrolled in the strict discipline academy. The bill would amend this provision to incorporate changes proposed under Senate Bill 777.

MCL 380.1311g (S.B. 777)
380.1311d (S.B. 778)

Legislative Analyst: Dana Adams

FISCAL IMPACT

Senate Bill 777

The bill would have no overall fiscal impact on the State but would affect local schools and strict discipline academies. The bill could increase the number of pupils enrolled in strict discipline academies, which would shift funds from the school that originally counted the pupil to the strict discipline academy that enrolled the student. It is currently unknown how many additional pupils might be enrolled in strict discipline academies as a result of the bill.

Senate Bill 778

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Cory Savino

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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.