



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 571 (as reported by the Committee of the Whole)
Sponsor: Senator Wayne Kuipers
Committee: Education

CONTENT

The bill would amend the Revised School Code to state that certain sections concerning the expulsion or suspension of a pupil would not diminish "any" rights (rather than due process rights, as currently provided) of a special education pupil under Federal law.

Under Section 1311 of the Code, a pupil 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 suspension or expulsion serves the interest of the school. A pupil must be expelled permanently from a school district if he or she possesses a dangerous weapon in a weapon-free school zone, commits arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds.

Under Section 1311a, a pupil in 6th grade or above must be expelled permanently if he or she physically assaults a school employee, contract employee, or volunteer engaged by the school board. A pupil in 6th grade or above who verbally assaults a school employee, contract employee, or volunteer is subject to suspension or expulsion from the school district for a period of time determined by the school board or its designee.

These sections also contain provisions concerning alternative education for expelled students, petitions for reinstatement, and other related issues.

The Code states that Sections 1311 and 1311a do 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. Under the bill, these sections would not diminish any rights under Federal law of such a pupil.

The bill also would delete references to a "handicapped" pupil in Section 1311, instead referring to a pupil who is eligible for special education programs and services.

MCL 380.1311 & 380.1311a

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Because this bill simply would align State law with current practice, there would be no fiscal impact on the State or local units of government.

Date Completed: 6-13-07

Fiscal Analyst: Kathryn Summers-Coty

[floor/sb571](#)

Bill Analysis @ www.senate.michigan.gov

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.