



Senate Fiscal Agency  
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## BILL ANALYSIS

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House Bill 5411 (Substitute H-1 as passed by the House)

House Bill 5832 (Substitute H-1 as passed by the House)

Sponsor: Representative Glenn Steil, Jr. (H.B. 5411)

Representative Robert Dean (H.B. 5832)

House Committee: Education

Senate Committee: Education

Date Completed: 11-12-08

**CONTENT**

**House Bill 5411 (H-1) would amend the Revised School Code to require the board of a school district, intermediate school district (ISD), or public school academy (PSA) to do the following:**

- **Ensure that its code of conduct included a description of a pupil's due process rights in permanent expulsion proceedings, and a description of the procedures for a permanent expulsion, including reinstatement.**
- **Provide that information to a pupil and his or her parent or legal guardian at the same time that notice of the charges against the pupil was given.**

**House Bill 5832 (H-1) would amend the Revised School Code to require a board member of a school district, ISD, or PSA to abstain from voting on an expulsion if he or she believed or had reason to believe that he or she had a conflict of interest.**

The two bills are tie-barred to one another. House Bill 5411 (H-1) is described in detail below.

Under the bill, by the beginning of the 2008-2009 school year, the board of a school district, ISD, or PSA would have to ensure that all of the following were included in the code of student conduct required under the Revised School Code:

- A detailed description of the due process rights that must be provided for a pupil or a pupil's parent or legal guardian in permanent expulsion proceedings.
- A detailed description of the school district's, ISD's, or PSA's procedures for a permanent expulsion, including the process for reinstatement under Section 1311(5) or 1311a(5) (described in **BACKGROUND**, below).

If proceedings were initiated to expel a pupil permanently, the board of the district, ISD, or PSA would have to ensure that a copy of the information described above was provided to the pupil and his or her parent or legal guardian at the same time as the notice of the charges against the pupil was provided to the pupil and his or her parent or legal guardian.

The bill states that it would not diminish any rights under Federal law of a pupil who had been determined to be eligible for special education programs and services.

Proposed MCL 380.1312a (H.B. 5411)

Proposed MCL 380.1312b (H.B. 5832)

## **BACKGROUND**

Section 1311 of the Revised School Code requires a school board to expel a pupil from the district permanently 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.

Section 1311a provides for permanent expulsion if a pupil enrolled in grade 6 or above commits a physical or verbal assault at school against a school employee, volunteer, or contract worker, or makes a bomb threat or other similar threat directed at a school building, other school property, or a school-related event.

The parent or legal guardian of an individual expelled under those provisions (or the individual if he or she is at least 18 years of age or an emancipated minor) may petition the expelling school board for reinstatement of the individual to the school district. Within 10 days after receiving a petition for reinstatement, the board must appoint a committee to review the petition and any supporting information submitted. Within 10 days of being appointed, the committee must review the petition and submit a recommendation to the school board on the issue of reinstatement. The recommendation must be for unconditional reinstatement, for conditional reinstatement, or against reinstatement.

By the next regularly scheduled board meeting after receiving the recommendation, the board must make a decision. The decision of the board is final.

If the expelling board denies a petition for reinstatement, the parent or legal guardian (or the individual if he or she is at least 18 or emancipated) may petition another school board for reinstatement of the individual in that other district.

Legislative Analyst: Curtis Walker

## **FISCAL IMPACT**

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

Fiscal Analyst: Kathryn Summers-Coty

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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.