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BILL ANALYSIS



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Senate Bill 208 (as introduced 3-17-15)
Sponsor: Senator Dave Hildenbrand
Committee: Education

Date Completed: 10-13-15

CONTENT

The bill would amend the Revised School Code to do the following:

- Require a school board to expel a pupil in grade six or above who threatened to kill a school employee, volunteer, or contractor.**
- Specify that a school district would not have to spend more money to provide instructional services to a permanently expelled student than the amount of per-pupil payment the school district received under the State School Aid Act.**
- Require a school board to report all threats to kill a school employee, volunteer, or contractor to law enforcement officials and prosecutors.**

The Code requires a school board, or its designee, to expel a pupil enrolled in grade six or above from the school district permanently if he or she commits a physical assault at school against a school employee or an individual engaged as a volunteer or contractor by the school district, and the assault is reported to the school board, school district superintendent, or building principal by the victim, or by another person on the victim's behalf. A district superintendent or building principal who receives such a report must forward it to the school board. Under the bill, those requirements also would apply if a pupil made a threat at school to kill a school employee or an individual engaged as a volunteer or contractor by the school district.

If a pupil enrolled in grade six or above commits a verbal assault at school against a school employee, volunteer, or contractor, and the assault is reported, the school board, or its designee, must suspend or expel the pupil for a period of time as determined by the school board or its designee. Under the bill, this provision would apply to a verbal assault other than a threat to kill.

A pupil who is permanently expelled from a school district is expelled from all public school districts in this State, and the officials of a school district must not allow the expelled individual to enroll in the school district unless he or she has been reinstated, the school district operates or participates cooperatively with an alternative education program, or the pupil is placed in a strict discipline academy. If a permanently expelled individual is not placed in an alternative education program or strict discipline academy, the school district may provide appropriate instruction services to the individual at home. The Code specifies that these provisions do not require a school district to spend more money to provide services for a permanently expelled pupil than the amount of foundation allowance the school district receives for the pupil as calculated under the State School Aid Act. The bill specifies that the school district would not have to spend more money to provide services than the amount of the foundation allowance or per-pupil payment it received.

A school board or its designee must report all physical and verbal assaults to appropriate State or local law enforcement officials and prosecutors as provided in the Statewide School Safety Information Policy under Section 1308 of the Code. Under the bill, this provision also would apply to threats to kill a school employee, volunteer, or contractor. (Section 1308 establishes the Statewide School Safety Information Policy, and requires it, among other things, to identify the types of incidents occurring at school that must be reported to law enforcement and establish procedures to be followed when such an incident occurs.)

MCL 380.1311a

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would result in minimal costs to the Department of Education and would have no net impact on local units, although it could result in positive and negative impacts on individual school districts. The Department would have minimal costs in revising the rules, and a possible slight increase in the number of students who were expelled would require the Department to track more students to alternative education facilities or strict discipline academies. The bill would likely not result in net costs to local schools or additional funds to strict discipline academies. However, if more students were expelled from general public schools under the bill, then the students would have to be put in alternative education facilities or strict discipline academies and the districts would lose the funding for those students as well.

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.