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SAFE SCHOOLS LEGISLATION; DETROIT SCHOOL REFORM BOARD'S CEO

**House Bill 4240 as enrolled
Public Act 102 of 1999
Sponsor: Rep. Clark Bisbee**

**House Bill 4241 as enrolled
Public Act 23 of 1999
Sponsor: Rep. Gerald Van Woerkom**

**Third Analysis (6-29-99)
House Committee: Education
Senate Committee: Education**

THE APPARENT PROBLEM:

Schools should be safe places for teaching and learning. Amid all the disagreements over education policy, there is widespread agreement about that. Teachers should not have to worry about assaults and verbal abuse from their students; students should not stay away from school out of fear for their personal safety. Violence and the threat of violence should not prevent schools from being effective communities of learning. Fear should not permeate school classrooms, playgrounds, and school buses.

During the last session of the legislature, a House Subcommittee on Violence in the Schools conducted hearings around the state for several months, in order to hear firsthand whether citizens have safe schools. At the conclusion of the hearings, the report from the chair of the subcommittee noted:

"Reporting of school violence is not systematic in Michigan, and accurate records of school violence at a statewide level do not exist. Consequently, the committee sought to explore the severity and frequency of school violence, possible causes of incidents that occurred and programs that were already effective in combating the problem. The main goal of the committee's inquiry was to develop legislative solutions that give every school in Michigan the resources and flexibility to directly confront, neutralize and responsibly remove violent students who threaten the safety of students, teachers and school personnel." At the same time, the chair's report says, "The mere removal of violent students from the classroom to the streets puts our communities at greater risk," and suggests that "any effort to reduce

school violence must require the expelled student to attend structured, supervised, disciplinary educational programs that keep students off the street."

The report also noted, "Expanded community policing and enhanced penalties for crimes committed on school property can play an important role in gang deterrence, violence prevention, and making sure students and teachers feel safe. Additionally, communication and sharing of information between law enforcement, the schools, the judiciary, and mental health services must be encouraged and enhanced."

Finally and during Senate deliberations, some argued that an amendment to the Revised School Code was necessary to empower the grid-locked Detroit School Reform Board. Earlier in the new legislative session, a law had been passed to allow the mayor of the City of Detroit to appoint a new school board to set reform policy for the Detroit Public Schools. That law requires the reform board appoint its chief executive officer by a unanimous vote.

To these ends, some have argued that Michigan needs a statewide school safety policy, and that laws are needed to require school districts to expel violent students; to enable school districts to set up charter schools for the education of students who have been expelled for violent behavior; and, to require school districts to form safe school partnerships with law enforcement agencies in their communities. Others also have argued to delete the requirement that appointment of a chief executive officer by a school

reform board be unanimous, and to substitute instead, a requirement that gives more flexibility to the board as it selects its chief executive officer, but that continues to afford the governor oversight of the chief executive officer's performance.

THE CONTENT OF THE BILLS:

House Bill 4240 would amend the Revised School Code to require a school board to implement the Statewide Safe School Information Policy in order to report incidents that threaten school safety, and also to implement an expulsion policy for students who physically assault others while at school. (The expulsion policy for students who assault others would be similar to the existing expulsion policy for students who have weapons in school.) House Bill 4241 also would amend the Revised School Code, to enable chartering of strict discipline public school academies.

House Bills 4240 and 4241 are not tie-barred to each other, however both bills are tie-barred to Senate Bill 183 which allows a teacher to suspend a student for up to one full school day under certain conditions, and to Senate Bill 206 which requires an 180-day expulsion for students in grade six or above who physically or verbally assault a school employee, a volunteer, or a person under contract with the school.

House Bill 4240

House Bill 4240 would amend the Revised School Code (MCL 380.1308, 380.1310 and 380.1310a) to require the superintendent of public instruction, the attorney general, and director of the Department of State Police to adopt and publish a Statewide School Safety Information Policy, and to require a school board to work with local law enforcement agencies and county prosecutors to adapt, adopt, and implement the policy. The policy would establish types of incidents, including physical assaults, to be reported to law enforcement agencies by schools, and it would identify procedures to be followed when a reportable incident occurred at school. Under the bill, "at school" would be defined to mean in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. Further, "physical assault" would be defined to mean intentionally causing or attempting to cause physical harm to another through force or violence.

Statewide School Safety Information Policy. House Bill 4240 would require that not later than 90 days after the effective date of the bill, the superintendent of public instruction, attorney general, and director of the Department of State Police adopt, publish, and then distribute to school boards, county prosecutors, and local law enforcement agencies the Statewide School Safety Information Policy. Within 180 days of the effective date, each school board, county prosecutor, and local law enforcement agency would be required to a) meet and confer on the implementation of the policy, and on any related issues that are unique to the affected locality (the appropriate local law enforcement agencies would be determined locally), and b) begin compliance with the Statewide School Safety Information Policy.

The Statewide School Safety Information Policy would have to identify the types of incidents occurring at school that must be reported to law enforcement agencies, and it would establish procedures to be followed when such incidents occur; it also could address procedures for reporting incidents involving possession of a dangerous weapon. In addition, the Statewide School Safety Information Policy would have to address at least the following:

- * law enforcement protocols and priorities for the reporting process. Protocols would have to be developed with the cooperation of the appropriate state or local law enforcement agency. Law enforcement priorities would have to include at least investigation of incidents, identification of those involved, and assistance in preventing such incidents.
- * definition of the types of incidents requiring reporting to law enforcement and response by law enforcement, taking into account the intent of the actor and the circumstances surrounding the incident.
- * protocols for responding to reportable incidents, addressing at least initial notification and reporting by school officials; the information to be provided by school officials; the initial response by law enforcement and child protection agencies, tailored for, respectively, incidents in progress, incidents not in progress, and incidents involving delayed reporting; and custody of the actors.
- * the amount and nature of assistance to be provided by school officials and the scope of their involvement in law enforcement procedures, including the requirement that school officials notify the parent or

legal guardian of a minor student who was a victim or witness when law enforcement authorities interview the student.

* any other matters that would facilitate reporting of incidents affecting school safety and the exchange of other information affecting school safety.

Incident Reports by School Districts. Under the bill, if school officials of a school district determine that an incident has occurred at school that is required to be reported to law enforcement agencies according to the Statewide School Safety Information Policy, the superintendent of a school district would be required immediately to report to the appropriate state or local law enforcement agency in the manner prescribed in the policy. If provided in the policy, a local law enforcement agency having jurisdiction over a school building would be required to report to the school officials of the school building incidents that allege the commission of a crime and that, according to the incident report, either occurred on school property or within 1,000 feet of the school property, or involved a pupil or staff member of the school as a victim or alleged perpetrator. At the request of a law enforcement agency, school officials would be required to provide an agency with any information the agency needs to provide the report to school officials.

Role of Prosecutor and Courts. In addition, if provided in the Statewide School Safety Information Policy, the county prosecutor would be required to notify a school district of any criminal or juvenile court action initiated or taken against a student of the district, including but not limited to convictions, adjudications, and dispositions. This notification would be made either to the local school district superintendent or to the intermediate superintendent. If the latter, the intermediate superintendent would be required to forward the information to the appropriate local superintendent, and upon receipt of such information, a local superintendent would be required to share the information with appropriate school building personnel. Further, under the bill, prosecutors could inquire of school-age individuals involved in a court action which school district, if any, they attended as students. Finally, if provided for in the Statewide School Safety Information Policy, the appropriate court would be required to inform an appropriate school administrator of the name of the individual assigned to monitor a convicted or adjudicated youth attending a public school and of how that individual may be contacted.

Other Local Agreements. A school board, county prosecutor, and local law enforcement agency could enter into a local agreement or take other measures to facilitate the sharing of school safety information, or to promote school safety, if the agreement or other measures were consistent with the Statewide School Safety Information Policy.

Sharing School Building Blueprints. Under the bill, a school board would be required to cooperate with local law enforcement agencies to ensure that detailed and accurate building plans, blueprints, and site plans, as appropriate for each school building operated by the school board, are provided to the appropriate local law enforcement agency.

Parental Waivers. The bill specifies that reporting of this information by a school district or by school personnel would be subject to the federal Family Educational Rights and Privacy Act of 1974. However, if a pupil is involved in an incident that is reported to law enforcement according to the Statewide School Safety Policy, then upon request by school officials, the parent or legal guardian would be required to execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records concerning the incident.

School Board Expulsion Policy. House Bill 4240 also would require a school board to expel a student who, if enrolled in grade 6 or above, commits a physical assault at school against another pupil and that physical assault is reported to the school board, school district superintendent, or building principal. The expulsion could be for up to 180 school days. A school official who received a report of a physical assault would be required to forward the report to the school board. A school district would not be required to allow an expelled student from another school district to attend school in the school district during the expulsion.

Parental Responsibility and Office of Safe Schools. If an individual were expelled, it would be the parent or guardian's responsibility to locate a suitable educational program and enroll the individual during the expulsion. The Office of Safe Schools in the Department of Education would be required to compile and periodically distribute to school districts information about existing alternative education programs or schools and nonpublic schools that may be open to enrollment of students who are expelled. The bill also would require a school board that

establishes an alternative education program or school to notify the Office of Safe Schools about the program and the kinds of students it serves. The Office of Safe Schools also would be required to provide technical assistance to school districts and to the authorizing bodies for public school academies, and other interested parties in developing alternative education programs in geographic areas that are not being served.

Annual Expelled Students Report. At least annually, each school board would be required to prepare and submit to the superintendent of public instruction (in a form determined by that office), a report stating the number of students expelled from the district during the immediately preceding school year, with a brief description of the incident that caused each expulsion.

Annual School Crime Report. Further, in order to obtain an accurate local and statewide picture of school crime and to develop the partnerships necessary to plan and implement school safety programs, at least annually, each school board would be required to report to the superintendent of public instruction (in a form determined by that office), incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction would be required to consult with local and intermediate school districts and law enforcement officials. The reporting would include at least crimes involving 1) physical violence, 2) gang-related activity, 3) illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, 4) trespassing, and 5) property crimes including but not limited to theft and vandalism. For a property crime, the report would include an estimate of the cost to the school district resulting from the property crime. At least once each semester, each school board would be required to provide a copy of the most recent report to the parent or legal guardian of each pupil enrolled in the school district.

House Bill 4240 specifies that the school crime reporting requirements are intended to do all of the following: a) help policy makers and program designers at the local and state levels to develop appropriate prevention and intervention programs; b) provide the continuous assessment tools needed for revising and refining school safety programs; c) assist schools and school districts to identify the most pressing safety issues confronting their school communities, in order to direct resources appropriately and to enhance campus safety through

prevention and intervention strategies; and d) foster the creation of partnerships among schools, school districts, state agencies, communities, law enforcement, and the media, in order to prevent further crime and violence and to assure a safe learning environment for every student.

House Bill 4241

House Bill 4241 would be known as the Safe Schools and Communities Law. The bill would add provisions to the Revised School Code (MCL 380.1311 et al.) to enable the creation of a strict discipline public school academy. Public school academies are customarily called charter schools. The bill would allow any authorizing body of charter schools (a local school district board, an intermediate school board, a community college board, or a state public university board) to charter a strict discipline public school academy that is organized and administered under the direction of a board of directors as a nonprofit corporation. However, to the extent disqualified under the state or federal constitution, a strict discipline academy could not be organized by a church or other religious organization, and could not have any organizational or contractual affiliation with or constitute a church or other religious organization. Further, a local or intermediate school district board could not charter a strict discipline public school academy outside its district boundaries. A community college board would be subject to that same restriction, and also would be prohibited from chartering a school within the boundaries of a first class school district (Detroit) and would be specifically allowed to charter a school on a federal military installation outside its boundaries under certain circumstances.

Detroit School Reform Board's Chief Executive Officer. As amended by the Senate, the bill would add a new provision to the Revised School Code to require that when a school reform board appoints a chief executive officer, it would have to do so by at least a two-thirds majority vote of the board, and, for the five-year period of the reform board's operation, the majority vote would include the vote of the superintendent of public instruction or his or her designee on the school reform board. [Currently, the Detroit School Reform law, a bill passed earlier in this legislative session to allow the mayor of Detroit to appoint a school board that includes as a member the state superintendent of public instruction to reform the Detroit public schools, requires the appointment of a

chief executive office by a unanimous vote of the board.]

Public School Academy Definition. Under the bill, "public school academy" would mean a public school academy established under Part 6A (the section of the governing public school academies, generally) and, except as used in Part 6A, also includes a strict discipline academy established under the bill.

Academy Application. Under the bill, the application to an authorizing group would be required to include at least all of the following:

- * identification of the applicant for the contract;
- * a list of the proposed members of the board and a description of the qualifications and method for appointment or election;
- * the proposed articles of incorporation, which would have to include the academy's name, purposes and specification that the academy is a governmental entity, name of the authorizing body, the proposed time when the articles of incorporation would be effective, types of pupils to be enrolled, and other matters necessary for the articles of incorporation;
- * a copy of the proposed bylaws;
- * documentation meeting the application requirements of the authorizing body, including at least the academy's governance structure, a copy of the educational goals, the curricula to be offered and methods of assessment (the bill would require MEAP tests or an assessment instrument developed for a state-endorsed high school diploma), an admission policy (and notice to the public), the school calendar and school day schedule, and the age or grade range of pupils to be enrolled;
- * descriptions of staff responsibilities and of the academy's governance structure;
- * identification of the local and intermediate school districts in which the academy will be located;
- * an agreement that the academy will comply with applicable state and federal laws;
- * for school district academies, an assurance that employees of the academy will be covered by the collective bargaining agreements; and,

* a description of and address for the proposed physical plant.

Authorizing Body Oversight. Under House Bill 4241, an authorizing body would be required to oversee academies, or contract with others to do so. If the state board found that an authorizing body was not engaging in appropriate oversight, the state board could suspend the authorizing body's power to issue contracts to new academies. The authorizing body would be prohibited from charging an application or oversight fee that exceeds three percent of the total state school aid of the academy, although other kinds of services could be provided at additional cost. An academy would be presumed to be legally organized if it exercised the franchises and privileges of an academy for at least two years.

Petition. The bill specifies that contracts for academies would have to be issued on a competitive basis. If a school district did not issue a contract, the applicant could petition the school board to place the question on the ballot to be decided by the school electors. The petition would have to contain the same information as the application, be signed by at least 15 percent of the school electors, and be filed with the secretary of the school board. If the board received a petition, it would have to place the question on the ballot at the next annual school election held within 60 days. The bill also specifies that a petition would be subject to the Michigan Election Law and its penalties prescribed for violations of that law.

Department of Education's Role. Within 10 days after issuing a contract for a strict discipline academy, the board of the authorizing body would be required to submit the contract and application to the State Board of Education. An authorizing body would be required to adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors for each academy in its jurisdiction.

Under the bill, the Office of Safe Schools in the Department of Education would be required to compile and periodically make available information about existing alternative education programs or schools and nonpublic schools that may be open to enrollment of expelled students. School boards that established alternative education programs or schools would be required to notify the office and explain the types of students their programs serve.

Academy Contract. The bill requires that a contract to organize and administer an academy contain at least all of the following:

- * the academy's educational goals and the methods by which it will be held accountable;
- * a description of the method to be used to monitor the academy's compliance with applicable law and its performance in meeting its targeted educational objectives;
- * a description for amending the contract during its term;
- * all the matters set forth in the application for the contract;
- * if authorized by a school district, an agreement that employees of the academy will be covered by collective bargaining agreements;
- * procedures and grounds for revoking the contract;
- * a description and address for the physical plant; and,
- * requirements and procedures for financial audits.

Governmental Immunity. House Bill 4241 would require that all strict discipline academies comply with the Open Meetings Act, the Freedom of Information Act, and other applicable laws. The bill also specifies that the academy and its incorporators, board members, officers, employees, and volunteers would have governmental immunity. Further, an authorizing body and its board members, officers, and employees would be immune from civil liability, both personally and professionally, for any acts or omissions in authorizing an academy if the members reasonably believed they acted within their scope of authority.

Taxation. Under the bill, a strict discipline academy would be exempt from all taxation on its earnings and property. However, an academy could not levy property taxes or other taxes for any purpose. An academy could hold its own buildings and real estate. It could proceed under uniform condemnation procedures, but only with the express, written permission of the authorizing body in each instance of condemnation and only after just compensation had been determined and paid. Taxes levied or bonds issued by a school district with a contract to operate an academy could be used to support the operation or facilities of an academy. An academy could be

located in all or part of an existing public school building, but would be required to operate at the single site specified in the application.

Tuition. The bill would prohibit a strict discipline academy from charging tuition, and specify that it could not discriminate in its pupil admission policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, or any other basis that would be illegal if used by a school district. However, an academy could limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

Types of Pupils. A strict discipline academy could only be established to enroll one or more of the following types of pupils:

- * those placed in the academy by a court or by the Family Independence Agency under the direction of a court;
- * those who have been expelled for weapons;
- * those who have been expelled for assault; and,
- * others who have been expelled and referred by a school and placed by a parent or guardian.

In addition to these types of pupils, an academy would be open for enrollment of a special education pupil who does not meet the requirements listed above, if the special education pupil's individualized educational planning committee recommends that the special education pupil be placed in a strict discipline public school academy. (As used in this section, "individualized educational planning committee" means that term as defined in R 340.1701A of the Michigan Administrative Code or an individualized education program team as defined in section 614 of Part B of Title VI of the federal Individuals with Disabilities Education Act.)

A strict discipline public school academy would not be required to keep these kinds of pupils separated from each other. The bill specifies that an academy would not be intended to enroll or otherwise be used to educate individuals who are committed to a high-security or medium-security juvenile facility operated by the Family Independence Agency (FIA), or another state department or agency. Further, the bill specifies that if the FIA, Department of Corrections, or another

state department or agency had custody of or jurisdiction over a child, that state department or agency would have the financial responsibility for educating the child.

Except for a foreign exchange student who is not a United States citizen, a strict discipline academy would be prohibited from enrolling pupils who are not residents of this state. Enrollment would be open to all individuals who reside in this state and who meet the admission policy, or in the instance of academies authorized by bodies with certain geographic boundaries, the academy would be open to all pupils who reside within the geographic boundaries of the authorizing body.

Preschool & K-12 Education Programs. A strict discipline academy would be allowed to include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract, and the authorizing body could approve an amendment of a contract with respect to ages of students or grades offered. The bill was amended to delete language that said, "if specified in its contract, an academy could also operate an adult basic education program, adult high school completion program, or general education development (GED) testing preparation program."

Corporate Rights and Responsibilities. Under the bill, a strict discipline academy could take action to carry out the purposes for which it was incorporated, including:

- * to sue and be sued in its name;
- * to acquire, hold, own, lease, condemn, convey, and otherwise manage real and personal property for educational purposes;
- * to receive and disburse funds for lawful purposes;
- * to enter into binding legal agreements;
- * to incur temporary debt; and,
- * to solicit and accept grants or gifts for educational purposes, and permit the establishment of one or more nonprofit corporations to assist the academy in the furtherance of its public purposes.

Desegregation Orders. If an academy was operated by a school district that is subject to a court desegregation

order, pupil selection at the academy would be subject to that order.

Certificated Teachers. House Bill 4241 would require a strict discipline public school academy to use certificated teachers. However, academies operated by a state public university could use full-time, tenured or tenure-track faculty members as classroom teachers, and academies operated by a community college could use as teachers full-time faculty who have at least 5 years' experience in teaching the particular subject matter they would teach in the academy. Further, either could use noncertificated individuals to teach in any situation in which a school district is permitted to use noncertificated teachers.

Fiscal Agent and Contract Revocation. House Bill 4241 specifies that a strict discipline academy could develop and implement new teaching techniques or methods. However, if it did so, it would be required to report those to the authorizing body and to the State Board of Education. Further, an academy would be allowed to employ or contract with personnel as necessary for operations, with the approval of the authorizing body. Under the bill, the authorizing body would be the fiscal agent for the academy, and state school aid payments would be paid to the authorizing body, and it, in turn, would be required to forward the payments to the academy. The authorizing body would have the responsibility to oversee contract compliance, and it could revoke a contract if one or more of the following occurred:

- * failure to meet the educational goals set forth in the contract;
- * failure to comply with all applicable laws;
- * failure to meet generally accepted public sector accounting principles; or
- * the existence of one or more other grounds for revocation, as specified in the contract.

The decision to revoke a contract would rest solely with the authorizing body, and would not be subject to review by a court or any state agency. Further, an authorizing body that revoked a contract would not be liable for that action to the academy, the public school academy corporation, a pupil of the academy, the parent or guardian of a pupil, or any other person.

Strict Discipline Academy Report. Not later than one year after the effective date of the bill, the State Board

of Education would be required to submit a comprehensive report with findings and recommendations to the House and Senate Committees on Education. The report would evaluate strict discipline public school academies generally, and would contain for each academy a copy of its mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, and number of and comments on supervisory visits by the authorizing body.

BACKGROUND INFORMATION:

Public School Academies for Expelled Students. During the last session of the legislature, Senate Bill 72, a bill to create public school academies for court-placed students, passed the Senate and was referred to the House Education Committee. However, the bill was not enacted into law before the end of the legislative session. In the analysis of Senate Bill 72, dated 2-5-98, the Senate Fiscal Agency notes: "According to the Department of Education, the following three public school academies are operating in the State and focus on educating adjudicated youths: Saginaw Transitional Academy, with 13 students; St. Clair Learning Academy, with 13 students; and, Curtis House Academy, in Frankenmuth, with 20 students. These schools serve students who according to their ages should be in grades nine through 12, but academically may not be performing at those grade levels. Adjudicated and expelled youths often must deal with serious behavioral and social problems that adversely affect their educational progress and can be detrimental to the safety of other students and the school community. Academies can address treatment needs and provide remedial education specifically for these students in programs that often go beyond a traditional public school's scope and resources."

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that House Bill 4240 would cause an indeterminate increase in state costs for the Departments of Education, Attorney General, and State Police. The costs would be associated with the development, publication, and distribution of the Statewide School Safety Information Policy. Further, minimum costs to local units could be incurred for reporting incidents or sharing information.

The House Fiscal Agency further notes that House Bill 4241 requires the Department of Education to collect and distribute data relating to strict discipline

academies. Potentially the Department of Education may have to hire an additional employee (1.0 FTE) to

collect the data and provide technical assistance to districts. The estimated salary and benefits for 1.0 FTE is \$75,000. However, the state would not incur additional costs for pupils enrolled in strict discipline academies, since the costs of these pupils are currently covered in the State School Aid Act. (6-29-99)

ARGUMENTS:

For:

These bills address the subject of school violence. Proponents of school violence-related legislation issued the following remarks in connection with the completion of the work of a special subcommittee of the House Education Committee during the last legislative session:

"Schools should be places of learning, where young people are afforded unlimited opportunities for intellectual, social and personal growth. Schools should be places of enrichment, where educators have the freedom to inspire students to great achievements, both in the classroom and beyond. Violence -- be it real or threatened -- suppresses learning and stifles enrichment. Violence poses the single greatest threat to the mission of Michigan's public schools, and the hopes of Michigan's youth. Threats, intimidation, and violent acts have no place in our classrooms, on our school yards, or in our communities." The statement emphasized the following guiding principles:

-- Zero tolerance for acts of violence should be standard policy in Michigan's schools.

-- Local schools are best suited to judge violent students and punish their actions.

-- Structure and discipline are the best methods of changing the behavior of those students expelled for acts of violence.

-- Punishing the most serious violent crimes committed in our schools requires flexibility for local prosecutors.

-- Preventing violence means early intervention, and responding to the needs of students.

-- Support for local law enforcement is indispensable in preventing school violence and combating juvenile crime in our communities.

-- Coordination between schools, law enforcement, local governments and the state is essential to success.

-- Parents have ultimate responsibility for their children. They have an indisputable role to play both before and after their child is involved in a violent act."

These bills aim to put these principles into practice and provide school officials, law enforcement, social service agencies, parents, and others the tools to engage in collaborative efforts to reduce incidents of violence in the schools.

For:

Many adjudicated youths have special treatment and educational needs that public schools cannot address. In addition, there are few alternative programs for students who have been expelled from a public school for weapons' possession or other offenses under the School Code. While some public school academies already have been established to serve adjudicated youths, the academies are prohibited under the code from restricting enrollment only to these students. These bills would allow for the education of these juveniles in public school academies that limited enrollment solely to these students.

For:

This legislation gives school districts the opportunity to adapt and implement a model Statewide School Safety Information Policy. It also gives school districts the opportunity to set up alternative programs for students who are guilty of violent and assaultive crime. It does not mandate such programs, but instead gives school and community leaders the chance to design a program that works best for their particular community. The legislation ensures funding for alternative programs. By allowing the alternative programs to develop as public school academies (or charter schools), the basic foundation allowance for an expelled school child would be applied to that child's education in the alternative setting.

Response:

This legislation requires local school districts to expel violent students in grade six and above. The expulsion policy is mandatory. And perhaps it should be. However, the legislation does not require school districts to educate the students they expel, and that is this bill's failing. When the decision to educate expelled students is left to the discretion of the school district, some will fail to offer alternative education programs. And, when school districts fail to develop alternative programs, expelled students will suffer

more. Absent an educational program, an expelled student is apt to become more socially isolated from adults who can guide his or her troubled life. The law should require both the expulsion policy and an alternative educational program to help rehabilitate those who are expelled.

Against:

While these bills may be well-intentioned and may contain many useful ideas, it remains the case that school districts by and large already have the ability to carry out programs of this kind. The recent revisions of the main state school law envisioned school districts as having "general powers" to engage in the activities necessary for them to achieve their aims. The policies these bills propose run counter to that philosophy. One might ask, is there really a need for these bills? Has it been demonstrated that local school districts do not have the desire and policy tools to create safe schools? To deal with the problem of school violence and school safety themselves? There may be some isolated instances where school districts have not dealt appropriately with violent acts by students, but should all 555 school districts in Michigan be directed to adopt policies they may not need, or that could, for the most part, be more effectively undertaken voluntarily in the event of need?

Against:

The Revised School Code states that a public school academy is a public school under Article VIII, Section 2 of the State Constitution. This provision requires the legislature to maintain and support a system of free public and secondary schools, and requires every school district to provide for the education of its pupils without discrimination as to religion, creed, race, color, or national origin. It is possible this legislation would be subject to a legal challenge, since a strict discipline public school academy would restrict attendance.

Against:

A Senate amendment to House Bill 4241 would meddle further with decisions that rightfully belong with the Detroit Board of Education, the body that governs the local public schools in the City of Detroit. The provision in question is entirely unrelated to school safety, which was the bill's original purpose. The new provision requires a two-thirds vote of the Detroit reform board in order to select the Detroit school district's chief executive officer. What's more, if this supermajority of the reform board appointed by Detroit's mayor does not include the affirmative vote of the governor's appointee (the state superintendent of

public instruction or his designee), then the decision of the school board would be deemed invalid. Local school boards should be allowed to make local decisions, without extraordinary voting requirements, and without the veto of any one of its members--especially when that person is a non-local appointee of the governor.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.