

COA Opinion: teachers lacked standing and failed to state a claim for expulsion of students where school board determined that students did not commit physical assault.

10. August 2011 By Kristina Araya

In *Lansing Schools Education Assoc v Lansing School District Board of Education*, No. 279895, the Court of Appeals considered whether the plaintiff teachers had standing to bring a declaratory action under MCR 2.605 against the school board. This claim arose after several students threw chairs and other items at the teachers, and the school suspended the students but did not expel them. The teachers claimed that under MCL 380.1311(a)(1), which mandates the expulsion of a student that commits against a physical assault against a school employee, the school board was required to expel the students for assaulting the teacher. The school board claimed that the teachers lacked standing and that the decision of whether a student assaulted a teacher for the purpose of MCL 380.1311 is for the school board alone to decide.

First, the Court of Appeals determined that the teachers lacked standing to claim declaratory relief under MCR 2.605 because there was not an “actual controversy” in this case. The court reasoned that the purpose of declaratory relief is to prevent alleged imminent physical injury, prevent a crime, or give guidance on a contractual issue. None of these purposes would be served in the present case. Furthermore, the Court questioned whether relief could be granted in this case because the students themselves were not a party to the action, and the relief the teachers requested implicated the students’ due process rights and their constitutional right to receive an education.

Second, the Court of Appeals affirmed the trial court’s grant of summary disposition to the school board because the teachers failed to state a claim for which relief could be granted. The Court reasoned that the statute gives the school board the sole discretion to determine whether a physical assault has occurred for the purpose of expulsion. In this case, the school board’s determination that no assaults occurred precluded recovery. The Court noted that the conclusion of whether an assault occurred in this case was a question of law rather than a question of fact, and therefore the Court did not need to assume an assault occurred for the purpose of defendant’s motion for summary disposition.

Third, the Court of Appeals concluded that plaintiffs were not entitled to a writ of mandamus because absent a finding by the school board that a physical assault occurred, the teachers cannot show that they have a clear legal right to the expulsion of students, or that the school board has a clear legal duty to expel the students.

Judge Saad authored the majority opinion, and Judge Beckering wrote a separate [opinion](#) and concurred in result only. Judge Beckering concluded that the majority’s analysis of whether plaintiffs lacked standing was too limited. However, Judge Beckering agreed with the majority’s conclusion that plaintiffs failed to state a claim for which relief could be granted.