

By: Representative Moss

To: Education

HOUSE BILL NO. 705

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE SCHOOL DISTRICTS TO PROVIDE SEPARATE ROOMS IN THE  
3 ALTERNATIVE SCHOOL PROGRAMS FOR STUDENTS IN THE FIFTH AND LOWER  
4 GRADES; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 37-13-92, Mississippi Code of 1972, is  
7 amended as follows:

8 37-13-92. (1) Beginning with the school year 1993-1994, the  
9 school boards of all school districts shall establish, maintain  
10 and operate, in connection with the regular programs of the school  
11 district, an alternative school program for, but not limited to,  
12 the following categories of compulsory-school-age students:

13 (a) Any compulsory-school-age child who has been  
14 suspended for more than ten (10) days or expelled from school,  
15 except for any student expelled for possession of a weapon or  
16 other felonious conduct;

17 (b) Any compulsory-school-age child referred to such  
18 alternative school based upon a documented need for placement in  
19 the alternative school program by the parent, legal guardian or  
20 custodian of such child due to disciplinary problems; and

21 (c) Any compulsory-school-age child referred to such  
22 alternative school program by the dispositive order of a  
23 chancellor or youth court judge, with the consent of the  
24 superintendent of the child's school district.

25 (2) The principal or program administrator of any such  
26 alternative school program shall require verification from the  
27 appropriate guidance counselor of any such child referred to the  
28 alternative school program regarding the suitability of such child

for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district must determine that the written and distributed disciplinary policy of the local district is being followed. The policy shall include standards for:

(a) The removal of a student to an alternative education program that will include a process of educational review to develop the student's individual instruction plan and the evaluation at regular intervals of the student's educational progress; the process shall include classroom teachers and/or other appropriate professional personnel, as defined in the district policy, to ensure a continuing educational program for the removed student;

(b) The duration of alternative placement; and

(c) The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process, as defined in the district policy. Nothing in this paragraph should be defined in a manner to circumvent the principal's or the superintendent's authority to remove a student to alternative education.

(3) Each school district shall provide a separate room or rooms in the alternative school program for students in the fifth and lower grades who are referred to the alternative school program. A student in the fifth or a lower grade in the alternative school program may not be assigned to or allowed to be present in the room or facilities where students in higher grades in the alternative school program are housed.

(4) The local school board or the superintendent shall provide for the continuing education of a student who has been removed to an alternative school program.

(5) A school district, in its discretion, may provide a program of general educational development (GED) preparatory instruction in the alternative school program. However, any GED preparation program offered in an alternative school program must be administered in compliance with the rules and regulations established for such programs under Sections 37-35-1 through 37-35-11 and by the State Board for Community and Junior Colleges.

The school district may administer the General Educational Development (GED) Testing Program under the policies and guidelines of the GED Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.

(6) Any such alternative school program operated under the authority of this section shall meet all appropriate accreditation requirements of the State Department of Education.

(7) The alternative school program may be held within such school district or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate an alternative school program, the school board of a district designated to be the lead district shall serve as the governing board of the alternative school program.

Transportation for students attending the alternative school program shall be the responsibility of the local school district.

The expense of establishing, maintaining and operating such alternative school program may be paid from funds contributed or otherwise made available to the school district for such purpose or from local district maintenance funds.

(8) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive general educational development (GED) preparatory instruction, that the local school board assign the student to a GED preparatory program established under subsection (5) of this section. The minimum guidelines for alternative school programs shall also require the following components:

(a) Clear guidelines and procedures for placement of

students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and general educational development (GED) placement;

(b) Clear and consistent goals for students and parents;

(c) Curricula addressing cultural and learning style differences;

(d) Direct supervision of all activities on a closed campus;

(e) Full-day attendance with a rigorous workload and minimal time off;

(f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;

(g) Continual monitoring and evaluation and formalized passage from one step or program to another;

(h) A motivated and culturally diverse staff;

(i) Counseling for parents and students;

(j) Administrative and community support for the program; and

(k) Clear procedures for annual alternative school program review and evaluation.

(9) On request of a school district, the State Department of Education shall provide the district informational material on developing an alternative school program that takes into consideration size, wealth and existing facilities in determining a program best suited to a district.

(10) Any compulsory-school-age child who becomes involved in any criminal or violent behavior shall be removed from such alternative school program and, if probable cause exists, a case shall be referred to the youth court.

(11) The State Board of Education, in its discretion, may exempt not more than four (4) school district alternative school programs in the state from any compulsory standard of

135 accreditation for a period of three (3) years. During this  
136 period, the State Department of Education shall conduct a study of  
137 all alternative school programs in the state, and on or before  
138 January 1, 2000, shall develop and promulgate accreditation  
139 standards for all alternative school programs, including any  
140 recommendations for necessary legislation relating to such  
141 alternative school programs.

142 SECTION 2. This act shall take effect and be in force from  
143 and after July 1, 1999.