

By: Senator(s) Bean

To: Education

SENATE BILL NO. 2099

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE CATEGORIES OF COMPULSORY-SCHOOL-AGE STUDENTS
3 REQUIRED TO BE ASSIGNED TO ALTERNATIVE SCHOOLS; AND FOR RELATED
4 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 (i) any student expelled for possession of a
16 weapon, * * * felonious conduct or any other violation set forth
17 in Section 37-11-18, Mississippi Code of 1972; (ii) any student
18 who poses a threat to the safety of himself, other students or
19 school employees; or (iii) any student who is disruptive to the
20 educational process;

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

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

29 (2) The principal or program administrator of any such
30 alternative school program shall require verification from the
31 appropriate guidance counselor of any such child referred to the
32 alternative school program regarding the suitability of such child
33 for attendance at the alternative school program. Before a
34 student may be removed to an alternative school education program,
35 the superintendent of the student's school district must determine
36 that the written and distributed disciplinary policy of the local
37 district is being followed. The policy shall include standards
38 for:

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

47 (b) The duration of alternative placement; and

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

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

57 (4) A school district, in its discretion, may provide a
58 program of general educational development (GED) preparatory
59 instruction in the alternative school program. However, any GED
60 preparation program offered in an alternative school program must
61 be administered in compliance with the rules and regulations
62 established for such programs under Sections 37-35-1 through

63 37-35-11 and by the State Board for Community and Junior Colleges.
64 The school district may administer the General Educational
65 Development (GED) Testing Program under the policies and
66 guidelines of the GED Testing Service of the American Council on
67 Education in the alternative school program or may authorize the
68 test to be administered through the community/junior college
69 district in which the alternative school is situated.

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

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

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

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

86 (7) The State Board of Education shall promulgate minimum
87 guidelines for alternative school programs. The guidelines shall
88 require, at a minimum, the formulation of an individual
89 instruction plan for each student referred to the alternative
90 school program and, upon a determination that it is in a student's
91 best interest for that student to receive general educational
92 development (GED) preparatory instruction, that the local school
93 board assign the student to a GED preparatory program established
94 under subsection (4) of this section. The minimum guidelines for
95 alternative school programs shall also require the following
96 components:

97 (a) Clear guidelines and procedures for placement of
98 students into alternative education programs which at a minimum
99 shall prescribe due process procedures for disciplinary and
100 general educational development (GED) placement;

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

103 (c) Curricula addressing cultural and learning style
104 differences;

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

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

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

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

114 (h) A motivated and culturally diverse staff;

115 (i) Counseling for parents and students;

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

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

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

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

129 (10) The State Board of Education, in its discretion, may
130 exempt not more than four (4) school district alternative school

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

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