

By: Senator(s) Ferris

To: Education; Finance

## SENATE BILL NO. 2785

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE SCHOOL BOARDS OF SCHOOL DISTRICTS OPERATING AN  
3 ALTERNATIVE SCHOOL PROGRAM TO RECOMMEND AN AD VALOREM TAX LEVY FOR  
4 CONSTRUCTION, EQUIPPING AND GENERAL SUPPORT OF SUCH ALTERNATIVE  
5 SCHOOL PROGRAM, NOT TO EXCEED FOUR MILLS; TO PROVIDE FOR NOTICE  
6 AND A REFERENDUM ON THE QUESTION OF LEVYING SUCH MILLAGE; TO  
7 DELETE CERTAIN MINIMUM GUIDELINES FOR ALTERNATIVE SCHOOL PROGRAMS;  
8 AND FOR RELATED PURPOSES.

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

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

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

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

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 school board of any school district operating an  
87 alternative school program, and the school boards of any school  
88 districts jointly operating a regional alternative school program,  
89 are expressly authorized and empowered to recommend to the levying  
90 authorities of the municipalities or counties in which the school  
91 district(s) are located, an ad valorem tax levy for the  
92 establishment, construction, equipping, maintenance and support of  
93 such alternative school program. In no case shall such levy  
94 exceed four (4) mills. The school board shall publish notice of  
95 the proposed levy and the purpose thereof once each week for at  
96 least three (3) consecutive weeks in a newspaper having general  
97 circulation in the school district(s) involved, with the first  
98 publication thereof to be made not less than fifteen (15) days

99 prior to the final adoption of the budget by the school board. If  
100 at any time prior to said adoption a petition signed by not less  
101 than twenty percent (20%) or fifteen hundred (1500), whichever is  
102 less, of the qualified electors of the school district involved  
103 shall be filed with the school board requesting that an election  
104 be called on the question of authorizing the alternative school  
105 programs tax levy, then the school board shall, not later than the  
106 next regular meeting, adopt a resolution calling an election to be  
107 held within such school district upon such question. The election  
108 shall be called and held, and notice thereof shall be given, in  
109 the same manner for elections upon the questions of the issuance  
110 of the bonds of school districts, and the results thereof shall be  
111 certified to the school board. The ballot shall contain the  
112 language "For the Alternative School Program Tax Increase" and  
113 "Against the Alternative School Program Tax Increase." If a  
114 majority of the qualified electors of the school district who  
115 voted in such election shall vote in favor of the question, then  
116 the stated increase requested by the school board shall be  
117 approved. No levying authority shall levy a smaller tax millage  
118 for the general support of an alternative school program than was  
119 levied for the previous year unless requested to make such  
120 reduction by the school board(s) of the school district. When a  
121 county or municipality has a general reassessment of property to  
122 increase the ad valorem tax assessments, such levying authority  
123 may reduce the millage for support of such programs, provided that  
124 its aggregate budget for such purposes is not lower than was paid  
125 the previous year. The levy for support of an alternative school  
126 program for any year in any given school district is that  
127 presently prevailing therein unless a change is recommended to the  
128 levying authorities by the school board(s) or by a vote of the  
129 people ascertained in an election called for that purpose by the  
130 levying authorities subsequent to the petition therefor signed by  
131 twenty percent (20%) of the qualified electors of the appropriate  
132 school district.

133       (8) The State Board of Education shall promulgate minimum  
134 guidelines for alternative school programs. The guidelines shall  
135 require, at a minimum, the formulation of an individual  
136 instruction plan for each student referred to the alternative  
137 school program and, upon a determination that it is in a student's  
138 best interest for that student to receive general educational  
139 development (GED) preparatory instruction, that the local school  
140 board assign the student to a GED preparatory program established  
141 under subsection (4) of this section. \* \* \*

142       \* \* \*

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

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

152       (11) The State Board of Education, in its discretion, may  
153 exempt not more than four (4) school district alternative school  
154 programs in the state from any compulsory standard of  
155 accreditation for a period of three (3) years. During this  
156 period, the State Department of Education shall conduct a study of  
157 all alternative school programs in the state, and on or before  
158 January 1, 2000, shall develop and promulgate accreditation  
159 standards for all alternative school programs, including any  
160 recommendations for necessary legislation relating to such  
161 alternative school programs.

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