

By: Moss

To: Education

HOUSE BILL NO. 514

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

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

43 (b) The duration of alternative placement; and

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

50 (3) Each school district shall provide a separate room or
51 rooms in the alternative school program for students in the fifth
52 and lower grades who are referred to the program. A student in
53 the fifth or a lower grade in the alternative school program may

54 not be assigned to or allowed to be present in the room where
55 students in higher grades in the alternative school program are
56 housed.

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

60 (5) A school district, in its discretion, may provide a
61 program of general educational development (GED) preparatory
62 instruction in the alternative school program. However, any GED
63 preparation program offered in an alternative school program must
64 be administered in compliance with the rules and regulations
65 established for such programs under Sections 37-35-1 through
66 37-35-11 and by the State Board for Community and Junior Colleges.
67 The school district may administer the General Educational
68 Development (GED) Testing Program under the policies and
69 guidelines of the GED Testing Service of the American Council on
70 Education in the alternative school program or may authorize the
71 test to be administered through the community/junior college
72 district in which the alternative school is situated.

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

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

82 as the governing board of the alternative school program.
83 Transportation for students attending the alternative school
84 program shall be the responsibility of the local school district.

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

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

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

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

106 (c) Curricula addressing cultural and learning style
107 differences;

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

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

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

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

117 (h) A motivated and culturally diverse staff;

118 (i) Counseling for parents and students;

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

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

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

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

132 (11) The State Board of Education, in its discretion, may
133 exempt not more than four (4) school district alternative school
134 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, 2000.