

By: Senator(s) Walls

To: Education; Juvenile
Justice

SENATE BILL NO. 2804

1 AN ACT TO AMEND SECTION 43-21-621, MISSISSIPPI CODE OF 1972,
2 TO EMPOWER THE YOUTH COURT TO ORDER A PUBLIC SCHOOL TO ENROLL OR
3 REENROLL A CHILD WHO HAS SERVED A DETENTION PERIOD IN A STATE
4 TRAINING FACILITY OR A COUNTY JUVENILE DETENTION CENTER; TO
5 PROVIDE FOR NOTIFICATION OF THE PRINCIPAL AND AUTHORIZE THE
6 PLACEMENT OF THE CHILD IN THE SCHOOLS ALTERNATIVE SCHOOL PROGRAM;
7 TO DELETE CERTAIN PROHIBITIONS AGAINST A YOUTH COURT ORDERING AN
8 EXPELLED STUDENT TO ATTEND SCHOOL; TO AMEND SECTION 37-13-92,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
10 PURPOSES.

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

12 SECTION 1. Section 43-21-621, Mississippi Code of 1972, is
13 amended as follows:

14 43-21-621. (1) The youth court may, in compliance with the
15 laws governing education of children, order any state-supported
16 public school in its jurisdiction after notice and hearing to
17 enroll or reenroll any compulsory-school-age child in school, and
18 further order appropriate educational services. * * * The
19 superintendent of the school district to which such child is
20 ordered may, in his discretion, assign such child to the
21 alternative school program of such school established pursuant to
22 Section 37-13-92, Mississippi Code of 1972. The court shall have
23 jurisdiction to enforce school and education laws. Nothing in
24 this section shall be construed to affect the attendance of a
25 child in a legitimate home instruction program.

26 (2) The youth court may specify the following conditions of
27 probation related to any juvenile ordered to enroll or reenroll in
28 school: That the juvenile maintain passing grades in up to four
29 (4) courses during each grading period and meet with the court

30 counselor and a representative of the school to make a plan for
31 how to maintain those passing grades.

32 (3) If the adjudication of delinquency was for an offense
33 involving a threat to the safety of the juvenile or others and
34 school attendance is a condition of probation, the youth court
35 judge shall make a finding that the principal of the juvenile's
36 school should be notified. If the judge orders that the principal
37 be notified, the youth court counselor shall within five (5) days
38 or before the juvenile begins to attend school, whichever occurs
39 first, notify the principal of the juvenile's school in writing of
40 the nature of the offense and the probation requirements related
41 to school attendance. A principal notified by a juvenile court
42 counselor shall handle the report according to the guidelines and
43 rules adopted by the State Board of Education.

44 (4) The youth court may, in compliance with the laws
45 governing education of children, order any state-supported public
46 school in its jurisdiction after notice and hearing to enroll or
47 reenroll any compulsory-school-age child in school upon release
48 from a state training facility or county juvenile detention
49 facility, and may further order appropriate educational services.
50 Prior to such order, the youth court judge shall make a finding
51 that the principal of the juvenile's school should be notified,
52 and the youth court counselor shall within five (5) days or before
53 the juvenile begins to attend school, whichever occurs first,
54 notify the principal of the juvenile's school in writing of the
55 nature of the offense and the probation requirements related to
56 school attendance. The principal of the school to which such
57 child is order may, in his discretion, assign such child to the
58 alternative school program of such school established pursuant to
59 Section 37-13-92, Mississippi Code of 1972. A principal notified
60 by a juvenile court counselor shall handle the report according to
61 the guidelines and rules adopted by the State Board of Education.

62 (5) The Administrative Office of the Courts shall report to
63 the Legislature on the number of juveniles reported to principals
64 in accordance with this section no later than January 1, 1996.

65 SECTION 2. Section 37-13-92, Mississippi Code of 1972, is
66 amended as follows:

67 37-13-92. (1) Beginning with the school year 1993-1994, the
68 school boards of all school districts shall establish, maintain
69 and operate, in connection with the regular programs of the school
70 district, an alternative school program for, but not limited to,
71 the following categories of compulsory-school-age students:

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

76 (b) Any compulsory-school-age child referred to such
77 alternative school based upon a documented need for placement in
78 the alternative school program by the parent, legal guardian or
79 custodian of such child due to disciplinary problems;

80 (c) Any compulsory-school-age child referred to such
81 alternative school program by the dispositive order of a
82 chancellor or youth court judge * * *; and

83 (d) Any compulsory-school-age child whose presence in
84 the classroom, in the determination of the school superintendent
85 or principal, is a disruption to the educational environment of
86 the school or a detriment to the best interest and welfare of the
87 students and teacher of such class as a whole.

88 (2) The principal or program administrator of any such
89 alternative school program shall require verification from the
90 appropriate guidance counselor of any such child referred to the
91 alternative school program regarding the suitability of such child
92 for attendance at the alternative school program. Before a
93 student may be removed to an alternative school education program,
94 the superintendent of the student's school district must determine

95 that the written and distributed disciplinary policy of the local
96 district is being followed. The policy shall include standards
97 for:

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

106 (b) The duration of alternative placement; and

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

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

116 (4) A school district, in its discretion, may provide a
117 program of general educational development (GED) preparatory
118 instruction in the alternative school program. However, any GED
119 preparation program offered in an alternative school program must
120 be administered in compliance with the rules and regulations
121 established for such programs under Sections 37-35-1 through
122 37-35-11 and by the State Board for Community and Junior Colleges.
123 The school district may administer the General Educational
124 Development (GED) Testing Program under the policies and
125 guidelines of the GED Testing Service of the American Council on
126 Education in the alternative school program or may authorize the

127 test to be administered through the community/junior college
128 district in which the alternative school is situated.

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

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

139 Transportation for students attending the alternative school
140 program shall be the responsibility of the local school district.
141 The expense of establishing, maintaining and operating such
142 alternative school program may be paid from funds contributed or
143 otherwise made available to the school district for such purpose
144 or from local district maintenance funds.

145 (7) The State Board of Education shall promulgate minimum
146 guidelines for alternative school programs. The guidelines shall
147 require, at a minimum, the formulation of an individual
148 instruction plan for each student referred to the alternative
149 school program and, upon a determination that it is in a student's
150 best interest for that student to receive general educational
151 development (GED) preparatory instruction, that the local school
152 board assign the student to a GED preparatory program established
153 under subsection (4) of this section. The minimum guidelines for
154 alternative school programs shall also require the following
155 components:

156 (a) Clear guidelines and procedures for placement of
157 students into alternative education programs which at a minimum
158 shall prescribe due process procedures for disciplinary and
159 general educational development (GED) placement;

- 160 (b) Clear and consistent goals for students and
161 parents;
- 162 (c) Curricula addressing cultural and learning style
163 differences;
- 164 (d) Direct supervision of all activities on a closed
165 campus;
- 166 (e) Full-day attendance with a rigorous workload and
167 minimal time off;
- 168 (f) Selection of program from options provided by the
169 local school district, Division of Youth Services or the youth
170 court, including transfer to a community-based alternative school;
- 171 (g) Continual monitoring and evaluation and formalized
172 passage from one step or program to another;
- 173 (h) A motivated and culturally diverse staff;
- 174 (i) Counseling for parents and students;
- 175 (j) Administrative and community support for the
176 program; and
- 177 (k) Clear procedures for annual alternative school
178 program review and evaluation.

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

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

188 (10) The State Board of Education, in its discretion, may
189 exempt not more than four (4) school district alternative school
190 programs in the state from any compulsory standard of
191 accreditation for a period of three (3) years. During this
192 period, the State Department of Education shall conduct a study of

193 all alternative school programs in the state, and on or before
194 January 1, 2000, shall develop and promulgate accreditation
195 standards for all alternative school programs, including any
196 recommendations for necessary legislation relating to such
197 alternative school programs.

198 SECTION 3. This act shall take effect and be in force from
199 and after July 1, 2001.