HOUSE BILL NO. 1105

AN ACT TO AMEND SECTION 37-35-9, MISSISSIPPI CODE OF 1972, TO CLARIFY THE ADMINISTRATIVE FUNCTIONS OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES RELATING TO THE GED TESTING PROGRAM, TO AUTHORIZE THE BOARD TO SET FEES FOR THE PURPOSE OF SUPPORTING THE ADMINISTRATIVE COSTS OF THE PROGRAM, AND TO DELETE THE AUTHORITY FOR ADMINISTERING THE GED TEST IN THE ALTERNATIVE SCHOOL PROGRAMS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-35-9, Mississippi Code of 1972, is amended as follows:

37-35-9. The State Board for Community and Junior Colleges is authorized to develop and establish general educational development preparatory classes in secondary schools and community and junior colleges and to provide financial assistance from the state for the specific purpose of preparing persons sixteen (16) years of age and older, not enrolled in school or required to be enrolled in school by the Compulsory School Attendance Law (Section 37-13-91) to successfully write the general educational development test and earn a certificate of equivalency which is equivalent to the high school diploma.

The State Board for Community and Junior Colleges is authorized to administer the General Educational Development (GED) Testing Program in accordance with the policies and guidelines of the GED Testing Service of the American Council on Education. The administrative functions of the board relating to the GED Testing Program include the approval of rules and regulations for the administration, scoring, issuing of transcripts and awarding of diplomas for the GED. The board may receive income and set fees for the scoring of tests, issuing of transcripts and issuing of
diplomas in order to adequately administer the GED Testing Program.

This program shall be administered by the State Board for Community and Junior Colleges through the secondary schools and community and junior colleges as the local needs indicate and are practical.

Full and general supervision over the program by the State Board for Community and Junior Colleges shall insure that duplication of effort by secondary schools and community and junior colleges will be eliminated; however, nothing in this section shall be construed to prohibit a school district from implementing a program of general educational development (GED) preparatory instruction.

Adult students for general educational development preparatory classes may be accepted by schools and community and junior colleges from any area of the state provided students are bona fide residents of Mississippi.

Instructors, counselors and supervisors utilized in the teaching of general educational development preparatory classes shall be licensed in the appropriate area as required by the State Board for Community and Junior Colleges.

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

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

(a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;
(b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems;

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

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

(2) The principal or program administrator of any such alternative school program shall require verification from the appropriate guidance counselor of any such child referred to the 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) 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.

(4) 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.

Students in the alternative school program may be administered the GED test through the community or junior college district in which the alternative school is situated.

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

(6) 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.

(7) 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 (4) 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;
ST: GED Testing Program; clarify Community College Board's administrative functions and allow to set fees.

(j) Administrative and community support for the program; and
(k) Clear procedures for annual alternative school program review and evaluation.

(8) 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.

(9) 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.

SECTION 3. This act shall take effect and be in force from and after July 1, 2002.