

By: Representative Warren

To: Education

HOUSE BILL NO. 1105

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

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

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

11 37-35-9. The State Board for Community and Junior Colleges
12 is authorized to develop and establish general educational
13 development preparatory classes in secondary schools and community
14 and junior colleges and to provide financial assistance from the
15 state for the specific purpose of preparing persons sixteen (16)
16 years of age and older, not enrolled in school or required to be
17 enrolled in school by the Compulsory School Attendance Law
18 (Section 37-13-91) to successfully write the general educational
19 development test and earn a certificate of equivalency which is
20 equivalent to the high school diploma.

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



30 diplomas in order to adequately administer the GED Testing
31 Program.

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

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

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

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

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

53 37-13-92. (1) * * * The school boards of all school
54 districts shall establish, maintain and operate, in connection
55 with the regular programs of the school district, an alternative
56 school program for, but not limited to, the following categories
57 of compulsory-school-age students:

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



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

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

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

75 (2) The principal or program administrator of any such
76 alternative school program shall require verification from the
77 appropriate guidance counselor of any such child referred to the
78 alternative school program regarding the suitability of such child
79 for attendance at the alternative school program. Before a
80 student may be removed to an alternative school education program,
81 the superintendent of the student's school district must determine
82 that the written and distributed disciplinary policy of the local
83 district is being followed. The policy shall include standards
84 for:

85 (a) The removal of a student to an alternative
86 education program that will include a process of educational
87 review to develop the student's individual instruction plan and
88 the evaluation at regular intervals of the student's educational
89 progress; the process shall include classroom teachers and/or
90 other appropriate professional personnel, as defined in the
91 district policy, to ensure a continuing educational program for
92 the removed student;

93 (b) The duration of alternative placement; and



94 (c) The notification of parents or guardians, and their
95 appropriate inclusion in the removal and evaluation process, as
96 defined in the district policy. Nothing in this paragraph should
97 be defined in a manner to circumvent the principal's or the
98 superintendent's authority to remove a student to alternative
99 education.

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

103 (4) A school district, in its discretion, may provide a
104 program of general educational development (GED) preparatory
105 instruction in the alternative school program. However, any GED
106 preparation program offered in an alternative school program must
107 be administered in compliance with the rules and regulations
108 established for such programs under Sections 37-35-1 through
109 37-35-11 and by the State Board for Community and Junior Colleges.
110 Students in the alternative school program * * * may be
111 administered the GED test * * * through the community or junior
112 college district in which the alternative school is situated.

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

116 (6) The alternative school program may be held within such
117 school district or may be operated by two (2) or more adjacent
118 school districts, pursuant to a contract approved by the State
119 Board of Education. When two (2) or more school districts
120 contract to operate an alternative school program, the school
121 board of a district designated to be the lead district shall serve
122 as the governing board of the alternative school program.
123 Transportation for students attending the alternative school
124 program shall be the responsibility of the local school district.
125 The expense of establishing, maintaining and operating such
126 alternative school program may be paid from funds contributed or



127 otherwise made available to the school district for such purpose
128 or from local district maintenance funds.

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

140 (a) Clear guidelines and procedures for placement of
141 students into alternative education programs which at a minimum
142 shall prescribe due process procedures for disciplinary and
143 general educational development (GED) placement;

144 (b) Clear and consistent goals for students and
145 parents;

146 (c) Curricula addressing cultural and learning style
147 differences;

148 (d) Direct supervision of all activities on a closed
149 campus;

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

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

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

157 (h) A motivated and culturally diverse staff;

158 (i) Counseling for parents and students;



159 (j) Administrative and community support for the
160 program; and

161 (k) Clear procedures for annual alternative school
162 program review and evaluation.

163 (8) On request of a school district, the State Department of
164 Education shall provide the district informational material on
165 developing an alternative school program that takes into
166 consideration size, wealth and existing facilities in determining
167 a program best suited to a district.

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

172 * * *

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

