

By: Representatives Warren, Reynolds

To: Education

HOUSE BILL NO. 1320

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE SCHOOL SUPERINTENDENTS TO REFER STUDENTS SEEKING  
3 REENROLLMENT IN A PUBLIC SCHOOL, AFTER MULTIPLE EXPULSIONS,  
4 DIRECTLY TO THE ALTERNATIVE SCHOOL PROGRAM; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 37-13-92, Mississippi Code of 1972, is  
8 amended as follows:

9 37-13-92. (1) \* \* \* The school boards of all school  
10 districts shall establish, maintain and operate, in connection  
11 with the regular programs of the school district, an alternative  
12 school program for, but not limited to, the following categories  
13 of compulsory-school-age students:

14 (a) Any compulsory-school-age child who has been  
15 suspended for more than ten (10) days or expelled from school,  
16 except for any student expelled for possession of a weapon or  
17 other felonious conduct under Section 37-11-18;

18 (b) Any compulsory-school-age child who has been  
19 expelled under Section 37-11-18 or 37-11-18.1, or both, on more  
20 than one (1) occasion, who is seeking enrollment after completion  
21 of a period of expulsion, if the placement of the child in the  
22 alternative school program is agreed to by the superintendent of  
23 the school district in which the child is seeking to enroll;

24 (c) Any compulsory-school-age child referred to such  
25 alternative school based upon a documented need for placement in  
26 the alternative school program by the parent, legal guardian or  
27 custodian of such child due to disciplinary problems;



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

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

37           (2) The principal or program administrator of any such  
38 alternative school program shall require verification from the  
39 appropriate guidance counselor of any such child referred to the  
40 alternative school program regarding the suitability of such child  
41 for attendance at the alternative school program. Before a  
42 student may be removed to an alternative school education program,  
43 the superintendent of the student's school district must determine  
44 that the written and distributed disciplinary policy of the local  
45 district is being followed. The policy shall include standards  
46 for:

47           (a) The removal of a student to an alternative  
48 education program that will include a process of educational  
49 review to develop the student's individual instruction plan and  
50 the evaluation at regular intervals of the student's educational  
51 progress; the process shall include classroom teachers and/or  
52 other appropriate professional personnel, as defined in the  
53 district policy, to ensure a continuing educational program for  
54 the removed student;

55           (b) The duration of alternative placement; and

56           (c) The notification of parents or guardians, and their  
57 appropriate inclusion in the removal and evaluation process, as  
58 defined in the district policy. Nothing in this paragraph should  
59 be defined in a manner to circumvent the principal's or the



60 superintendent's authority to remove a student to alternative  
61 education.

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

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

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

81 (6) The alternative school program may be held within such  
82 school district or may be operated by two (2) or more adjacent  
83 school districts, pursuant to a contract approved by the State  
84 Board of Education. When two (2) or more school districts  
85 contract to operate an alternative school program, the school  
86 board of a district designated to be the lead district shall serve  
87 as the governing board of the alternative school program.  
88 Transportation for students attending the alternative school  
89 program shall be the responsibility of the local school district.  
90 The expense of establishing, maintaining and operating such  
91 alternative school program may be paid from funds contributed or



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

94 (7) The State Board of Education shall promulgate minimum  
95 guidelines for alternative school programs. The guidelines shall  
96 require, at a minimum, the formulation of an individual  
97 instruction plan for each student referred to the alternative  
98 school program and, upon a determination that it is in a student's  
99 best interest for that student to receive general educational  
100 development (GED) preparatory instruction, that the local school  
101 board assign the student to a GED preparatory program established  
102 under subsection (4) of this section. The minimum guidelines for  
103 alternative school programs shall also require the following  
104 components:

105 (a) Clear guidelines and procedures for placement of  
106 students into alternative education programs which at a minimum  
107 shall prescribe due process procedures for disciplinary and  
108 general educational development (GED) placement;

109 (b) Clear and consistent goals for students and  
110 parents;

111 (c) Curricula addressing cultural and learning style  
112 differences;

113 (d) Direct supervision of all activities on a closed  
114 campus;

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

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

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

122 (h) A motivated and culturally diverse staff;

123 (i) Counseling for parents and students;



124           (j) Administrative and community support for the  
125 program; and

126           (k) Clear procedures for annual alternative school  
127 program review and evaluation.

128           (8) On request of a school district, the State Department of  
129 Education shall provide the district informational material on  
130 developing an alternative school program that takes into  
131 consideration size, wealth and existing facilities in determining  
132 a program best suited to a district.

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

137           \* \* \*

138           **SECTION 2.** This act shall take effect and be in force from  
139 and after July 1, 2002.

