

By: Senator(s) Smith

To: Education;
Appropriations

SENATE BILL NO. 2738

1 AN ACT TO CREATE THE HIGH-RISK YOUTH EDUCATION AND PUBLIC
 2 SAFETY PLAN FOR FIRST-TIME JUVENILE OFFENDERS AND YOUTHS
 3 TRANSITIONING FROM JUVENILE DETENTION FACILITIES AND PROGRAMS; TO
 4 AUTHORIZE LOCAL SCHOOL DISTRICTS IN COOPERATION WITH LOCAL
 5 JUVENILE AGENCIES TO SUBMIT PLANS TO THE STATE DEPARTMENT OF
 6 EDUCATION FOR HIGH-RISK FIRST-TIME OFFENDER PROGRAM GRANTS AND TO
 7 ESTABLISH STANDARDS FOR SUCH PLANS; TO DEFINE ELIGIBLE
 8 PARTICIPANTS WHO EXHIBIT CERTAIN RISK FACTORS; TO REQUIRE LOCAL
 9 REVENUE MATCH REQUIREMENTS; TO PROVIDE A FUNDING FORMULA FOR
 10 DETERMINING GRANT AMOUNTS UNDER THE PROGRAM; TO AUTHORIZE LOCAL
 11 SCHOOL DISTRICTS IN COOPERATION WITH LOCAL JUVENILE AGENCIES TO
 12 SUBMIT PLANS TO THE STATE DEPARTMENT OF EDUCATION FOR FIRST TIME
 13 PUPILS TRANSITIONING FROM JUVENILE INSTITUTIONS AND ADOLESCENT
 14 OFFENDER PROGRAMS AND TO ESTABLISH STANDARDS FOR SUCH PLANS; TO
 15 DEFINE ELIGIBLE PARTICIPANTS; TO REQUIRE LOCAL REVENUE MATCH
 16 REQUIREMENTS; TO PROVIDE A FUNDING FORMULA FOR DETERMINING GRANT
 17 AMOUNTS UNDER THE PROGRAM; TO PROVIDE FOR EVALUATION AND REPORTS
 18 OF THE PROGRAM; TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF
 19 1972, TO INCLUDE ELIGIBLE PARTICIPANTS IN THE FIRST-TIME JUVENILE
 20 OFFENDERS AND YOUTHS TRANSITIONING FROM JUVENILE DETENTION
 21 FACILITIES PROGRAMS IN THOSE CATEGORIES OF COMPULSORY-SCHOOL-AGE
 22 STUDENTS SERVED BY ALTERNATIVE EDUCATION PROGRAMS; AND FOR RELATED
 23 PURPOSES.

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

25 **SECTION 1.** (1) It is the intent of the Legislature to
 26 establish the High-Risk Youth Education and Public Safety Program
 27 to assist local school districts to implement specialized
 28 prevention and early intervention strategies for youth who are
 29 seriously at risk of becoming chronic, repeat offenders.

30 (2) The Legislature finds and declares all of the following:

31 (a) Recent studies strongly link school failure and
 32 criminal behavior. A majority of first-time referrals to
 33 probation who subsequently became chronic offenders had
 34 significant school problems, including truancy, suspension or
 35 expulsion for behavior problems, or failure of two (2) or more
 36 academic subjects, and were fifteen (15) years of age or younger
 37 at the time of their first probation referral. A cycle is created



38 under which poor school performance contributes to low attendance
39 or disruptive behavior, or both. This, in turn, places
40 unsupervised adolescents on the streets and at greater risk of
41 committing delinquent acts. Early intervention and attention to
42 the unique needs of high-risk youth can reduce the number of
43 delinquent youth in communities.

44 (b) For high-risk youth, the current linkage between
45 education and community programs is highly fragmented and
46 inadequate. A multidisciplinary, collaborative approach that
47 combines education with community services and law enforcement
48 must be comprehensive and family focused. Parental support
49 contributes to the likelihood of academic success and law-abiding
50 behavior.

51 (c) Schools are the logical delivery sites for a
52 multidisciplinary team approach that addresses the unique
53 educational and public safety needs of high-risk youth. A
54 continuum of care that spans prevention, early intervention,
55 treatment and reentry back into the system of school environment
56 is needed.

57 (2) (a) A local school district may establish and maintain
58 a program to serve high-risk youth for the purpose of enhancing
59 educational opportunities and reducing juvenile crime and
60 delinquency. The program may serve high-risk first-time offenders
61 or transitioning high-risk youth, or both. To be eligible to
62 establish and maintain this program, the local superintendent of
63 schools shall develop a comprehensive, multiagency plan to serve
64 the needs of pupils who are eligible to participate in this
65 program.

66 (b) In developing the plan, the local school district
67 shall include participation of other school districts within the
68 county, local government entities, and the community, including,
69 but not limited to, community-based youth development
70 organizations, probation, social service and mental health



71 agencies, civic organizations, the business community, religious
72 groups, parents, city or county law enforcement, the district
73 attorney, the public defender and youth who are representative of
74 those needing services.

75 (c) The local plan shall provide for eligible youth to
76 participate in a structured daily program of at least eight (8)
77 hours' daily duration under the direct supervision; of one or more
78 employees of one or more of the agencies participating in the
79 plan. This program shall also include a minimum of four (4) hours
80 of academic instruction on every school day. Independent study
81 may not be utilized as a means of providing any part of the school
82 day. The local plan shall be jointly approved by the local school
83 board and the chief probation officer.

84 (d) Those local school districts developing plans to
85 serve high-risk first-time offenders pursuant to this section
86 shall also address plans to serve high-risk transitioning youth
87 pursuant to this act. Local school districts may develop plans to
88 serve both youth populations.

89 (3) The State Board of Education, in consultation with the
90 Mississippi Department of Corrections, shall establish minimum
91 standards, funding schedules and procedures for the review and
92 approval of a local plan developed pursuant to this section. The
93 minimum standards established by the State Board of Education for
94 the local plan provided for eligible high-risk first-time
95 offenders and high-risk transitioning youth shall include all of
96 the following:

97 (a) The local plan shall provide eligible participants
98 with a structured daily program of at least eight (8) hours under
99 the direct supervision of one or more employees of one or more of
100 the agencies participating in the plan. This program shall also
101 include a minimum of four (4) hours of academic instruction.
102 Independent study shall not be utilized as a means of providing
103 any part of the school day.



104 (b) Demonstrated ability from local participating
105 agencies to identify and serve eligible youth at the earliest
106 possible age.

107 (c) Demonstrated ability to administer the program.

108 (d) Demonstrated ability to provide effective
109 interventions.

110 (e) Demonstrated ability to report outcome measures
111 specified in this program.

112 (f) Demonstrated commitment of local resources equal
113 to, or greater than, the minimum match requirement specified in
114 this act.

115 (g) Demonstrated commitment from the county probation
116 department for provision of intensive supervision and services for
117 eligible participants.

118 (h) The local plan shall specify how the program
119 provided to eligible participants will supplement, and not
120 supplant, existing programs.

121 (4) The State Superintendent of Education shall review the
122 local plans submitted by local school districts to determine if
123 they meet minimum standards, and shall then rank for possible
124 funding the plans that meet or exceed the minimum standards. If
125 the State Superintendent of Education determines that funds
126 appropriated by the Legislature are insufficient to fund all local
127 plans that have met the minimum standards, the superintendent, in
128 selecting at least three (3) plans to be funded, shall consider
129 the following when determining funding priority:

130 (a) The size of the eligible high-risk youth population
131 that will be served and the proportion of that population not
132 currently being served by similar programs.

133 (b) Demonstrated commitment by the agencies to exceed
134 the minimum program requirements. As part of the plan approval
135 process, the State Superintendent of Education may reduce both the
136 number of youth proposed to be served, in any or all plans, and



137 the funding therefor. Approved plans shall be eligible for
138 funding through this program for five (5) years. After each
139 five-year term, subject to available funding, local school
140 districts may submit a new application containing an updated plan
141 to serve the eligible high-risk youth.

142 (5) An eligible participant shall be a high-risk first-time
143 offender. For purposes of this section, "high-risk first-time
144 offender" means a juvenile fifteen (15) years of age or younger
145 who:

146 (a) Has been declared a ward of the Mississippi
147 Department of Human Services for the first time; or

148 (b) Who has been placed under supervision of the
149 Mississippi Department of Human Services subsequent to his or her
150 first probation referral involving juvenile charges, and who has
151 at least three (3) of the following four (4) risk factors as
152 determined by a probation officer based on the previous
153 twelve-month period:

154 (i) Significant school behavior and performance
155 problems: this means a pattern of multiple occurrences of truancy
156 and missing certain classes, resulting in formal school action, or
157 behavior problems that have resulted in suspension or expulsion.

158 (ii) Significant family problems: this means at
159 least one (1) of the following:

160 1. The minor has an immediate family member
161 or relative, with whom he or she is living and frequently
162 interacting, who has a criminal record, is in jail or prison, or
163 is on probation or parole.

164 2. The minor's family has a prior or pending
165 charge for criminal child abuse, neglect, abandonment or placement
166 in a residential facility.

167 3. The behavior of a parent of the minor
168 indicates a significant lack of supervision or control, as
169 evidenced by one or more of the following conditions:



170 a. Lack of knowledge or concern for the
171 minor's whereabouts or behavior.

172 b. Ineffective monitoring of the minor's
173 friends and activities.

174 c. Refusal to accept responsibility for
175 the minor's criminal behavior or to hold the minor accountable for
176 responsible, age-appropriate behavior at home, at school or in the
177 community.

178 (iii) Substance abuse: this means a documented
179 pattern of abuse of alcohol or illegal drugs by the pupil or the
180 abuse of alcohol or drugs in the pupil's home.

181 (iv) Delinquent behavior: this means a pattern of
182 criminal activity, incorrigibility or gang membership or
183 association.

184 (6) To participate in the program established by this
185 section, a local school district shall assess its need to
186 participate in the High-Risk, First-Time Offenders program by
187 completing, at a minimum, the following activities:

188 (a) Conducting an inventory of existing education,
189 probation, law enforcement, mental health, health, social
190 services, substance abuse prevention and treatment, and youth
191 services resources that specifically serve pupils who are
192 high-risk first-time offenders.

193 (b) A comprehensive countywide identification and
194 prioritization of the neighborhoods, schools and other areas of
195 the community that face a significant public safety risk from
196 juvenile crime and delinquency for the purpose of targeting
197 services to pupils served under this plan.

198 (c) A local plan and budget for improving and
199 marshaling the resources set forth in paragraph (a) to reduce the
200 incidence of juvenile crime and delinquency committed by high-risk
201 first-time offenders. The plan shall specify the role and
202 responsibilities of the county office of education and the school



203 districts that enroll high-risk first-time offenders. The plan
204 shall also specify the role, responsibilities and agreements of
205 other participating agencies. The multiagency plan shall specify
206 strategies for elements of response, including, but not
207 necessarily limited to, all of the following:

208 (i) Individual pupil case management plans,
209 involving the pupil, school-age family members, parents or legal
210 guardians or caregivers, teachers and probation officers that
211 specify academic and behavioral goals and needed services.

212 (ii) Mentoring and structured after school
213 programs in gang abatement, violence reduction, academic
214 enrichment, peer mediation, conflict resolution, victim awareness,
215 victim/offender reconciliation, restitution, community service and
216 cultural awareness.

217 (iii) Comprehensive school-linked counseling
218 services for pupils and families and in-home family-based
219 services.

220 (iv) A parenting education program.

221 (v) School-linked substance abuse treatment and
222 education services.

223 (vi) A comprehensive system of career interest
224 assessment, preemployment skills training, job training,
225 supervised work experience and job placement.

226 (vii) Transportation.

227 (viii) Resources and services for encouraging
228 participants' planning and preparation for higher education
229 options.

230 (d) No less than twenty-five percent (25%) of the costs
231 for the program shall be provided by local resources. Resources
232 may include in kind contributions from participating agencies.

233 (e) The school district shall develop a data and
234 information-sharing system to ensure that the actions identified
235 in subsection (6) are fully coordinated, and to provide data for



236 measuring the success of the local school district in achieving
237 the goals identified in the local action plan.

238 (7) The local school district and county probation
239 department shall identify outcome measures for high-risk
240 first-time offenders participating in the program. These outcome
241 measures shall include, but not necessarily be limited to, all of
242 the following:

243 (a) The annual number of youth court referrals to
244 probation and categories of these referrals of persons while they
245 are participating in the program for a minimum of two (2) years
246 after entry into the program.

247 (b) The annual number of sustained petitions for
248 supervision by the Mississippi Department of Human Services
249 categories of these petitions of persons while they are
250 participating in the program and during the subsequent two (2)
251 years after participating in the program.

252 (c) The State Superintendent of Education, in
253 consultation with the Mississippi Department of Corrections and
254 local school districts, shall develop by December 1, 2003,
255 consistent measures for determining the outcomes for the
256 following:

257 (i) Attendance.

258 (ii) Suspensions and expulsions.

259 (iii) Academic performance and achievement.

260 (8) (a) The minimum school day for pupils enrolled in a
261 program under this section is two hundred forty (240) minutes of
262 instruction. To be eligible for state funding, the pupils'
263 attendance is required to be under the immediate supervision and
264 control of a certificated employee of the school district
265 reporting the pupils' attendance for state funding.

266 (b) Notwithstanding any other provision of law, a pupil
267 enrolled in a program under this section may not generate more
268 than one (1) day of attendance credit in a calendar day in a



269 program authorized by this section, plus not more than one (1) day
270 of attendance in one (1) other program.

271 (c) For the purposes of calculating the additional
272 funding provided to a school district pursuant to this section
273 only, attendance in the program under this section shall be
274 reported in clock hours. Attendance of less than five (5) clock
275 hours in a school day shall be disregarded for purposes of state
276 funds. Five (5) clock hours of attendance in one (1) school day
277 shall be deemed to be one-half (1/2) day of attendance, and six
278 (6) clock hours or more of attendance in one (1) school day shall
279 be deemed to be one (1) day of attendance.

280 (d) Independent study may not be utilized as a means of
281 providing any part of the minimum instructional day.

282 (9) (a) In addition to funds allowed from the Mississippi
283 Adequate Education Program and from all other sources and subject
284 to appropriation therefor by the Legislature, the State Department
285 of Education shall apportion to each school district that operates
286 a program under this section Three Thousand Dollars (\$3,000.00)
287 per year for each unit reported for pupil attendance in a program
288 under this section.

289 (b) Subject to the requirement of twenty-five percent
290 (25%) local match, the State Department of Education shall
291 apportion to each school district that operates a program under
292 this section a sum equal to Five Dollars (\$5.00), multiplied by
293 the total of the number of hours each school day that follow
294 completion of the full instructional day, not to exceed six (6)
295 hours per school day, that each high-risk first-time offender
296 pupil receives services, as specified in the individual case
297 management plan when those services are provided by one or more
298 employees of one or more of the agencies that are parties to the
299 approved plans.

300 (c) Subject to the requirement of twenty-five percent
301 (25%) local match, the State Department of Education shall



302 apportion, to each school district that operates a program under
303 this section on days other than school days, a sum equal to Five
304 Dollars (\$5.00), multiplied by the total of the number of hours,
305 not to exceed ten (10) hours per calendar day that is not a school
306 day that each high-risk first-time offender pupil receives
307 services, as specified in the individual case management plan when
308 those services are provided by one or more employees of one or
309 more of the agencies that are parties to the approved plans.

310 (d) Pursuant to paragraph (b) or (c) a school district
311 shall receive an apportionment only for days on which a high-risk
312 first-time offender pupil was required to attend any specified
313 setting or settings in which services are provided for a total of
314 at least eight (8) hours each day as specified in his or her
315 individual case management plan.

316 (e) The funds provided under this section shall be used
317 only for the purpose of implementing the plans determined to be
318 eligible for funding by the State Superintendent of Education and
319 a school district implementing a plan pursuant to this section may
320 use funds apportioned pursuant to this section to provide for the
321 services of probation officers.

322 (f) A pupil's eligibility to attend the program for
323 high-risk first-time offenders shall cease on the second
324 anniversary of his or her first day of attendance in the program.

325 (g) A school district that operates a program under
326 this section shall not be eligible to receive an apportionment
327 pursuant to this section in excess of the product of the average
328 number of pupils, per calendar day between July 1 and June 30,
329 inclusive, enrolled to receive services in a program for high-risk
330 first-time offenders, multiplied by Six Thousand Dollars
331 (\$6,000.00).

332 (10) By May 1 of each year, each school district shall
333 notify the State Superintendent of Education whether the school
334 district intends to participate in a program authorized by this



335 section. By June 1 of each year, the State Superintendent of
336 Education shall determine the maximum number of funds as
337 calculated pursuant to this section that each participating school
338 district may claim for the following fiscal year for pupils
339 enrolled in a program authorized by this section.

340 **SECTION 2.** (1) An eligible participant shall be a
341 transitioning high-risk youth. For purposes of this section,
342 "transitioning high-risk youth" means a juvenile who is committed
343 to a state juvenile detention facility, an adolescent offender
344 program (AOP), wilderness camp program or other local supervised
345 programs by a youth court judge for not less than a combined total
346 of six (6) months, and who subsequently enrolls in a public school
347 that he or she attends on a full-time basis. Eligible youths
348 shall be assessed as having a high risk of reoffending based upon
349 a validated risk and needs assessment tool.

350 (2) To participate in the program established by this
351 section, a school district shall develop a comprehensive,
352 multiagency plan for pupils transitioning from such juvenile
353 institutions and programs. The plan shall specify the role,
354 responsibilities and agreements of the participating agencies.
355 The plan shall identify specific transition and aftercare services
356 to be provided by a multidisciplinary team for eligible pupils who
357 are released from the juvenile detention institutions and programs
358 and who are subsequently enrolled in full-time programs of
359 education in a public school. The plan shall include all of the
360 following:

361 (a) Prerelease and preparatory planning activities
362 during the confinement phase of youth corrections.

363 (b) Structured transitioning involving the
364 participation of residential, institutional and aftercare staffs
365 both before and following community reentry.



366 (c) Long-term reintegrative activities to ensure
367 adequate service delivery and the required level of social
368 control.

369 (d) The plan shall also include all of the following:

370 (i) An inventory of existing education, probation,
371 law enforcement, mental health, health, social services, substance
372 abuse prevention and treatment and youth services resources,
373 including employment-related resources, that specifically target
374 pupils transitioning from eligible institutional settings to
375 county community schools or day centers.

376 (ii) A comprehensive countywide identification and
377 prioritization of the neighborhoods, schools and other areas of
378 the community that face a significant public safety risk from
379 juvenile crime and delinquency for the purpose of targeting
380 services to pupils served under this plan.

381 (iii) A school district local plan and budget for
382 improving and marshaling the resources to reduce the incidence of
383 juvenile crime committed by pupils who are released from juvenile
384 institutions. The multiagency plan shall be based on each of the
385 following principles:

386 1. The overall aftercare function shall
387 ensure the inclusion of staff and programs across the entire
388 continuum from the point of judicial commitment and residential
389 placement to the termination of community supervision.

390 2. The network of community-based services
391 shall be designed to respond comprehensively to the deficits and
392 needs of chronic, multiproblem delinquents.

393 3. The framework for case management shall
394 ensure continuity of supervision and service delivery that matches
395 clients with appropriate interventions and brings the most
396 objective procedures to inform decision making in the areas of
397 risk and need.



398 (iv) The comprehensive multiagency plan shall
399 specify strategies for elements of response, including, but not
400 necessarily limited to, all of the following:

401 1. Individual pupil prerelease planning that
402 occurs during the pupil's confinement and case management plans
403 involving pupils, parents or legal guardians or caregivers,
404 teachers and probation officers that specify academic and
405 behavioral goals and needed services.

406 2. Mentoring and structured after school
407 programs in gang abatement, violence reduction, academic
408 enrichment, peer mediation, conflict resolution, victim awareness,
409 victim/offender reconciliation, restitution, community service and
410 cultural awareness.

411 3. School-linked comprehensive counseling
412 services and other appropriate services for pupils and families.

413 4. School-linked substance abuse treatment
414 and education services.

415 5. A comprehensive system of career interest
416 assessment, preemployment skills training, job training,
417 supervised work experience and job placement.

418 6. Resources and services for encouraging
419 participants' preparation for, and matriculation into, higher
420 education options.

421 7. Transportation.

422 8. A parenting education program.

423 (e) No less than twenty-five percent (25%) of the costs
424 for the program shall be defrayed with local resources which may
425 include in kind contributions from participating agencies.

426 (f) A participating school district shall develop a
427 data and information sharing system to ensure that the actions
428 identified in the local plan are fully coordinated, and to provide
429 data for measuring the success of the school district in achieving
430 the goals in its plan.



431 (3) The school district and probation department shall
432 identify outcome measures that shall include, but not necessarily
433 be limited to, all of the following:

434 (a) The annual number of referrals to probation while
435 participating in the program and during the subsequent two (2)
436 years after participating in the program.

437 (b) The annual number of sustained petitions for
438 suspension while participating in the program and during the
439 subsequent two (2) years after participating in the program.

440 (c) The number of subsequent commitments to local,
441 state or adult correctional institutions.

442 (d) The State Superintendent of Education, in
443 consultation with the Mississippi Department of Corrections and
444 local school districts, shall develop by December 1, 2003,
445 consistent measures for determining the outcomes for the
446 following:

447 (i) Attendance.

448 (ii) Suspensions and expulsions.

449 (iii) Academic performance and achievement.

450 (iv) Placement in job training programs, paid
451 employment and institutions of higher learning.

452 (4) State funding, minimum school day requirements, minimum
453 instructional time requirements, after-school program allotments,
454 total grant limitations and all timely and grant criteria for
455 school districts to be eligible for transitioning high-risk youth
456 and grants under this section, shall be consistent with the
457 provisions of the high-risk first-time offender program specified
458 in Section 1 of this act.

459 **SECTION 3.** (1) The State Department of Education, in
460 collaboration with the Department of Corrections, shall create an
461 evaluation design for the program that will assess the
462 effectiveness of program implementation and operation.
463 Participating school districts shall collect and report outcome



464 measure data to the State Department of Education and any other
465 data to indicate the effect of intervention strategies and program
466 operations on the risk factors used to identify the high-risk
467 youth. The State Superintendent of Education shall annually
468 summarize the data reported, and shall also develop an analysis of
469 the program and suggest recommendations in a report to be
470 submitted to the Legislature on or before December 1, annually.

471 **SECTION 4.** Section 37-13-92, Mississippi Code of 1972, is
472 amended as follows:

473 37-13-92. (1) Beginning with the school year 1993-1994, the
474 school boards of all school districts shall establish, maintain
475 and operate, in connection with the regular programs of the school
476 district, an alternative school program for, but not limited to,
477 the following categories of compulsory-school-age students:

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

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

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

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

495 (e) Any eligible participant in an approved First-time
496 Juvenile Offender Program or First-time Pupils Transitioning from



497 Juvenile Institutions and Adolescent Offender Program operated by
498 a local school district in conjunction with local juvenile
499 authorities as provided under Senate Bill No. 2738, 2002 Regular
500 Session.

501 (2) The principal or program administrator of any such
502 alternative school program shall require verification from the
503 appropriate guidance counselor of any such child referred to the
504 alternative school program regarding the suitability of such child
505 for attendance at the alternative school program. Before a
506 student may be removed to an alternative school education program,
507 the superintendent of the student's school district must determine
508 that the written and distributed disciplinary policy of the local
509 district is being followed. The policy shall include standards
510 for:

511 (a) The removal of a student to an alternative
512 education program that will include a process of educational
513 review to develop the student's individual instruction plan and
514 the evaluation at regular intervals of the student's educational
515 progress; the process shall include classroom teachers and/or
516 other appropriate professional personnel, as defined in the
517 district policy, to ensure a continuing educational program for
518 the removed student;

519 (b) The duration of alternative placement; and

520 (c) The notification of parents or guardians, and their
521 appropriate inclusion in the removal and evaluation process, as
522 defined in the district policy. Nothing in this paragraph should
523 be defined in a manner to circumvent the principal's or the
524 superintendent's authority to remove a student to alternative
525 education.

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



529 (4) A school district, in its discretion, may provide a
530 program of general educational development (GED) preparatory
531 instruction in the alternative school program. However, any GED
532 preparation program offered in an alternative school program must
533 be administered in compliance with the rules and regulations
534 established for such programs under Sections 37-35-1 through
535 37-35-11 and by the State Board for Community and Junior Colleges.
536 The school district may administer the General Educational
537 Development (GED) Testing Program under the policies and
538 guidelines of the GED Testing Service of the American Council on
539 Education in the alternative school program or may authorize the
540 test to be administered through the community/junior college
541 district in which the alternative school is situated.

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

545 (6) The alternative school program may be held within such
546 school district or may be operated by two (2) or more adjacent
547 school districts, pursuant to a contract approved by the State
548 Board of Education. When two (2) or more school districts
549 contract to operate an alternative school program, the school
550 board of a district designated to be the lead district shall serve
551 as the governing board of the alternative school program.
552 Transportation for students attending the alternative school
553 program shall be the responsibility of the local school district.
554 The expense of establishing, maintaining and operating such
555 alternative school program may be paid from funds contributed or
556 otherwise made available to the school district for such purpose
557 or from local district maintenance funds.

558 (7) The State Board of Education shall promulgate minimum
559 guidelines for alternative school programs. The guidelines shall
560 require, at a minimum, the formulation of an individual
561 instruction plan for each student referred to the alternative



562 school program and, upon a determination that it is in a student's
563 best interest for that student to receive general educational
564 development (GED) preparatory instruction, that the local school
565 board assign the student to a GED preparatory program established
566 under subsection (4) of this section. The minimum guidelines for
567 alternative school programs shall also require the following
568 components:

569 (a) Clear guidelines and procedures for placement of
570 students into alternative education programs which at a minimum
571 shall prescribe due process procedures for disciplinary and
572 general educational development (GED) placement;

573 (b) Clear and consistent goals for students and
574 parents;

575 (c) Curricula addressing cultural and learning style
576 differences;

577 (d) Direct supervision of all activities on a closed
578 campus;

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

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

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

586 (h) A motivated and culturally diverse staff;

587 (i) Counseling for parents and students;

588 (j) Administrative and community support for the
589 program; and

590 (k) Clear procedures for annual alternative school
591 program review and evaluation.

592 (8) On request of a school district, the State Department of
593 Education shall provide the district informational material on
594 developing an alternative school program that takes into



595 consideration size, wealth and existing facilities in determining
596 a program best suited to a district.

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

601 (10) The State Board of Education, in its discretion, may
602 exempt not more than four (4) school district alternative school
603 programs in the state from any compulsory standard of
604 accreditation for a period of three (3) years. During this
605 period, the State Department of Education shall conduct a study of
606 all alternative school programs in the state, and on or before
607 January 1, 2000, shall develop and promulgate accreditation
608 standards for all alternative school programs, including any
609 recommendations for necessary legislation relating to such
610 alternative school programs.

611 **SECTION 5.** This act shall take effect and be in force from
612 and after July 1, 2002.

