

By: Representative Moss

To: Education;
Appropriations

HOUSE BILL NO. 49

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE SCHOOL DISTRICTS TO PROVIDE SEPARATE ROOMS IN THE
3 ALTERNATIVE SCHOOL PROGRAMS FOR STUDENTS IN THE FIFTH AND LOWER
4 GRADES; AND FOR RELATED PURPOSES.

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

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

8 37-13-92. (1) * * * The school boards of all school
9 districts shall establish, maintain and operate, in connection
10 with the regular programs of the school district, an alternative
11 school program for, but not limited to, the following categories
12 of compulsory-school-age students:

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

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

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

25 (d) Any compulsory-school-age child whose presence in
26 the classroom, in the determination of the school superintendent
27 or principal, is a disruption to the educational environment of



28 the school or a detriment to the best interest and welfare of the
29 students and teacher of such class as a whole.

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

40 (a) The removal of a student to an alternative
41 education program that will include a process of educational
42 review to develop the student's individual instruction plan and
43 the evaluation at regular intervals of the student's educational
44 progress; the process shall include classroom teachers and/or
45 other appropriate professional personnel, as defined in the
46 district policy, to ensure a continuing educational program for
47 the removed student;

48 (b) The duration of alternative placement; and

49 (c) The notification of parents or guardians, and their
50 appropriate inclusion in the removal and evaluation process, as
51 defined in the district policy. Nothing in this paragraph should
52 be defined in a manner to circumvent the principal's or the
53 superintendent's authority to remove a student to alternative
54 education.

55 (3) Each school district shall provide a separate room or
56 rooms in the alternative school program for students in the fifth
57 and lower grades who are referred to the program. A student in
58 the fifth or a lower grade in the alternative school program may
59 not be assigned to or allowed to be present in the room where



60 students in higher grades in the alternative school program are
61 housed.

62 (4) 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 (5) 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 or junior college
77 district in which the alternative school is situated.

78 (6) 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 (7) 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 (8) 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 (5) 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 (9) 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 (10) 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, 2003

