HOUSE BILL NO. 49

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

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

SECTION 1. 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) Each school district shall provide a separate room or
rooms in the alternative school program for students in the fifth
and lower grades who are referred to the program. A student in
the fifth or a lower grade in the alternative school program may
not be assigned to or allowed to be present in the room where
students in higher grades in the alternative school program are housed.

[4] 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.

[5] 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. The school district may administer the General Educational Development (GED) Testing Program under the policies and guidelines of the GED Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community or junior college district in which the alternative school is situated.

[6] Any such alternative school program operated under the authority of this section shall meet all appropriate accreditation requirements of the State Department of Education.

[7] 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.

[8] 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 (5) 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;
(j) Administrative and community support for the program; and

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

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.

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 2. This act shall take effect and be in force from and after July 1, 2003