

By: Representative Pierce

To: Education

HOUSE BILL NO. 657  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972,  
2 AS AMENDED BY SENATE BILL NO. 2969, REGULAR SESSION 2004 AND  
3 SENATE BILL NO. 3016, REGULAR SESSION 2004, TO AUTHORIZE LOCAL  
4 SCHOOL BOARDS TO EXPEND FEDERAL NO CHILD LEFT BEHIND ACT FUNDS TO  
5 PAY FOR TRAINING, INCENTIVES AND SALARY SUPPLEMENTS TO SCHOOL  
6 DISTRICT EMPLOYEES IN COMPLIANCE WITH FEDERAL LAW; TO AUTHORIZE  
7 LOCAL SCHOOL BOARDS TO EXPEND FUNDS TO REIMBURSE LICENSED SCHOOL  
8 DISTRICT EMPLOYEES FOR RELOCATION EXPENSES FOR MOVING INTO THE  
9 DISTRICT FOR EMPLOYMENT PURPOSES; TO AUTHORIZE LOCAL SCHOOL BOARDS  
10 TO EXPEND FUNDS TO REIMBURSE LICENSED INDIVIDUALS FOR INTERVIEWING  
11 EXPENSES; TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO CONDUCT  
12 INDEPENDENT MANAGEMENT AND EFFICIENCY REVIEWS; TO CODIFY SECTION  
13 37-15-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL  
14 DISTRICTS TO ESTABLISH DUAL ENROLLMENT PROGRAMS ALLOWING CERTAIN  
15 HIGH SCHOOL STUDENTS TO ENROLL IN STATE INSTITUTIONS OF HIGHER  
16 LEARNING AND TO ESTABLISH STANDARDS FOR SUCH PROGRAMS; TO PROVIDE  
17 THAT TUITION COSTS SHALL BE PAID FROM PRIVATE SOURCES; TO AMEND  
18 SECTION 37-13-92, MISSISSIPPI CODE OF 1972, TO CLARIFY THE  
19 OPERATION OF ALTERNATIVE SCHOOL PROGRAMS BY SCHOOL DISTRICTS; AND  
20 FOR RELATED PURPOSES.

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

22 **SECTION 1.** Section 37-7-301, Mississippi Code of 1972, as  
23 amended by Senate Bill No. 2969, Regular Session 2004 and Senate  
24 Bill No. 3016, Regular Session 2004, is amended as follows:

25 37-7-301. The school boards of all school districts shall  
26 have the following powers, authority and duties in addition to all  
27 others imposed or granted by law, to wit:

28 (a) To organize and operate the schools of the district  
29 and to make such division between the high school grades and  
30 elementary grades as, in their judgment, will serve the best  
31 interests of the school;

32 (b) To introduce public school music, art, manual  
33 training and other special subjects into either the elementary or  
34 high school grades, as the board shall deem proper;

35           (c) To be the custodians of real and personal school  
36 property and to manage, control and care for same, both during the  
37 school term and during vacation;

38           (d) To have responsibility for the erection, repairing  
39 and equipping of school facilities and the making of necessary  
40 school improvements;

41           (e) To suspend or to expel a pupil or to change the  
42 placement of a pupil to the school district's alternative school  
43 or home-bound program for misconduct in the school or on school  
44 property, as defined in Section 37-11-29, on the road to and from  
45 school, or at any school-related activity or event, or for conduct  
46 occurring on property other than school property or other than at  
47 a school-related activity or event when such conduct by a pupil,  
48 in the determination of the school superintendent or principal,  
49 renders that pupil's presence in the classroom a disruption to the  
50 educational environment of the school or a detriment to the best  
51 interest and welfare of the pupils and teacher of such class as a  
52 whole, and to delegate such authority to the appropriate officials  
53 of the school district;

54           (f) To visit schools in the district, in their  
55 discretion, in a body for the purpose of determining what can be  
56 done for the improvement of the school in a general way;

57           (g) To support, within reasonable limits, the  
58 superintendent, principal and teachers where necessary for the  
59 proper discipline of the school;

60           (h) To exclude from the schools students with what  
61 appears to be infectious or contagious diseases; provided,  
62 however, such student may be allowed to return to school upon  
63 presenting a certificate from a public health officer, duly  
64 licensed physician or nurse practitioner that the student is free  
65 from such disease;

66 (i) To require those vaccinations specified by the  
67 State Health Officer as provided in Section 41-23-37, Mississippi  
68 Code of 1972;

69 (j) To see that all necessary utilities and services  
70 are provided in the schools at all times when same are needed;

71 (k) To authorize the use of the school buildings and  
72 grounds for the holding of public meetings and gatherings of the  
73 people under such regulations as may be prescribed by said board;

74 (l) To prescribe and enforce rules and regulations not  
75 inconsistent with law or with the regulations of the State Board  
76 of Education for their own government and for the government of  
77 the schools, and to transact their business at regular and special  
78 meetings called and held in the manner provided by law;

79 (m) To maintain and operate all of the schools under  
80 their control for such length of time during the year as may be  
81 required;

82 (n) To enforce in the schools the courses of study and  
83 the use of the textbooks prescribed by the proper authorities;

84 (o) To make orders directed to the superintendent of  
85 schools for the issuance of pay certificates for lawful purposes  
86 on any available funds of the district and to have full control of  
87 the receipt, distribution, allotment and disbursement of all funds  
88 provided for the support and operation of the schools of such  
89 school district whether such funds be derived from state  
90 appropriations, local ad valorem tax collections, or otherwise;

91 (p) To select all school district personnel in the  
92 manner provided by law, and to provide for such employee fringe  
93 benefit programs, including accident reimbursement plans, as may  
94 be deemed necessary and appropriate by the board;

95 (q) To provide athletic programs and other school  
96 activities and to regulate the establishment and operation of such  
97 programs and activities;

98           (r) To join, in their discretion, any association of  
99 school boards and other public school-related organizations, and  
100 to pay from local funds other than minimum foundation funds, any  
101 membership dues;

102           (s) To expend local school activity funds, or other  
103 available school district funds, other than minimum education  
104 program funds, for the purposes prescribed under this paragraph.  
105 "Activity funds" shall mean all funds received by school officials  
106 in all school districts paid or collected to participate in any  
107 school activity, such activity being part of the school program  
108 and partially financed with public funds or supplemented by public  
109 funds. The term "activity funds" shall not include any funds  
110 raised and/or expended by any organization unless commingled in a  
111 bank account with existing activity funds, regardless of whether  
112 the funds were raised by school employees or received by school  
113 employees during school hours or using school facilities, and  
114 regardless of whether a school employee exercises influence over  
115 the expenditure or disposition of such funds. Organizations shall  
116 not be required to make any payment to any school for the use of  
117 any school facility if, in the discretion of the local school  
118 governing board, the organization's function shall be deemed to be  
119 beneficial to the official or extracurricular programs of the  
120 school. For the purposes of this provision, the term  
121 "organization" shall not include any organization subject to the  
122 control of the local school governing board. Activity funds may  
123 only be expended for any necessary expenses or travel costs,  
124 including advances, incurred by students and their chaperons in  
125 attending any in-state or out-of-state school-related programs,  
126 conventions or seminars and/or any commodities, equipment, travel  
127 expenses, purchased services or school supplies which the local  
128 school governing board, in its discretion, shall deem beneficial  
129 to the official or extracurricular programs of the district,  
130 including items which may subsequently become the personal

131 property of individuals, including yearbooks, athletic apparel,  
132 book covers and trophies. Activity funds may be used to pay  
133 travel expenses of school district personnel. The local school  
134 governing board shall be authorized and empowered to promulgate  
135 rules and regulations specifically designating for what purposes  
136 school activity funds may be expended. The local school governing  
137 board shall provide (i) that such school activity funds shall be  
138 maintained and expended by the principal of the school generating  
139 the funds in individual bank accounts, or (ii) that such school  
140 activity funds shall be maintained and expended by the  
141 superintendent of schools in a central depository approved by the  
142 board. The local school governing board shall provide that such  
143 school activity funds be audited as part of the annual audit  
144 required in Section 37-9-18. The State Auditor shall prescribe a  
145 uniform system of accounting and financial reporting for all  
146 school activity fund transactions;

147           (t) To contract, on a shared savings, lease or  
148 lease-purchase basis, for energy efficiency services and/or  
149 equipment as provided for in Section 31-7-14, not to exceed ten  
150 (10) years;

151           (u) To maintain accounts and issue pay certificates on  
152 school food service bank accounts;

153           (v) (i) To lease a school building from an individual,  
154 partnership, nonprofit corporation or a private for-profit  
155 corporation for the use of such school district, and to expend  
156 funds therefor as may be available from any nonminimum program  
157 sources. The school board of the school district desiring to  
158 lease a school building shall declare by resolution that a need  
159 exists for a school building and that the school district cannot  
160 provide the necessary funds to pay the cost or its proportionate  
161 share of the cost of a school building required to meet the  
162 present needs. The resolution so adopted by the school board  
163 shall be published once each week for three (3) consecutive weeks

164 in a newspaper having a general circulation in the school district  
165 involved, with the first publication thereof to be made not less  
166 than thirty (30) days prior to the date upon which the school  
167 board is to act on the question of leasing a school building. If  
168 no petition requesting an election is filed prior to such meeting  
169 as hereinafter provided, then the school board may, by resolution  
170 spread upon its minutes, proceed to lease a school building. If  
171 at any time prior to said meeting a petition signed by not less  
172 than twenty percent (20%) or fifteen hundred (1500), whichever is  
173 less, of the qualified electors of the school district involved  
174 shall be filed with the school board requesting that an election  
175 be called on the question, then the school board shall, not later  
176 than the next regular meeting, adopt a resolution calling an  
177 election to be held within such school district upon the question  
178 of authorizing the school board to lease a school building. Such  
179 election shall be called and held, and notice thereof shall be  
180 given, in the same manner for elections upon the questions of the  
181 issuance of the bonds of school districts, and the results thereof  
182 shall be certified to the school board. If at least three-fifths  
183 (3/5) of the qualified electors of the school district who voted  
184 in such election shall vote in favor of the leasing of a school  
185 building, then the school board shall proceed to lease a school  
186 building. The term of the lease contract shall not exceed twenty  
187 (20) years, and the total cost of such lease shall be either the  
188 amount of the lowest and best bid accepted by the school board  
189 after advertisement for bids or an amount not to exceed the  
190 current fair market value of the lease as determined by the  
191 averaging of at least two (2) appraisals by certified general  
192 appraisers licensed by the State of Mississippi. The term "school  
193 building" as used in this item (v) shall be construed to mean any  
194 building or buildings used for classroom purposes in connection  
195 with the operation of schools and shall include the site therefor,  
196 necessary support facilities, and the equipment thereof and

197 appurtenances thereto such as heating facilities, water supply,  
198 sewage disposal, landscaping, walks, drives and playgrounds. The  
199 term "lease" as used in this item (v)(i) may include a  
200 lease/purchase contract;

201           (ii) If two (2) or more school districts propose  
202 to enter into a lease contract jointly, then joint meetings of the  
203 school boards having control may be held but no action taken shall  
204 be binding on any such school district unless the question of  
205 leasing a school building is approved in each participating school  
206 district under the procedure hereinabove set forth in item (v)(i).  
207 All of the provisions of item (v)(i) regarding the term and amount  
208 of the lease contract shall apply to the school boards of school  
209 districts acting jointly. Any lease contract executed by two (2)  
210 or more school districts as joint lessees shall set out the amount  
211 of the aggregate lease rental to be paid by each, which may be  
212 agreed upon, but there shall be no right of occupancy by any  
213 lessee unless the aggregate rental is paid as stipulated in the  
214 lease contract. All rights of joint lessees under the lease  
215 contract shall be in proportion to the amount of lease rental paid  
216 by each;

217           (w) To employ all noninstructional and noncertificated  
218 employees and fix the duties and compensation of such personnel  
219 deemed necessary pursuant to the recommendation of the  
220 superintendent of schools;

221           (x) To employ and fix the duties and compensation of  
222 such legal counsel as deemed necessary;

223           (y) Subject to rules and regulations of the State Board  
224 of Education, to purchase, own and operate trucks, vans and other  
225 motor vehicles, which shall bear the proper identification  
226 required by law;

227           (z) To expend funds for the payment of substitute  
228 teachers and to adopt reasonable regulations for the employment  
229 and compensation of such substitute teachers;

230           (aa) To acquire in its own name by purchase all real  
231 property which shall be necessary and desirable in connection with  
232 the construction, renovation or improvement of any public school  
233 building or structure. Whenever the purchase price for such real  
234 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
235 school board shall not purchase the property for an amount  
236 exceeding the fair market value of such property as determined by  
237 the average of at least two (2) independent appraisals by  
238 certified general appraisers licensed by the State of Mississippi.  
239 If the board shall be unable to agree with the owner of any such  
240 real property in connection with any such project, the board shall  
241 have the power and authority to acquire any such real property by  
242 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
243 Mississippi Code of 1972, and for such purpose, the right of  
244 eminent domain is hereby conferred upon and vested in said board.  
245 Provided further, that the local school board is authorized to  
246 grant an easement for ingress and egress over sixteenth section  
247 land or lieu land in exchange for a similar easement upon  
248 adjoining land where the exchange of easements affords substantial  
249 benefit to the sixteenth section land; provided, however, the  
250 exchange must be based upon values as determined by a competent  
251 appraiser, with any differential in value to be adjusted by cash  
252 payment. Any easement rights granted over sixteenth section land  
253 under such authority shall terminate when the easement ceases to  
254 be used for its stated purpose. No sixteenth section or lieu land  
255 which is subject to an existing lease shall be burdened by any  
256 such easement except by consent of the lessee or unless the school  
257 district shall acquire the unexpired leasehold interest affected  
258 by the easement;

259           (bb) To charge reasonable fees related to the  
260 educational programs of the district, in the manner prescribed in  
261 Section 37-7-335;



262           (cc) Subject to rules and regulations of the State  
263 Board of Education, to purchase relocatable classrooms for the use  
264 of such school district, in the manner prescribed in Section  
265 37-1-13;

266           (dd) Enter into contracts or agreements with other  
267 school districts, political subdivisions or governmental entities  
268 to carry out one or more of the powers or duties of the school  
269 board, or to allow more efficient utilization of limited resources  
270 for providing services to the public;

271           (ee) To provide for in-service training for employees  
272 of the district. Until June 30, 1994, the school boards may  
273 designate two (2) days of the minimum school term, as defined in  
274 Section 37-19-1, for employee in-service training for  
275 implementation of the new statewide testing system as developed by  
276 the State Board of Education. Such designation shall be subject  
277 to approval by the State Board of Education pursuant to uniform  
278 rules and regulations;

279           (ff) As part of their duties to prescribe the use of  
280 textbooks, to provide that parents and legal guardians shall be  
281 responsible for the textbooks and for the compensation to the  
282 school district for any books which are not returned to the proper  
283 schools upon the withdrawal of their dependent child. If a  
284 textbook is lost or not returned by any student who drops out of  
285 the public school district, the parent or legal guardian shall  
286 also compensate the school district for the fair market value of  
287 the textbooks;

288           (gg) To conduct fund-raising activities on behalf of  
289 the school district that the local school board, in its  
290 discretion, deems appropriate or beneficial to the official or  
291 extracurricular programs of the district; provided that:

292           (i) Any proceeds of the fund-raising activities  
293 shall be treated as "activity funds" and shall be accounted for as  
294 are other activity funds under this section; and

295 (ii) Fund-raising activities conducted or  
296 authorized by the board for the sale of school pictures, the  
297 rental of caps and gowns or the sale of graduation invitations for  
298 which the school board receives a commission, rebate or fee shall  
299 contain a disclosure statement advising that a portion of the  
300 proceeds of the sales or rentals shall be contributed to the  
301 student activity fund;

302 (hh) To allow individual lessons for music, art and  
303 other curriculum-related activities for academic credit or  
304 nonacademic credit during school hours and using school equipment  
305 and facilities, subject to uniform rules and regulations adopted  
306 by the school board;

307 (ii) To charge reasonable fees for participating in an  
308 extracurricular activity for academic or nonacademic credit for  
309 necessary and required equipment such as safety equipment, band  
310 instruments and uniforms;

311 (jj) To conduct or participate in any fund-raising  
312 activities on behalf of or in connection with a tax-exempt  
313 charitable organization;

314 (kk) To exercise such powers as may be reasonably  
315 necessary to carry out the provisions of this section; \* \* \*

316 (ll) To expend funds for the services of nonprofit arts  
317 organizations or other such nonprofit organizations who provide  
318 performances or other services for the students of the school  
319 district;

320 (mm) To expend federal No Child Left Behind Act funds,  
321 or any other available funds that are expressly designated and  
322 authorized for that use, to pay training, educational expenses,  
323 salary incentives and salary supplements to employees of local  
324 school districts; except that incentives shall not be considered  
325 part of the local supplement as defined in Section 37-151-5(o),  
326 nor shall incentives be considered part of the local supplement  
327 paid to an individual teacher for the purposes of Section

328 37-19-7(1). Mississippi Adequate Education Program funds or any  
329 other state funds may not be used for salary incentives or salary  
330 supplements as provided in this paragraph (mm);

331 (nn) To use any available funds, not appropriated or  
332 designated for any other purpose, for reimbursement to the  
333 state-licensed employees from both in-state and out-of-state, who  
334 enter into a contract for employment in a school district, for the  
335 expense of moving when the employment necessitates the relocation  
336 of the licensed employee to a different geographical area than  
337 that in which the licensed employee resides before entering into  
338 the contract. The reimbursement shall not exceed One Thousand  
339 Dollars (\$1,000.00) for the documented actual expenses incurred in  
340 the course of relocating, including the expense of any  
341 professional moving company or persons employed to assist with the  
342 move, rented moving vehicles or equipment, mileage in the amount  
343 authorized for county and municipal employees under Section  
344 25-3-41 if the licensed employee used his personal vehicle or  
345 vehicles for the move, meals and such other expenses associated  
346 with the relocation. No licensed employee may be reimbursed for  
347 moving expenses under this section on more than one (1) occasion  
348 by the same school district. Nothing in this section shall be  
349 construed to require the actual residence to which the licensed  
350 employee relocates to be within the boundaries of the school  
351 district that has executed a contract for employment in order for  
352 the licensed employee to be eligible for reimbursement for the  
353 moving expenses. However, the licensed employee must relocate  
354 within the boundaries of the State of Mississippi. Any individual  
355 receiving relocation assistance through the Critical Teacher  
356 Shortage Act as provided in Section 37-159-5 shall not be eligible  
357 to receive additional relocation funds as authorized in this  
358 paragraph;

359 (oo) To use any available funds, not appropriated or  
360 designated for any other purpose, to reimburse persons who

361 interview for employment as a licensed employee with the district  
362 for the mileage and other actual expenses incurred in the course  
363 of travel to and from the interview at the rate authorized for  
364 county and municipal employees under Section 25-3-41;

365 (pp) Consistent with the report of the Task Force to  
366 Conduct a Best Financial Management Practices Review, to improve  
367 school district management and use of resources and identify cost  
368 savings as established in Section 8 of Chapter 610, Laws of 2002,  
369 local school boards are encouraged to conduct independent reviews  
370 of the management and efficiency of schools and school districts.  
371 Such management and efficiency reviews shall provide state and  
372 local officials and the public with the following:

373 (i) An assessment of a school district's  
374 governance and organizational structure;

375 (ii) An assessment of the school district's  
376 financial and personnel management;

377 (iii) An assessment of revenue levels and sources;

378 (iv) An assessment of facilities utilization,  
379 planning and maintenance;

380 (v) An assessment of food services, transportation  
381 and safety/security systems;

382 (vi) An assessment of instructional and  
383 administrative technology;

384 (vii) A review of the instructional management and  
385 the efficiency and effectiveness of existing instructional  
386 programs; and

387 (viii) Recommended methods for increasing  
388 efficiency and effectiveness in providing educational services to  
389 the public;

390 (qq) To enter into agreements with other local school  
391 boards for the establishment of an educational service agency  
392 (ESA) to provide for the cooperative needs of the region in which  
393 the school district is located, as provided in Section 1 of Senate

394 Bill No. 3016, 2004 Regular Session. This paragraph shall repeal  
395 on July 1, 2007;

396 (rr) To implement a financial literacy program for  
397 students in Grades 10 and 11. The board may review the national  
398 programs and obtain free literature from various nationally  
399 recognized programs. After review of the different programs, the  
400 board may certify a program that is most appropriate for the  
401 school districts' needs. If a district implements a financial  
402 literacy program, then any student in Grade 10 or 11 may  
403 participate in the program. The financial literacy program shall  
404 include, but is not limited to, instruction in the same areas of  
405 personal business and finance as required under Section  
406 37-1-3(2)(b). The school board may coordinate with volunteer  
407 teachers from local community organizations, including, but not  
408 limited to, the following: United States Department of  
409 Agriculture Rural Development, United States Department of Housing  
410 and Urban Development, Junior Achievement, bankers and other  
411 nonprofit organizations. Nothing in this paragraph shall be  
412 construed as to require school boards to implement a financial  
413 literacy program;

414 (ss) To collaborate with the State Board of Education,  
415 Community Action Agencies or the Department of Human Services to  
416 develop and implement a voluntary program to provide services for  
417 a full day prekindergarten program that addresses the cognitive,  
418 social, and emotional needs of four-year-old and three-year-old  
419 children. The school board may utilize nonstate source special  
420 funds, grants, donations or gifts to fund the voluntary program.

421 **SECTION 2.** The following provision shall be codified as  
422 Section 37-15-37, Mississippi Code of 1972:

423 37-15-37. The local school boards of public school districts  
424 and the Board of Trustees of State Institutions of Higher Learning  
425 are authorized to establish a dual enrollment program under which  
426 high school students meeting the requirements prescribed in this

427 section may enroll at an institution of higher learning in  
428 Mississippi while they are still attending high school and  
429 enrolled in high school courses, with tuition and costs to be paid  
430 by grants, foundations or other private sources. Students may be  
431 admitted to enroll in university-level courses under the dual  
432 enrollment program if they meet the following recommended  
433 admission requirements:

434 (a) Students must have completed a minimum of fourteen  
435 (14) core high school units;

436 (b) Students must have a 2.5 grade point average on a  
437 4.0 scale, or better, on all high school courses, as documented by  
438 an official high school transcript; a home-schooled student must  
439 submit a transcript prepared by a parent, guardian or custodian  
440 with a signed, sworn affidavit to meet the requirement of this  
441 paragraph; and

442 (c) Students must have an unconditional written  
443 recommendation from their high school principal and/or guidance  
444 counselor. A home-schooled student must submit a parent, legal  
445 guardian or custodian's written recommendation to meet the  
446 requirement of this paragraph.

447 Students may be considered for the dual enrollment program  
448 who have not completed the minimum of fourteen (14) core high  
449 school units if they have a minimum ACT composite score of thirty  
450 (30) or the equivalent SAT score, and have the required grade  
451 point average and recommendations prescribed above.

452 Tuition and costs for university-level courses under this  
453 program shall be paid from grants, foundations or other private  
454 sources, to be paid directly to the participating university.  
455 Students admitted in the dual enrollment program shall be counted  
456 for adequate education program funding purposes in the average  
457 daily attendance of the public school district in which they  
458 attend high school. Any additional transportation required by a  
459 student to participate in the dual enrollment program shall be the

460 responsibility of the parents or legal guardians of the student,  
461 but may be paid for from private sources. Grades and college  
462 credits earned by students admitted to the dual enrollment program  
463 shall be recorded on the college transcript at the university  
464 where the student attends classes. The transcript of such  
465 university course work may be released to another institution or  
466 used for college graduation requirements only after the student  
467 has received his high school diploma.

468       **SECTION 3.** Section 37-13-92, Mississippi Code of 1972, is  
469 amended as follows:

470       37-13-92. (1) Beginning with the school year 2004-2005, the  
471 school boards of all school districts shall establish, maintain  
472 and operate, in connection with the regular programs of the school  
473 district, an alternative school program or behavior modification  
474 program as defined by the State Board of Education for, but not  
475 limited to, the following categories of compulsory-school-age  
476 students:

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

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

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

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

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

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

504 (a) The removal of a student to an alternative  
505 education program that will include a process of educational  
506 review to develop the student's individual instruction plan and  
507 the evaluation at regular intervals of the student's educational  
508 progress; the process shall include classroom teachers and/or  
509 other appropriate professional personnel, as defined in the  
510 district policy, to ensure a continuing educational program for  
511 the removed student;

512 (b) The duration of alternative placement; and

513 (c) The notification of parents or guardians, and their  
514 appropriate inclusion in the removal and evaluation process, as  
515 defined in the district policy. Nothing in this paragraph should  
516 be defined in a manner to circumvent the principal's or the  
517 superintendent's authority to remove a student to alternative  
518 education.

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

522 (4) A school district, in its discretion, may provide a  
523 program of general educational development (GED) preparatory  
524 instruction in the alternative school program. However, any GED



525 preparation program offered in an alternative school program must  
526 be administered in compliance with the rules and regulations  
527 established for such programs under Sections 37-35-1 through  
528 37-35-11 and by the State Board for Community and Junior Colleges.  
529 The school district may administer the General Educational  
530 Development (GED) Testing Program under the policies and  
531 guidelines of the GED Testing Service of the American Council on  
532 Education in the alternative school program or may authorize the  
533 test to be administered through the community/junior college  
534 district in which the alternative school is situated.

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

538 (6) The alternative school program may be held within such  
539 school district or may be operated by two (2) or more adjacent  
540 school districts, pursuant to a contract approved by the State  
541 Board of Education. When two (2) or more school districts  
542 contract to operate an alternative school program, the school  
543 board of a district designated to be the lead district shall serve  
544 as the governing board of the alternative school program.

545 Transportation for students attending the alternative school  
546 program shall be the responsibility of the local school district.  
547 The expense of establishing, maintaining and operating such  
548 alternative school program may be paid from funds contributed or  
549 otherwise made available to the school district for such purpose  
550 or from local district maintenance funds.

551 (7) The State Board of Education shall promulgate minimum  
552 guidelines for alternative school programs. The guidelines shall  
553 require, at a minimum, the formulation of an individual  
554 instruction plan for each student referred to the alternative  
555 school program and, upon a determination that it is in a student's  
556 best interest for that student to receive general educational  
557 development (GED) preparatory instruction, that the local school

558 board assign the student to a GED preparatory program established  
559 under subsection (4) of this section. The minimum guidelines for  
560 alternative school programs shall also require the following  
561 components:

562 (a) Clear guidelines and procedures for placement of  
563 students into alternative education programs which at a minimum  
564 shall prescribe due process procedures for disciplinary and  
565 general educational development (GED) placement;

566 (b) Clear and consistent goals for students and  
567 parents;

568 (c) Curricula addressing cultural and learning style  
569 differences;

570 (d) Direct supervision of all activities on a closed  
571 campus;

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

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

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

579 (h) A motivated and culturally diverse staff;

580 (i) Counseling for parents and students;

581 (j) Administrative and community support for the  
582 program; and

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

585 (8) On request of a school district, the State Department of  
586 Education shall provide the district informational material on  
587 developing an alternative school program that takes into  
588 consideration size, wealth and existing facilities in determining  
589 a program best suited to a district.

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

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

604           **SECTION 4.** This act shall take effect and be in force from  
605 and after July 1, 2004.