

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 657: School districts; authorize to provide training and incentive pay to comply with No Child Left Behind Act.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE

X (SIGNED)
Randy Pierce

X (SIGNED)
Mike Lott

X (SIGNED)
Pat Montgomery

CONFEREES FOR THE SENATE

X (SIGNED)
Mike Chaney

(NOT SIGNED)
Jack Gordon

X (SIGNED)
Alan Nunnelee