

**Adopted
SUBSTITUTE NO 1 FOR AMENDMENT NO 2 TO COMMITTEE
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 657

BY: Senator(s) Harden

1 **AMEND by inserting the following section after line 396 and**
2 **renumbering:**

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

5 37-13-92. (1) Beginning with the school year 2004-2005, the
6 school boards of all school districts shall establish, maintain
7 and operate, in connection with the regular programs of the school
8 district, an alternative school program or behavior modification
9 program for, but not limited to, the following categories of
10 compulsory-school-age students:

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

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

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

23 (d) Any compulsory-school-age child whose presence in
24 the classroom, in the determination of the school superintendent
25 or principal, is a disruption to the educational environment of
26 the school or a detriment to the best interest and welfare of the
27 students and teacher of such class as a whole.

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

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

46 (b) The duration of alternative placement; and

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

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

56 (4) A school district, in its discretion, may provide a
57 program of general educational development (GED) preparatory
58 instruction in the alternative school program. However, any GED
59 preparation program offered in an alternative school program must
60 be administered in compliance with the rules and regulations
61 established for such programs under Sections 37-35-1 through
62 37-35-11 and by the State Board for Community and Junior Colleges.
63 The school district may administer the General Educational
64 Development (GED) Testing Program under the policies and
65 guidelines of the GED Testing Service of the American Council on
66 Education in the alternative school program or may authorize the
67 test to be administered through the community/junior college
68 district in which the alternative school is situated.

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

72 (6) The alternative school program may be held within such
73 school district or may be operated by two (2) or more adjacent
74 school districts, pursuant to a contract approved by the State
75 Board of Education. When two (2) or more school districts
76 contract to operate an alternative school program, the school
77 board of a district designated to be the lead district shall serve
78 as the governing board of the alternative school program.
79 Transportation for students attending the alternative school
80 program shall be the responsibility of the local school district.
81 The expense of establishing, maintaining and operating such
82 alternative school program may be paid from funds contributed or
83 otherwise made available to the school district for such purpose
84 or from local district maintenance funds.

85 (7) The State Board of Education shall promulgate minimum
86 guidelines for alternative school programs. The guidelines shall
87 require, at a minimum, the formulation of an individual
88 instruction plan for each student referred to the alternative
89 school program and, upon a determination that it is in a student's
90 best interest for that student to receive general educational
91 development (GED) preparatory instruction, that the local school
92 board assign the student to a GED preparatory program established
93 under subsection (4) of this section. The minimum guidelines for
94 alternative school programs shall also require the following
95 components:

96 (a) Clear guidelines and procedures for placement of
97 students into alternative education programs which at a minimum
98 shall prescribe due process procedures for disciplinary and
99 general educational development (GED) placement;

100 (b) Clear and consistent goals for students and
101 parents;

102 (c) Curricula addressing cultural and learning style
103 differences;

104 (d) Direct supervision of all activities on a closed
105 campus;

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

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

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

113 (h) A motivated and culturally diverse staff;

114 (i) Counseling for parents and students;

115 (j) Administrative and community support for the
116 program; and

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

119 (8) On request of a school district, the State Department of
120 Education shall provide the district informational material on
121 developing an alternative school program that takes into
122 consideration size, wealth and existing facilities in determining
123 a program best suited to a district.

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

128 (10) The State Board of Education, in its discretion, may
129 exempt not more than four (4) school district alternative school
130 programs in the state from any compulsory standard of
131 accreditation for a period of three (3) years. During this
132 period, the State Department of Education shall conduct a study of
133 all alternative school programs in the state, and on or before
134 January 1, 2000, shall develop and promulgate accreditation
135 standards for all alternative school programs, including any
136 recommendations for necessary legislation relating to such
137 alternative school programs.

138 **FURTHER, AMEND the title by inserting the following after the**
139 **semicolon on line 12:**

140 TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972, TO PROVIDE
141 THAT THE OPERATION OF ALTERNATIVE SCHOOL PROGRAMS BY SCHOOL
142 DISTRICTS IS DISCRETIONARY;