

By: Senator(s) Chaney

To: Education

SENATE BILL NO. 2338

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE STATE BOARD OF EDUCATION TO PROMULGATE GUIDELINES
3 FOR ALTERNATIVE SCHOOL PROGRAMS IN THE STATE WHICH AUTHORIZE LOCAL
4 SCHOOL DISTRICTS TO ESTABLISH ALTERNATIVE SCHOOL PROGRAMS WHICH
5 MEET THE SPECIFIC NEEDS OF THE DISTRICT; AND FOR RELATED PURPOSES.

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

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

9 37-13-92. (1) Beginning with the school year 2004-2005, the
10 school boards of all school districts shall establish, maintain
11 and operate, in connection with the regular programs of the school
12 district, an alternative school program or behavior modification
13 program as defined by the State Board of Education for, but not
14 limited to, the following categories of compulsory-school-age
15 students:

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

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

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

28 (d) Any compulsory-school-age child whose presence in
29 the classroom, in the determination of the school superintendent
30 or principal, is a disruption to the educational environment of
31 the school or a detriment to the best interest and welfare of the
32 students and teacher of such class as a whole.

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

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

51 (b) The duration of alternative placement; and

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

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

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

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

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

90 (7) The State Board of Education shall promulgate minimum
91 guidelines for alternative school programs. The guidelines shall
92 require, at a minimum, the formulation of an individual
93 instruction plan for each student referred to the alternative

94 school program and, upon a determination that it is in a student's
95 best interest for that student to receive general educational
96 development (GED) preparatory instruction, that the local school
97 board assign the student to a GED preparatory program established
98 under subsection (4) of this section. The minimum guidelines for
99 alternative school programs shall also require the following
100 components:

101 (a) Clear guidelines and procedures for placement of
102 students into alternative education programs which at a minimum
103 shall prescribe due process procedures for disciplinary and
104 general educational development (GED) placement;

105 (b) Clear and consistent goals for students and
106 parents;

107 (c) Curricula addressing cultural and learning style
108 differences;

109 (d) Direct supervision of all activities on a closed
110 campus;

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

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

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

118 (h) A motivated and culturally diverse staff;

119 (i) Counseling for parents and students;

120 (j) Administrative and community support for the
121 program; and

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

124 (8) On request of a school district, the State Department of
125 Education shall provide the district informational material on
126 developing an alternative school program that takes into

127 consideration size, wealth and existing facilities in determining
128 a program best suited to a district.

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

133 (10) The State Board of Education * * * shall promulgate
134 guidelines for alternative school programs which provide broad
135 authority to school boards of local school districts to establish
136 alternative education programs to meet the specific needs of the
137 school district.

138 **SECTION 2.** This act shall take effect and be in force from
139 and after July 1, 2007.