

By: Senator(s) Carmichael, Jackson (11th)

To: Education

SENATE BILL NO. 2575
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE STUDENTS ASSIGNED TO ALTERNATIVE SCHOOLS TO ATTEND
3 WORKFORCE TRAINING PROGRAMS; TO REQUIRE EACH SCHOOL DISTRICT
4 HAVING AN ALTERNATIVE SCHOOL PROGRAM TO SUBMIT AN ANNUAL REPORT TO
5 THE STATE DEPARTMENT OF EDUCATION DESCRIBING THE RESULTS OF ITS
6 ANNUAL ALTERNATIVE SCHOOL PROGRAM REVIEW AND EVALUATION; AND FOR
7 RELATED PURPOSES.

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

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

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

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

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

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



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

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

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

53 (b) The duration of alternative placement; and

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

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



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

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

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

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



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

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

107 (b) Clear and consistent goals for students and
108 parents;

109 (c) Curricula addressing cultural and learning style
110 differences;

111 (d) Direct supervision of all activities on a closed
112 campus;

113 (e) Attendance requirements that allow for educational
114 and workforce development opportunities;

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

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

120 (h) A motivated and culturally diverse staff;

121 (i) Counseling for parents and students;

122 (j) Administrative and community support for the
123 program; and

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

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



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

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

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

140 (11) Each school district having an alternative school
141 program shall submit a report annually to the State Department of
142 Education describing the results of its annual alternative school
143 program review and evaluation undertaken pursuant to subsection
144 (7)(k). The report shall include a detailed account of any
145 actions taken by the school district during the previous year to
146 comply with substantive guidelines promulgated by the State Board
147 of Education under subsection (7)(a) through (j).

148 **SECTION 2.** This act shall take effect and be in force from
149 and after July 1, 2009.

