

By: Senator(s) Jordan

To: Education

SENATE BILL NO. 2122

1 AN ACT TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT THE PROVISIONS OF THE MISSISSIPPI COMPULSORY  
 3 SCHOOL ATTENDANCE LAW ARE APPLICABLE TO STUDENTS THROUGH AGE 18;  
 4 TO PROVIDE THAT EVERY DAY A COMPULSORY-SCHOOL-AGE CHILD  
 5 ACCUMULATES AN UNLAWFUL ABSENCE CONSTITUTES A SEPARATE CRIMINAL  
 6 VIOLATION RELATIVE TO THE PARENTS OR LEGAL GUARDIANS OF SUCH  
 7 STUDENTS AND TO AMEND SECTIONS 97-5-39 AND 37-13-92, MISSISSIPPI  
 8 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 37-13-91, Mississippi Code of 1972, is  
 11 amended as follows:

12 37-13-91. (1) This section shall be referred to as the  
 13 "Mississippi Compulsory School Attendance Law."

14 (2) The following terms as used in this section are defined  
 15 as follows:

16 (a) "Parent" means the father or mother to whom a child  
 17 has been born, or the father or mother by whom a child has been  
 18 legally adopted.

19 (b) "Guardian" means a guardian of the person of a  
 20 child, other than a parent, who is legally appointed by a court of  
 21 competent jurisdiction.



22 (c) "Custodian" means any person having the present  
23 care or custody of a child, other than a parent or guardian of the  
24 child.

25 (d) "School day" means not less than five (5) and not  
26 more than eight (8) hours of actual teaching in which both  
27 teachers and pupils are in regular attendance for scheduled  
28 schoolwork.

29 (e) "School" means any public school in this state or  
30 any nonpublic school in this state which is in session each school  
31 year for at least one hundred eighty (180) school days, except  
32 that the "nonpublic" school term shall be the number of days that  
33 each school shall require for promotion from grade to grade.

34 (f) "Compulsory-school-age child" means a child who has  
35 attained or will attain the age of six (6) years on or before  
36 September 1 of the calendar year and who has not attained the age  
37 of \* \* \* nineteen (19) years on or before September 1 of the  
38 calendar year; and shall include any child who has attained or  
39 will attain the age of five (5) years on or before September 1 and  
40 has enrolled in a full-day public school kindergarten program.  
41 Provided, however, that the parent or guardian of any child  
42 enrolled in a full-day public school kindergarten program shall be  
43 allowed to disenroll the child from the program on a one-time  
44 basis, and such child shall not be deemed a compulsory-school-age  
45 child until the child attains the age of six (6) years.



46 (g) "School attendance officer" means a person employed  
47 by the State Department of Education pursuant to Section 37-13-89.

48 (h) "Appropriate school official" means the  
49 superintendent of the school district, or his designee, or, in the  
50 case of a nonpublic school, the principal or the headmaster.

51 (i) "Nonpublic school" means an institution for the  
52 teaching of children, consisting of a physical plant, whether  
53 owned or leased, including a home, instructional staff members and  
54 students, and which is in session each school year. This  
55 definition shall include, but not be limited to, private, church,  
56 parochial and home instruction programs.

57 (3) A parent, guardian or custodian of a  
58 compulsory-school-age child in this state shall cause the child to  
59 enroll in and attend a public school or legitimate nonpublic  
60 school for the period of time that the child is of compulsory  
61 school age, except under the following circumstances:

62 (a) When a compulsory-school-age child is physically,  
63 mentally or emotionally incapable of attending school as  
64 determined by the appropriate school official based upon  
65 sufficient medical documentation.

66 (b) When a compulsory-school-age child is enrolled in  
67 and pursuing a course of special education, remedial education or  
68 education for handicapped or physically or mentally disadvantaged  
69 children.



70 (c) When a compulsory-school-age child is being  
71 educated in a legitimate home instruction program.

72 The parent, guardian or custodian of a compulsory-school-age  
73 child described in this subsection, or the parent, guardian or  
74 custodian of a compulsory-school-age child attending any nonpublic  
75 school, or the appropriate school official for any or all children  
76 attending a nonpublic school shall complete a "certificate of  
77 enrollment" in order to facilitate the administration of this  
78 section.

79 The form of the certificate of enrollment shall be prepared  
80 by the Office of Compulsory School Attendance Enforcement of the  
81 State Department of Education and shall be designed to obtain the  
82 following information only:

83 (i) The name, address, telephone number and date  
84 of birth of the compulsory-school-age child;

85 (ii) The name, address and telephone number of the  
86 parent, guardian or custodian of the compulsory-school-age child;

87 (iii) A simple description of the type of  
88 education the compulsory-school-age child is receiving and, if the  
89 child is enrolled in a nonpublic school, the name and address of  
90 the school; and

91 (iv) The signature of the parent, guardian or  
92 custodian of the compulsory-school-age child or, for any or all  
93 compulsory-school-age child or children attending a nonpublic



94 school, the signature of the appropriate school official and the  
95 date signed.

96 The certificate of enrollment shall be returned to the school  
97 attendance officer where the child resides on or before September  
98 15 of each year. Any parent, guardian or custodian found by the  
99 school attendance officer to be in noncompliance with this section  
100 shall comply, after written notice of the noncompliance by the  
101 school attendance officer, with this subsection within ten (10)  
102 days after the notice or be in violation of this section.

103 However, in the event the child has been enrolled in a public  
104 school within fifteen (15) calendar days after the first day of  
105 the school year as required in subsection (6), the parent or  
106 custodian may, at a later date, enroll the child in a legitimate  
107 nonpublic school or legitimate home instruction program and send  
108 the certificate of enrollment to the school attendance officer and  
109 be in compliance with this subsection.

110 For the purposes of this subsection, a legitimate nonpublic  
111 school or legitimate home instruction program shall be those not  
112 operated or instituted for the purpose of avoiding or  
113 circumventing the compulsory attendance law.

114 (4) An "unlawful absence" is an absence during a school day  
115 by a compulsory-school-age child, which absence is not due to a  
116 valid excuse for temporary nonattendance. Days missed from school  
117 due to disciplinary suspension shall not be considered an



118 "excused" absence under this section. This subsection shall not  
119 apply to children enrolled in a nonpublic school.

120 Each of the following shall constitute a valid excuse for  
121 temporary nonattendance of a compulsory-school-age child enrolled  
122 in a public school, provided satisfactory evidence of the excuse  
123 is provided to the superintendent of the school district, or his  
124 designee:

125 (a) An absence is excused when the absence results from  
126 the compulsory-school-age child's attendance at an authorized  
127 school activity with the prior approval of the superintendent of  
128 the school district, or his designee. These activities may  
129 include field trips, athletic contests, student conventions,  
130 musical festivals and any similar activity.

131 (b) An absence is excused when the absence results from  
132 illness or injury which prevents the compulsory-school-age child  
133 from being physically able to attend school.

134 (c) An absence is excused when isolation of a  
135 compulsory-school-age child is ordered by the county health  
136 officer, by the State Board of Health or appropriate school  
137 official.

138 (d) An absence is excused when it results from the  
139 death or serious illness of a member of the immediate family of a  
140 compulsory-school-age child. The immediate family members of a  
141 compulsory-school-age child shall include children, spouse,



142 grandparents, parents, brothers and sisters, including  
143 stepbrothers and stepsisters.

144 (e) An absence is excused when it results from a  
145 medical or dental appointment of a compulsory-school-age child.

146 (f) An absence is excused when it results from the  
147 attendance of a compulsory-school-age child at the proceedings of  
148 a court or an administrative tribunal if the child is a party to  
149 the action or under subpoena as a witness.

150 (g) An absence may be excused if the religion to which  
151 the compulsory-school-age child or the child's parents adheres,  
152 requires or suggests the observance of a religious event. The  
153 approval of the absence is within the discretion of the  
154 superintendent of the school district, or his designee, but  
155 approval should be granted unless the religion's observance is of  
156 such duration as to interfere with the education of the child.

157 (h) An absence may be excused when it is demonstrated  
158 to the satisfaction of the superintendent of the school district,  
159 or his designee, that the purpose of the absence is to take  
160 advantage of a valid educational opportunity such as travel,  
161 including vacations or other family travel. Approval of the  
162 absence must be gained from the superintendent of the school  
163 district, or his designee, before the absence, but the approval  
164 shall not be unreasonably withheld.

165 (i) An absence may be excused when it is demonstrated  
166 to the satisfaction of the superintendent of the school district,



167 or his designee, that conditions are sufficient to warrant the  
168 compulsory-school-age child's nonattendance. However, no absences  
169 shall be excused by the school district superintendent, or his  
170 designee, when any student suspensions or expulsions circumvent  
171 the intent and spirit of the compulsory attendance law.

172 (5) Any parent, guardian or custodian of a  
173 compulsory-school-age child subject to this section who refuses or  
174 willfully fails to perform any of the duties imposed upon him or  
175 her under this section or who intentionally falsifies any  
176 information required to be contained in a certificate of  
177 enrollment, shall be guilty of contributing to the neglect of a  
178 child and, upon conviction, shall be punished in accordance with  
179 Section 97-5-39.

180 Upon prosecution of a parent, guardian or custodian of a  
181 compulsory-school-age child for violation of this section, the  
182 presentation of evidence by the prosecutor that shows that the  
183 child has not been enrolled in school within eighteen (18)  
184 calendar days after the first day of the school year of the public  
185 school which the child is eligible to attend, or that the child  
186 has accumulated twelve (12) unlawful absences during the school  
187 year at the public school in which the child has been enrolled,  
188 shall establish a prima facie case that the child's parent,  
189 guardian or custodian is responsible for the absences and has  
190 refused or willfully failed to perform the duties imposed upon him  
191 or her under this section. For purposes of prosecution of a





192 parent, guardian or custodian of a compulsory-school-age child for  
193 violation of this section, every day that a child accumulates an  
194 unlawful absence shall constitute a separate violation of this  
195 section. However, no proceedings under this section shall be  
196 brought against a parent, guardian or custodian of a  
197 compulsory-school-age child unless the school attendance officer  
198 has contacted promptly the home of the child and has provided  
199 written notice to the parent, guardian or custodian of the  
200 requirement for the child's enrollment or attendance.

201 (6) If a compulsory-school-age child has not been enrolled  
202 in a school within fifteen (15) calendar days after the first day  
203 of the school year of the school which the child is eligible to  
204 attend or the child has accumulated five (5) unlawful absences  
205 during the school year of the public school in which the child is  
206 enrolled, the school district superintendent or his designee shall  
207 report, within two (2) school days or within five (5) calendar  
208 days, whichever is less, the absences to the school attendance  
209 officer. The State Department of Education shall prescribe a  
210 uniform method for schools to utilize in reporting the unlawful  
211 absences to the school attendance officer. The superintendent, or  
212 his designee, also shall report any student suspensions or student  
213 expulsions to the school attendance officer when they occur.

214 (7) When a school attendance officer has made all attempts  
215 to secure enrollment and/or attendance of a compulsory-school-age  
216 child and is unable to effect the enrollment and/or attendance,



217 the attendance officer shall file a petition with the youth court  
218 under Section 43-21-451 or shall file a petition in a court of  
219 competent jurisdiction as it pertains to parent or child.  
220 Sheriffs, deputy sheriffs and municipal law enforcement officers  
221 shall be fully authorized to investigate all cases of  
222 nonattendance and unlawful absences by compulsory-school-age  
223 children, and shall be authorized to file a petition with the  
224 youth court under Section 43-21-451 or file a petition or  
225 information in the court of competent jurisdiction as it pertains  
226 to parent or child for violation of this section. The youth court  
227 shall expedite a hearing to make an appropriate adjudication and a  
228 disposition to ensure compliance with the Compulsory School  
229 Attendance Law, and may order the child to enroll or re-enroll in  
230 school. The superintendent of the school district to which the  
231 child is ordered may assign, in his discretion, the child to the  
232 alternative school program of the school established pursuant to  
233 Section 37-13-92.

234 (8) The State Board of Education shall adopt rules and  
235 regulations for the purpose of reprimanding any school  
236 superintendents who fail to timely report unexcused absences under  
237 the provisions of this section.

238 (9) Notwithstanding any provision or implication herein to  
239 the contrary, it is not the intention of this section to impair  
240 the primary right and the obligation of the parent or parents, or  
241 person or persons in loco parentis to a child, to choose the



242 proper education and training for such child, and nothing in this  
243 section shall ever be construed to grant, by implication or  
244 otherwise, to the State of Mississippi, any of its officers,  
245 agencies or subdivisions any right or authority to control,  
246 manage, supervise or make any suggestion as to the control,  
247 management or supervision of any private or parochial school or  
248 institution for the education or training of children, of any kind  
249 whatsoever that is not a public school according to the laws of  
250 this state; and this section shall never be construed so as to  
251 grant, by implication or otherwise, any right or authority to any  
252 state agency or other entity to control, manage, supervise,  
253 provide for or affect the operation, management, program,  
254 curriculum, admissions policy or discipline of any such school or  
255 home instruction program.

256       **SECTION 2.** Section 97-5-39, Mississippi Code of 1972, is  
257 amended as follows:

258       97-5-39. (1) (a) Except as otherwise provided in this  
259 section, any parent, guardian or other person who willfully  
260 commits any act or omits the performance of any duty, which act or  
261 omission contributes to or tends to contribute to the neglect or  
262 delinquency of any child or which act or omission results in the  
263 abuse of any child, as defined in Section 43-21-105(m) of the  
264 Youth Court Law, or who knowingly aids any child in escaping or  
265 absenting himself from the guardianship or custody of any person,  
266 agency or institution, or knowingly harbors or conceals, or aids



267 in harboring or concealing, any child who has absented himself  
268 without permission from the guardianship or custody of any person,  
269 agency or institution to which the child shall have been committed  
270 by the youth court shall be guilty of a misdemeanor, and upon  
271 conviction shall be punished by a fine not to exceed One Thousand  
272 Dollars (\$1,000.00), or by imprisonment not to exceed one (1) year  
273 in jail, or by both such fine and imprisonment. Every day a  
274 compulsory-school-age child accumulates an "unlawful absence" from  
275 school as verified by the school attendance officer under the  
276 provisions of the Mississippi Compulsory School Law, Section  
277 37-13-91, Mississippi Code of 1972, shall constitute a separate  
278 violation against the parent or legal guardian of such child under  
279 the provisions of this subsection (1).

280 (b) If the child's deprivation of necessary food,  
281 clothing, shelter, health care or supervision appropriate to the  
282 child's age results in substantial harm to the child's physical,  
283 mental or emotional health, the person may be sentenced to  
284 imprisonment for not more than five (5) years or to payment of a  
285 fine of not more than Five Thousand Dollars (\$5,000.00), or both.

286 (c) A parent, legal guardian or other person who  
287 knowingly permits the continuing physical or sexual abuse of a  
288 child is guilty of neglect of a child and may be sentenced to  
289 imprisonment for not more than ten (10) years or to payment of a  
290 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.



291           (2)   (a)   Any person who shall intentionally (i) burn any  
292 child, (ii) torture any child or, (iii) except in self-defense or  
293 in order to prevent bodily harm to a third party, whip, strike or  
294 otherwise abuse or mutilate any child in such a manner as to cause  
295 serious bodily harm, shall be guilty of felonious abuse of a child  
296 and, upon conviction, shall be sentenced to imprisonment in the  
297 custody of the Department of Corrections for life or such lesser  
298 term of imprisonment as the court may determine, but not less than  
299 ten (10) years. For any second or subsequent conviction under  
300 this subsection, the person shall be sentenced to imprisonment for  
301 life.

302                   (b)   (i)   A parent, legal guardian or caretaker who  
303 endangers a child's person or health by knowingly causing or  
304 permitting the child to be present where any person is selling,  
305 manufacturing or possessing immediate precursors or chemical  
306 substances with intent to manufacture, sell or possess a  
307 controlled substance as prohibited under Section 41-29-139 or  
308 41-29-313, is guilty of child endangerment and may be sentenced to  
309 imprisonment for not more than ten (10) years or to payment of a  
310 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

311                           (ii)   If the endangerment results in substantial  
312 harm to the child's physical, mental or emotional health, the  
313 person may be sentenced to imprisonment for not more than twenty  
314 (20) years or to payment of a fine of not more than Twenty  
315 Thousand Dollars (\$20,000.00), or both.



316 (3) Nothing contained in this section shall prevent  
317 proceedings against the parent, guardian or other person under any  
318 statute of this state or any municipal ordinance defining any act  
319 as a crime or misdemeanor. Nothing in the provisions of this  
320 section shall preclude any person from having a right to trial by  
321 jury when charged with having violated the provisions of this  
322 section.

323 (4) After consultation with the Department of Human  
324 Services, a regional mental health center or an appropriate  
325 professional person, a judge may suspend imposition or execution  
326 of a sentence provided in subsections (1) and (2) of this section  
327 and in lieu thereof require treatment over a specified period of  
328 time at any approved public or private treatment facility. A  
329 person may be eligible for treatment in lieu of criminal penalties  
330 no more than one (1) time.

331 (5) In any proceeding resulting from a report made pursuant  
332 to Section 43-21-353 of the Youth Court Law, the testimony of the  
333 physician making the report regarding the child's injuries or  
334 condition or cause thereof shall not be excluded on the ground  
335 that the physician's testimony violates the physician-patient  
336 privilege or similar privilege or rule against disclosure. The  
337 physician's report shall not be considered as evidence unless  
338 introduced as an exhibit to his testimony.

339 (6) Any criminal prosecution arising from a violation of  
340 this section shall be tried in the circuit, county, justice or



341 municipal court having jurisdiction; provided, however, that  
342 nothing herein shall abridge or dilute the contempt powers of the  
343 youth court.

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

346         37-13-92. (1) Beginning with the school year \* \* \*  
347 2013-2014, the school boards of all school districts shall  
348 establish, maintain and operate, in connection with the regular  
349 programs of the school district, an alternative school program or  
350 behavior modification program as defined by the State Board of  
351 Education for, but not limited to, the following categories of  
352 compulsory-school-age students:

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

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

361             (c) Any compulsory-school-age child referred to such  
362 alternative school program by the dispositive order of a  
363 chancellor or youth court judge, with the consent of the  
364 superintendent of the child's school district;



365 (d) Any compulsory-school-age child whose presence in  
366 the classroom, in the determination of the school superintendent  
367 or principal, is a disruption to the educational environment of  
368 the school or a detriment to the interest and welfare of the  
369 students and teachers of such class as a whole; and

370 (e) No school district is required to place a child  
371 returning from out-of-home placement in the mental health,  
372 juvenile justice or foster care system in alternative school.  
373 Placement of a child in the alternative school shall be done  
374 consistently, and for students identified under the Individuals  
375 with Disabilities Education Act (IDEA), shall adhere to the  
376 requirements of the Individuals with Disabilities Education  
377 Improvement Act of 2004. If a school district chooses to place a  
378 child in alternative school the district will make an individual  
379 assessment and evaluation of that child in the following time  
380 periods:

381 (i) Five (5) days for a child transitioning from a  
382 group home, mental health care system, and/or the custody of the  
383 Department of Human Services, Division of Youth and Family  
384 Services \* \* \*;

385 (ii) Ten (10) days for a child transitioning from  
386 a dispositional placement order by a youth court pursuant to  
387 Section 43-21-605; and





388 (iii) An individualized assessment for youth  
389 transitioning from out-of-home placement to the alternative school  
390 shall include:

- 391 1. A strength needs assessment.
- 392 2. A determination of the child's academic  
393 strengths and deficiencies.
- 394 3. A proposed plan for transitioning the  
395 child to a regular education placement at the earliest possible  
396 date.

397 (2) The principal or program administrator of any such  
398 alternative school program shall require verification from the  
399 appropriate guidance counselor of any such child referred to the  
400 alternative school program regarding the suitability of such child  
401 for attendance at the alternative school program. Before a  
402 student may be removed to an alternative school education program,  
403 the superintendent of the student's school district must determine  
404 that the written and distributed disciplinary policy of the local  
405 district is being followed. The policy shall include standards  
406 for:

407 (a) The removal of a student to an alternative  
408 education program that will include a process of educational  
409 review to develop the student's individual instruction plan and  
410 the evaluation at regular intervals of the student's educational  
411 progress; the process shall include classroom teachers and/or  
412 other appropriate professional personnel, as defined in the



413 district policy, to ensure a continuing educational program for  
414 the removed student;

415 (b) The duration of alternative placement; and

416 (c) The notification of parents or guardians, and their  
417 appropriate inclusion in the removal and evaluation process, as  
418 defined in the district policy. Nothing in this paragraph should  
419 be defined in a manner to circumvent the principal's or the  
420 superintendent's authority to remove a student to alternative  
421 education.

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

425 (4) A school district, in its discretion, may provide a  
426 program of general educational development (GED) preparatory  
427 instruction in the alternative school program. However, any GED  
428 preparation program offered in an alternative school program must  
429 be administered in compliance with the rules and regulations  
430 established for such programs under Sections 37-35-1 through  
431 37-35-11 and by the State Board for Community and Junior Colleges.  
432 The school district may administer the General Educational  
433 Development (GED) Testing Program under the policies and  
434 guidelines of the GED Testing Service of the American Council on  
435 Education in the alternative school program or may authorize the  
436 test to be administered through the community/junior college  
437 district in which the alternative school is situated.



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

441 (6) The alternative school program may be held within such  
442 school district or may be operated by two (2) or more adjacent  
443 school districts, pursuant to a contract approved by the State  
444 Board of Education. When two (2) or more school districts  
445 contract to operate an alternative school program, the school  
446 board of a district designated to be the lead district shall serve  
447 as the governing board of the alternative school program.  
448 Transportation for students attending the alternative school  
449 program shall be the responsibility of the local school district.  
450 The expense of establishing, maintaining and operating such  
451 alternative school program may be paid from funds contributed or  
452 otherwise made available to the school district for such purpose  
453 or from local district maintenance funds.

454 (7) The State Board of Education shall promulgate minimum  
455 guidelines for alternative school programs. The guidelines shall  
456 require, at a minimum, the formulation of an individual  
457 instruction plan for each student referred to the alternative  
458 school program and, upon a determination that it is in a student's  
459 best interest for that student to receive general educational  
460 development (GED) preparatory instruction, that the local school  
461 board assign the student to a GED preparatory program established  
462 under subsection (4) of this section. The minimum guidelines for



463 alternative school programs shall also require the following  
464 components:

465 (a) Clear guidelines and procedures for placement of  
466 students into alternative education programs which at a minimum  
467 shall prescribe due process procedures for disciplinary and  
468 general educational development (GED) placement;

469 (b) Clear and consistent goals for students and  
470 parents;

471 (c) Curricula addressing cultural and learning style  
472 differences;

473 (d) Direct supervision of all activities on a closed  
474 campus;

475 (e) Attendance requirements that allow for educational  
476 and workforce development opportunities;

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

480 (g) Continual monitoring and evaluation and formalized  
481 passage from one (1) step or program to another;

482 (h) A motivated and culturally diverse staff;

483 (i) Counseling for parents and students;

484 (j) Administrative and community support for the  
485 program; and

486 (k) Clear procedures for annual alternative school  
487 program review and evaluation.



488 (8) On request of a school district, the State Department of  
489 Education shall provide the district informational material on  
490 developing an alternative school program that takes into  
491 consideration size, wealth and existing facilities in determining  
492 a program best suited to a district.

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

497 (10) The State Board of Education shall promulgate  
498 guidelines for alternative school programs which provide broad  
499 authority to school boards of local school districts to establish  
500 alternative education programs to meet the specific needs of the  
501 school district.

502 (11) Each school district having an alternative school  
503 program shall submit a report annually to the State Department of  
504 Education describing the results of its annual alternative school  
505 program review and evaluation undertaken pursuant to subsection  
506 (7)(k). The report shall include a detailed account of any  
507 actions taken by the school district during the previous year to  
508 comply with substantive guidelines promulgated by the State Board  
509 of Education under subsection (7)(a) through (j).

510 **SECTION 4.** This act shall take effect and be in force from  
511 and after July 1, 2013.

