

By: Representative Williams-Barnes

To: Education

HOUSE BILL NO. 821

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,
 2 TO CLARIFY THE MEANING OF DISRUPTION IN THE EDUCATIONAL PROVISIONS
 3 PERTAINING TO ALTERNATIVE SCHOOL PROGRAMS; TO REQUIRE SCHOOL
 4 DISTRICTS WITH ALTERNATIVE SCHOOL PROGRAMS TO INCLUDE ADDITIONAL
 5 INFORMATION ON STUDENT ACHIEVEMENT IN THE ANNUAL REPORT SUBMITTED
 6 TO THE STATE DEPARTMENT OF EDUCATION ON STUDENTS ENROLLED IN
 7 ALTERNATIVE SCHOOL PROGRAM; AND FOR 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;

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 * * *. For purposes of this paragraph, the term
34 "disruption" means intentionally engaging in serious behavior that
35 distracts from teaching and learning, and that directly affects
36 the safety of others; and

37 (e) No school district is required to place a child
38 returning from out-of-home placement in the mental health,
39 juvenile justice or foster care system in alternative school.
40 Placement of a child in the alternative school shall be done
41 consistently, and for students identified under the Individuals
42 with Disabilities Education Act (IDEA), shall adhere to the
43 requirements of the Individuals with Disabilities Education
44 Improvement Act of 2004. If a school district chooses to place a



45 child in alternative school the district will make an individual
46 assessment and evaluation of that child in the following time
47 periods:

48 (i) Five (5) days for a child transitioning from a
49 group home, mental health care system, and/or the custody of the
50 Department of Human Services, Division of Youth and Family
51 Services;

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

55 (iii) An individualized assessment for youth
56 transitioning from out-of-home placement to the alternative school
57 shall include:

58 1. A strength needs assessment.

59 2. A determination of the child's academic
60 strengths and deficiencies.

61 3. A proposed plan for transitioning the
62 child to a regular education placement at the earliest possible
63 date.

64 (2) The principal or program administrator of any such
65 alternative school program shall require verification from the
66 appropriate guidance counselor of any such child referred to the
67 alternative school program regarding the suitability of such child
68 for attendance at the alternative school program. Before a
69 student may be removed to an alternative school education program,



70 the superintendent of the student's school district must determine
71 that the written and distributed disciplinary policy of the local
72 district is being followed. The policy shall include standards
73 for:

74 (a) The removal of a student to an alternative
75 education program that will include a process of educational
76 review to develop the student's individual instruction plan and
77 the evaluation at regular intervals of the student's educational
78 progress; the process shall include classroom teachers and/or
79 other appropriate professional personnel, as defined in the
80 district policy, to ensure a continuing educational program for
81 the removed student;

82 (b) The duration of alternative placement; and

83 (c) The notification of parents or guardians, and their
84 appropriate inclusion in the removal and evaluation process, as
85 defined in the district policy. Nothing in this paragraph should
86 be defined in a manner to circumvent the principal's or the
87 superintendent's authority to remove a student to alternative
88 education.

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

92 (4) A school district, in its discretion, may provide a
93 program of High School Equivalency Diploma preparatory instruction
94 in the alternative school program. However, any High School



95 Equivalency Diploma preparation program offered in an alternative
96 school program must be administered in compliance with the rules
97 and regulations established for such programs under Sections
98 37-35-1 through 37-35-11 and by the Mississippi Community College
99 Board. The school district may administer the High School
100 Equivalency Diploma Testing Program under the policies and
101 guidelines of the Testing Service of the American Council on
102 Education in the alternative school program or may authorize the
103 test to be administered through the community/junior college
104 district in which the alternative school is situated.

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

108 (6) The alternative school program may be held within such
109 school district or may be operated by two (2) or more adjacent
110 school districts, pursuant to a contract approved by the State
111 Board of Education. When two (2) or more school districts
112 contract to operate an alternative school program, the school
113 board of a district designated to be the lead district shall serve
114 as the governing board of the alternative school program.
115 Transportation for students attending the alternative school
116 program shall be the responsibility of the local school district.
117 The expense of establishing, maintaining and operating such
118 alternative school program may be paid from funds contributed or



119 otherwise made available to the school district for such purpose
120 or from local district maintenance funds.

121 (7) The State Board of Education shall promulgate minimum
122 guidelines for alternative school programs. The guidelines shall
123 require, at a minimum, the formulation of an individual
124 instruction plan for each student referred to the alternative
125 school program and, upon a determination that it is in a student's
126 best interest for that student to receive High School Equivalency
127 Diploma preparatory instruction, that the local school board
128 assign the student to a High School Equivalency Diploma
129 preparatory program established under subsection (4) of this
130 section. The minimum guidelines for alternative school programs
131 shall also require the following components:

132 (a) Clear guidelines and procedures for placement of
133 students into alternative education programs which at a minimum
134 shall prescribe due process procedures for disciplinary and High
135 School Equivalency Diploma placement;

136 (b) Clear and consistent goals for students and
137 parents;

138 (c) Curricula addressing cultural and learning style
139 differences;

140 (d) Direct supervision of all activities on a closed
141 campus;

142 (e) Attendance requirements that allow for educational
143 and workforce development opportunities;



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

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

149 (h) A motivated and culturally diverse staff;

150 (i) Counseling for parents and students;

151 (j) Administrative and community support for the
152 program; and

153 (k) Clear procedures for annual alternative school
154 program review and evaluation.

155 (8) On request of a school district, the State Department of
156 Education shall provide the district informational material on
157 developing an alternative school program that takes into
158 consideration size, wealth and existing facilities in determining
159 a program best suited to a district.

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

164 (10) The State Board of Education shall promulgate
165 guidelines for alternative school programs which provide broad
166 authority to school boards of local school districts to establish
167 alternative education programs to meet the specific needs of the
168 school district.



169 (11) Each school district having an alternative school
170 program shall submit a report by July 31 of each calendar year to
171 the State Department of Education describing the results of its
172 annual alternative school program review and evaluation undertaken
173 pursuant to subsection (7)(k). The report shall include a
174 detailed account of any actions taken by the school district
175 during the previous year to comply with substantive guidelines
176 promulgated by the State Board of Education under subsection
177 (7)(a) through (j). The report shall include student achievement
178 data, as measured by math and reading/literacy assessments
179 administered quarterly and annually by the state and local school
180 district. In the report to be implemented under this section, the
181 State Department of Education shall prescribe the appropriate
182 measures on school districts that fail to file the annual report.
183 The report should be made available online via the department's
184 website to ensure transparency, accountability and efficiency.

185 **SECTION 2.** This act shall take effect and be in force from
186 and after July 1, 2018.

