

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2426

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,  
 2 TO REQUIRE THAT THE DURATION OF PLACEMENT FOR COMPULSORY AGE  
 3 STUDENTS IN SIXTH GRADE THROUGH TWELFTH GRADE IN ALTERNATIVE  
 4 SCHOOLS SHALL NOT EXCEED 45 DAYS WITHOUT HOLDING A MEETING TO  
 5 REASSESS PLACEMENT AND DECISION CRITERIA TO EXTEND PLACEMENT; TO  
 6 REQUIRE THAT THE DURATION OF PLACEMENT FOR COMPULSORY AGE STUDENTS  
 7 IN KINDERGARTEN THROUGH FIFTH GRADE IN ALTERNATIVE SCHOOLS SHALL  
 8 NOT EXCEED 30 DAYS WITHOUT HOLDING A MEETING TO REASSESS PLACEMENT  
 9 AND DECISION CRITERIA TO EXTEND PLACEMENT; AND FOR RELATED  
 10 PURPOSES.

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

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

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

21 (a) Any compulsory-school-age child who has been  
 22 suspended for more than ten (10) days or expelled from school,



23 except for any student expelled for possession of a weapon or  
24 other felonious conduct;

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

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

33 (d) Any compulsory-school-age child whose presence in  
34 the classroom, in the determination of the school superintendent  
35 or principal, is a disruption to the educational environment of  
36 the school or a detriment to the interest and welfare of the  
37 students and teachers of such class as a whole; and

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



47 assessment and evaluation of that child in the following time  
48 periods:

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

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

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

59 1. A strength needs assessment.

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

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

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



72 that the written and distributed disciplinary policy of the local  
73 district is being followed. The policy shall include standards  
74 for:

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

83 (b) The duration of alternative placement, which shall  
84 not exceed thirty (30) days for students in Grades K through 5 or  
85 forty-five (45) days for students in Grades 6 through 12 without  
86 first holding a meeting to reassess the student's placement and  
87 decision criteria to extend placement; and

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

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



97           (4) A school district, in its discretion, may provide a  
98 program of High School Equivalency Diploma preparatory instruction  
99 in the alternative school program. However, any High School  
100 Equivalency Diploma preparation program offered in an alternative  
101 school program must be administered in compliance with the rules  
102 and regulations established for such programs under Sections  
103 37-35-1 through 37-35-11 and by the Mississippi Community College  
104 Board. The school district may administer the High School  
105 Equivalency Diploma Testing Program under the policies and  
106 guidelines of the Testing Service of the American Council on  
107 Education in the alternative school program or may authorize the  
108 test to be administered through the community/junior college  
109 district in which the alternative school is situated.

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

113           (6) The alternative school program may be held within such  
114 school district or may be operated by two (2) or more adjacent  
115 school districts, pursuant to a contract approved by the State  
116 Board of Education. When two (2) or more school districts  
117 contract to operate an alternative school program, the school  
118 board of a district designated to be the lead district shall serve  
119 as the governing board of the alternative school program.  
120 Transportation for students attending the alternative school  
121 program shall be the responsibility of the local school district.



122 The expense of establishing, maintaining and operating such  
123 alternative school program may be paid from funds contributed or  
124 otherwise made available to the school district for such purpose  
125 or from local district maintenance funds.

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

137 (a) Clear guidelines and procedures for placement of  
138 students into alternative education programs which at a minimum  
139 shall prescribe due process procedures for disciplinary and High  
140 School Equivalency Diploma placement;

141 (b) Clear and consistent goals for students and  
142 parents;

143 (c) Curricula addressing cultural and learning style  
144 differences;

145 (d) Direct supervision of all activities on a closed  
146 campus;



147 (e) Attendance requirements that allow for educational  
148 and workforce development opportunities;

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

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

154 (h) A motivated and culturally diverse staff;

155 (i) Counseling for parents and students;

156 (j) Administrative and community support for the  
157 program; and

158 (k) Clear procedures for annual alternative school  
159 program review and evaluation.

160 (8) On request of a school district, the State Department of  
161 Education shall provide the district informational material on  
162 developing an alternative school program that takes into  
163 consideration size, wealth and existing facilities in determining  
164 a program best suited to a district.

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

169 (10) The State Board of Education shall promulgate  
170 guidelines for alternative school programs which provide broad  
171 authority to school boards of local school districts to establish



172 alternative education programs to meet the specific needs of the  
173 school district.

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

188 **SECTION 2.** This act shall take effect and be in force from  
189 and after July 1, 2022.

