

By: Warren

To: Education;
Appropriations

HOUSE BILL NO. 384

1 AN ACT TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP A RISK
3 ASSESSMENT PROCEDURE FOR STUDENTS REFERRED TO ALTERNATIVE SCHOOL
4 PROGRAMS, TO PRESCRIBE ADDITIONAL COMPONENTS THAT MUST BE INCLUDED
5 IN ALTERNATIVE SCHOOL PROGRAMS, TO REQUIRE PERSONNEL IN
6 ALTERNATIVE SCHOOLS TO BE TRAINED IN DISCIPLINE TECHNIQUES, AND TO
7 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO SUBMIT VARIOUS
8 REPORTS TO THE LEGISLATURE CONCERNING ALTERNATIVE SCHOOL PROGRAMS;
9 AND FOR RELATED PURPOSES.

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

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

13 37-13-92. (1) * * * The school boards of all school
14 districts shall establish, maintain and operate, in connection
15 with the regular programs of the school district, an alternative
16 school program for, but not limited to, the following categories
17 of compulsory-school-age 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; and

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

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

48 (b) The duration of alternative placement; and

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

55 (3) The State Department of Education shall develop a risk

56 assessment procedure and appropriate forms to be used with each
57 child referred to the alternative school program. The risk
58 assessment procedure shall include a review of the following
59 information:

60 (a) The child's results on the most recent standardized
61 tests;

62 (b) The child's grade level achievement in reading and
63 mathematics;

64 (c) Recommendations of the child's teacher or teachers
65 concerning an individual instruction plan for the child; and

66 (d) A history of the child's behavioral problems.

67 (4) The local school board or the superintendent shall
68 provide for the continuing education of a student who has been
69 removed to an alternative school program.

70 (5) A school district, in its discretion, may provide a
71 program of general educational development (GED) preparatory
72 instruction in the alternative school program. However, any GED
73 preparation program offered in an alternative school program must
74 be administered in compliance with the rules and regulations
75 established for such programs under Sections 37-35-1 through
76 37-35-11 and by the State Board for Community and Junior Colleges.
77 The school district may administer the General Educational
78 Development (GED) Testing Program under the policies and
79 guidelines of the GED Testing Service of the American Council on
80 Education in the alternative school program or may authorize the
81 test to be administered through the community/junior college
82 district in which the alternative school is situated.

83 (6) Any such alternative school program operated under the

84 authority of this section shall meet all appropriate accreditation
85 requirements of the State Department of Education.

86 (7) The alternative school program may be held within such
87 school district or may be operated by two (2) or more adjacent
88 school districts, pursuant to a contract approved by the State
89 Board of Education. When two (2) or more school districts
90 contract to operate an alternative school program, the school
91 board of a district designated to be the lead district shall serve
92 as the governing board of the alternative school program.

93 Transportation for students attending the alternative school
94 program shall be the responsibility of the local school district.

95 The expense of establishing, maintaining and operating such
96 alternative school program may be paid from funds contributed or
97 otherwise made available to the school district for such purpose
98 or from local district maintenance funds.

99 (8) The State Board of Education shall promulgate minimum
100 guidelines for alternative school programs. The guidelines shall
101 require, at a minimum, the formulation of an individual
102 instruction plan for each student referred to the alternative
103 school program and, upon a determination that it is in a student's
104 best interest for that student to receive general educational
105 development (GED) preparatory instruction, that the local school
106 board assign the student to a GED preparatory program established
107 under subsection (5) of this section. The minimum guidelines for
108 alternative school programs shall also require that the following
109 components be made available to students:

110 (a) Clear guidelines and procedures for placement of
111 students into alternative education programs which at a minimum

112 shall prescribe due process procedures for disciplinary and
113 general educational development (GED) placement;

114 (b) Clear and consistent goals for students and
115 parents;

116 (c) Curricula addressing cultural and learning style
117 differences;

118 (d) Direct supervision of all activities on a closed
119 campus;

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

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

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

127 (h) A motivated and culturally diverse staff;

128 (i) Counseling services for parents and students;

129 (j) Alcohol and drug treatment, if needed;

130 (k) Socio-interaction analysis and intervention;

131 (l) Values clarification instruction;

132 (m) Academic and work goals development;

133 (n) Intensive instruction in reading and mathematics,
134 if needed;

135 (o) Behavior modification plans;

136 (p) Assistance from other public agencies, as needed;

137 (q) Mentoring;

138 (r) Goals for returning to the ordinary classroom or
139 workforce;

140 (s) Exit strategy that includes a complete report of
141 the outcome of a student's alternative program placement for the
142 student's cumulative school record;

143 (t) Continued monitoring for no less than one (1) year
144 following release from the program;

145 (u) Administrative and community support for the
146 program; and

147 (v) Clear procedures for annual alternative school
148 program review and evaluation.

149 (9) On request of a school district, the State Department of
150 Education shall provide the district informational material on
151 developing an alternative school program that takes into
152 consideration size, wealth and existing facilities in determining
153 a program best suited to a district.

154 (10) Any compulsory-school-age child who becomes involved in
155 any criminal or violent behavior shall be removed from such
156 alternative school program and, if probable cause exists, a case
157 shall be referred to the youth court.

158 (11) The State Board of Education, in its discretion, may
159 exempt not more than four (4) school district alternative school
160 programs in the state from any compulsory standard of
161 accreditation for a period of three (3) years. During this
162 period, the State Department of Education shall conduct a study of
163 all alternative school programs in the state, and on or before
164 January 1, 2000, shall develop and promulgate accreditation
165 standards for all alternative school programs, including any
166 recommendations for necessary legislation relating to such
167 alternative school programs.

168 (12) The State Department of Education shall develop a
169 program to assure that all personnel assigned to alternative
170 school programs have had training in current discipline and
171 behavior modification techniques to adequately address the
172 specific problems associated with students assigned to the
173 alternative school program. In addition, the department shall
174 develop a recruitment program to attract highly qualified and
175 highly motivated administrators and teachers for alternative
176 school programs, including the provision of salary supplements as
177 incentives.

178 (13) The State Department of Education shall prepare a
179 report to be submitted to the Legislature in January of each year
180 on the status of each alternative school program in the state.
181 The report shall include, but not be limited to, the following
182 information:

183 (a) The number of students assigned to each alternative
184 school program;

185 (b) Pertinent data on students as indicated on risk
186 assessments;

187 (c) The number of personnel assigned to the alternative
188 school programs, including licensure, experience and training
189 levels;

190 (d) Progress reports, including specific
191 recommendations and problems with the alternative school programs
192 which need to be addressed; and

193 (e) Follow through data on students exiting the
194 alternative school programs.

195 In addition, the initial report also shall include the

196 feasibility of having each alternative school program designated
197 or conducted as a charter school, or managed according to charter
198 school concepts and procedures.

199 (14) The State Department of Education shall research the
200 opinions of Mississippi public school teachers concerning the
201 impact of inclusion on the discipline problems of nonspecial
202 education classroom teachers. Based upon such research, the
203 department shall prepare and submit a report of its findings to
204 the Legislature in January 2001.

205 SECTION 2. This act shall take effect and be in force from
206 and after its passage.