

**OFFICE OF SCHOOL IMPROVEMENT OVERSIGHT AND RECOVERY**  
**Summary of State Board of Education Agenda Items**  
**Consent Agenda**  
**October 18-19, 2012**

**OFFICE OF DROPOUT PREVENTION AND COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT**

- C. Approval to align State Board Policy 901 – Alternative Education Guidelines with Mississippi Code Annotated Section 37-13-92  
(Has cleared the Administrative Procedures Act process with no public comment)

**Executive Summary**

The revision of State Board Policy 901 – Alternative Education Guidelines is to align the State Board Policy with Mississippi Code Annotated of 1972 Section 37-13-92 regarding guidelines for student placement, upon returning from out-of-home placement, in the mental health, juvenile justice or foster care system in an alternative school program.

Recommendation: Approval

Back-up material attached



# Mississippi Department of Education

DESCRIPTOR TERM: <b>Alternative Education Guidelines</b>	CODE: <b>901</b>
ADOPTION DATE: <b>October 20, 1995</b>	REVISION: <b>November 19, 2012</b>

## STATE BOARD POLICY

1. The alternative school program is defined through written board-approved policies and procedures that define and provide appropriate educational opportunities for the categories of students to be served. Further, the program must meet the requirements of Mississippi Code Section 37-13-92.
2. The district has and follows written procedures which meet the federal guidelines outlined in Goss vs Lopez due process requirements for removal of a student from school for disciplinary reasons.
3. The curriculum and instructional methodology address the needs of students through an Individual Instructional Plan which emphasizes academic performance behavior modification, functional skills, and career education.
4. The student/teacher ratio in each classroom is no greater than 15:1 with a process for approving exceptions by the State Department of Education.
5. Adequate instructional staff is assigned to ensure the continuing education of students and classroom supervision at all times.
6. Certified teaching staff and other staff assigned to the alternative program have adequate credentials to achieve the stated mission of the program. Further, students assigned for a grading period or longer and receiving Carnegie unit credits will receive instruction from appropriately certified teachers.
7. When the alternative school program is housed in a free standing facility separate from the regular school program, there is a certified administrator assigned to supervise the program.

8. When the alternative school program is housed in an existing school, the safety of regular staff and students will be insured by appropriate supervision and isolation as necessary. When an alternative program is operated by two or more school districts, pursuant to a contract approved by the State Department of Education, the contract will indicate which school district will house and which district will operate the alternative education program.

9. Rules and regulations which address the unique needs of alternative program students have been developed and disseminated to parents and students.

10. The alternative school facilities are clean, safe and functional, and commensurate with facilities provided to other students by the local school district.

11. The school district is in compliance with applicable laws and State Department of Education guidelines for reporting information relating to the alternative program.

12. Cumulative records on each student placed in an alternative program remain at and are maintained by the sending school.

13. Personnel assigned to an alternative program will report any criminal activity or other unlawful activity committed on school property to the appropriate authority.

14. Students enrolled in alternative programs/schools, including those provided through contractual agreements among multidistricts will participate in the Mississippi Assessment System at sites determined by school officials and in accordance with established guidelines regarding student grade levels and eligibility. **Test results for these students will be reported in the home school district.**

15. Evaluation of the student's progress will be conducted at regular intervals according to district policy and the appropriate records will be maintained and subject to the State Department of Education review.

16. The Individual Instruction Plan will provide full-day attendance with a rigorous workload and minimal noninstructional time.

17. Districts may select programs from options provided by the local school district, the Mississippi Department of Human Services (Division of Youth Services) or the youth court, and/or transfer to a community-based alternative school.

18. Alternative programs will provide:

- a) a motivated and culturally diverse staff
- b) counseling for parents and students
- c) administrative and community support for the program.

19. The district will complete an annual program review and evaluation as directed by the State Department of Education.

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

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

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

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

1. A strength needs assessment.

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

3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date (37-13-92).

21. School districts that enter into a contractual agreement with a private entity to provide services to students placed in an alternative setting must ensure compliance with federal and state laws and State Board Policies governing alternative education.

22. Alternative school placement shall be for, but not limited to, the following categories of compulsory school age students;

(a) whose presence in the classroom is a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and teacher;

(b) who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious acts;

(c) who are referred by the dispositive order of a chancellor or youth court judge, with the consent of the school district's superintendent; and

(d) who has been referred by the parent, legal guardian or custodian of such child due to disciplinary problems (37-13-92).

23. The removal of a student to an alternative education program shall include a process of educational review to develop the student's individual instruction plan.

24. Alternative school placement shall be determined individually on a case-by-case basis and applied consistently.

25. School districts are without discretion to establish categories or classes of offenses for which

the penalty is total removal from the school setting. Thus, unless a child has been suspended or expelled from school for possession of a weapon or other felonious conduct, the student must be assigned to the alternative school for that school district. The district is cautioned not to have policies that remove students from the traditional school setting to an alternative school setting for minor infractions. If the acts of a student, although not rising to the level of a felony, are such that the student poses a threat to the safety of himself or others or will disrupt the educational process at the alternative school, the school district is not required to admit the student into the alternative school.



# Mississippi Department of Education

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3. The curriculum and instructional methodology address the needs of students through an Individual Instructional Plan which emphasizes academic performance behavior modification, functional skills, and career education.
4. The student/teacher ratio in each classroom is no greater than 15:1 with a process for approving exceptions by the State Department of Education.
5. Adequate instructional staff is assigned to ensure the continuing education of students and classroom supervision at all times.
6. Certified teaching staff and other staff assigned to the alternative program have adequate credentials to achieve the stated mission of the program. Further, students assigned for a grading period or longer and receiving Carnegie unit credits will receive instruction from appropriately certified teachers.
7. When the alternative school program is housed in a free standing facility separate from the regular school program, there is a certified administrator assigned to supervise the program.

8. When the alternative school program is housed in an existing school, the safety of regular staff and students will be insured by appropriate supervision and isolation as necessary. When an alternative program is operated by two or more school districts, pursuant to a contract approved by the State Department of Education, the contract will indicate which school district will house and which district will operate the alternative education program.

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11. The school district is in compliance with applicable laws and State Department of Education guidelines for reporting information relating to the alternative program.

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

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

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

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

1. A strength needs assessment.

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

3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date (37-13-92).

21. School districts that enter into a contractual agreement with a private entity to provide services to students placed in an alternative setting must ensure compliance with federal and state laws and State Board Policies governing alternative education.

22. Alternative school placement shall be for, but not limited to, the following categories of compulsory school age students;

(a) whose presence in the classroom is a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and teacher;

(b) who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious acts;

(c) who are referred by the dispositive order of a chancellor or youth court judge, with the consent of the school district's superintendent; and

(d) who has been referred by the parent, legal guardian or custodian of such child due to disciplinary problems (37-13-92).

23. The removal of a student to an alternative education program shall include a process of educational review to develop the student's individual instruction plan.

24. Alternative school placement shall be determined individually on a case-by-case basis and applied consistently.

25. School districts are without discretion to establish categories or classes of offenses for which



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*Miss. Code Ann. § 37-13-92*

MISSISSIPPI CODE of 1972

\*\*\* Current through the 2011 Regular Session and 1st Extraordinary Session \*\*\*

TITLE 37. EDUCATION  
CHAPTER 13. CURRICULUM; SCHOOL YEAR AND ATTENDANCE  
MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW

Miss. Code Ann. § 37-13-92 (2011)

§ 37-13-92. Alternative school program for compulsory-school-age students; placement of children in alternative school; transportation of students; expenses; annual report

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

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

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

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

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

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

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

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

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

1. A strength needs assessment.

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

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

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

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

(b) The duration of alternative placement; and

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

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

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

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

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

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive general

educational development (GED) preparatory instruction, that the local school board assign the student to a GED preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

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

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

(c) Curricula addressing cultural and learning style differences;

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

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

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

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

(h) A motivated and culturally diverse staff;

(i) Counseling for parents and students;

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

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

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

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

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

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

**HISTORY: SOURCES:** Laws, 1991, ch. 539, § 6; Laws, 1992, ch. 524, § 9; Laws, 1994, ch. 555, § 1; Laws, 1994, ch. 607, § 12; Laws, 1995, ch. 610, § 1; Laws, 1997, ch. 604, § 1; eff from and after July 1, 1997; Laws, 2000, ch. 559, § 3; Laws, 2004, ch. 563, § 3; Laws, 2007, ch. 326, § 1; Laws, 2009, ch. 511, § 1; Laws, 2011, ch. 424, § 1, eff from and after July 1, 2011.

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

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

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

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

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1. A strength needs assessment.

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

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

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

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

(b) The duration of alternative placement; and

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

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

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

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

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

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive general

educational development (GED) preparatory instruction, that the local school board assign the student to a GED preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

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