

# ALTERNATIVE EDUCATION



## ANNUAL REPORT

FY 2015-2016

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## MESSAGE FROM CHIEF ACADEMIC OFFICER

The 2004-2005 restructuring of Alternative Programs in Mississippi placed a unique lens on the work of school districts to ensure the same quality of services for all students regardless of placement. The Alternative Education Report is a fundamental necessity to implementing better programs and outcomes for students placed in alternative programs. It is the desire of the Mississippi Department of Education that each school district will use the data within their self-assessment and this report to catapult their programs to an improved focus on positive outcomes for the students they serve.

The Every Student Succeeds Act (ESSA) which was approved by Congress in 2015, will provide our state with opportunities to refine and further develop our efforts to improve educational outcomes for all students. ESSA replaces the No Child Left Behind Act and puts an emphasis on closing achievement gaps for all student populations or subgroups. Reporting student outcomes by subgroups unmask the achievement gaps we see between white students and African Americans and Latinos, between students with disabilities and their non-disabled peers, and between students from different socio-economic groups. ESSA also requires each state to analyze current accountability measures to ensure that all students, including those who attend an alternative school or program, are adequately prepared for life after high school.

It is important to note that your work is having a positive impact on our educational attainment. The graduation rate, which has improved significantly since 2011, confirms that improving positive outcomes for all students has been the top priority.

Equity matters and students who are temporarily placed in alternative settings deserve the opportunity to have a quality education grounded in high expectations and standards regardless of the physical location of the educational services. Together, we can ensure the success of all students in Mississippi!

*Kim Benton*

MISSISSIPPI BOARD OF EDUCATION 5-YEAR STRATEGIC PLAN 2016-2020  
REVISED AUGUST 18, 2016

In its role as a policy maker, the Board has a State Board of Education 5-Year Strategic Plan. To further its efforts to create a world-class education system, the Board has also published its legislative priorities for the 2016 legislative year. A link to the aforementioned information can be found on the Board's page under *Educational Priorities and Board Mission*.

**VISION:** To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

**MISSION:** To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

**GOALS:**

1. All Students Proficient and Showing Growth in All Assessed Areas
2. Every Student Graduates from High School and is Ready for College and Career
3. Every Child Has Access to a High-Quality Early Childhood Program
4. Every School Has Effective Teachers and Leaders
5. Every Community Effectively Using a World-Class Data System to Improve Student Outcomes
6. Every School and District is Rated "C" or Higher

## INTRODUCTION

Mississippi's Alternative Education for Disruptive Youth Program offers a combination of intense, individual academic instruction and behavior modification counseling in an alternative setting to assist students in returning successfully to the traditional setting.

During the Amendments in 1994 and 1995, explanation regarding the reason why students could be assigned to or removed from alternative school, and directed the Mississippi Department of Education (MDE) to promulgate alternative school guidelines, among other changes.” (2009)

Mississippi Code of 1972 *Ann. Section 37-13-92* requires that each school district operate an alternative education program or behavioral management program for students with discipline issues. The legislature requires that each school district having an alternative school program submit a report by July 31 of each calendar year to the Mississippi Department of Education (MDE) describing the results of its annual alternative school program review and evaluation. The report presented herewith meets the legislative requirement set forth.

To obtain the needed data, the MDE developed and disseminated the Annual Alternative Education Self-Assessment which provides an overview of the program. In addition to collecting data on current programs at the local level, districts were also asked a series of questions related to their current needs in the field. Those major findings have also been included in this report. The report also provides a historical background of alternative education in Mississippi, current trends in the field, and stories of success.

A copy of the self-assessment has been included as **Appendix A**. When reporting on alternative education, districts used the definition supplied by the State Board of Education which states, “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. Operating under this definition, districts reported on various aspects of their alternative education programs. Information presented in this report summarizes the self-assessment provided by Mississippi school districts.

Questions regarding this report may be directed to Toni Kersh, Bureau Director, Office of Compulsory School Attendance Enforcement at 601.359.5743 or via email at TKersh@mdek12.org.

## SELF-ASSESSMENT RESULTS & FINDINGS

The 2015-2016 annual alternative education self-assessment required each district to identify an alternative education coordinator, thereby providing a framework for networking, collaboration, training, and technical assistance. The designee for every district may be found in **Appendix B**. Based upon the responses from districts, findings indicate that there are 136 alternative schools and/or programs with a total of 522 classrooms statewide serving alternative education students. The total number served in an alternative setting last school year was 3,699 students and this year it was 8,675 which is a significant increase. Statewide, districts have a total of 6,413 seats in an alternative school or program, indicating that some placements are less than one school year.

On the self-assessment districts were asked to distinguish between the various types of professionals providing services to students in the alternative school or program. Statewide, there were 665 certified teachers serving students. Of those certified teachers, 110 were certified special education teachers, and for school support services, a total of 104 school counselors and 65 social workers are also working with alternative education students. Other groups providing alternative education services include 216 non-certified staff in which 79 were teacher assistants, and 89 were school resource officers (SROs). Alternatives schools comply with Federal, state and district guidelines to meet the needs of English learners with a focus on the linguistic, academic, and emotional needs of students.

Alternative schools comply with Federal, state and district guidelines to meet the needs of English learners.

LEAs were asked to indicate the type of services offered in the alternative school or program. The most prevalent programming/services found on page 7 include the following: individual behavior plans and transition services (**75 reporting**), technology-based instruction (**104 reporting**), character education (**99 reporting**), and life skills (**88 reporting**).

According to the self-assessment, alternative education programs may be housed in a designated, separate, alternative school building that may or may not have a school number. Districts also report that alternative education programs may be self-contained within a traditional school. Alternative services may be geared toward students who have been suspended or expelled, as well as students that have dropped out of school and are re-entering the education system. Some alternative schools and programs have a mixture of the above elements making them a hybrid school serving various alternative programming purposes.

Districts were also asked the average length of placement (stay) in the alternative setting. Although the length of stay varied from 30-180 days, out of 136 alternative programs reporting, 71 (56%) out of the 136 indicated 45 days of placement.

The self-assessment gave districts an opportunity to discuss the general needs of their program(s) and/or school(s). Sample comments from districts may be found in **Appendix C**. Comments shed light on the specific needs of alternative education programs. The one need most commonly reported was a need for earmark funding designated specifically for alternative education. Many districts recommended that the current funding be changed to designate specific funding for alternative education.

<b>2015-2016 Alternative Education Program Data Results</b>	<b>District Totals</b>	
<i>Please note that some Mississippi school districts are comprised of multiple alternative education programs.  The following totals are indicative of all 136 alternative education programs and consortiums (collaborating school districts) that have been calculated in this report.</i>		
Length of Placement	<b>45-180 Days</b>	
Number of Alternative Programs and Consortiums Each Lead district in the consortiums submitted an individual assessment on behalf of the 13 districts that are in collaboration with them.	<b>136</b>	<b>123 - Programs 13- Lead Districts (Consortiums)</b>
Number of Alternative Programs Dedicated Solely to Alternative Education	<b>136</b>	
Total Number of classroom(s) serving alternative education students	<b>522</b>	
Total Number of Students Served	<b>8,675</b>	
District's Total Capacity (seats):	<b>6,413</b>	
<b>Alternative Education Programs</b>		
Afterschool Programs	<b>32</b>	
Individualized Behavior Plans	<b>106</b>	
Character Education	<b>99</b>	
Credit Recover	<b>92</b>	
Distance Learning	<b>35</b>	
Dropout Prevention Strategy	<b>108</b>	
Individualized Instruction Plan	<b>103</b>	
Juvenile Court Partnership	<b>87</b>	
Life Skills	<b>88</b>	
Mental Health Partnership	<b>95</b>	
Screening Committee (For Alternative Education Placements)	<b>108</b>	
Service Learning	<b>30</b>	
Student Drug Testing	<b>51</b>	
Technology-Based Instruction	<b>104</b>	
Transition Services (a formal plan)	<b>75</b>	



Use of level system of similar behavior support mechanism that encourages appropriate behavior	<b>97</b>	
Other (please describe in space given)	<b>7</b>	
<b>Alternative Education Staffing</b>		
Number of Certified Staff	<b>665</b>	
Number of Non-Certified Staff	<b>216</b>	
School Counselors	<b>104</b>	
Special Education	<b>110</b>	
Social Workers	<b>65</b>	
School Resource Officers	<b>89</b>	
Teaching Assistants	<b>79</b>	
Other (please describe in space given)	Lab Assistants Computer Lab Assistant School Attendance Officers (SAO) Psychologist School Safety Officer Behavior Specialist ISI Monitor Case Manager	
1. What models or curriculum are you currently implementing in your alternative education classroom(s)?	<b>Curriculum/Differentiated Instruction/Odysseyware</b>	
2. What technical assistance opportunities would help you as an alternative educator?	<b>136 programs reported professional development opportunities</b>	
3. What is the greatest challenge facing your alternative education school(s)/program(s)?	<b>Maintaining structured, differentiated instruction strategies that meet the educational needs of all students enrolled in the alternative program. There are a number of students enrolled in the alternative education program functioning at multiple grade levels.</b>	

<b>District(s) Response to Substantive Guidelines 7 (a-j) by indicating YES or NO:</b> <i>Please note that some Mississippi school districts are comprised of multiple alternative education programs.</i>	<b>YES</b>	<b>NO</b>
4. Does the alternative education program ensure that it operates under clear guidelines and procedures for placement of students into alternative education programs?	<b>116</b>	<b>1</b>
5. Does the district prescribe a practice of due process procedures for disciplinary infractions that may require alternative education placement?	<b>117</b>	<b>0</b>
6. Does the alternative education program have clear and consistent goals for students and parents?	<b>116</b>	<b>1</b>
7. Does the alternative education program's curriculum address cultural and learning style differences?	<b>112</b>	<b>8</b>
8. Is there direct supervision of all activities on the closed campus?	<b>115</b>	<b>2</b>
8. Are there attendance requirements that allow for educational and workforce development opportunities in the alternative education program?	<b>78</b>	<b>40</b>
9. Is there a selection of program options provided by the local school district, Division of Youth Services or the youth court that include transfer to a community-based alternative school?	<b>44</b>	<b>76</b>
10. Is there ongoing monitoring and evaluation with a formalized passage from one step or program to another?	<b>104</b>	<b>10</b>
12. Are staff motivated and culturally diverse?	<b>115</b>	<b>2</b>
13. Is counseling for parents and students provided?	<b>107</b>	<b>7</b>
14. Is there administrative and community support for the program?	<b>113</b>	<b>5</b>
15. Does the alternative education program have clear procedures for annual program review and evaluation?	<b>112</b>	<b>6</b>
16. A certified administrator supervises the alternative program when the program is housed in a free standing facility, separate from the regular school program.	<b>110</b>	<b>3</b>
17. The program is housed in a safe, well-maintained, and provide an accessible		

physical environment that supports optimal student learning.	<b>119</b>	<b>0</b>
18. Transportation provided by the district, to and from the alternative program.	<b>112</b>	<b>6</b>
19. If the alternative education program is part of a consortium operated by two or more school districts, a contract between the lead district and the other participating districts has been approved by the State Board of Education.	<b>16</b>	<b>77</b>
20. The program provides guidance and counseling to promote student performance.	<b>111</b>	<b>4</b>
21. The program provides the appropriate services to meet the educational needs of students with disabilities, limited English proficiency, and/or significant skill deficiencies.	<b>116</b>	<b>3</b>
22. The teaching day provides 330 minutes of instruction.	<b>116</b>	<b>1</b>
23. The Individualized Instruction Plan (IIP) ensures that the student is making Adequate progress toward graduation.	<b>113</b>	<b>3</b>
24. The Individualized Education Plan (IEP) is reviewed and revised, if needed, to ensure that the required services are provided to meet the educational needs of students with disabilities.	<b>114</b>	<b>1</b>
25. Students enrolled in the alternative education program participate in the Mississippi Assessment System in accordance with established guidelines.	<b>115</b>	<b>0</b>
26. The school district routinely conducts evaluations to determine progress toward the program's mission, standards, and plan for improvement.	<b>111</b>	<b>5</b>

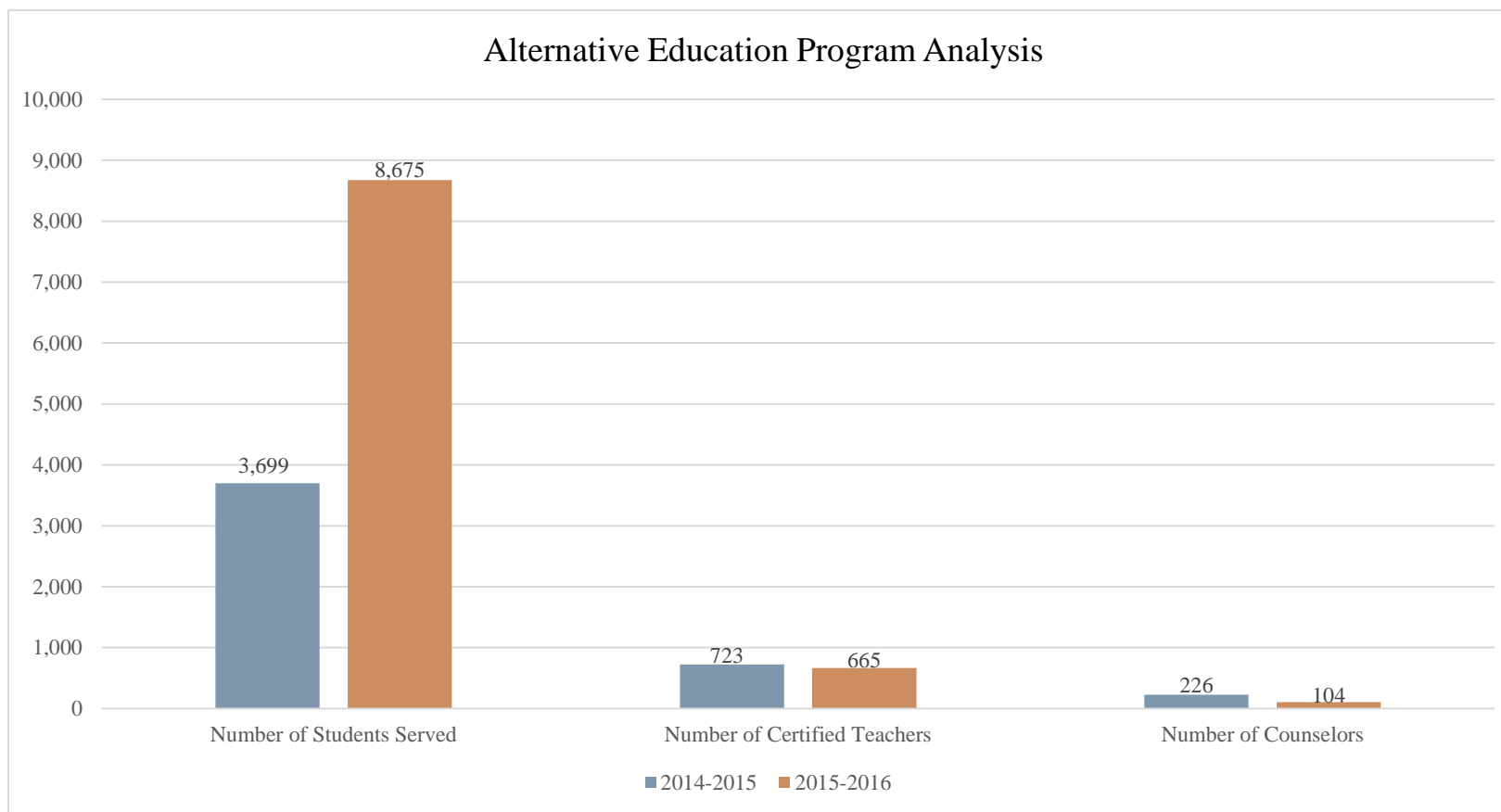
During the 2014-2015 school year, alternative schools reported a total enrollment of 3,699 students. Educational staffing in these schools consisted of 723 certified teachers and 226 counselors statewide.

For the 2015-2016 school year, a 42% increase was noted statewide in the number of students enrolled in alternative school resulting in a total of 8,675 students. A 13% decrease in certified teachers was noted resulting in a total of 665 statewide, as well as a 53% decrease in counselors resulting in a new total of 104 statewide.

Students enrolled in alternative schools are likely to have had multiple negative experiences in the educational setting over a period of time and may have developed pessimistic attitudes towards learning. Historically, students enrolled in alternative schools have been assessed as underachieving and often deficient in credit requirements. Feelings of inadequacy in the educational setting often leads to dropout. Alternative education programs are designed to reengage students and provide them with an opportunity to learn using tailored instruction. By appealing to the students' individual needs, these schools empower students and enhance their self-esteem.

The functionality of alternative schools continues to expand as educators, parents, and communities recognize many children have learning needs in excess of those addressed in the traditional school environment. For children and adolescents with psychological and behavioral issues, such as mental disorders, substance use and abuse, depression, and violence, alternative schools can provide a more safe and therapeutic environment than can traditional schools.

As previously mentioned, there has been a significant increase in the number of students enrolled in Mississippi's alternative schools and a decrease in the number of certified teachers and counselors on staff. The Office of Compulsory School Attendance Enforcement (OCSAE) has challenged school districts to provide adequate educational staff and related services in alternative schools. OCSAE's goal is to assist districts in identifying and implementing successful alternative education strategies to improve learning opportunities for students and to promote a seamless transition back to the traditional setting. To assist districts in meeting this goal, OCSAE will continue to provide training and technical assistance to districts in an effort to further strengthen programs.



## HIGH SCHOOL EQUIVALENCY DIPLOMA OPTION PROGRAM

The High School Equivalency Diploma Option Program formerly known as the GED Option® Program was established to provide students with insufficient credits for earning a high school diploma with an alternate opportunity for success through obtaining a high school credential from the GED Testing Service®. The curriculum and instructional methodology for students in the High School Equivalency Diploma Option Program is designed to meet student's individual needs in academics, job readiness skills and work experience options to prepare them for a career. Each High School Equivalency Diploma Option Program must offer a career component in addition to instruction and test preparation. Students may participate in job readiness/employability skills training, career exploration/vocational training or work experience options. The district should maintain documentation of the employer information and each student's employment experience for future reference. Counseling should also be available to the students prior to his/her acceptance into the program throughout program matriculation on a regular basis.

The High School Equivalency Diploma Option Program policy was revised in order to provide school districts with broader authority in determining the individual needs of students. Previously, in order for students to meet the entrance guidelines for the program, the student had to be two (2) years behind their cohort group. Currently, students only have to be one (1) year behind their cohort group. Also, in order to comply with the previous policy, students had to remain in the class daily. The current policy gives authority to the students, parents, and district personnel in determining the amount of time for instructional purposes (minimum of 15 hours weekly). This authorization provides students with flexibility to establish goals that meet their individual needs.

The former version of the GED ®Test, known as the 2002 Version was the fourth inception of the GED Series. However, over the years as education continued to evolve, the 2002 version failed to meet the needs of its students significantly in the following areas: (1) failed to determine student preparation for the rigor and intensity of college and (2) lacked the technological base that is prevalent in today's educational experience. Also in 2009, the Common Core requirements were introduced as a means to improve and align the educational experience of American students and it was determined that the GED® Test should be aligned with more rigorous nationwide standards.

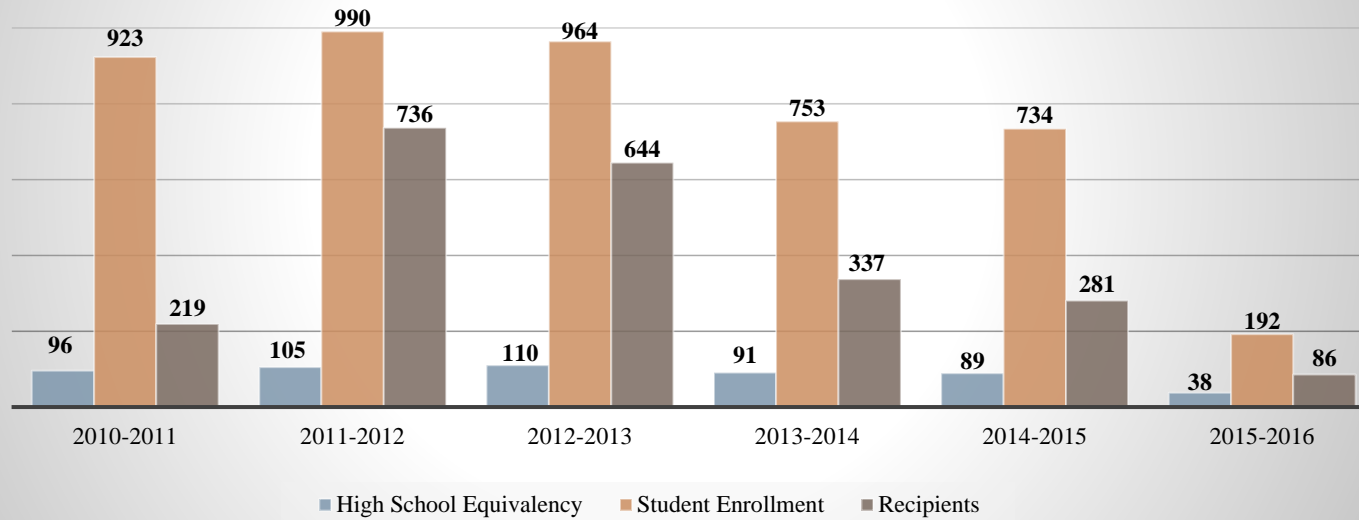
Beginning January 1, 2014, GED Testing Service® released a revised version of the GED® Test, an upgrade from the previous 2002 series. The new test continues to focus on the four content areas of literacy, mathematics, science, and social studies as it measures a foundational core of

knowledge and skills that are essential for career and college readiness. Currently, there are only 14 institutions in the state that are Pearson certified (GED Testing) centers: Northeast Community College, Northeast Community College, Itawamba Community College, Columbus Learning Center, Grenada Learning Center, Holmes Community College, East Central Community College, Meridian Community College, Jones County Junior College, Hinds Community College, Copiah Lincoln Community College, Southwest Community College, Pearl River Community College, and Gulf Coast Community College. Districts in the Delta will have to test through Hinds (in Vicksburg), Holmes (in Yazoo), Holmes (in Grenada), or Northwest (in Senatobia).

Throughout the United States, there are 39 million adults who do not have a high school diploma. High school dropouts cost the U.S. \$1.8 billion annually. Adults who earn a GED® credential can earn the same level of weekly wages as high school graduates, increasing their earning potential by about \$115 per week. If the number of dropouts among Americans age 20 was cut in half, the U.S. would gain \$45 billion in higher tax revenues and lower costs for health, jail, and welfare. If the U.S. had in recent years closed the gap between its educational achievement levels and those of better-performing nations, (GDP) in 2008 could have been \$1.3 trillion to \$2.3 trillion higher. This represents 9 to 16 percent of GDP. In 2012, the unemployment rate for high school dropouts was 12.4%, high school graduates 8.3%, some college but no degree 7.7%, associate degree 6.2%, bachelor degree 4.5%, and master degree 3.5%.

The High School Equivalency Diploma Option Program has always been a cornerstone of adult education, but experienced a significant decline in student enrollment this past school year due to specific revisions involved with the updated GED® Test. Specifically, there was an increase in test registration fees from \$80.00 to \$120.00 and the removal of the option to pass each section (bank scores) and earn a battery score with additional points that impacted enrollment in the Option Program. The 2002 GED® Test allowed students the ability to ‘bank’ their highest score on each section regardless of the various times that the test was re-taken until proficiency was obtained in all areas. Today, the 2014 GED® Test requires that students must score 150 in all four subjects to earn their GED® credential.

Mississippi Department of Education  
High School Equivalency (formerly GED Option) Results





### SECTION 37-35-3 (3)(a) HIGH SCHOOL EQUIVALENCY PROGRAM

3(a) Any student participating in an approved High School Equivalency Diploma Option program administered by a local school district or a local school district with an approved contractual agreement with a community college or other local entity shall not be considered a dropout. Students in such a program administered by a local school district shall be considered as enrolled within the school district of origin for the purpose of enrollment for minimum program funding only. Such students shall not be considered as enrolled in the regular school program for academic or programmatic purposes.

(b) Students participating in a High School Equivalency Diploma Option program shall have an individual career plan developed at the time of placement to ensure that the student's academic and job skill needs will be met. The Individual Career Plan will address, but is not limited to, the following:

- (i) Academic/instructional needs of the student;
  - (ii) Job readiness needs of the student; and
  - (iii) Work experience program options available for the student.
- (c) Students participating in an approved High School Equivalency Diploma Option program may participate in existing job and skills development programs or in similar programs developed in conjunction with the High School Equivalency Option program and the vocational director.
- (d) High School Equivalency Diploma Option programs may be operated by local school districts 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 a High School Equivalency Diploma Option program, the school board of a district designated to be the lead district shall serve as the governing board of the High School Equivalency Diploma Option program. Transportation for students placed in the High School Equivalency Diploma Option program shall be the responsibility of the school district of origin. The expense of establishing, maintaining and operating such High School Equivalency Diploma programs may be paid from funds made available to the school district through contributions, minimum program funds or from local district maintenance funds.
- (e) The State Department of Education will develop procedures and criteria for placement of a student in the High School Equivalency Diploma Option programs. Students placed in

High School Equivalency Diploma Option programs shall have parental approval for such placement and must meet the following criteria:

- (i) The student must be at least sixteen (16) years of age;
  - (ii) The student must be at least one (1) full grade level behind his or her ninth grade cohort or must have acquired less than four (4) Carnegie units;
  - (iii) The student must have taken every opportunity to continue to participate in coursework leading to a diploma; and
  - (iv) The student must be certified to be eligible to participate in the High School Equivalency Diploma Option programs by the school district superintendent, based on the developed criteria.
- (f) Students participating in an approved High School Equivalency Diploma Option program, who are enrolled in subject area courses through January 31 in a school with a traditional class schedule or who are enrolled in subject area courses through October 31 or through March 31 in a school on a block schedule, shall be required to take the end-of-course subject area tests for those courses in which they are enrolled.

MISSISSIPPI CODE of 1972

TITLE 37. EDUCATION

CHAPTER 13. CURRICULUM; SCHOOL YEAR AND ATTENDANCE

MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW

Miss. Code Ann. § 37-13-92 (2016)

§ 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;

(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 High School Equivalency Diploma preparatory instruction in the alternative school program. However, any High School Equivalency Diploma 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 Mississippi Community College Board. The school district may administer the High School Equivalency Diploma Testing Program under the policies and guidelines of the 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 High School Equivalency Diploma preparatory instruction, that the local school board assign the student to a High School Equivalency Diploma 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 High School Equivalency Diploma 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 by July 31 of each calendar year 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). In the report to be implemented under this section, the State Department of Education shall prescribe the appropriate measures on school districts that fail to file the annual report. The report should be made available online via the department's website to ensure transparency, accountability and efficiency.

**Chapter 7: Alternate Education Programs**

*Rule 7.1 Guidelines*

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 multidistrict 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 non-instructional 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:

- a. 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;
- b. Ten (10) days for a child transitioning from a dispositional placement order by a youth court pursuant to Section 43-21-605; and
- c. An individualized assessment for youth transitioning from out-of-home placement to the alternative school shall include:
  - i. A strength needs assessment.
  - ii. A determination of the child's academic strengths and deficiencies.
  - iii. 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.

*Source: Miss. Code Ann. § 37-1-3 (Revised 11/2012)*

**1992 WL 613836 (Miss. A.G.)**

Office of the Attorney General

State of Mississippi

April 22, 1992

**Re: Authority of Hinds County Youth Court Judges To Order School Districts to Provide Alternative Education for Expelled Students**

Honorable C.A. Henley

Hinds County Youth Court Judge

Post Office Box 22686

Jackson, Mississippi 39225–2868

Dear Judge Henley:

Attorney General Mike Moore has received your letter requesting an opinion of this office and has assigned it to me for research and reply.

Your letter presents the following question for opinion:

“[W]hether or not Hinds County Youth Court Judges are empowered to order the Jackson Public Schools to provide alternative classroom instruction for children under the Compulsory Education Act who have been expelled.”

The Compulsory School Attendance Law, more specifically, Section 37–13–91(7) of that law extends the youth courts' jurisdiction over petitions filed under Miss. Code Ann., § 43–21–451 (1972) to include dispositions to ensure compliance with the Compulsory School Attendance Law.

Section 37–13–91(7) provides *inter alia*:

“When the school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory school-age child and is unable to effect said enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43–21–451. The youth court shall expedite a hearing to make an appropriate adjudication and disposition to ensure compliance with the Compulsory School Attendance Law.”

In 1991, the Mississippi Legislature enacted Chapter 539, Laws of Mississippi 1991, which amended the Compulsory School Attendance Law, together with other school and **education** statutes. Section 6 of this chapter law, which has been codified as Miss. Code Ann. § 37–13–92 (Supp.1991), authorizes all school boards to establish and operate alternative school programs for the following categories of compulsory-school-age children:

- (a) Any compulsory-school-age child referred to such alternative school program by any chancellor or youth court judge having jurisdiction in such school district, including, but not limited to, nonviolent juvenile offenders confined in any youth court detention facility;
- (b) Any compulsory-school-age child who has (i) dropped out of school in violation of the compulsory school attendance law, (ii) has been suspended or expelled from school, or (iii) committed disciplinary infractions which will result in expulsion from school;
- (c) Any compulsory-school-age child referred to such alternative school by the parent, legal guardian or custodian of such child due to disciplinary problems.

This code section further provides that “[t]he principal of any such alternative school program shall require verification from the appropriate guidance counselor of any such child described in paragraph (b) or (c) regarding the suitability of such child for attendance at the alternative school program.” Significantly, no such suitability verification by the principal of an alternative school program is required for children referred by youth court judges or chancellors having jurisdiction in the particular school district.

Finally, Section 37–13–92, *supra*, provides that beginning with the 1993–1994 school year, all school boards are required to create and operate alternative programs for the above categories of school age children.

The above legislation clearly contemplates the providing of alternative education programs for compulsory-school-age children who have been expelled from school. Under existing law such alternative education programs are discretionary with school authorities. However, such programs are mandatory commencing with the 1993–1994 school year.

In view of the above recent legislation, it is the opinion of this office that while a youth court would not be empowered to enjoin a school district to provide alternative education programs, it is empowered by Section 37–13–92 to refer children to existing alternative education programs.

Moreover, the statutory distinctions made by Section 37–13–92 with respect to suitability determinations not being made by school officials for children referred by youth courts is clear indication that the legislature did not grant to school officials the discretion to reject the referral of a child to an existing **alternative education** program by a youth court made in accordance with Section 37–13–92(a).

Sincerely,

Mike Moore  
Attorney General

**1996 WL 744341 (Miss. A.G.)**

Office of the Attorney General

State of Mississippi

Opinion No. 96-0845

December 20, 1996

**RE: Transportation to Alternative Schools**

Jerry R. Wallace, Esquire

Attorney for Madison County School Board

Post Office Box 2398

Jackson, Mississippi 39225-2398

Dear Mr. Wallace:

Attorney General Mike Moore has received your letter of request and has assigned it to me for research and reply. In your letter, which is attached and incorporated herein, you cite the last paragraph of the general transportation statute, 37-41-3, the alternative school statute, 37-13-92(6), and request clarification as to whether or not transportation and/or transportation funding is mandatory for expelled students assigned to alternative schools. We answer the questions posed in the order presented:

1. Is the school district required to provide transportation services to students who are expelled from the regular, educational program and assigned to the district's alternative school?

**RESPONSE:** Yes. Miss. Code Ann. Section 37-13-92 is the specific statute governing alternative school programs, and at subsection (6), the statute provides as follows:

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 [emphasis added].

The first paragraph of Miss. Code Ann. Section 37-41-3, the general transportation statute, governs the transportation of all school age pupils:

Pupils of legal school age, which shall include kindergarten pupils, and in actual attendance in the public schools who live a distance of one (1) mile or more by the nearest traveled road from the school to which they are assigned shall be entitled to transportation within the meaning of this chapter.

In 1993 in the Extra Session of the Legislature Senate Bill No. 2487, Chapter 602, Section 11, added the following paragraph to Miss. Code Ann. Section 37-41-3:

Children enrolled in special or alternative programs approved by local school boards may also be provided transportation, even though such children are not otherwise entitled under the provisions of this chapter. No additional funds shall be allocated for such purposes and such children shall not be included in transportation reports [emphasis added].

This section allows school districts to transport children who are not otherwise entitled to transportation under this statute; that is to say children who are below “legal school age” may be transported to any pre-school programs provided by the district at the expense of the district. The above cited paragraph does not govern the transportation of children who are of legal school age and who have been assigned to an alternative school.

It is, therefore, the opinion of this office that the first paragraph of 37-41-3 together with 37-31-92(6) require the transportation of a student who is expelled from the regular educational program and assigned to the alternative school program which is a mile or more from the student's home.

2. If the district is required to provide transportation services for the alternative school students, is the district entitled to state transportation assistance funds for the transportation services?

**RESPONSE:** A district is entitled to the regular minimum program per pupil transportation allocation as provided in the density formula at Miss. Code Ann. Section 37-19-23, which I attach for your convenience, but a district is not entitled to extra or more transportation funds for this service.

3. If the school district is normally required to provide transportation services for students assigned to the **alternative** school, is the district permitted to shut out students, who are assigned to the **alternative** school program, from the district's regular transportation system altogether or to assign said students to some **alternative** transportation system which limits their exposure and interaction with other students, and under what circumstances would this be appropriate?

**RESPONSE:** At the discretion of the local school board and on a case by case basis, a student who has been expelled and assigned to an alternative school may be separated from other students while being transported to and from an alternative school assignment. Such circumstance may include a situation where there is a risk to the safety of the student and/or others.

4. If a student of compulsory school age is expelled from the school district's regular program and assigned to the alternative school and if said student is further expelled from use of the district's transportation system, are the parents of the student required, pursuant to the compulsory school attendance law, to provide transportation, and is the district required to report absences for the **alternative** school in the same way that the district reports absences for the regular school program?

**RESPONSE:** All compulsory school age children assigned to alternative school programs are subject to the Compulsory School Attendance law. The exceptions made to the Compulsory School Attendance law for compulsory school age children are found at 37-13-91(3). Assignment to an alternative school is not one of the listed exceptions. Therefore, the district must report all absences for the alternative school in the same manner that it reports absences for the regular school program. A determination of a parent's responsibility is ultimately a matter for a court of competent jurisdiction; however, for information purposes only, we find no statute wherein parental responsibility for a child's school attendance is excepted when a child is lawfully expelled from the bus due to misconduct.

Yours truly,

Mike Moore

Attorney General

By: Anita C. Clinton

Special Assistant Attorney General



**1997 WL 370210 (Miss. A.G.)**

Office of the Attorney General

State of Mississippi

Opinion No. 97-0268 (97-15980)

June 13, 1997

**Re: Discipline of Students for Non-School Related Violence**

James Arden Barnett, Jr., Esquire

Mitchell, McNutt, Threadgill, Smith & Sams

105 South Front Street

Post Office Box 7120

Tupelo, Mississippi 38802-7120

Dear Mr. Barnett:

Attorney General Mike Moore has received your letter of request and has assigned it to me for research and reply. In your letter you pose the following question:

The Superintendent and Board of Trustees of the Tupelo Public School District request an opinion on the authority of the school district to protect its students and staff from students who have committed violent or threatening offenses away from school and school related functions. The protection against potentially violent students would amount to discipline, since it most often would be manifested as separation from normal classroom activities or assignment to an alternative program. This request arises from two instances where a student attending Tupelo schools was arrested for or convicted of a potentially violent crime, such as attempted armed robbery or assault with a deadly weapon. However, the offenses did not occur on school property nor at school functions.

In essence, this request asks for an interpretation of the legislative intent of Section 37-11-29(2) of the Mississippi Code of 1972, as amended. This statute requires law enforcement officials and judges to report arrests, convictions, guilty pleas, acquittals, dismissals and nolle prossed charges relating to students enrolled in a particular school district to the superintendent of the district. The clear implication of this statute is that the superintendent, having received a report of violent or dangerous criminal offenses by a student of the school district, would be able to act upon the information to protect faculty, staff and other, students of the district. Otherwise, why would the Mississippi legislature require the report to be given?

This ability of the school district to take some measures to protect students and staff seems to be enhanced when section 37-11-29 is read in conjunction with Section 37-11-1, which provides that a principal shall not place a pupil in class where the pupil's presence because of, among other things, personal habits, would adversely affect or hinder the academic development of other pupils. Accordingly, if the school district received a report that a student had been arrested or indicted for assault with a deadly weapon, the student could be assigned to an alternative program or court school until the matter was resolved. In this manner, the school district could protect its students and faculty while still providing meaningful educational opportunities to an accused or even convicted student. Such action would only be taken in situations where there is some reasonable belief that the student could be dangerous, either because of a violent or dangerous act, sexual battery, or the sale or distribution of controlled substances.

We have only found two Mississippi cases which in any way touch upon the discipline of students for offenses committed away from school. Neither of these cases involve violent or dangerous acts, and both were decided prior to the amendments to Section 37-11-29 which were enacted by the Mississippi Legislature in 1994. The courts in other states have routinely found that school authorities may take reasonable actions against violent offenders to protect students and staff, even if the violent offenses occurred away from school. For your convenience, I have enclosed a copy of our research.

The school district is currently considering changes to its disciplinary policies to include actions responsive to the situations described in this letter. The opinion of the Attorney General interpreting these statutes is an essential element and prerequisite to the revision of the policies, which will make our schools a safer place. Thank you for your consideration in this matter, and please do not hesitate to contact me if you have any questions, comments or suggestions.

Three legal issues are presented by your question: First, what authority, if any, exists for a school district to discipline a student for conduct involving violence or the distribution of controlled substances that occurs away from school or school related activities. Second, if authority exists, what discipline may be imposed, and third, if discipline can be imposed what process is due.

Miss. Code Ann. Section 37-9-69 provides in part that "...superintendents, principals and teachers shall hold the pupils to strict account for disorderly conduct at school, on the way to and from school, on the playgrounds, and during recess." Mississippi Code Ann. Section 37-9-71 grants the superintendent of a school district the authority to suspend or expel a student "for good cause or for any reason for which such pupil might be suspended, dismissed or expelled by the school board." Mississippi Code Ann. Section 37-7-301 provides at subsection (e) that a school board has the power "to suspend or to expel a pupil for misconduct in the school, upon school buses, on the road to and from school, during

recess or upon the school playgrounds....” Miss Code Ann. Section 37-11-18 is also place specific in that expulsion for possession of any controlled substance, a weapon or commission of a violent act is limited to acts committed “on educational property as defined in section 97-37-17.” The latter code section defines educational property as follows:

“Educational property” shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, or directors for the administration of any public or private educational institution or during a school related activity; provided however, that the term “educational property” shall not include any sixteenth section school land or lieu land on which is not located a school building, school campus, recreational area or athletic field.

The Mississippi Supreme Court has acknowledged that a school board's disciplinary powers must operate within limits. In Hobbs v Germany, 49 So. 515, 517 (Miss. 1909) the Supreme Court was presented with an expulsion for violation of a school rule whereby students were required to stay in their homes from 7:00 to 9:00 p.m. and study. Under the then prevalently applied common law doctrine of in loco parentis, the Mississippi Supreme Court, interpreting the limits of a school board's power, voided the rule holding that “when the schoolroom is entered by the pupil, the authority of the parent ceases, and that of the teacher begins...When sent to his home, the authority of the teacher ends, and that of the parent begins.” Nevertheless, the Court allowed that

It may be that the school authorities would have a right to make certain regulations and rules for the good government of the school, which would extend and control the child even when it has reached its home; but, if that power exists, it can only be done in matters which would per se have a direct and pernicious effect on the moral tone of the school, or have a tendency to subvert and destroy the proper administration of school affairs.<sup>1</sup>

In more recent cases the court has refrained from ruling directly on the question of a school board's authority to suspend or expel a student for off campus misconduct. In reversing an expulsion on narrow procedural due process grounds in Warren County Board of Education v Wilkinson, 500 So. 2d 455 (Miss. 1986), the court opined, “the school board has called our attention to no rule expressly or impliedly prohibiting a student from drinking beer at home - indeed, we doubt a school board would have authority to make such a rule, although the point is not before us today.” However, in Jones v Board of Trustees of the Pascagoula Municipal Separate School District, 524 So. 2d 968 (Miss. 1988), upholding an expulsion of a student distributing drugs in school, the court stated, “Whether in light of our opinion in Wilkinson, the school board may discipline Regina based on proof that she distributed

valium off campus is a close question, but a question we do not have to reach since we find sufficient evidence to support the allegation that Regina did violate the school drug policy at school.” In the case T.H. v Board of Trustees of the Pascagoula Municipal Separate School District, 681 So.2d 110 (Miss. 1996) the court held that the school alcohol policy was constitutional as applied to a student who consumed two beers off campus immediately prior to attending a school athletic event.

A review of the case law reveals that the Mississippi Supreme Court has not been presented with and has not ruled on the specific question of a school district's authority to discipline students for violent or dangerous conduct or drug sales committed outside of the school setting. A number of other jurisdictions have addressed the question and concluded that school authorities may suspend or expel pupils for out-of-school conduct having a direct and immediate effect on the discipline or general welfare of the school.<sup>2</sup> However, a careful review of these cases reveals that these states had expulsion statutes with no explicit geographic restrictions.<sup>3</sup> Closer to the wording of Mississippi's statute is a Louisiana statute that specifies suspension is available for use and possession of controlled substances and alcohol “in school buildings, on school grounds, or on school buses;”<sup>4</sup> In Labrosse v St. Bernard Parish School Board, 483 So. 2d 1253 (La. App. 4th Cir. 1986) the Louisiana Court of Appeal held that the principal's authority to expel students for possession of alcohol or dangerous substances was limited by the statute to possession on school grounds or in school buses.

It is, therefore, the conclusion of this office that a school district in Mississippi, due to the clear geographic limitation imposed by statute, does not have the authority to suspend or expel a student from school based upon violent acts or drug distribution or sales if such acts are committed out-of-school.<sup>5</sup>

That is not to say that a school district is without the ability to segregate students implicated in off-campus criminal activities from the regular school community. However, as you point out such “protection against potentially violent students would amount to discipline.” The Legislature has enacted a number of statutes that when read together clearly allow a school district to enact rules to ensure the safe and orderly operation of the schools. Subsection (1) of Miss. Code Ann. Section 37-7-301 provides that a school board may “prescribe and enforce rules and regulations not inconsistent with law or with the regulations of the State Board of Education ... for the government of the schools...” Miss Code Ann. Section 37-11-1 provides as follows:

After a pupil has been assigned to a particular public school, the principal, or anyone else vested with the authority of assigning pupils to classes, shall not place such pupil in a class where his presence there, because of age differential, mental development, achievement level, or personal habits, would serve to adversely affect, hinder, or retard the academic development of other pupils in the class.

Pursuant to Miss. Code Ann. Section 37-11-29 law enforcement officials and judges are charged with the duty to report to the school district superintendent the arrest of any student of that district and the disposition of any charges brought against such a student. A failure to report pursuant to 37-11-29 is punishable as a misdemeanor under 37-11-35.

In 1994 the Legislature amended Miss. Code Ann. Section 43-21-621 which governs the youth courts' authority to enroll or re-enroll a student as follows: “...the youth court shall not order the enrollment or re-enrollment of a student that has been suspended or expelled by a public school pursuant to Section 37-9-71 or 37-7-301 for possession of a weapon on school grounds, for an offense involving a threat to the safety of other persons or the commission of a violent act.” In addition, as to the youth courts' authority to enroll or re-enroll those students whose acts are committed out-of-school (and thus are outside the authority of school officials to expel or suspend),

If the adjudication of delinquency was for an offense involving a threat to the safety of the juvenile or others and school attendance is a condition of probation, the youth court judge shall make a finding that the principal of the juvenile's school should be notified. If the judge orders that the principal be notified, the youth court counselor shall within five (5) days or before the juvenile begins to attend school, whichever occurs first, notify the principal of the juvenile's school in writing of the nature of the offense and the probation requirements related to school attendance.

Under 43-21-621 if, after notice and hearing has been provided to the school, a youth court orders the enrollment or re-enrollment of any pupil, the superintendent is granted the express authority, in the exercise of his discretion, to assign the pupil to an alternative school program.

By its terms, Miss. Code Ann. Section 37-13-92 does not limit the categories of students who may be assigned to an alternative school program. In fact, in 1992 the statute was explicitly amended to provide that the certain categories of students eligible for alternative school programs were not exclusive:

Beginning with the school year 1993-1994, the school boards of all school districts shall establish, maintain and operate, in connection with the regular programs of said school district, an alternative school program for, but not limited to, the following categories of compulsory-school-age students: [emphasis added]

(a) Any compulsory-school-age child who has been suspended 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.

Read together all of these statutes clearly contemplate that when a school district receives notice that a student has committed an act away from school that is of such a nature that to continue the student in his or her regular education program would have an immediate, direct and disruptive effect on the school environment, then the school officials may take disciplinary action and assign the student to an alternative program, in school suspension or alternate site instruction so long as such action does not constitute a suspension or expulsion from the school district.

The final question raised is what process is due if a school district elects to impose discipline in the form of reassignment to an alternative school program without suspension or expulsion.

In Goss v Lopez, 419 U.S. 565, 42 L.Ed 2d 725, 95 S.Ct. 729 at 737 (1975) the Supreme Court concluded that the length and consequent severity of a deprivation is a factor in determining the appropriate form of hearing. While clearly establishing that any suspension is a deprivation of a student's property right and requires a due process hearing, the court held that the nature of the due process required when a suspension is for ten (10) days or less is informal, pre-suspension notice and hearing in which the student is apprised of the charges against him and if he denies it, given an explanation of the evidence the school has obtained and provided an opportunity to present his side of the story. If the suspension passes the threshold of Goss v Lopez, then the procedural safeguards rise accordingly, and prior to the imposition of a longer suspension or expulsion, the student is entitled to a full hearing in accord with the procedures outlined at Warren County Board of Education v Wilkinson, 500 So.2d 455 at 460-461 (Miss. 1986).

However, when there is no suspension or expulsion but an assignment to an alternative educational setting and no state statute requires due process for an alternative school assignment, no federal due process is required. Nevares v San Marcos Consolidated Independent Public School District, 111 F.3d 25 (5th Cir. (Tex.), 1997). The Fifth Circuit in Nevares reasoned that a student who was assigned to an alternative school following an arrest for an off campus felony offense was not denied access to public education, and thus, no federally protected property or liberty interest was involved:

Timothy Nevares is not being denied access to public education, not even temporarily. He was only to be transferred from one school program to another program with stricter discipline.

As mentioned above, Nevarres' holding depended on the fact that no property or liberty interests were conferred by the Texas statute under scrutiny.<sup>6</sup> Prior to 1995 there was, likewise, no liberty or property interest created under Mississippi school statutes. See MS AG OP., Lowery (Sept. 23, 1993).

The Mississippi Legislature, however, has seen fit to confer a property or liberty interest on students who are assigned to alternative school for disciplinary reasons. The Mississippi alternative school statute, Miss. Code Ann. Section 37-13-92, was amended in pertinent part in 1995 by Senate Bill No. 2510 as follows:

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs... 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 ... placement. [emphasis added]

Such a property or liberty interest conferred by state statute is fully enforceable in federal or state court. The Mississippi Board of Education has promulgated guidelines under Section 37-13-92(7) as follows:

The district has and follows written procedures which meet Goss v Lopez due process requirements for removal of a student from school for disciplinary reasons.

This regulation interprets the statute so as to equate the due process required thereunder with the mandates of Goss v Lopez. It does not differentiate between those assignments made pursuant to an expulsion or suspension and any other disciplinary assignment.

The limited nature of the discipline (reassignment as opposed to suspension or expulsion) is not, however, irrelevant to the process afforded the student. The reassignment hearing need not adjudicate the guilt or innocence of the pupil for the alleged out-of-school conduct. At such a hearing the school need only present evidence of the immediate and direct negative effect upon the governance of the school created if the pupil is not reassigned to an alternative school. The pupil must be allowed the opportunity to counter that evidence and present evidence of his own.

In summary it is the opinion of this office that, due to the clear geographic limitation imposed by statute, there is no authority under the present law to suspend or expel a student for dangerous or violent acts or the sale of controlled substances if such acts are committed away from the school or school related activities. The school district may, however, discipline the student in other ways, including assignment to an alternative school, if there is a showing that the non-school related conduct of the child has a direct and negative effect upon the learning environment of the school and/or

constitutes a threat to the safety of the student or others. Mississippi statutory and regulatory law, unlike that of other states, grants a property or liberty interest in the regular education program; therefore any disciplinary assignment to an alternative school must be accompanied by due process.<sup>7</sup>

You may wish to seek legislative relief either on the issue of a school district's authority to expel or suspend such students completely from the school or the property/liberty interest conferred by the alternative school statute.

Yours truly,

Mike Moore

Attorney General

By: Anita C. Clinton

Special Assistant Attorney General



**1998 WL 224294 (Miss. A.G.)**

Office of the Attorney General

State of Mississippi

Opinion No. 98-0218

April 24, 1998

**RE: Miss. Code Ann. Section 37-13-92 and Students Required to be Assigned to Alternative Schools.**

M. James Chaney, Jr., Esquire

Teller, Martin, Chaney & Hassell, LLP

Post Office Box 789

Vicksburg, Mississippi 39181-0789

Dear Mr. Chaney:

Attorney General Mike Moore has received your letter of request and has asked that I research and reply. In your letter you pose the following questions which we will answer in the order presented:

**QUESTION 1:** Does Section 37-13-92 require that students who are suspended or expelled for conduct other than possession of a weapon or other felonious conduct be allowed to attend the alternative school program?

**ANSWER:** Miss. Code Ann. Section 37-13-92 provides in part:

(1) Beginning with the school year 1993-1994, 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 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;

Subsection (1)(a) is clear that compulsory-school-age children who are suspended for possession of a weapon or other felonious conduct need not be assigned to an alternative school; however, those children whose offenses do not fall within these two categories and whose offenses result in a suspension for more than ten (10) days must be assigned to alternative school.

**QUESTION 2:** Does the Board of Trustees or the Superintendent of **Education** have the authority to decide on a case-by-case basis which students who have been suspended or expelled for offenses other than possession of a weapon or other felonious conduct may attend the alternative school and which students' suspensions or expulsions require they be excluded from all school programs?

**ANSWER:** No. See response to Question 1 above.

**QUESTION 3:** May the Board of Trustees or the Superintendent of Education determine a class of offenses which, even though not being possession of a weapon or other felonious conduct, for which they wish to suspend or expel from school and not allow participation in the alternative school program, such as possession of misdemeanor amount of illegal drugs at school?

**ANSWER:** No. See response to Question 1 above. However, for informational purposes only, I attach a copy of Miss. Code Ann. Section 41-29-139(a) and (b)(1),(2), (3) and (c)(2)(a) which determines when possession of certain illegal substances is a felony as opposed to a misdemeanor. The determination appears to lie with the possessor's acts or intent to act rather than the amount.

I hope that this opinion is responsive to your questions.

Sincerely,

Mike Moore

Attorney General

BY: Anita C. Clinton

Assistant Attorney General

**1998 WL 458436 (Miss. A.G.)**

Office of the Attorney General

State of Mississippi

Opinion No. 98-0445

July 24, 1998

**RE: Out-of-School Expulsion and/or Assignment to Alternative School**

Richard L. Thompson

Mississippi Superintendent of **Education**

Post Office Box 117

Jackson, Mississippi 39205

Dear Dr. Thompson:

Attorney General Mike Moore has received your letter of request and has assigned it to me for research and reply. In your letter you request reconsideration of an opinion issued to M. James Chaney, Jr. dated April 24, 1998:

As the State Superintendent of Education, I respectfully request that your office revisit the opinion issued to M. James Chaney, Jr. dated April 24, 1998. We have recently been asked under what circumstances a school district may impose an out-of-school expulsion or an out-of-school suspension of ten days or more. We have examined the Chaney opinion which appears to say that a student expelled or suspended for other than weapons or felonies must be sent to an **alternative** school. On the other hand, an opinion issued to Trent L. Howell dated June 7, 1996, appears to grant school districts the discretion to remove some such students altogether from the school system. If there is a discrepancy between these two opinions, we would appreciate any clarification or guidance you can give to us.

In the Opinion issued to Trent L. Howell this office cited Miss. Code Ann. Section 37-13-92 and stated that students expelled for acts such as the possession or consumption of alcohol which do not rise to the level of weapons possession or other felonious conduct must be considered for alternative school placement. In the opinion issued to M. James Chaney this office stated that those student whose offenses did not fall within the above two categories must be assigned to an alternative school . The central question in Chaney was whether or not the district could establish a class of offenses wherein

the district could totally remove a student, such as possession of a misdemeanor amount of illegal drugs.<sup>1</sup> It has been and remains the opinion of this office that since the enactment of the alternative school statute, the discretion of a school district to establish categories or classes of offenses for which the penalty is total removal from school has been circumscribed; a school district may not establish categories of acts below the level of felonies or weapons possession for which the penalty is expulsion from the school setting altogether.

However, in the opinion issued to Howell an important caveat was included: If the school district determines in its investigation of a student that the acts of the student are such as to pose a threat to the safety of himself or others or disrupt the educational process at the alternative school, then at the discretion of the school board, taking under consideration recommendations made by the administrator of the alternative school and the appropriate guidance counselor, the student may be removed from the school system altogether.<sup>2</sup>

The opinion issued to Chaney dated April 24, 1998 is herein modified to include the caveat contained in the Howell opinion as discussed above.

Sincerely,

Mike Moore

Attorney General

BY: Anita C. Clinton

Assistant Attorney General

**2005 WL 1994205 (Miss. A.G.)**

Office of the Attorney General

State of Mississippi

Opinion No. 2005-0320

July 15, 2005

**Re: Expulsion and Readmission of Students**

Representative Erik R. Fleming

Mississippi House of Representatives, District 72

Post Office Box 2678

Jackson, Mississippi 39207

Dear Representative Fleming:

Attorney General Jim Hood has received your request for an official opinion and has assigned it to me for research and response. Your letter reads as follows:

In my official capacity as a member of the House of Representatives, specifically as a member of the House Juvenile Justice Committee, I am hereby making a request for an official Attorney General's opinion regarding the legality of expulsion policies.

I am aware that many of our children become involved with the state's juvenile justice system as a result of school related incidents. I am particularly concerned about children who are expelled from their schools and then denied readmission. These children are effectively denied their right to an education, and it is my understanding that this right is guaranteed under the Mississippi Constitution.

Therefore, I respectfully request that you address the following questions in an official opinion:

1. Under what circumstances may a school district deny readmission to an expelled student who has served the terms of his or her expulsion?
2. In the event that a school district denies readmission to an expelled student can that student appeal the decision to the State Board of Education or any other entity? If so, what are the procedures for such an appeal?

3. If the school district refuses to educate an expelled student who has served the terms of his or her expulsion how can that student receive the “adequate education” guaranteed to him or her under the Mississippi Constitution?

Miss. Code Ann. Section 37-15-9(3) provides as follows:

When any child applies for admission or enrollment in any public school in the state, the parent, guardian or child, in the absence of a parent or guardian, shall indicate on the school registration form if the enrolling child has been expelled from any public or private school or is currently a party to an expulsion proceeding. If it is determined from the cumulative record or application for admission or enrollment that the child has been expelled, the school district may deny the student admission and enrollment until the superintendent of the school, or his designee, has reviewed the child’s cumulative record and determined that the child has participated in successful rehabilitative efforts including, but not limited to, progress in an alternative school or similar program.

If the child is a party to an expulsion proceeding, the child may be admitted to a public school pending final disposition of the expulsion proceeding. If the expulsion proceeding results in the expulsion of the child, the public school may revoke such admission to school. If the child was expelled or is a party to an expulsion proceeding for an act involving violence, weapons, alcohol, illegal drugs or other activity that may result in expulsion, the school district shall not be required to grant admission or enrollment to the child before one (1) calendar year after the date of the expulsion.

We have previously opined that the term “expulsion” implies that the student must re-apply for admission into school. MS AG Op. Price (September 22, 1994). Pursuant to the language of Section 37-15-9(3), a school district may deny admission or re-admission to a child who has previously been expelled if the child has not participated in successful rehabilitation effort, even if the term of that child's expulsion has expired. There is no statutory provision for an appeal of such an action to the State Board of Education. Any appeal of the decision of a school district to deny re-admission to a child based upon a prior expulsion would be to a court of competent jurisdiction.

Pursuant to Miss. Code Ann. Section 37-13-92, a copy of which is attached for your convenience, the school boards of all school districts are to provide an alternative school program or behavior modification program for certain students. Subsection (1)(a) requires such a program be available to any compulsory school-age child who has been suspended or expelled from school, except for students expelled for possession of a weapon or other felonious conduct. MS AG Op., Chaney (April 24, 1998); MS AG Op., Thompson (June 21, 2001). 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. Even though

not mandated, school districts have the discretion to allow such a child to attend the alternative school. MS AG Op., Price (September 22, 1994). We have also previously opined that 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. MS AG Op., Howell (Jun 7, 1996); MS AG Op., Thompson (July 24, 1998); MS AG Op., Thompson (June 25, 2001). Finally, pursuant to Section 37-13-92(9), any student who becomes involved in any criminal or violent behavior shall be removed from the alternative school program and the matter should be referred to the appropriate youth court.

Whether the removal of a student from the school setting permanently is a violation of any Constitutional rights guaranteed to that child is a matter for a court of appropriate jurisdiction to determine. However, as dictated by the U.S. Supreme Court, prior to any suspension or expulsion, a student is entitled to a certain level of due process. Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729 (1975). The Mississippi Supreme Court has considered such matters, and has recognized that students facing suspension or expulsion have a property interest that qualified for protection under the Due Process Clause. Warren County Bd. of Educ. v. Wilkinson, 500 So.2d 455 (Miss. 1986). But the Court has also held that a claim of violation of due process may only be sustained where the aggrieved party shows “substantial prejudice.” Board of Education of Covington Co. v. G.W., 767 So.1d 187 (Miss. 2000); Jones v. Board of Trustees, 524 So.2d 968 (Miss. 1988). The Fifth Circuit Court of Appeals has recognized that education is not a fundamental right, and the proper test in determining whether a student's due process rights have been violated by a disciplinary action removing them from the school setting is whether such action was rationally related to legitimate governmental interests. Hill v. Rankin County, Mississippi School District, 843 F. Supp. 1112 (5<sup>th</sup> Circuit 1993).

If our office may be of further assistance, please advise.

Sincerely,

Jim Hood

Attorney General

By: Heather P. Wagner

Assistant Attorney General

**2003 WL 22348859 (Miss. A.G.)**

Office of the Attorney General

State of Mississippi  
Opinion No. 2003-0439  
September 5, 2003

Joseph L. Adams, Esq.  
Phelps Dunbar  
Post Office Box 23066  
Jackson, Mississippi 39225-3066

Dear Mr. Adams:

Your request for an Official Opinion has been received by this office and forwarded to me for research and reply. Your request, in pertinent part, reads as follows:

The Tunica County School District has discovered that numerous students who have enrolled and are participating in school have been charged with felony crimes that occurred off-campus and not during any school related activity. The crimes range from murder to assault to burglary to theft. Many of these students are out of jail on bail or have otherwise been released to attend school pending trial of their cases. While these students have not yet been convicted of the felonies for which they are charged, the evidence is fairly compelling that many of these students did in fact commit the crimes for which they are charged.

The above-mentioned students who have been charged with felonies are currently in the normal school setting with other students. However, the school desires to transfer these students to an alternative school setting. I am concerned that the transfer of these students from an original school setting to an alternative school without some proof that the students are threatening to cause harm or damage to other students or the educational process will violate Mississippi law. In other words, absent proof that the students charged with the non-school related felonies are threatening other students, bragging about the alleged crimes, using their experience with the law in a way that encourages other children to engage or possibly engage in illegal acts, or generally disrupting the school environment, may the school transfer these children to an alternative school setting?

This office does not opine as to past actions; therefore, this Opinion is for prospective purposes only. A previous Opinion of this office which is attached hereto and incorporated herein by reference is responsive to your question. See, MS AG Op., Barnett (June 13, 1997). This Opinion provides an exhaustive review of the law regarding a school district's authority to discipline students for acts that



occur off of school property. The Opinion concludes that a school may refer students to an alternative school so long as the district complies with due process.

In pertinent part the Opinion reads as follows:

In summary it is the opinion of this office that, due to the clear geographic limitation imposed by statute, there is no authority under the present law to suspend or expel a student for dangerous or violent acts or the sale of controlled substances if such acts are committed away from the school or school related activities. The school district may, however, discipline the student in other ways, including assignment to an alternative school, if there is a showing that the non-school related conduct of the child has a direct and negative effect upon the learning environment of the school and/or constitutes a threat to the safety of the student or others. Mississippi statutory and regulatory law, unlike that of other states, grants a property or liberty interest in the regular education program; therefore any disciplinary assignment to an alternative school must be accompanied by due process.

I hope that this information has been responsive to your request.

Sincerely,

Mike Moore

Attorney General

By: T. Richard Roberson, Jr.

Special Assistant Attorney General

2003WL 22348859 (Miss. A.G.)

**2007 WL 1229252 (Miss. A.G.)**

Office of the Attorney General

State of Mississippi

Opinion No. 2007-00128

March 16, 2007

**Re: Alternative School**

Mark A. Maples

Attorney at Law

362 Summer Street

Lucedale, MS 39452

Dear Mr. Maples:

Attorney General Jim Hood is in receipt of your opinion request and has assigned it to me for research and reply. In your letter, you pose four questions. I will restate each question with its response to immediately follow.

1. How is an alternative school student to be handled by the school if the alternative school student is expelled?

If a compulsory-school age child is expelled from the Alternative School for criminal or violent behavior, the school district must refer the case to the youth court if probable cause exists. *Miss. Code Ann.* Section 37-13-92 (9). Pursuant to Section 43-21-621 (1) of the Mississippi Code, the youth court shall not order the enrollment or reenrollment of a student that has been suspended or expelled by a public school pursuant to Section 37-9-71 or 37-7-301 for possession of a weapon on school grounds, for an offense involving a threat to the safety of other persons or the commission of a violent act.

We have previously opined that the term “expulsion” implies that the student must re-apply for admission into school. See MS AG Op., Fleming (July 15, 2005) and MS AG Op., Price (September 22, 1994). Pursuant to the language of Section 37-15-9 (3), a school district may deny admission or re-admission to a child who has previously been expelled if the child has not participated in successful rehabilitation effort, even if the term of that child's expulsion has expired. There is no statutory provision for an appeal of such an action to the State Board of Education. Any appeal of the decision of a school district to deny re-admission to a child based upon a prior expulsion would be to a court of competent jurisdiction. Whether the removal of a student from the school setting permanently is a

violation of any Constitutional rights guaranteed to that child is a matter for a court of appropriate jurisdiction to determine. MS AG Op., Fleming (July 15, 2005).

2. When an alternative school student is expelled from the school system at a time when he or she is compulsory school age, must the school district then notify the school attendance officer?

Yes. Pursuant to Section 37-13-91 (6) of the Mississippi Code, the superintendent, or his designee, shall report any student suspensions or student expulsions to the school attendance officer when they occur.

3. If a compulsory school age student expelled from the alternative school is referred to the school attendance officer, must the school attendance officer bring the juvenile before the appropriate Youth Court.

An opinion issued to Mr. Cono Caranna in 1995 provides that during the time in which a suspension or expulsion is imposed, a student is not under the compulsory school attendance officer's jurisdiction and may not be monitored for school attendance. Under the Compulsory School Attendance Law, a parent's responsibility is to cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age. *Miss. Code Ann.* Section 37-13-91 (3). If a student accumulates twelve unlawful absences during the school year, it establishes a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed under the Compulsory School Attendance Law. *Miss. Code Ann.* Section 37-13-91 (5). When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to affect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. *Miss. Code Ann.* Section 37-13-91 (7).

Based on Section 37-13-91 of the Mississippi Code and the Caranna opinion, during the time in which a suspension or expulsion is imposed, a student is not under the compulsory school attendance officer's jurisdiction and may not be monitored for school attendance. A school attendance officer cannot effect the enrollment and/or attendance of a student who has been expelled from school, the statutory requirement for filing a petition with the court. Therefore, the school attendance officer is not required to bring an expelled student before the Youth Court.

4. If the compulsory school age student expelled from the alternative school is not brought before the Youth Court, does our society have any obligation to this child to help provide an education, or do we let this type student fall through the cracks?

Pursuant to Section 7-5-25 of the Mississippi Code of 1972, this office may only render opinions to officials on questions concerning their duties and responsibilities; therefore, we are unable to provide an official answer to your fourth question as it relates to the obligations of our society. For informational purposes only, the general educational development (GED) certificate of equivalency is an option to address the education of students sixteen (16) years or older not enrolled in school. See MS AG Op., Maples (February 2, 2007).

If this office can be of assistance in the future, please let us know.

Sincerely,

Jim Hood

Attorney General

By: Kathy S. Boteler

Special Assistant Attorney General

# APPENDICES

## Appendix A – Annual Alternative Education Evaluation Self-Assessment (2015-2016)



### Office of Compulsory School Attendance Enforcement, Alternative Education/GED Option®

#### Annual Alternative Education Evaluation Self-Assessment (2015-2016)

**MS Code Ann. § 37-13-92. Alternative school program for compulsory-school-age students; transportation of students; expenses; annual report.**

In accordance with Mississippi Code of 1972 §37-13-92 requires the Mississippi State Board of Education to promulgate minimum guidelines for alternative school programs. Among the guidelines, each school district shall 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).

<b>School District:</b>	<b>Date:</b>
<b>District Alternative Education Center:</b>	<b>Email Address:</b>
<b>Phone Number:</b>	<b>Fax:</b>
<b>Address:</b>	<b>City and Zip Code:</b>
<b>Person Completing Report:</b>	<b>Phone Number:</b>

(For each alternative school/program, please identify the principal or program coordinator and provide an email address and phone number for each. Please do not include In School Suspension (ISS).)

**Participation (Total for ALL School(s)/Program(s) in your district):**

Alternative School/Program Name	Principal/ Program Name	Email Address of Principal/Program Coordinator	Phone Number for School Program
Number of alternative school(s):			
Number of alternative education program(s):			
Total number of classroom(s) serving alternative education students:			
Total number of students served:			
District's total capacity (seats):			
Average length of placement (stay) in an alternative setting (number in days):			
Number of certified staff working in an alternative school/program:			
Number of non-certified staff assigned to an alternative education setting:			

**A facility dedicated solely to alternative education**

**An alternative education program or class within a school**

**School/Program Elements present in your district (Check all that apply):**

Afterschool or Other Extended Day Programming	<input type="checkbox"/>
Individual Behavior Plans	<input type="checkbox"/>

Character Education	<input type="checkbox"/>
Credit Recovery	<input type="checkbox"/>
Distance Learning	<input type="checkbox"/>
Dropout Prevention Strategies	<input type="checkbox"/>
Individualized Instruction Plans (IIP)	<input type="checkbox"/>
Juvenile Court Partnership	<input type="checkbox"/>
Life Skills	<input type="checkbox"/>
Mental Health Partnership	<input type="checkbox"/>
Screening Committee (For Alternative Education Placements)	<input type="checkbox"/>
Service Learning	<input type="checkbox"/>
Student Drug Testing	<input type="checkbox"/>
Technology-Based Instruction	<input type="checkbox"/>
Transition Services (a formal plan)	<input type="checkbox"/>
Use of level system or similar behavior support mechanism that encourages appropriate behavior	<input type="checkbox"/>
Other (please describe in space given)	<input type="checkbox"/>

**Mandated requirement under MS Code Ann. § 37-13-92. Alternative school program for compulsory-school-age students; transportation of students; expenses; annual report. Special groups serving all the Alternative School/Program (Check all that apply):**

English Language Learner (ELL) Teachers	<input type="checkbox"/>
School Counselors	<input type="checkbox"/>
Special Education Teachers	<input type="checkbox"/>
Social Workers	<input type="checkbox"/>
School Resource Officers	<input type="checkbox"/>
Teaching Assistants	<input type="checkbox"/>
Other (please describe in space given)	<input type="checkbox"/>

1. What models or curriculum are you currently implementing in your alternative education classroom(s)?
2. What technical assistance opportunities would help you as an alternative educator?
3. What is the greatest challenge facing your alternative education school(s)/program(s)?

<b>Substantive Guidelines 7 (a-j) by indicating YES or NO:</b>	<b>YES</b>	<b>NO</b>
4. Does the alternative education program ensure that it operates under clear guidelines and procedures for placement of students into alternative education programs?		
5. Does the district prescribe a practice of due process procedures for disciplinary infractions that may require alternative education placement?		
6. Does the alternative education program have clear and consistent goals for students and parents?		
7. Does the alternative education program's curriculum address cultural and learning style differences?		
8. Is there direct supervision of all activities on the closed campus?		
9. Are there attendance requirements that allow for educational and workforce development opportunities in the alternative education program?		
10. Is there a selection of program options provided by the local school district, Division of Youth Services or the youth court that include transfer to a community-based alternative school?		
11. Is there ongoing monitoring and evaluation with a formalized passage from one step or program to another?		
12. Are staff motivated and culturally diverse?		
13. Is counseling for parents and students provided?		
14. Is there administrative and community support for the program?		
15. Does the alternative education program have clear procedures for annual program review and evaluation?		

16.	A certified Administrator supervises the alternative program when the program is housed in a free standing facility, separate from the regular school program.		
17.	The program is housed in a safe, well-maintained, and provides an accessible physical environment that supports optimal student learning.		
18.	Transportation is provided by the district, to and from the alternative program.		
19.	If the alternative education program is part of a consortium operated by two or more school districts, a contract between the lead district and the other participating districts has been approved by the State Board of Education. (If you answered yes, please list <b><u>all participating school districts a part of the consortium</u></b> ):		
20.	The program provides guidance and counseling to promote student performance.		
21.	The program provides the appropriate services to meet the educational needs of students with disabilities, limited English proficiency, and/or significant skill deficiencies.		
22.	The teaching day provides 330 minutes of instruction.		
23.	The Individualized Instruction Plan (IIP) ensures that the student is making adequate progress toward graduation.		
24.	The Individualized (IEP) is reviewed and revised, if needed, to ensure that the required services are provided to meet the educational needs of students with disabilities.		
25.	Students enrolled in the alternative education program participate in the Mississippi Assessment System in accordance with established guidelines.		
26.	The school district routinely conducts evaluations to determine progress toward the program's mission, standards, and plan for improvement.		



## Appendix B – District Designees

NAME OF SCHOOL DISTRICT	PRINCIPAL
Aberdeen School District	Carla Henry and Jawaski Rankin
Alcorn School District	Randy E. Holt
Amite County School District	Cedric McDowell
Amory School District	Scott Noe
Bay Waveland School District	Bradley C. Ladner and Sharon Sutherlin
Benton County Schools	Gary McBride
Biloxi School District	Dr. Vera Robertson and Tim Bellipanni
Booneville School District	Dawn Johnson
Brookhaven School District	LaRenda Janee' Harrison
Calhoun County School District	Kim Poteete and Mike Ray
Canton Public School District	Koche' Anderson
Carroll County School District	Joey Carpenter
Chickasaw County School District	Seth Burt
Choctaw County School District	Amber Vowell
Claiborne County School District	Gary Wright
Clarksdale Municipal School District	Lucinda Carter
Cleveland School District	Dianne Hill
Clinton Public School District	Thomas K. Heath
Coffeeville School District	Johnnie Dudley
Columbia School District	Shelia Burbridge
Columbus Municipal Schools	Tamela Barr
Copiah County School District	Marilyn Phillips, Donald Reagan and Bill Broadhead
Corinth School District	Jay R. Walker
Covington County School District	Rachel Rogers
DeSoto County Schools	Jay Baird
Durant Public Schools	Glenn Carlisle
East Jasper School District	Bufus Ellis and Marie Parker
Forrest County School District	Jennifer Riels
Franklin County School District	Anthony Hart and Chris Kent
George County School District	Wade Whitney, Kiley Hughes, and Rita Mizell
Greene County School District	Carolyn Hartfield Bishop
Greenville Public School	Dr. Yolonda Bankston
Greenwood Public School District	Dr. Robie Greene
Grenada School District	Dr. Tina Herrington
Gulfport School District	Tim Bellipanni
Hancock County School District	Raymond Spiers
Harrison County School District	Kelly Wawrek, Dr. Tenisha Temple, Tracy Sellers, Reginal Lewis and Jocelyn Moody
Hattiesburg Public School District	Dr. Vanessa Lofton
Hazlehurst School District	Jeff Mumford

Hinds County School District	Kimberly Davenport and D. Jeanne Park
Hollandale School District	Cortez Johnson
Holly Springs School District	Norbert Woods
Houston Public School District	Buz Boyer
Humphreys County School District	Timothy R. Ginn
Itawamba County School District	Sungja S. Collins
Jackson County School District	James Hughley, Dina Holland, Stephanie Gruich, and Anthony Gruich
Jackson Public School District	Dr. Falanda Addison-Ross
Jefferson County School District	Harry Brown
Jefferson Davis County Schools	Dr. Jason McLeod
Jones County School District	Mike Moore
Kosciusko School District	Dave Woodin
Lafayette County School District	Lori Gardner
Lamar County School District	Bryan Stewart
Lauderdale County School District	Rob Calcote
Laurel School District	David E. Lewis
Lawrence County School District	Darrell Turner
Leake County School District	Peggy Marble
Lee County School District	Coke Magee
Leflore County School District	Anita L. Herrod-Ware
Lincoln County School District	Gareth Sartin, Shannon Eubanks, Robin Case, and Jason Case
Long Beach School District	Larry Ramsey
Louisville Municipal School District	Ella Smith
Lowndes County School District	Charles H. Jackson
Madison County School District	Brent Cofield
Marion County School District	Ellie Rich
Marshall County Schools	Rodney Bufford
McComb School District	Malcolm Jones
Meridian Public School District	Theresa Chisolm
Monroe County School District	Chris Kidd
Montgomery County School District	Lewis Ziegler
Moss Point School District	Jerry Pittman
Natchez-Adams School District	Theodis Westbrook
Nettleton School District	Jamie Taylor
New Albany School District	Minerva Graham
Newton County School District	Sal Labue
North Bolivar Consolidated School District	Kevin L. Carter
North Pike School District	S. Hallmark and C. Smith
North Tippah School District	Jennifer Stroupe
Ocean Springs School District	Kelly Long
Okolona School District	Dr. Christopher Hill
Oxford School District	Kathy Howington

Pascagoula Gautier School District	Dr. Melissa Angelo
Pass Christian Public School District	Tricia Cox
Pearl Public School District	Nikki Graham, Robert C. Lee, and Dale Shepard
Pearl River County School District	Nilene Quave
Perry County School District	Jim Nightengale
Petal School District	Eugene Smith and Carl Shepard
Picayune School District	Daphnie Beebe
Pontotoc City School District	Howard Hill
Pontotoc County School District	Lily West
Quitman County School District	Tametrice Strickland
Quitman School District	Dr. James W. Swindell, Jr.
Rankin County School District	Patricia Corban and Monica Harris
Richton School District	Clay Anglin
Senatobia Municipal School District	Robert W. Downing
Simpson County School District	Tom McAlpin
Smith County School District	Mary White
South Delta School District	Eddwin Smith
South Panola School District	Patricia Gleeton
South Pike School District	LaDewayne Harris
Starkville School District	Lis Thompson and Watress Harris
Stone County School District	Greg Amacker
Sunflower County Consolidated School District	Earl Liddell
Tishomingo County School District	Matthew Alred
Tunica County School District	Shirley Cathey
Tupelo Public School District	Willie Harmon
Union Public School District	Brad Breland
Vicksburg-Warren School District	Dr. Cedric Magee and Ombudsman Program
Walthall County School District	Dr. Ronnie Morgan
Wayne County School District	Dr. Sherrell Gilmore
Webster County Schools	Phil Ferguson
West Bolivar Consolidated School District	Shelia Brown, Dr. Barbara Flore, and Cynthia Williams
West Jasper School District	Dr. Kesia Pope
West Point Consolidated School District	W. Stephen Parker
West Tallahatchie School District	Sherry Ellington
Western Line School District	Derrick Cook and Donald Coleman
Wilkinson County School District	Ougrett M. Brumfield
Winona School District	Lance VanHorn
Yazoo City Municipal School District	Gregg Giles
Yazoo County School District	George Jones

## **Appendix C – District Comments**

1. The physical structure of the classrooms is a critical variable in affecting student morale and learning. We need to ensure statewide that alternative schools are treated as “schools” as well.
2. We need to ensure we involve students in the process of creating their environment to empower them, develop their community and increase motivation.
3. Some kids need a smaller group setting.
4. The alternative education program doesn’t work for all kids.
5. We need to better fund these schools.
6. The alternative school should have personnel on board who are caring with continual professional development.
7. We need school staff to have high expectations for student achievement.
8. We need to give these students equal status to the regular schools.
9. We need learning programs specific to the student’s expectations and learning style that can be incorporated into their Individual Instruction Plan (IIP).
10. We need to be accommodating and ensure a flexible school schedule with community involvement and support; and a total commitment to have each student be a success.

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