**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑1355 SO AS TO PROVIDE THAT AN ENTITY THAT SEEKS TO PROVIDE ALTERNATIVE EDUCATION PROGRAMS IN CONJUNCTION WITH SCHOOL DISTRICTS OF THIS STATE SHALL SUBMIT REQUESTS TO THE DEPARTMENT OF EDUCATION, TO PROVIDE FOR THE ENROLLMENT OF STUDENTS IN THESE PROGRAMS, TO PROVIDE FOR PROGRAM FUNDING, TO PROVIDE FOR INCLUSION OF THESE STUDENTS IN DISTRICT AVERAGE DAILY MEMBERSHIP, AND TO PROVIDE REPORT CARD REQUIREMENTS; AND TO AMEND SECTIONS 59‑63‑1300, 59‑63‑1310, 59‑63‑1320, 59‑63‑1350, AND 59‑63‑1360, ALL RELATING TO ALTERNATIVE SCHOOL PROGRAMS, SO AS TO PROVIDE FOR THE ESTABLISHMENT OF ALTERNATIVE SCHOOL PROGRAMS BY OTHER ENTITIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 13, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59‑63‑1355. (A) An entity that seeks to provide alternative education programs shall submit a request to the Department of Education. Upon approval, a school district may enroll students in these programs and funding generated by the student pursuant to the Education Finance Act, as provided in Chapter 20, Title 59, the Education Improvement Act, or funds specified in the general appropriations act for students at‑risk of school failure may be used to contract with the entity to provide alternative school services. During the time a student is enrolled in the alternative school program established by the entity, the district of residence of the student shall continue to claim the student in its average daily membership. For report card purposes, a student enrolled in alternative education programs established by other entities may not be included in the report card of the student’s resident public school unless that student physically attends his resident public school. However, a student enrolled in an alternative education program established by another entity must be included in the report card of his resident public school district.

(B) For purposes of this section:

(1) ‘resident public school district’ means the public school district in which the student resides; and

(2) ‘resident public school’ means the public school the student is zoned to attend.”

SECTION 2. Section 59‑63‑1300 of the 1976 Code is amended to read:

“Section 59‑63‑1300. The General Assembly finds that a child who does not complete his education is greatly limited in obtaining employment, achieving his full potential, and becoming a productive member of society. It is, therefore, the intent of this article to encourage district school boards throughout the State to establish alternative school programs or to enroll children in appropriate alternative education programs. These programs ~~shall~~ must be designed to provide appropriate services to students who for behavioral or academic reasons are not benefiting from the regular school program or may be interfering with the learning of others. It is further the intent of this article that cooperative agreements may be developed among school districts or with other entities in order to implement innovative exemplary programs.”

SECTION 3. Section 59‑63‑1310 of the 1976 Code is amended to read:

“Section 59‑63‑1310. School districts ~~which~~ that choose to establish, maintain, and operate, either individually or as a cooperative agreement among districts, or with other entities, alternative school programs ~~shall be~~ are eligible for funding provided by the General Assembly for this purpose. The program must be operated at a site separate from other schools unless operated at a time when those schools are not in session or in another building on campus which would provide complete separation from other students. However, an existing alternative school program located in a defined area within a building which provides complete separation from other students and which otherwise meets the criteria established ~~herein~~ in this section may continue at this site if the location is approved by the Department of Education. ~~Provided, that~~ A school district, ~~or~~ consortium, or other entity may apply for a waiver to the site requirement for a new program if it demonstrates to the satisfaction of the State Department of Education that no separate site is available and the cost of temporary classroom space cannot be justified~~, then~~. The alternative school program may be established in a defined area within a building which provides complete separation from other students if the location is approved by the Department of Education and a waiver is granted. This waiver may be granted for a period of two years. In order for the district, ~~or~~ consortium, or other entity to reapply for a waiver, ~~they~~ it must outline efforts made to acquire a separate facility.”

SECTION 4. Section 59‑63‑1320 of the 1976 Code is amended to read:

“Section 59‑63‑1320. (A) Eligible alternative school programs ~~shall~~ must be provided for, but not limited to, students in grades ~~6‑12~~ six through twelve as follows:

(1) students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the attention and assistance beyond that of a traditional program as established by the academic history of the student~~, including the student’s academic plan as required in Section 59‑18‑500,~~ and following other policies and procedures for documenting need established by the district board of trustees~~.~~ ;

(2)(a) students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the program due to habitual exhibitions of disruptive behavior in violation of the student conduct policies and behavior codes approved by the school board of trustees~~.~~ ;

(b) ~~Districts must~~ a school district shall establish clear guidelines and procedures for the referral of ~~any~~ a student into an alternative school program. ~~and~~ Before a decision is made to assign a student to an alternative school program, a determination must be made that the written and distributed academic and disciplinary policies of the district have been followed~~.~~ ;

(3) students placed in an alternative school program by the district board of trustees as an option to suspension or expulsion or by the dispositive order of a family court judge, with the consent of the local board of trustees. However, before a student may be placed in an alternative school program, a determination must be made by the local board that the written and distributed disciplinary policy of the district has been followed. Districts must establish clear guidelines and procedures for the placement of any student into an alternative school program and at a minimum they shall prescribe due process procedures for placement actions; and

(4) students at risk of dropping out of school due to behavioral or academic reasons.

(B) When students are being considered for placement in an alternative school program, districts ~~must~~ shall consider the requirements of the Federal Individuals with Disabilities Education Act (IDEA).

(C) If a student placed by the board of trustees in an alternative school program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, information concerning the student’s placement in an alternative school program. Upon review of the information, the district in which the student enrolls may continue an alternative education program placement or may allow the student to attend regular classes without completing the period of the placement.”

SECTION 5. Section 59‑63‑1350 of the 1976 Code is amended to read:

“Section 59‑63‑1350. (A) To be eligible for funding, a district, ~~or~~ consortium, or other entity ~~must~~ shall submit a plan for the program which includes:

~~(a)~~(1) mission statement;

~~(b)~~(2) the policy for the basis of enrollment in the school;

~~(c)~~(3) location of the alternative school program; and

~~(d)~~(4) description of how the school will focus on the educational and behavioral needs of the students. This description must include strategies for individual student instruction plans, evaluations at regular intervals of the student’s educational and behavioral progress, instructional methods in meeting academic achievement standards in the core academic areas, provisions for a low pupil‑teacher ratio, utilization of available technology, strict codes of student conduct, counseling, strategies to gain strong parental input and support, strategies to ensure students will adapt to a regular school setting upon departure from the alternative school program, and student time lines for meeting the academic and conduct standards set. The alternative program may be provided in conjunction with the adult education program, where appropriate. Goals, interim goals, and data collection for program evaluation must be a part of the program plan.

(B) The instructional program should enable students to make the transition to a regular school program, earn a high school diploma or GED, or seek postsecondary education. Steps should be taken to ensure that credit earned by students participating in the alternative school program can be transferred to other public schools in the State; provided, ~~nothing herein shall~~ this section does not prohibit school districts ~~and/~~or the South Carolina Department of Education from establishing and providing new and innovative programs as may be authorized otherwise under law to meet the unique needs of alternative school students who otherwise might drop out of school or never be able successfully to complete the requirements for a diploma.”

SECTION 6. Section 59‑63‑1360 of the 1976 Code is amended to read:

“Section 59‑63‑1360. A school district, ~~or~~ consortium, or other entity shall determine what, if any, transportation ~~shall~~ must be provided to students attending an alternative school in accordance with written district guidelines.”

SECTION 7. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑