Title 7: Education K-12

Part 3: Board Policies

Part 3 Chapter 1: Accountability

Rule 1.1 Educational Accountability. The State Board of Education is directed by Miss Code Ann. §37-1-3 to identify all functions of the department that contribute to or comprise a part of the state system of educational accountability and to establish and maintain within the department the necessary organizational structure, policies and procedures for effectively coordinating such functions.

Miss Code Ann. §37-151-9 created the Office of Educational Accountability within the State Department of Education and states that the Director and the Office of Educational Accountability reports at the will and pleasure of the State Board of Education may employ necessary professional, administrative and clerical staff. This office is responsible for the following:

1. Providing all reports to the Legislature, Governor, Mississippi Commission on School Accreditation and State Board of Education and respond to any inquiries for information;

2. Monitoring and reviewing programs developed under the Education Reform Act, the Mississippi Adequate Education Program Act of 1994, the Education Enhancement Fund, and subsequent education initiatives;

3. Performing an annual assessment of education reform programs by December 1 and present the findings to the Legislature, Governor, Mississippi Commission on School Accreditation and the State Board of Education;

4. Developing and maintaining a system of communications with school district personnel;

5. Providing opportunities for public comment on the current functions of the State Department of Education's programs;

6. Assessing impact on school districts of new education programs; and,

7. Developing a public school reporting system, or "Mississippi Report Card" by collecting school, district, and state level achievement data in the appropriate grades as designated by the State Board of Education in all core subjects and compare the data with national standards to identify students' strengths.

The State Board of Education expects the Director of the Office Educational Accountability to communicate and cooperate with the State Superintendent of Education.

The State Board of Education directs the Director and Office of Educational Accountability to fulfill the responsibilities outlined in the statues of the State of Mississippi as stated above.

Source: *Miss Code Ann. §37-151-9*

Rule 1.2 Accountability Subcommittee

1. COMPOSITION

The Accountability Subcommittee shall consist of three voting members of the State Board of Education. The Accountability Subcommittee will meet at the call of the Subcommittee Chair. Accountability Subcommittee members shall be appointed by the State Board of Education Chair and approved by the full Board.

2. PURPOSE

The State Board of Education has established a special subcommittee of the Board to be called the State Board of Education Accountability Subcommittee. The purpose of the Subcommittee is to assist the State Board of Education in fulfilling its oversight responsibility for the integrity of the Department's financial and operational results, compliance with legal and regulatory requirements, and the performance of internal audit and program evaluation as well as external auditors.

3. AUTHORITY

The Accountability Subcommittee has authority to conduct or authorize program evaluations, audits and investigations into any matters within the scope of the State Board of Education's responsibility. It is empowered to:

a. Approve the Director of Educational Accountability's Reporting, Audit and Program Evaluation Plan and resolve any problems that occur in the execution of these plans.

b. Review and accept external auditors' reports along with written responses when appropriate.

c. Meet with Mississippi Department of Education employees, external auditors, legal counsel, or others as necessary.

d. Approve and submit to the State Board of Education any changes in the Director of Educational Accountability's duties. Make monthly reports to the State Board of Education.

4. RESPONSIBILITIES

Financial and Operational Review Oversight Review and approve significant accounting, operational and reporting issues that impact the financial and operating results on the Mississippi Department of Education's system of internal control. Review the process and results of program evaluations, internal audits and the annual financial statement audit with the Superintendent of Education, the Director of Educational Accountability and the State Board of Education. Internal Control Evaluate the effectiveness of the Department's internal control system.

a. Internal Accountability
   Review and approve with the Director of Educational Accountability the audit plan, activities, staffing and organizational structure of Internal Accountability.

b. Program Evaluation
   Review with the Director of Educational Accountability the Office of Internal Accountability and Program Evaluation's risk assessment relating to programs. Provide guidance and direction to the Director of Educational Accountability in the area of program evaluation.

Source: *Miss Code Ann. §37-151-9 (Adopted 3/2011)*

Rule 1.3 Office of Internal Accountability & Program Evaluation

1. PURPOSE

The purpose of the Office of Internal Accountability and Program Evaluation is to provide independent, objective evaluations, audits, investigations, and consultative services to the State Board of Education and the Mississippi Department of Education.

2. REPORTING

The Office of Internal Accountability and Program Evaluation reports to the Director of Educational Accountability. The Director of Educational Accountability reports to the State Board of Education.

3. RESPONSIBILITIES

The Office of Internal Accountability and Program Evaluation is responsible for carrying out the internal audit and internal program monitoring and assessment functions of the Department. Responsibilities include:

a. Evaluating the Department's system of internal controls to provide reasonable assurance to management that internal controls are adequate and effective, professional standards of business conduct are observed, and assets are properly accounted for and safeguarded.

b. Conducting objective and professional evaluations of Department activities to determine compliance with agency policies and procedures as well as applicable state and federal laws and regulations and determine if goals and objectives are efficiently and effectively attained.

c. Reporting evaluation results, including deficiencies and recommendations, to Department management and the State Board of Education.

d. Serving as the liaison between external audit and oversight entities such as the Office of the State Auditor, Joint Legislative Committee on Performance Evaluation and Expenditure Review, Ethics Commission, and federal agencies.

e. Ensuring prompt resolution of audit deficiencies reported by external entities.

f. Reviewing the audit report of each public school district, community college, and university receiving federal funding from the Department to ensure corrective action on audit deficiencies of federal programs is appropriate and timely.

g. Assisting departmental staff and school district personnel in interpreting and applying program guidelines.
h. Performing special projects in response to requests by State Board of Education, State Superintendent of Education, and the State Legislature.

4. AUTHORITY
The Office of Internal Accountability and Program Evaluation will have unrestricted access to all Department records, personnel, and physical properties relevant to the performance of evaluations, audits, investigations, and consultative services. The office will have full and free access to the Accountability Subcommittee.

The Office of Internal Accountability and Program Evaluation has no authority or responsibility for activities which are audited or reviewed and does not have the authority to require implementation of any recommendations; that authority remains with management.

Source: *Miss Code Ann. §37-151-9 (Adopted 4/2012)*

Part 3 Chapter 2: Accreditation

Rule 2.1 Mississippi Public School Accountability Standards. Mississippi Public School Accountability Standards is the current accreditation policy. Staff shall review Mississippi Public School Accountability Standards as needed and request State Board of Education approval for recommended revisions. Following Board approval, staff will disseminate copies of the revisions to appropriate members of the educational community. An up-to-date copy of Mississippi Public School Accountability Standards shall be kept on file in the State Department of Education.

For a copy of the Mississippi Public School Accountability Standards, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 24.

Source: *Miss. Code Ann. § 37-1-3 (Revised 6/2001)*

Rule 2.2 Conservatorship. Procedures for developing and implementing a Corrective Action Plan are required by Section 37-17-6(10) of the *Mississippi Code of 1972*, as amended, and Section

2.8 of the current edition of the *Mississippi Public School Accountability Standards.* These procedures shall be implemented by the Office of Accreditation and other assigned Mississippi Department of Education (MDE) staff.

Source: *Miss. Code Ann. 37-17-6(10) (Revised 6/2012)*

Rule 2.3 Grading. Each school district shall have a grading policy that is uniform by school grade designation. The grading policy is not required to be uniform across all grade levels. The grading policy shall be adopted by the local school board, published in the student handbook, and disseminated to parents.

It is the intent of the Commission on School Accreditation and the State Board of Education that grading is the responsibility of teachers.
Any change of grades, other than a final grade, shall be addressed with the teacher who issued the grade and the building level administrator.

Any change of a final grade (as recorded on a cumulative folder or permanent record) shall be presented and approved by a panel consisting of, at a minimum, the teacher issuing the grade, the building level administrator, and a central office administrator.

Written documentation (which includes signatures of all panel members) of all actions must be included in the cumulative folder and available for review by the Mississippi Department of Education. Any changes or corrections must be made on the cumulative folder and permanent record as required by *the Mississippi Cumulative Folders and Permanent Records Manual of Directions.* If the district is going to mandate or require the awarding of a minimum grade, then the district must adopt a written board policy that includes input and support from administrators, teachers, and stakeholders in the development of said policy. Districts may adopt specific grading policies that address the needs of special populations such as students with disabilities and English Language Learners.

For a copy of the Mississippi Cumulative Folders and Permanent Records Manual of Directions, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 22.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 9/2010)*

Rule 2.4 First Administration of Statewide Assessments (Repealed 3/2015)

Part 3 Chapter 3: Administrative Expense Reduction

Rule 3.1 Administrative Expense Reduction.

1. A local school district may be exempt from the required reduction in Expenditure Functions [Mississippi Code, Section 37-61-9(4)] 2210, Improvement of Instruction Services; 2300,

General Administration; 2400, School Administration; and/or 2500, Business Services; by one percent (1%) in the 1992-93 school year and two percent (2%) for any of the four (4) years beginning with the 1993-94 school year if the school district can demonstrate and document that the application of the reduction would result in extraordinary hardship or impair the fiscal integrity or operations of the school district. Extraordinary hardship is defined as:

a. A level beyond which further reduction would cause a school district to not be able to meet Level 3 Accreditation Standards.

Or

b. A level beyond which further reduction would jeopardize the district's ability to perform required accounting procedures, payroll administration, purchasing, and preparation of financial reports.

Or

c. A level beyond which further reduction would result in a school district not being able to provide protection of school property, supervision of staff and students, or fundamental alteration or reduction in required programs and services.

2. PROCEDURE

In the event a local school district board of education can document that no increases have been budgeted in Expenditure Functions 2210, Improvement of Instruction Services; 2300, General Administration; and 2500, Business Services; and can demonstrate that further reduction in any one these Functions would result in an extraordinary hardship or impair the fiscal integrity of operations of the school district, said board of education shall make a written request for exemption to the State Board of Education giving adequate justification and documentation to support said request. The local school district board of education or designated representative may address the State Board of Education in support of its request. The State Board of Education's decision will be final.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1992)*

Part 3 Chapter 4: Administration Procedures Act

Rule 4.1 Administration Procedures Act. When the Board adopts, amends or repeals any of its rules or policies affecting the public, the Secretary shall file with the Secretary of State notice of this intent in accord with Sections 25-43-1.101 through 25-43-3.114 of the Mississippi Code.

This notice shall be filed at least twenty-five (25) days prior to the final adoption of the rule, amendment or repeal, except when imminent peril to the public health, safety or welfare requires adoption of a rule upon fewer than twenty-five (25) days notice.

Thereafter, when the Board adopts the rule, amendment or repeal, the Secretary shall file with the Secretary of State a certified copy of the rule, amendment or repeal.

The action shall become final thirty (30) days after the filing with the Secretary of State of the certified copy.

The State Superintendent of Education shall develop a procedure to be used in implementing this policy.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/1993)*

Rule 4.2 Hearing Procedure and Declaratory Opinions. Pursuant to Section 25-43-3.104 of the Mississippi Administrative Procedures Law, the Mississippi Board of Education must afford persons the opportunity to submit, in writing, argument, data, and views on a proposed rule. The Board may, in its discretion, schedule an oral proceeding on any proposed rule. However, the Board must schedule an oral proceeding on a proposed rule if, within twenty (20) days after the proper filing of the notice of proposed rule adoption, a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons.
Pursuant to Section 25-43-3.104, an agency may issue rules for the conduct of oral rule- making proceedings or prepare reasonable guidelines or procedures for the conduct of any such proceedings. If a written request for an oral proceeding is received from an eligible party as described above, the Board prescribes the following procedures for the conduct of oral hearings.

1. An oral proceeding will be scheduled no earlier than twenty (20) days after notice of the proceeding's location and time is properly filed with the Secretary of State for publication in the administrative bulletin.
2. Within three (3) days after filing with the Secretary of State, notice of the location and time for the proceeding shall be mailed to each person who has made a timely request to the Department to be placed on the mailing list maintained by the Department of persons who have requested notices of proposed rule adoptions.
3. Within three (3) days after filing with the Secretary of State, notice of the location and time for the proceeding shall be published in newspapers with general circulation throughout the state.
4. The Board designates the State Superintendent of Education or another presiding officer designated by the State Superintendent to preside at a required oral proceeding on a proposed rule.
5. Oral proceedings shall be open to the public.
6. A record, to include all documents submitted at the proceeding, shall be made by stenographic or other means of all oral proceedings. The record shall be available for cost upon the written request of an applicant.
7. Oral proceedings shall not be conducted pursuant to statutory or formal rules of evidence or procedure. The presiding officer's authority to limit oral testimony includes, but is not

limited to, those situations necessary to keep the hearing focused on the proposed rule or to prevent undue repetition in the proceeding.

8. The presiding officer shall make a recommendation to the Board at its next, regularly scheduled meeting. Said recommendation shall include: (i) the proposed rule; (ii) a summary of the oral proceeding; and, (iii) recommendations.

Rule 4.2.1 Declaratory Opinions

1. Scope
   Part III of these Rules is promulgated pursuant to MS Code Ann. §25-43-2.103(2) (1972) of the Administrative Procedure Law, and is intended to set forth the Department's rules governing the form and content of requests for declaratory opinions, and the Department's procedures regarding the requests, as required by MS Code § 25-43-2.103 (1972). These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

2. Persons Who May Request Declaratory Opinions.
   Any person with a substantial interest in the subject matter may request a declaratory opinion from the Department by following the specified procedures. "Substantial interest in the subject matter" means: an individual, business, group or other entity that is directly affected by the Department's administration of the laws within its primary jurisdiction. "Primary jurisdiction of the agency" means the agency has a constitutional or statutory grant of authority in the subject matter at issue.

3. Subjects Which May Be Addressed In Declaratory Opinions.
   The Department will issue declaratory opinions regarding the applicability to specified facts of: (1) a statute administered or enforceable by the Department or (2) a rule promulgated by the Board. The Department will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the agency.

4. Circumstances in which Declaratory Opinions Will Not Be Issued.
   The Department may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:
   a. lack of clarity concerning the question presented;
   b. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
   c. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;

d. the facts presented in the request are not sufficient to answer the question presented;
e. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
f. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;
g. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;
h. the question presented by the request concerns the legal validity of a statute or rule;
i. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
j. no clear answer is determinable;
k. the question presented by the request involves the application of a criminal statute or a sets of facts which may constitute a crime;
l. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
m. The question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;
n. A similar request is pending before this agency or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.
o. Where issuance of a declaratory opinion may adversely affect the interests of the State, the Board, the Commissions appointed by the Board, Department or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;
p. The question involves eligibility for a license, permit, certificate or other approval by the Department or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

5. Written Request Required.
Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Department.

6. Where to Send Requests.
All requests must be mailed, delivered or transmitted via facsimile to:

Mississippi Department of Education

P.O. Box 771
Jackson, Mississippi 39205-0711
ATTN: DECLARATORY OPINION REQUEST

The request shall clearly state that it is a request for a declaratory opinion. No oral, telephone requests or email requests will be accepted for official opinions.

7. Name, Address and Signature of Requestor.
Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.

8. Question Presented.
Each request shall contain the following:
    a. a clear and concise statement of all facts on which the opinion is requested;
    b. a citation to the statute or rule at issue;
    c. the question(s) sought to be answered in the opinion, stated clearly;
    d. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
    e. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address and telephone number; and
    f. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.

9. Time for Department's Response.
Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Department shall, in writing:
    a. issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;
    b. decline to issue a declaratory opinion, stating the reasons for its action; or
    c. agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request.

The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received by the Department, whichever is sooner.

10. Opinion Not Final for Sixty Days.

A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Department may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

11. Notice by Department to third parties.

The Department may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the requestor.

12. Public Availability of Requests and Declaratory Opinions.

Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Department's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

13. Effect of a Declaratory Opinion.

The Department will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Department and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Department shall be binding only on the Department and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 9/2006)*

Part 3 Chapter 5: Agenda, State Board of Education

Rule 5.1 Agenda, State Board of Education. A board member may request that any item which the member desires to be considered by the full Board be placed on the agenda.

All other requests for items to be placed on the agenda shall be submitted in writing, with sufficient detail to explain the nature of the request, and be received by the secretary no less than 10 calendar days prior to the scheduled monthly meeting. Requests will be acknowledged in

writing and, if the request is granted, an approximate time and length for the presentation will be assigned.

Requests to address the Board shall be submitted in writing to the Secretary no less than 10 calendar days prior to the monthly meeting. The request shall provide sufficient information to explain the nature of the requested address. Requests will be acknowledged in writing and, if the request is granted, an approximate time and length for the presentation will be assigned.

Matters not on the agenda will not generally be considered by the Board except when two- thirds of the Board present and voting concur.

The Secretary of the Board shall mail the proposed agenda to each Board member not later than 7 calendar days prior to a regularly scheduled meeting.
Further distribution of the agenda shall be made as follows:

1. Two copies to the Attorney General's Office,
2. To all affected parties,
3. To all parties who shall appear before the Board, and
4. To any person whom any Board member requests to be furnished a copy.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/1993)*

Part 3 Chapter 6: Administrative Process and Performance Review

Rule 6.1 Administrative Process and Performance Review. The regulation governing the process and performance review for teacher education and administrator preparation programs in Mississippi are specified in the document titled *Administrative Process and Performance Review*. An up-to-date copy of that document shall be kept on file in the appropriate office in the Mississippi Department of Education. Upon approval of amendments to that document by the Mississippi Board of Education, staff will disseminate same to the appropriate personnel in the Mississippi educational community.

For a copy of the *Administrative Process and Performance Review*, please visit the Mississippi Secretary of State's website at Regulations and Enforcement in the Administrative Code, Title 7: Education K-12, Part 107.

Source: *Miss. Code Ann. § 37-1-3 (Rev. 2006)*

Part 3 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)

Rule 7.2 GED Standards

Introduction.
Section 37-13-92 of The Mississippi Code of 1972 Annotated authorized school districts in Mississippi to provide a program of General Education Development (GED) preparatory instruction as a part of the Alternative Education Program. Section 37-35-3 mandates that students who are enrolled in an approved GED program shall not be classified as dropouts and that the school district will continue to receive State funding for the students while they are enrolled in the GED Program. Students placed in the GED Program shall not be eligible to participate in regular academic courses or other programmatic activities within the school

district, including athletics, choir, band, or any other extracurricular activities, except that a GED student may participate in existing job and skill development programs or in programs developed in conjunction with the GED Program and the Vocational Education Director. Local school districts are also authorized to contract with a Community College for the purpose of preparing students for the GED testing process. If a school district contracts with a Community College to provide a GED Program, the students placed in the program will be reported on the monthly attendance report of the public school district of origin and counted in the average daily attendance.

Minimum Guidelines for Implementing a GED Program in Mississippi School Districts

1. The GED Program is defined through written policies approved by the local school board. Approved policies and procedures for the GED Program are published and available to the public for review. All policies and procedures for the operation of the GED Program must meet minimum requirements specified in Section 37-13-92. Further, the program must meet the requirements and applicable policies of the State Board for Community and Junior Colleges as stated in Section 37-35-1.

2. Selection procedures shall ensure that students who enroll in the GED Option will not graduate with their class because of credit deficiency and are otherwise capable of completing graduation requirements. Recommendation for student participation in the GED Program will be made by a committee of school staff consisting of campus administrators, counselors, classroom teachers, and support staff**.** Written documentation of the committee recommendation shall be maintained for each student. The criteria for student participation in the GED Option Program as outlined in Section 37-35-3 will consist of the following:

    a. The student must be at least 16 years of age;
    b. 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;
    c. The student must have taken every opportunity to continue to participate in course work leading to a regular diploma; and
    d. The student must be certified to be eligible to participate in the GED course by the school district superintendent, based on the developed criteria.

    Additionally, according to the American Council on Education (ACE), students that have been referred to the Alternative Education Program for disciplinary reasons shall not be eligible for placement in the GED Option Program until behavioral modification goals for exiting the Alternative Education Program have been attained.

3. The recommendation for placement in the GED Program must be approved by the superintendent of the school district. Students shall not be placed in a GED Program prior to obtaining written parental or guardian consent for placement. Documentation of parental consent for placement in the program will be maintained for each student. {MS Code {37-13-92 and 37-35-3}(1972) (ACE Guidelines)

4. American Council on Education recommends that students demonstrate the ability to perform on the Test of Adult Basic Education (TABE) at an eighth grade level.

5. Counseling is required prior to enrollment in GED Option and must be available on a regular basis throughout participation in the program. Student motivation and individual needs are critical factors to consider when determining the quantity of counseling services Students should have access to certified counselors. {MS Code 37-13-92} (1972) (ACE Guidelines)

6. The GED component will remain under the supervision of the Alternative Education Administrator. {MS Code 37-13-92}(1972)

7. GED Option should offer a full range of instruction that aligns with the core content measured by GED Tests. Content will align with high school mathematics, writing, social studies, reading and science. {ACE Guidelines}

8. To ensure effective instructional delivery, sufficient instructional resources and qualified instructional staff must be assigned to instruct and supervise GED classes. According to ACE guidelines students should participate in the GED academic instructional program for a minimum of 15 hours each week. Individualized instruction should be outlined in the student's Individual Education and Career Plan (IECP) and based solely on the individual needs of the student.

   Content should include instructor-prepared material, standardized GED- instructional material from publishers, instructional materials from secondary publishers and developers. Workforce development instruction and activities should focus knowledge, skills, and abilities required for securing and maintaining employment. GED Option instructional time and workforce development shall be determined by the district based on the individualized needs of students. GED TESTING IS SET WHEN A STUDENT HAS STUDIED SUFFICIENTLY TO PASS.

9. The student/teacher ratio in the GED Program shall not exceed 15:1 with an exception of 20:1 when an aide is employed full time to assist the teacher. {ACE Guidelines}

10. The curriculum and instructional methodology must address the individual needs of each student as specified in an Individual Education and Career Plan (IECP) developed at the time of placement. The IECP committee (the committee should include an academic counselor, academic teacher, principal, and vocational personnel) will emphasize academic/instructional needs of the student, job readiness skills, and work experience options. {MS Code 37-35-3}

11. Under normal circumstances, students cannot circumvent the State's Compulsory School Attendance Law or receive a GED certificate/diploma prior to their age equivalent peers. However, students in GED Option may be eligible to receive a GED equivalency diploma prior to their age equivalent peers and/or prior to reaching mandatory compulsory school

age, as outlined in Mississippi Code Section 37-13-91, provided the district in which the student resides is in compliance with the minimum guidelines for implementing a GED Program in Mississippi School Districts. Any abuse of this policy (i.e. habitually exiting students early will result in a review of the district's GED Option program for future authorization. {ACE Guidelines}

12. School districts must comply with GED Option testing guidelines provided by the State Board for Community and Junior Colleges.
13. Evaluation of the student's progress shall be conducted at regular intervals according to GED policy and the appropriate records shall be maintained and subject to the Mississippi Department of Education review. {MS Code §37-13-92} (1972)

14. The facility housing the GED Program shall be commensurate with facilities provided to other students by the local school district and shall meet minimum accreditation standards for public school buildings as required in the current edition of the Public School Accountability Standards. The GED Program shall not be housed in a vocational facility unless a request for waiver has been granted by the State Board of Education. {MS Code §37-13-92 and §37-35-3}(1972)

15. Two or more local school districts may form a consortium to provide a GED Program for eligible students. {MS Code §39-13-92}(1972)

    a. The consortium formed to provide a GED Program shall be bound by a Mississippi Board of Education approved contract;

    b. The district designated as the lead district will be responsible for the operation and governance of the program; and

    c. Transportation services shall be the responsibility of each student's school district of origin.

16. The cumulative folder and permanent record of each eligible student placed in an approved GED Program shall remain at and be maintained by the school district of origin. {MS Code §37-13-92}(1972)

17. Evaluation of the student's progress shall be conducted at regular intervals according to GED policy and the appropriate records shall be maintained and subject to the Mississippi Department of Education's review. {MS Code §37-13-92}(1972) (ACE Guidelines)

18. Appropriate assessment and evaluation of each student's educational progress shall be conducted at regular intervals according to established policy approved by the local school board. Assessment and evaluation records will be appropriately maintained to ensure individual student confidentiality. {MS Code §37-13-92}(1972)

19. Data will be collected by the Office of Compulsory School Attendance annually and reported to the State Board of Education. {37-13-92} (ACE Guidelines)

    a. The total number of students enrolled in the GED Program;

    b. The age range of students enrolled in the GED Program;

    c. The reading level of students entering and exiting the GED Program;

    d. The total number of students successfully completing the GED Program each school year; and

    e. All school districts will complete an annual report provided by GED Testing Services beginning with the end of the 2009-2010 school year. Reports should be completed and submitted after the end of each school year but no later than July 31.

20. Students participating in an approved GED 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 {MS Code §37-35-3 (1972)

21. GED Option graduates should receive official school recognition of their achievement. The student who fails to meet the graduation requirements is not permitted to participate in the graduation exercises (Accountability Standard 20.4). A separate graduation ceremony should be held near the same time as the high school graduation ceremony for their peers. The following students are eligible to participate in graduation ceremonies:
    a. Student receiving a standard high school diploma. (SB Policies 2902 and 2903)
    b. Student receiving a special diploma or certificate of completion, which states: "This student has successfully completed an Individualized Education Program." {MS Code §37-16-11(1)}

    c. Student with disabilities receiving a Mississippi Occupational Diploma. {MS Code §37-16-11(2)}(1972) (See Appendix G)

22. Local school districts that fail to comply with the above requirements will risk future approval for providing a GED® Option Program in their district.

Source: *Miss Code Ann. 37-13-92*

Part 3 Chapter 8: Approvals, Non-Public

Rule 8.1 Approvals, Non-Public. The determination of the approval status of nonpublic schools shall be made in accordance with in the document entitled: *Mississippi Nonpublic School*

Accountability Standards. Staff shall review this document as needed and request State Board of Education approval for recommended revisions. Following Board approval, staff will disseminate copies of the revisions to appropriate members of the educational community. An up-to-date copy of this document shall be kept on file in the State Department of Education.

For a copy of the *Mississippi Nonpublic School Accountability Standards*, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 23.

Source: *Miss. Code Ann. § 37-1-3 (Revised 9/2012)*

Part 3 Chapter 9: Attendance Reporting

Rule 9.1 Attendance Reporting. When local school districts receive a report from a juvenile court that a student's probation has school attendance as a condition, the following rules will be followed:

1. A review will be conducted by the school administration to determine the most appropriate academic placement, the need for counseling and other social services, and the development of an instruction plan, if appropriate;

2. parental involvement will be encouraged;

3. alternative placement will be considered if the act necessitating the order would hinder the instructional program or place others at risk for their personal safety; and

4. the appropriate School Attendance Officer will be notified.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 4/1995)*

Part 3 Chapter 10: Audit, State Department of Education Resolution Process

Rule 10.1 Audit, State Department of Education Resolution Process. This audit resolution policy is in effect for audits of subrecipients of federal funds from the Department. For the purpose of this policy, subrecipients are state or local governments, institutions of higher learning and other nonprofit organizations. Each subrecipient shall obtain an audit that meets the requirements of the appropriate OMB circular, forward a copy of the report to the Office of Internal Accountability, provided the Mississippi Office of the State Auditor does not transmit a copy of the audit to the Department.

Upon receipt of the audit report, the Office of Internal Accountability will review the audit and findings in the audit to determine if there are any areas that require attention. For those findings that require attention, the Office of Internal Accountability will determine if the response by the subrecipient is adequate for acceptance as a Corrective Action Plan. Should there not be any areas that require attention and/or should the responses be adequate for Corrective Action Plans,

the Office of Internal Accountability will notify the subrecipient, thereby closing the file on the audit at the desk review level.

Should there be areas that require attention or should the Office of Internal Accountability need further information on a finding and/or a Corrective Action Plan, the subrecipient will be requested to submit the necessary information within thirty working days. If the subrecipient does not respond within the thirty working days, a follow-up letter will be sent requesting the information to be submitted within fifteen working days. Should no response be forthcoming within the fifteen working days, the Office of Internal Accountability may request the State Superintendent to place in escrow all or a portion of federal funds payable to the subrecipient until an appropriate response has been received. The Corrective Action Plan must be implemented by the subrecipient within six months from the receipt of the audit report.

If the findings identify questioned costs that are subsequently disallowed during the audit resolution process, the Office of Internal Accountability shall require the subrecipient to repay the disallowed cost within sixty days of receipt of the notice of disallowance. If the subrecipient does not agree to repay the disallowed costs in a lump sum payment by the date specified or begin and continue repayment under an installment plan approved by the Office of Internal Accountability, appropriate action will be taken to recover the disallowed costs.

The subrecipient has the right under this policy to request a hearing on the decision of the Office of Internal Accountability concerning the findings of the audit. A written request for a hearing must be submitted to the State Superintendent of Education within thirty calendar days of notification that the Office of Internal Accountability has sustained the audit finding. If the appeal request is found to be proper, a hearing official will be appointed and the time and location of the hearing established. The subrecipient will be notified in writing concerning the hearing, time and location, and the procedures of the hearing. Upon completion of the hearing, the hearing official will make a report to the State Superintendent of Education, who will then notify the subrecipient of the final decision.

At the end of the six months from the receipt of the audit report by the subrecipient, a follow-up visit may be made to certify that the Corrective Action Plan has been implemented. If the subrecipient has not implemented the Corrective Action Plan, the Office of Internal Accountability will recommend that appropriate action be taken.

Source: *Miss. Code Ann. § 37-1-3 (Revised 4/2011)*

Part 3 Chapter 11: Awards

Rule 11.1 Administrator. The Mississippi Administrator of the Year Program will recognize outstanding achievement and performance by Mississippi public school administrators. Each local school district has the opportunity to honor its administrators by nominating one for the state title. The procedure used to determine this administrator's nomination is entirely up to the district. Administrators eligible for nomination include elementary and secondary principals, assistant principals, and vocational-technical directors.

The Mississippi Administrator of the Year will be chosen from administrators who exhibit a superior ability to inspire instructors, who possess exemplary leadership capabilities and are active members of the local community. The Administrator of the Year Program is not an attempt to find the "best" administrator in the state. It is a means to honor an individual who is representative of the excellent professionals we have in education in Mississippi. Nominations should be made without regard to race, sex, age, national origin, handicap, or religion.

Official entry forms and instructions will be mailed to each district's central office. The local Administrator of the Year entry form, signed by the local superintendent, will be returned to the Department of Education for judging. Four finalists (one from each Congressional District) will be chosen by a committee appointed by the State Superintendent of Education and an Administrator of the Year will be chosen from the four finalists.

The Mississippi Administrator of the Year will receive a one-time award of $5,000 and will be formally recognized by the State Board of Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/2011)*

Rule 11.2 Parent. The State Board of Education, in accordance with Section 37-3-73, of the *Mississippi Code of 1972*, as amended, has established an awards program to reward parents for becoming involved in school improvement efforts. A process has been established which will designate a Parent of the Year in every school district in the state, and will designate one Parent of the Year statewide.

Nomination Form

RETURN TO: Parent of the Year Program
Public Relations
State Department of Education
P. O. Box 771
Jackson, MS 39205

(Please type)
Nominee Name _____

School District _____

County _____

Congressional District
_____

Home Address
_____

_____

Social Security Number _____

Age _____ Marital status_____ Number of children _____

Children's names, ages, occupations (if students, list name of school and grade level)

_____
_____

If married, spouse's name and occupation
_____
_____

Superintendent's Signature _____

Date _____

Nominee's School Improvement Efforts
Describe the **school improvement efforts of the Parent of the Year nominee** in his/her school district. Include awards and other special recognitions received. Describe involvement in service-oriented activities, such as volunteer work, etc. Be **specific** describing projects. (**Maximum length: two double spaced pages**) **Letters of Support –** (limit of **three** letters) please attach to application. Include three letters of support from among the following: superintendent, principal, colleague, PTA president, or civic leader.

Please note:

1. Please submit original and four copies.
2. Please provide all information requested in the application form. Do not change or add to the application in any way.
3. Limit your answers to the number of pages requested. In order to provide all applicants with an equal opportunity**, only the number of pages requested will be accepted.** Any additional pages and/or materials cannot be presented to the Selection Committee.
4. Each application must include **one photograph**. It is not necessary, however, to submit five original pictures. Simply attach one picture to the original application and photocopy the other four. However, if selected Parent of the Year, additional pictures may be requested for publicity purposes.
5. The application package must be submitted

Source: *Miss. Code Ann. § 37-1-3 (Revised 6/2012)*

Rule 11.3 Teacher. The Mississippi Teacher of the Year Program, sponsored by the Mississippi Department of Education, recognizes outstanding achievement and performance by our public school teachers. Each local school district has the opportunity to honor its teachers and nominate one for the state title. The Mississippi Teacher of the Year must be a certified classroom teacher (K-12) in a state-accredited public school that plans to teach the following year. The teacher should have superior ability to inspire students, should possess leadership capabilities, and should be an active member of the community.

Official entry forms and instructions will be mailed to each district's central office. The local Teacher of the Year entry form, signed by the local superintendent, is returned to the Mississippi Department of Education for judging, Four finalists (one from each Congressional District) are chosen by a selection committee. The teacher selected as the Mississippi Teacher of the Year will be the state's nominee for National Teacher of the Year.

The Mississippi Teacher of the Year receives a one-time award of $5000 from the Mississippi Department of Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/2011)*

Part 3 Chapter 12: Board of Education Operations
Rule 12.1 Agenda

1. A board member may request that any item which the member desires to be considered by the full Board be placed on the agenda.

2. All other requests for items to be placed on the agenda shall be submitted in writing, with sufficient detail to explain the nature of the request, and be received by the secretary no less than 10 calendar days prior to the scheduled monthly meeting. Requests will be acknowledged in writing and, if the request is granted, an approximate time and length for the presentation will be assigned.

3. Requests to address the Board shall be submitted in writing to the Secretary no less than 10 calendar days prior to the monthly meeting. The request shall provide sufficient information to explain the nature of the requested address. Requests will be acknowledged in writing and, if the request is granted, an approximate time and length for the presentation will be assigned.

4. Matters not on the agenda will not generally be considered by the Board except when two-thirds of the Board present and voting concur.

5. The Secretary of the Board shall mail the proposed agenda to each Board member not later than 7 calendar days prior to a regularly scheduled meeting.

6. Further distribution of the agenda shall be made as follows:
    a. Two copies to the Attorney General's Office,
    b. To all affected parties,

c. To all parties who shall appear before the Board, and
d. To any person whom any Board member requests to be furnished a copy.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/93)*

Rule 12.2 Compensation for Travel. Each Board member is authorized to accept invitations and to attend meetings, seminars, and similar gatherings concerning the Education Reform Act and the operation of the State Department of Education in connection with their duties as members of this Board. Members shall be paid per diem and be reimbursed for allowable expenses upon submission of a claim to the State Superintendent and approval of the Board at its next regular or special meeting <u>or in advance if conditions allow</u>.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2007)*

Rule 12.3 Executive Sessions

1. The Board may enter into executive session for the transaction of public business; provided, however, all meetings shall commence as an open meeting, and an affirmative vote of three-fifths (3/5) of all members present shall be required to declare an executive session.

2. The procedure to be followed by the Board in declaring an executive session shall be as follows: Any member shall have the right to request by motion a closed determination upon the issue of whether or not to declare an executive session. Such motion, by majority vote, shall require the meeting to be closed for a preliminary determination of the necessity for executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a vote, as required in subsection one (1) hereof, has been taken on the issue.

3. An executive session shall be limited to matters allowed to be exempted from open meetings by subsection four (4) of this section. The reason for holding such an executive session shall be stated in an open meeting, and the reason so stated shall be recorded in the minutes of the meeting. Nothing in this section shall be construed to require that any meeting be closed to the public, nor shall any executive session be used to circumvent or to defeat the purposes of this chapter.
4. The Board may hold an executive session pursuant to this section for one or more of the following reasons:

    a. Transaction of business and discussion of personnel matters or the character, professional competence, or physical or mental health of a person.

    b. Strategy sessions or negotiations with respect to prospective litigation, litigation or assurance of an appealable order when an open meeting would have a detrimental effect on the litigating position of the Board.

c. Transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices.

d. Investigative proceedings regarding allegations of misconduct or violation of law.

e. Cases of extraordinary emergency which would pose immediate or irrevocable harm or damage to persons and/or property within the jurisdiction of the Board.

f. Transaction of business and discussion regarding the prospective purchase, sale or leasing of lands.

g. Transaction of business and discussion concerning the preparation of tests for admission to practice in recognized professions.

h. Transaction of business and discussions or negotiations regarding the location, relocation or expansion of a business or an industry.

i. Transaction of business and discussions regarding employment and termination of employees. The exemption provided by this paragraph includes the right to hold closed meetings concerning employees as such exemption relates to their deletion from any budget subject to approval of this Board. Final budgetary adoption shall not be taken in executive session.

5. The total vote on the question of entering into an executive session shall be recorded and spread upon the minutes.

6. Any such vote whereby executive session is declared shall be applicable only to that particular meeting on that particular day.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1984)*

Rule 12.4 Meetings

1. The State Board of Education shall meet on the third Thursday of each month immediately following the work session in the Fourth Floor Board Room of the Central High School Building, Jackson, Mississippi. No further notice shall be made for regular monthly meetings.

2. Work sessions shall be scheduled at 10:00 o clock a.m. on Thursday before the regularly scheduled monthly meeting.

3. The Board may change or alter its meetings time or place by noting the change in the minutes.

4. Any member of the State Board of Education may participate in an official meeting of the Board by teleconference or video means. The public has access to the meeting in the Fourth Floor Board Room of the Central High School Building, Jackson, Mississippi

Source: *Miss. Code Ann. § 25-41-13 and§ 25-41-5 (Revised 8/2015)*

Rule 12.5 Minutes

1. The minutes of the Board shall be prepared by the Secretary.

2. All proposed minutes shall become the official minutes only after adoption by the Board.

3. All proposed minutes shall be mailed with the agenda to each board member within seven (7) calendar days prior to any Board meeting.

4. The Secretary may secure such assistance as is necessary for the preparation of the minutes.

5. All minutes shall be tendered to the Board within 30 days of the action reflected by the minutes.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/1993)*

Rule 12.6 Notification of Meetings

1. All notices to members shall be mailed postage prepaid to members at their official mailing address.

2. Each member shall submit in writing to the Secretary of this Board any change in the members' mailing address.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1984)*

Rule 12.7 Officer's Duties

1. The duties of the Chairman are as follows:
   The Chairman, except where the Board shall otherwise provide, shall appoint all committees required for the transaction of business of the Board, and shall preside at all meetings at which he/she is present. As a member of the Board, he/she shall be entitled to cast a vote on all matters, but if he/she casts such vote during the calling of the voting roll, he/she shall have no further vote for the purpose of resolving a tie vote, but otherwise may do so. The Chairman shall have such further duties as may be given him/her from time to time by the Board.

2. The duties of the Vice-Chairman are as follows:
   The Vice-Chairman shall assist the Chairman in the duties of the Chairman's office, as the Chairman may direct, and shall preside at meetings and appoint members of committees, as provided in the duties of the Chairman during the Chairman's absence or incapacity. In the event of the Chairman's death, resignation, incapacity or disqualification, the Vice-

Chairman shall act in place of the Chairman in all respects until the vacancy shall be filled or the incapacity removed.

Source: *Miss. Code Ann. § 37-1-3 (Revised 6/1986)*

Rule 12.8 Officer Election

1. Officers of the Board shall consist of a Chairman and a Vice-Chairman and such additional officers as the Board may designate. The election procedures for both the Chairman and the Vice-Chairman will be in the following manner:

2. Election to the positions of Chairman and Vice-Chairman shall be by nomination and roll call vote unless secret ballot is requested. In the event that more than two persons be nominated to either such office, a majority of those voting shall be required for election, and the Board shall, at such time designate the voting procedure to be followed, in order to secure such majority, in the event that it shall not be attained upon the first ballot.

3. Chairman
   The Chairman shall be elected annually at the July meeting or at the first meeting after any vacancy shall occur in such position, and shall serve for one year or until his/her successor shall be elected and qualified.

4. Vice Chairman
   The Vice-Chairman shall be elected annually at the July meeting or at the first meeting following the occurrence of a vacancy in such position, and shall serve for one year, or until his/her successor shall be elected and qualified.

Source: *Miss. Code Ann. § 37-1-3 (Revised 6/1986)*

Rule 12.9 Rules of Order

The Board will use the following forms as guides for its conduct of business:

MOTIONS	REQUIRES RECOGNITION	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE REQUIRED	WHEN MOTION IS USED OR EFFECT OF MOTION
Housekeeping 1 ADOPT AGENDA	NO	YES	YES	YES	MAJORITY	SET ORDER OF DISCUSSION FOR MEETING. MUST SUSPEND RULES TO BRING ITEM UP OUT OF ORDER.
2	NO	YES	YES	YES	2/3	USUALLY ONLY USED TO INCLUDE URGENT ITEMS NOT ANTICIPATED WHEN AGENDA WAS SET
3	YES	YES	NO	NO	MAJORITY	CAN BE WAY TO AVOID ACTION THAT IS PREMATURE OR UNWISE.

4	YES	YES	NO	NO	MAJORITY	MOVER SHOULD MAKE SURE RECESS IS BRIEF AND ISN'T IN VIOLATION OF SUNSHINE LAW.
MAIN MOTION, DISCUSSION 1	YES	YES	YES	YES	MAJORITY	PUT MAIN ISSUE ON THE TABLE FOR DISCUSSION AND VOTING. ALL OTHER MOTIONS APPLY TO MAIN MOTION.
2	YES	YES	YES	YES	MAJORITY	REFINE OR CLARIFY WORDING OF MAIN MOTION. OR MAY OFFER MEMBERS ALTERNATE CHOICE ON KEY ISSUE.
3	YES	YES	YES	**NO, UNLESS PENDING**	MAJORITY	REPLACE POORLY WORDED MOTION THAT IS BEYOND AMENDING.
4	YES	YES	NO	NO	MAJORITY	PUT MAIN MOTION ASIDE TEMPORARILY WITH THE PROVISION THAT IT CAN BE BROUGHT UP AGAIN WHEN A MAJORITY SO WISHES. OFTEN USED WHEN OTHER ITEMS ARE MORE PRESSING OR WHEN THE GROUP WANTS TO DISPENSE WITH OTHER ITEMS.
5	YES	YES	NO	NO	MAJORITY	BRING A MOTION BACK BEFORE THE BODY FOR ACTION. NO OTHER MOTION CAN BE UNDER CONSIDERATION.
6	YES	YES	YES	YES	MAJORITY	PUT OFF VOTE ON MAIN MOTION UNTIL MORE INFORMATION IS KNOWN OR UNTIL MORE CONVENIENT TIME.
7	YES	YES	YES	NO	MAJORITY	SAME AS ABOVE
8	YES	YES	YE S	NO	MAJORITY	KILL THE MOTION WHILE AVOIDING A DIRECT VOTE ON THE ISSUE.
9	YES	YES	YES	YES	MAJORITY	GIVE THE GROUP TIME TO LEARN ABOUT AN ISSUE BEFORE VOTING
10	NO	NO	NO	NO	2/3 IN NEGATIVE	ALLOW GROUP TO AVOID AN ISSUE WHEN IT IS CONSIDERED UNDESIRABLE TO COME BEFORE THE GROUP.
11	YES	YES	NO	YES	2/3	MAY LIMIT EITHER NUMBER OR LENGTH OF SPEECHES MADE. ALSO MAY SET SPECIFIC TIME TO CUT OFF DEBATE.
12	YES	YES	YES	YES	MAJORITY	PUT ASIDE DISCUSSION NOT RELATED TO MAIN MOTION.
13	YES	YES	YES	NO	MAJORITY	ALLOW BODY TO DISCUSS ONE ISSUE AT A TIME WHEN A MOTION INCLUDES SEVERAL INDEPENDENT ISSUES.
14	YES	YES	NO	YES	MAJORITY	REQUIRE BODY TO VOTE ON EACH PART OF A MOTION ONE AT A TIME.

15	YES	YES	NO	NO	2/3	PUT AN END TO DEBATE TO OBTAIN AN IMMEDIATE VOTE ON MOTION.
16	NO	USUALLY	NO	NO	MAJORITY	STRIKE THE MOTION FROM THE RECORDS OF THE MEETING. REQUIRES SECOND WHEN WITHDRAWN MOTION IS MADE BY MOVER OF ORIGINAL MOTION.
17	NO	NO	NO	NO	NONE	REQUIRE A ROLL CALL VOTE OR BALLOT TO ASSURE ACCURATE COUNT.
18	YES	YES	USUALLY	NO	MAJORITY	PERMIT CORRECTION OF HASTY OR ERRONEOUS ACTION OR HEAR NEW EVIDENCE. CANNOT BE DEBATED IF ORIGINAL MOTION NOT DEBATABLE. THE MOTION AND ITS SECOND MUST BE MADE BY PERSONS VOTING ON THE PREVAILING SIDE.
19	YES	YES	NO	NO	MAJORITY	ANY MEMBER IS ENTITLED TO A CLOSED DETERMI- NATION ON QUESTION OF WHETHER OR NOT TO ENTER AN EXECUTIVE SESSION. NO OTHER BUSINESS MAY BE CON- DUCTED UNTIL DETERMI- NATION OF ISSUE IS MADE. MUST BE MADE AT OPEN MEETING.
20	YES	YES	NO	NO	3/5	SEE POLICY **BCBK.**
OTHER MOTIONS 1	NO	NO	NO	NO	NONE	ALLOW MEMBER TO CALL UPON THE CHAIR FOR A RULING WHEN HE THINKS RULES ARE BEING VIOLATED.
2	NO	NO	NO	NO	NONE	ALLOW MEMBER TO OBTAIN ADVICE FROM THE CHAIR ON CORRECT PARLIAMENTARY PROCEDURE SO THAT HE MIGHT MAKE AN APPROPRIATE MOTION.
3	YES	YES	NO	NO	2/3	ALLOW MEMBERS TO CONSIDER SOMETHING WHICH IS IN VIOLATION OF NORMAL RULES. OFTEN USED TO BRING UP ITEM OUT OF ORDER OR ITEM NOT ON THE AGENDA.
4	NO	NO	NO	NO	NONE	PERMIT CONSIDERATION OF REQUESTS OR MOTIONS RELATING TO RIGHTS OF THE GROUP. OFTEN MAY RELATE TO PHYSICAL COMFORT OR MEETING ARRANGEMENTS.
5	NO	YES	NO	NO	MAJORITY IN THE NEGATIVE	ALLOW THE ENTIRE BODY TO TAKE ACTION ON A DECISION OF THE CHAIR. IT HAS THE EFFECT OF OVERRULING THE CHAIR'S DECISION.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1984)*

Rule 12.10 Voting Procedures

1. A member present may vote for or against any motion or the member may abstain. No member who is not present may vote.

2. The minutes of the Board shall reflect the vote of each member on each matter.

3. On all matters, in the event that a roll call vote was not taken, the vote of each member shall be reflected as in favor of the motion unless the member specifically indicates otherwise.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1984)*

Part 3 Chapter 13: Calendar *(Repealed 9/2012)*

Part 3 Chapter 14: Certification

Rule 14.1 Administrator Preparation

1. Admission Standards

    a. To be considered for admission to an approved administration preparation program, candidates must present the following:

        i. Standard 1. A standard educator's certificate and documentation of a minimum of three years educational experience.

        i. Standard 2. An overall GPA of 2.5 for all undergraduate work or a GPA of 2.75 for the last 60 hours of their undergraduate work.

        ii. Standard 3. A minimum score set by the commission on a direct measure of reading skill.

        iii. Standard 4. A satisfactory rating on a writing sample

2. For admission to an approved administration preparation program, candidates must attain the following:

        a. Standard 5. A satisfactory rating on a structured interview conducted by representatives of the college/university and colleagues in practice.

        b. Standard 6. A favorable evaluation from the candidate's immediate supervisor.

        c. Standard 7. A satisfactory rating on a structured resume.

3. PERFORMANCE STANDARDS

        i. Standard 1. Adhere to established admission criteria.

ii. Standard 2. Graduate a significantly high percentage of students from the program who attain the required score on the Mississippi Assessment Battery (MAB).

4. PHASE-OUT OF 18 HOUR ADD-ON CERTIFICATE IN ADMINISTRATION
Candidates seeking certification in administration through the 18 hour add-on route must complete the requirements by September 1, 1997. If there are extenuating circumstances, students may request an extension through December 31, 1997, on an individual basis. After this date, the completion of an approved program in education leadership or school administration and a passing score on the MAB would be required for provisional certification.

5. TRANSITION IN ASSESSMENT PROCESS
The assessment process for new administrators will be transitioned from the assessment center model to the new administrator instrument (MAB) being developed by Educational Testing Service. Until July 1, 1997, the assessment center will be the only process used for provisional administrator evaluation. After this date, the assessment center will be conducted only for those who need to be reassessed. All other candidates will take the new assessment (MAB). A "safe to practice" score based on the pilot conducted by ETS should be set for candidates taking the test between July 1997 and July 1998. This score should be raised significantly in July 1998 based on an analysis of scores obtained during the first year of test administration. It is further recommended that the score on the new administrator assessment instrument should replace the required score on the NTE for certification in administration.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1996)*

Rule 14.2 Administrator Process and Performance Review (*Repealed 4/2011)*

Rule 14.3 Assistant Teacher Program (*Repealed 2/2012)*

Rule 14.4 Agreement, NASDTEC. The State Department of Education is authorized to enter into an agreement with the National Association of State Directors of Teacher Education and Certification (NASDTEC) to receive monthly reports of actions taken by other states to deny, revoke, or suspend teaching certificates. Information relative to such actions taken by the Mississippi State Board of Education will be provided to the clearing house for this information operated by NASDTEC.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 11/1990)*

Rule 14.5 Armed Forces Activation (*Repealed 7/2012)*

Rule 14.6 Commission, Hearings and Appeals

1. The aggrieved party appealing a decision rendered by the Commission on Teacher and

Administrator Education, Certification and Licensure and Development or its subcommittee pursuant to Section 37-3-2, Mississippi Code of 1972 Annotated, as amended, may submit a written notice of appeal to the Executive Secretary of the Mississippi Board of Education within ten days of the decision of the Commission or its subcommittee.

2. The notice of appeal should state with particularity the matters which, in the opinion of the appellant, have been overlooked or mistakenly conceived in the decision by the Commission or its subcommittee. An appeal to the Mississippi Board of Education is not intended as an opportunity for rearguing the entire case.

3. The Mississippi Board of Education will consider the appeal at the next regularly scheduled meeting after the transcript of proceedings is filed with the Executive Secretary. Such appeal will be on the record previously made before the Commission or its subcommittee, and the Board may, at its discretion, afford the aggrieved party the opportunity to appear before the Board to make an oral presentation and respond to questions concerning the appeal. Said presentation will be limited to fifteen (15) minutes.

4. The Mississippi Board of Education may affirm, reverse, or remand with instructions, the decision of the Commission or its subcommittee. The decision of the Mississippi Board of Education shall be final.

Source: *Miss. Code Ann. § 37-3-2, as amended by 1997 Miss. Laws, Ch. 545, SB 2512*

Rule 14.6.1 Rules for Procedure for Disciplinary Hearings by the Licensure Commission

1. All controversies involving the issuance, revocation, suspension or any change whatsoever in the certification/license of an educator required to hold a certificate/license shall be initially heard in a hearing de novo by the Commission on Teacher and Administrator Education, Certification and Licensure and Development (the Commission), or by a sub-committee established by the Commission and composed of Commission members for the purpose of holding hearings.

2. Any complaint seeking the denial of issuance, revocation or suspension of a certificate/license shall be by sworn affidavit filed with the Commission.

3. Upon receipt of such complaint or of a written appeal from the denial of an application for certification/license, the Executive Secretary, or other designee, of the Commission shall fix a date, time and place for the hearing of the complaint or appeal, and will furnish to the applicant/certificate/license holder by certified mail, or by any other manner of service authorized by law, a copy of the complaint and notice of the date, time and place for the hearing, which date shall be not less than fifteen (15) days nor more than forty-five (45) days from the date of such notice, unless otherwise agreed.

4. The Executive Secretary may grant one continuance per party. A written request for the continuance should be sent to the Office of Educator Licensure, *no later than 48*

hours prior to the hearing. Any additional continuances are required to be presented by personal appearance before the Commission and may be granted only by the Commission.

5. Parties appearing at the hearing may be represented by legal counsel, at their own expense, and may produce witnesses and cross examine witnesses. It will be the responsibility of each party to secure the attendance of such witness or witnesses as each party deems necessary or appropriate; and any expense connected with the attendance of such witnesses will be born by the party responsible for the attendance of the witnesses. Witnesses who are 18 years of age or younger must be accompanied by a parent or legal guardian to the hearing.

6. At least five (5) days prior to the hearing, parties represented by counsel and/or producing witnesses will provide a list containing the name, address, and telephone number of counsel and/or witnesses, and seven copies of all exhibits that will be produced at the hearing, to the other party or parties and to the Commission.

7. The Commission or its sub-committee, in order to prevent cumulative oral evidence, may require any portion of the evidence to be submitted in the form of depositions or affidavits; and in case affidavits are received, an opportunity to present counter-affidavits shall be provided.

8. The Commission or its sub-committee may, by an affirmative vote of three-fifths of all members present and pursuant to the Mississippi Open Meetings Act (MS Code 25-41-7), enter into executive session for purposes of any hearing held under these rules.

9. The Commission or the sub-committee shall cause to be made stenographic notes by a certified court reporter of the proceedings, which notes shall not be transcribed until and unless an appeal is taken from the decision of the Commission or sub-committee.

10. In conducting a hearing, the Commission or its sub-committee shall not be bound by common law or by statutory rules of evidence or by technical or formal rules of procedure, except those provided herein, but may conduct such hearing in such manner as to best ascertain the rights of the parties; provided, however, hearsay evidence, if admitted, shall not be the sole basis for the determination of facts by the Commission or its sub-committee.

11. The Commission or its sub-committee shall make its decision on the basis of the matters presented before it, and shall notify all parties by certified mail of its decision and reasons therefore within fifteen (15) days of the conclusion of the hearing. The decision shall specify the date any revocation or suspension of a certificate/license shall be effective.

12. The decision of the Commission or its sub-committee shall be final, unless the aggrieved party appeals to the State Board of Education within ten (10) days of the decision of the Commission or its sub-committee. The appeal shall be on the record previously made before the Commission or its sub-committee, unless otherwise provided by rules and regulations adopted by the State Board of Education.

13. An appeal from the action of the State Board of Education shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, within thirty (30) days after notification of the action by the State Board of Education is mailed or served in accordance with 37-3-2, Mississippi Code of 1972.

14. A person whose license has been revoked or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of revocation or surrender, or after one-half (1/2) of the revoked or surrendered time has lapsed, whichever is greater. A person whose license has been suspended on any grounds or violations under Section 37-3-2 (12) of the MS Code, Annotated as Amended, may be reinstated automatically or approved for a reinstatement hearing, upon submission of a written request to the commission. A license suspended, revoked or surrendered on criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon the conviction as evidenced by a certified court order submitted by the petitioner.

15. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

16. A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may be reinstated by a unanimous vote of all members of the commission.

17. Prior to being scheduled to appear before the Commission, or its subcommittee, any person who petitions for reinstatement of licensure must file with the Department of Education, Office of Educator Licensure a completed Application for Reinstatement including all required documentation. Submission of the completed Application for Reinstatement including all required documentation does not guarantee that the Commission, or its subcommittee, will grant the petition for reinstatement of the educator's license.

18. Reinstatement applicants appearing at the reinstatement hearing may be represented by counsel, at their own expense, and may produce witnesses and cross-examine witnesses. It will be the responsibility of each party to secure the attendance of such witness or witnesses, as each party deems necessary or appropriate; and any expense connected with the attendance of such witnesses will be born by the party responsible for the attendance of the witnesses. The Commission, or its subcommittee, will consider all evidence presented at the reinstatement hearing.

Source: *Miss. Code Ann. § 37-3-2 (Rev. 6/2013)*

Rule 14.6.2 Commission on Teacher and Administrator Education, Certification, and Licensure and Development Operations Policy

1. DUTY OF THE COMMISSION
   It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi. The Commission's specific duties are prescribed further in Miss. Code Ann. § 37-3-2(5).

2. MEMBERSHIP OF THE COMMISSION
   The commission shall be composed of fifteen (15) qualified members, with representatives as prescribed in Miss. Code Ann. § 37-3-2 (2).

3. APPOINTMENT
   Each member of the Commission is appointed by the State Board of Education after consultation with the State Superintendent of Public Education.

4. TERMS OF OFFICE
   The length of a regular term is four (4) years. Upon acceptance of appointment, each member is eligible to serve for two (2) consecutive terms; however, appointment to a second term shall be at the discretion of the State Board of Education, upon the recommendation of the State Superintendent of Public Education. If a member changes employment or accepts a position that is no longer reflective of the category for which he or she was appointed, that member must resign that position. The State Board of Education may reassign that member to an open position reflective of their new category. A new member will be appointed to fill the unexpired term. A member of the Commission who is appointed to fill an unexpired term is eligible for appointment to his or her own term of office.

5. OFFICERS and STAFF
   a. The State Board of Education when making appointments shall designate a Chairperson. The Chairperson shall serve at minimum, one year, and shall continue service thereafter until the State Board of Education designates a new

chairperson, or the chairperson's membership term expires, whichever occurs first. The Commission may designate a member to serve as presiding officer in the event that the chairperson is unable to preside.

b. An appropriate staff member of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve as Executive Secretary and coordinator for the Commission.

c. No less than two (2) other appropriate staff members of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve on the staff of the Commission.

6. MEETINGS

a. The Commission shall meet in accordance with the requirements prescribed in Miss. Code Ann. § 37-3-2(3).

b. The Commission shall provide notice of the meetings, which notice shall include the date, time, place and purpose for the meeting.

c. Any member of the Commission may participate in an official meeting of the Commission by teleconference or video means. The public shall have access to the Commission meeting at a location designated in the Notice of meeting.

7. EXPENSES

Members of the commission shall be compensated at a rate of per diem as authorized by Miss. Code Ann. § 25-3-69 and be reimbursed for actual and necessary expenses as authorized by Miss. Code Ann. § 25-3-41.

8. AGENDA

a. The Executive Secretary, in consultation with the Chairman, shall prepare the agenda which is to be considered by the Commission.

b. All requests to be placed on the agenda shall be received in writing by the Executive Secretary no later than ten (10) days before a scheduled meeting. Agenda items received after this deadline may be added if approved by a majority vote of the Commission.

c. The Executive Secretary shall provide the proposed agenda, with supporting documents, to each Commission member no later than eight (8) days prior to a scheduled meeting.

d. Further distribution of the agenda shall be made to all interested parties, all persons appearing before the Commission, and to the media.

9. MINUTES

a. The minutes of the Commission shall be prepared by the Executive Secretary. The Executive Secretary may secure such assistance as is necessary for the preparation of the minutes.

b. All proposed minutes shall be provided to each Commission member within eight (8) days prior to any Commission meeting.

c. All proposed minutes shall become the Official minutes after adoption by the Commission.

10. CONDUCT OF MEETINGS
    a. The Chairperson or presiding officer shall conduct all meetings in accordance with the recognized rules of procedure and Mississippi law.
    b. Any official action taken by the Commission requires the presence of a quorum, which is defined as a majority of the Commission membership.
    c. A Commission member present may vote for or against any motion, or the member may abstain. An absent member may not vote.

11. RECOMMENDATIONS TO THE STATE BOARD OF EDUCATION
    a. Commission Recommendations to the State Board of Education shall not be changed, revised or amended prior to forwarding to the State Board of Education for approval.
    b. Commission Recommendations to the State Board of Education may be presented by the Chairperson of the Commission, or the Executive Secretary or his or her designee, at the appropriate meeting of the State Board of Education.

12. AD HOC COMMITTEES
    Appointment of Commission members and the assignment of Commission staff to an ad hoc committee shall be made by the Chairperson in consultation with the Executive Secretary.

    Commission members shall participate in subcommittee hearings involving controversies in licensure a minimum of once per quarter.

Source: Miss. Code Ann. §§ 25-3-41, 25-3-69, 37-1-3 and 37-3-2

Rule 14.7 Nursery through First Grade (*Repealed 7/2012)*

Rule 14.8 Postsecondary Licensure (Vocational) (Repealed 7/2012)

Rule 14.9 Regulations. The regulations governing the licensing of educators in Mississippi are specified in the document entitled Guidelines for Mississippi Educator Licensure. An up-to-date copy of that document shall be kept on file in the appropriate office in the Mississippi Department of Education. Upon approval of amendments to that document by the Mississippi Board of Education, staff will disseminate same to the appropriate personnel in the Mississippi educational community.
For a copy of the Guidelines for Mississippi Educator Licensure, please visit the Mississippi Secretary of State's website at Regulations and Enforcement in the Administrative Code, Title 7: Education K-12; Part # 4.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1997)*

Rule 14.10 Reporting Infractions. Procedures for Reporting Infraction Under Section 37-3-2 of the Miss Code (1972) Ann. (Revised 2014)

1. Section I – Introduction

The Mississippi Code of 1972 Annotated, Section 37-3-2 (15) authorizes the Commission on Teacher and Administrator Education, Licensure and Development, to promulgate procedures for reporting infractions delineated under Section 37-3-2 of the Code. The Commission has provided the procedures below to be followed by all educators required to hold a certificate/license. These procedures will ensure compliance with the Mississippi Code, Sections 37-3-2 (10), (15), and 37-31-205(1)(e) of the Mississippi Code, as well as:

a. Sections 37-3-51(1), (2)(a-i), (3) – Notification of Department of Education of conviction of certificated person on certain felonies or sex offenses.

b. Sections 37-3-2 (11)(a-i), 37-3-2 (12)(a-j) – Denial of application; revocation and suspension of licenses/certificates.

c. Section 37-3-2 (13)(a-c) – Dismissal or suspension of licensed/certified employee by local school board.

d. Section 37-9-57 – Effect of abandonment of employment.

e. Section 37-16-4 – Enforcement and penalty for test violations.

2. Section II – Reporting Responsibilities

a. **Mississippi Circuit Clerks:** Each circuit clerk has the statutory duty to report to the Mississippi Department of Education (MDE), Office of Educator Licensure, the conviction of any certified/licensed personnel employed by a public or private elementary or secondary school according to requirements outlined in the Mississippi law. Reports are to be made on forms provided by the Office of Educator Licensure, MDE (Appendix A).

b. **Superintendents of Education:** Each superintendent of a public school must report to MDE infractions committed under sections of the Mississippi Code cited in Section I of these procedures. Superintendents shall adhere to the following procedures:

   i. Submit an initial report on all certified/licensed employees no later than October 1 of each school year (Appendix B).

   ii. After the initial report, submit reports on employees as knowledge of offenses occurs.

   Such reports shall be submitted within 10 days of notification of an offense (Appendix C). Failure by the school district to report to the OEL within 10 working days, however, does not negate the continuing reporting duties by the Superintendent as required by law, or supersede or affect the statutory authority of the Commission on Teacher and

Administrator Education, Certification and Licensure and Development from suspending or revoking an educator license pursuant to Miss Code Ann Section 37-3-2.

c. **Community and Junior College Presidents:** Presidents of community and junior colleges must report to MDE infractions committed under sections of the Mississippi Code cited in Section I of these procedures. Reports shall be completed on vocational and technical education personnel licensed by the Department of Education. (*The Office of Educator Licensure issues vocational postsecondary licenses for the Tech Prep Coordinator and Special Populations Coordinator).*

i. Presidents shall adhere to the following procedures:

a) Submit an initial report on all certified/licensed employees no later than October 1 of each school year (Appendix D).

b) After the initial report, submit reports on employees as knowledge of offenses occurs.

Such reports shall be submitted within 10 days of notification of an offense (Appendix E).

3. **Section III – What Should Be Reported**

Reports shall be submitted for all infractions cited in the Mississippi Code of 1972 Annotated (Revised 1996), Sections 37-3-51, 37-3-2, 37-9-57, and 37-16-4, to include:

a. Conviction of a felony or sex offense. "Sex offense" shall mean any of the following offenses:

i. Section 97-3-65, Mississippi Code of 1972, relating to the carnal knowledge of a child under fourteen (14) years of age;
ii. Section 97-3-95, Mississippi Code of 1972, relating to sexual battery;
iii. Section 97-5-21, Mississippi Code of 1972, relating to seduction of a child under age eighteen (18);
iv. Section 97-5-23, Mississippi Code of 1972, relating to the touching of a child for lustful purposes;
v. Section 97-5-27, Mississippi Code of 1972, relating to the dissemination of sexually oriented material to children;
vi. Section 97-5-33, Mississippi Code of 1972, relating to the exploitation of children;
vii. Section 97-5-41, Mississippi Code of 1972, relating to the carnal knowledge of a stepchild, adopted child, or child of a cohabitating partner;
viii. Section 97-29-59, Mississippi Code of 1972, related to unnatural intercourse;
ix. Or
x. Any other offense committed in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere.

b. Other reportable infractions or occurrences [Section 37-3-2 (11), (12), and (13)]:

i. License Applicants

a. Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;
b. Has a physical, emotional, or mental disability that renders the applicant unfit to perform the duties authorized by the certificate/license, as certified by a licensed psychologist or psychiatrist;
c. Is actively addicted to or actively dependent on alcohol or other habit forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, at the time of application for a certificate/license;
d. Revocation, suspension or surrender of a certificate or license by another state shall result in immediate denial of licensure until such time that the records predicating the revocation, suspension or surrender in the prior state have been cleared;
e. Committed fraud or deceit in securing or attempting to secure such certification or license;
f. Fails or refuses to furnish reasonable evidence of identification;
g. Has been convicted, has pled guilty or entered a plea of nolo contendere to a felony as defined by federal or state law;
h. Has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law. For purposes of this paragraph (h) and paragraph (g) of this subsection, a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion.
i. Probation or post-release supervision for a felony or sex offense conviction, as defined by federal or state law, shall result in the immediate denial of licensure application until expiration of the probationary or post-release supervision period.

ii. Licensed Educators

a. Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57, Mississippi Code of 1972;
b. Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;
c. Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;
d. The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this

paragraph, a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

e. The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense, as defined by federal or state law, shall result in immediate suspension or revocation; or
f. The license holder has received probation or post-release supervision for a felony or sex offense conviction, as defined by federal or state law, which shall result in immediate suspension or revocation until expiration of the probationary or post-release supervision period;
g. The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4 (1), Mississippi Code of 1972.
h. The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;
i. The license holder has fondled a student as described in Section 97-5-23, had any type of sexual involvement with a student as described in Section 97-3-95; or
j. The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

iii. Dismissal or Suspension

a. Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59, Mississippi Code of 1972, may result in the suspension or revocation of license for length of time, which shall be determined by the commission and based upon the severity of the offense.
b. Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

c. Violations of the Mississippi Educator Code of Ethics

1. Violations of Standard 1.2 (Misuse or mismanagement of tests or test materials) that affect the validity of mandatory uniform test results as provided in Section 37-16-4 (1)

2. Violations of Standard 2 (Trustworthiness) that result in a felony conviction

3. Violations of Standard 3 (Unlawful Acts) (felony and sex offense convictions)

4. Violations of Standard 4 (Educator/Student Relationships)

5. Violations of Standard 7 (Public Funds and Property) that result in a felony conviction

6. Violations of Standard 6 (Alcohol, Drug and Tobacco Use or Possession) that result in termination and/or a felony conviction
7. Violations of Standard 9 (Maintenance of Confidentiality) that affect the validity of mandatory uniform test results as provided in Section 37-16-4 (1)

8. Violations of Standard 10 (Breach of Contract or Abandonment of Employment)

All other violations of the Educator Code of Ethics should be addressed by the local school district. Failure to report sexual involvement of a school employee with a student as required by Section 97-5-24 may result in the revocation or suspension of a license.

APPENDIX A:
REPORT FORM FOR CIRCUIT CLERK
FOR REPORTING FELONY/SEX OFFENSE CONVICTIONS

Directions: All circuit clerks must use this form to report the conviction of certified/licensed school personnel of a felony or a sex offense as defined by Mississippi Code §37-3-51.

Attach a certified copy of the indictment and judgment.
Mail to: Office of Educator Licensure
Mississippi Department of Education
Post Office Box 771
Jackson, Mississippi 39205-0771

Name:	
Social Security Number	Date of Birth:
Address:	
School District Where Employed:	

License Number: _____

Date and Place of Conviction:
_____

_____

Case number: Type of Felony/Sex Offense**:**

_____ _____

Signature of Circuit Clerk: _____
Circuit Clerk (Typed Name): _____
Address: _____
_____ ZIP_____
Phone Number: _____
Date: _____

District Attorney (Typed Name): _____

APPENDIX B:

ANNUAL REPORT FORM FOR SUPERINTENDENT OF EDUCATION FOR REPORTING INFRACTIONS UNDER SECTION 37-3-2 OF THE MISSISSIPPI CODE

Due to the Office of Educator Licensure by October 1 each year

_____To the best of my knowledge and belief, no educators have committed infractions as delineated in Section 37-3-2 of the Mississippi Code.

_____The following educators have committed infractions as delineated in Section 37-3-2 of the Mississippi Code

Name	*Social Security Number/ License Number*	*Type of Infraction*

Signature of Superintendent of Education: _____

Superintendent of Education (Typed Name): _____

School District Name and Number: _____

Date: _____

Attach any additional information, as needed. **This form must be notarized**

Mail to: Office of Educator Licensure
P.O. Box 771
Jackson, Mississippi 39205-0771

APPENDIX C:

REPORT FORM FOR SUPERINTENDENT OF EDUCATION FOR REPORTING INFRACTIONS UNDER SECTION 37-3-2 OF THE MISSISSIPPI CODE

Due to the Office of Educator Licensure (OEL) within 10 working days of the infraction. Failure by the school district to report to the OEL within 10 working days, however, does not negate the continuing reporting duties by the Superintendent as required by law, or supersede or affect the statutory authority of the Commission on Teacher and Administrator Education, Certification and Licensure and Development from suspending or revoking an educator license pursuant to Miss Code Ann Section 37-3-2.

Directions: All superintendents of education must use this form to report the conviction of certified/licensed school personnel or other infractions as delineated in Section 37-3-2 of the Mississippi Code including violations to Standard 4 of the Mississippi Educator Code of Ethics.

Educator Name:	
Social Security Number:	Date of Birth:
Address:	
School District Where Employed:	
License Number:	
Date of Conviction or Infraction: _____ Type of Conviction, Violation or Infraction: _____ District Response to Infraction *(Indicate suspension, termination, or approved resignation; and specify dates of action.):* _____	
Signature of Superintendent of Education: _____ Superintendent of Education (Typed Name): _____ School District Name and Number: _____ Date: _____	

Attach any additional information such as school board minutes, affidavits, signed statements, district correspondence, or any other documentation pertinent to this infraction.
This Form must be notarized.

Mail to: Office of Educator Licensure
Mississippi Department of Education
Post Office Box 771
Jackson, Mississippi 39205-0771

APPENDIX D:

ANNUAL REPORT FORM FOR COMMUNITY/JUNIOR COLLEGE PRESIDENT FOR REPORTING INFRACTIONS UNDER SECTION 37-3-2 OF THE MISSISSIPPI CODE

Attach any additional information, as needed. This form must be notarized.

Mail to: Office of Educator Licensure
Mississippi Department of Education
Post Office Box 771
Jackson, Mississippi 39205-0771

___ To the best of my knowledge and belief, no certified/licensed vocational and technical education personnel have committed infractions as delineated in Section 37-3-2 of the Mississippi Code.

____ The following certified/licensed vocational and technical education personnel have committed infractions as delineated in Section 37-3-2 of the Mississippi Code

Name	*Social Security Number/ License Number*	*Type of Infraction*

APPENDIX E:

REPORT FORM FOR COMMUNITY/JUNIOR COLLEGE PRESIDENT FOR REPORTING INFRACTIONS UNDER SECTION 37-3-2 OF THE MISSISSIPPI CODE

Direction: All community/junior college presidents must use this form to report the conviction of vocational and technical education personnel licensed by the Department of Education or other infractions as delineated in Section 37-3-2 of the Mississippi Code.

Name:	
Social Security Number:	Date of Birth:

Address: _____

Community/Junior College Where Employed:
_____

License Number: _____

Date and Place of Conviction or Infraction: _____

Type of Conviction or Infraction: _____

Signature of Community/Junior College President: _____

Community/Junior College President (Typed Name)_____

Date: _____

This form must be notarized.

Mail to: Office of Educator Licensure
Mississippi Department of Education
Post Office Box 771
Jackson, Mississippi 39205-0771

Reporting Instructions for School District Superintendents

Should any of the previously named infractions occur in your jurisdiction result in a felony or sex offense conviction in a court of law (in or out-of-state), please complete Appendix C reporting form and submit to the Office of Educator Licensure at the Mississippi Department of Education within ten days. Failure by the school district to report to the OEL within 10 working days, however, does not negate the continuing reporting duties by the Superintendent as required by law, or supersede or affect the statutory authority of the Commission on Teacher and Administrator Education, Certification and Licensure and Development from suspending or revoking an educator license pursuant to Miss Code Ann Section 37-3-2. MDE will secure certified court records in the case and proceed with a disciplinary hearing before the Certification Commission to determine if the license should be revoked.

Should any of the previously named infractions occur in your jurisdiction that do not result in a felony or sex offense conviction in a court of law, please follow this procedure for reporting the infraction to the Mississippi Department of Education:

1. Initiate an internal investigation in your district and gather appropriate documentation of the infraction.
2. Should the investigation exceed ten working days from the alleged infraction, submit just the notarized Appendix C reporting form to ensure timely reporting of the infraction. Other investigative documents can be sent in once the investigation is complete.
3. Attach any documentation pertinent to the case, such as copy of the school board minutes showing action taken, correspondence between the district and the educator, signed affidavits regarding facts of the case, etc. Affidavits should be signed and notarized.

Once submitted to the Office of Educator Licensure (OEL) at the Mississippi Department of Education, OEL will contact the district if additional documentation is needed prior to a hearing. A disciplinary hearing will be scheduled before the Certification Commission to determine if the license of the educator should be revoked or suspended. School district personnel with first-hand knowledge of the infraction would need to be present at the hearing to testify to the facts of the case.

Source: *Miss. Code Ann. § 37-3-2 (15) (Rev. 6/2013)*

Rule 14.11 Skills, K-8 Mathematics (*Repealed 7/2012)*

Rule 14.12 Teacher Process and Performance Review (*Repealed 4/2011)*

Rule 14.13 Review (*Repealed 4/2011)*

Rule 14.14 Licensure Guidelines Tech Prep Discovery Courses (*Repealed 7/2012)*

Rule 14.15 Supplemental Endorsements for ITC and STEM Application Courses (*Repealed 7/2012)*

Rule 14.16 New Endorsement Code 193 for Economics (*Repealed 7/2012)*

Rule 14.17 Mississippi Educator Code of Ethics. Each educator, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to the rules established by the Mississippi State Board of Education and protects the health, safety and general welfare of students and educators.

Ethical conduct is any conduct which promotes the health, safety, welfare, discipline and morals of students and colleagues.

Unethical conduct is any conduct that impairs the license holder's ability to function in his/her employment position or a pattern of behavior that is detrimental to the health, safety, welfare, discipline, or morals of students and colleagues.

Any educator or administrator license may be revoked or suspended for engaging in unethical conduct relating to an educator/student relationship (Standard 4). Superintendents shall report to the Mississippi Department of Education license holders who engage in unethical conduct relating to an educator/student relationship (Standard 4).

Source: *Miss Code Ann. § 37-3-2 (15)*

Rule 14.18 Code of Ethics Standards

1. Standard 1: Professional Conduct

An educator should demonstrate conduct that follows generally recognized professional standards.

a. Ethical conduct includes, but is not limited to, the following:

   i. Encouraging and supporting colleagues in developing and maintaining high standards

   ii. Respecting fellow educators and participating in the development of a professional teaching environment

   iii. Engaging in a variety of individual and collaborative learning experiences essential to professional development designed to promote student learning

   iv. Providing professional education services in a nondiscriminatory manner

v. Maintaining competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter and pedagogical practices

vi. Maintaining a professional relationship with parents of students and establish appropriate communication related to the welfare of their children

b. Unethical conduct includes, but is not limited to, the following:

i. Harassment of colleagues

ii. Misuse or mismanagement of tests or test materials

iii. Inappropriate language on school grounds or any school-related activity

iv. Physical altercations

v. Failure to provide appropriate supervision of students and reasonable disciplinary actions

2. Standard 2. Trustworthiness

An educator should exemplify honesty and integrity in the course of professional practice and does not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.

a. Ethical conduct includes, but is not limited to, the following:

i. Properly representing facts concerning an educational matter in direct or indirect public expression

ii. Advocating for fair and equitable opportunities for all children

iii. Embodying for students the characteristics of honesty, diplomacy, tact, and fairness.

b. Unethical conduct includes, but is not limited to, the following:

i. Falsifying, misrepresenting, omitting, or erroneously reporting any of the following:

a) employment history, professional qualifications, criminal history, certification/recertification

b) information submitted to local, state, federal, and/or other governmental agencies

c) information regarding the evaluation of students and/or personnel

d) reasons for absences or leave

e) information submitted in the course of an official inquiry or investigation

ii. Falsifying records or directing or coercing others to do so

3. Standard 3. Unlawful Acts
An educator shall abide by federal, state, and local laws and statutes and local school board policies.

Unethical conduct includes, but is not limited to, the commission or conviction of a felony or sexual offense. As used herein, conviction includes a finding or verdict of guilty, or a plea of *nolo contendere*, regardless of whether an appeal of the conviction has been sought or situation where first offender treatment without adjudication of guilt pursuant to the charge was granted.

4. Standard 4. Educator/Student Relationship
An educator should always maintain a professional relationship with all students, both in and outside the classroom.

a. Ethical conduct includes, but is not limited to, the following:
   i. Fulfilling the roles of mentor and advocate for students in a professional relationship. A professional relationship is one where the educator maintains a position of teacher/student authority while expressing concern, empathy, and encouragement for students

   ii. Nurturing the intellectual, physical, emotional, social and civic potential of all students

   iii. Providing an environment that does not needlessly expose students to unnecessary embarrassment or disparagement

   iv. Creating, supporting, and maintaining a challenging learning environment for all students

b. Unethical conduct includes, but is not limited to the following:
   i. Committing any act of child abuse

   ii. Committing any act of cruelty to children or any act of child endangerment
   iii. Committing or soliciting any unlawful sexual act

   iv. Engaging in harassing behavior on the basis of race, gender, national origin, religion or disability

   v. Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs

vi. Soliciting, encouraging, participating or initiating inappropriate written, verbal, electronic, physical or romantic relationship with a student.

a) Examples of these acts may include but not be limited to:
   1) sexual jokes
   2) sexual remarks
   3) sexual kidding or teasing
   4) sexual innuendo
   5) pressure for dates or sexual favors
   6) inappropriate touching, fondling, kissing or grabbing
   7) rape
   8) threats of physical harm
   9) sexual assault
   10) electronic communication such as texting
   11) invitation to social networking
   12) remarks about a student's body
   13) consensual sex

5. Standard 5. Educator Collegial Relationships
An educator should always maintain a professional relationship with colleagues, both in and outside the classroom

1. Unethical conduct includes but is not limited to the following:
   a. Revealing confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law
   b. Harming others by knowingly making false statements about a colleague or the school system
   c. Interfering with a colleague's exercise of political, professional, or citizenship rights and responsibilities
   d. Discriminating against or coercing a colleague on the basis of race, religion, national origin, age, sex, disability or family status

e. Using coercive means or promise of special treatment in order to influence professional decisions of colleagues

6. Standard 6. Alcohol, Drug and Tobacco Use or Possession
An educator should refrain from the use of alcohol and/or tobacco during the course of professional practice and should never use illegal or unauthorized drugs

a. Ethical conduct includes, but is not limited to, the following:
   i. Factually representing the dangers of alcohol, tobacco and illegal drug use and abuse to students during the course of professional practice

b. Unethical conduct includes, but is not limited to, the following:
   i. Being under the influence of, possessing, using, or consuming illegal or unauthorized drugs

   ii. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages. A school-related activity includes but is not limited to, any activity that is sponsored by a school or a school system or any activity designed to enhance the school curriculum such as club trips, etc. which involve students.

   iii. Being on school premises or at a school-related activity involving students while documented using tobacco.

7. Standard 7. Public Funds and Property
An educator shall not knowingly misappropriate, divert, or use funds, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

a. Ethical conduct includes, but is not limited to, the following:
   i. Maximizing the positive effect of school funds through judicious use of said funds

   ii. Modeling for students and colleagues the responsible use of public property

b. Unethical conduct includes, but is not limited to, the following:
   i. Knowingly misappropriating, diverting or using funds, personnel, property or equipment committed to his or her charge for personal gain

   ii. Failing to account for funds collected from students, parents or any school-related function

   iii. Submitting fraudulent requests for reimbursement of expenses or for pay

   iv. Co-mingling public or school-related funds with personal funds or checking accounts

v. Using school property without the approval of the local board of education/governing body

8. Standard 8. Remunerative Conduct

An educator should maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation.

a. Ethical conduct includes, but is not limited to, the following:
   i. Insuring that institutional privileges are not used for personal gain

   ii. Insuring that school policies or procedures are not impacted by gifts or gratuities from any person or organization

b. Unethical conduct includes, but is not limited to, the following:
   i. Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local governing body.

   ii. Tutoring students assigned to the educator for remuneration unless approved by the local school board

   iii. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. *(This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service)*

9. Standard 9. Maintenance of Confidentiality

An educator shall comply with state and federal laws and local school board policies relating to confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements.

a. Ethical conduct includes, but is not limited to, the following:
   i. Keeping in confidence information about students that has been obtained in the course of professional service unless disclosure serves a legitimate purpose or is required by law

   ii. Maintaining diligently the security of standardized test supplies and resources

b. Unethical conduct includes, but is not limited to, the following:
   i. Sharing confidential information concerning student academic and disciplinary records, health and medical information family status/income and assessment/testing results unless disclosure is required or permitted by law.

   ii. Violating confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, and violating local school board or state directions for the use of tests

iii. Violating other confidentiality agreements required by state or local policy

10. Standard 10. Breach of Contract or Abandonment of Employment
An educator should fulfill all of the terms and obligations detailed in the contract with the local school board or educational agency for the duration of the contract.

a. Unethical conduct includes, but is not limited to, the following:

   i. Abandoning the contract for professional services without prior release from the contract by the school board

   ii. Refusing to perform services required by the contract.

Source: *Miss. Code Ann. § 37-1-3 (Revised 1/2011)*

Rule 14.19 Educator and Principal Evaluation Systems

All public schools and districts are required to use an evaluation system comprising of at least the measures listed below:

1. Certified Staff

   a. Observations
   b. Student Surveys
   c. Student Outcomes
      i. Tested and Non-tested Educators
   d. School Outcomes

2. Administrator

   a. Observations
   b. Staff/Educator Surveys
   c. School Outcomes

The educator evaluation system will provide summative feedback annually to educators and administrators. The system is focused on improving both professional practice and student outcomes by providing educators and administrators with feedback to inform continuous improvement at the classroom, school, district, and state levels.

Source Code: Miss Code Ann. §37-1-3

Part 3 Chapter 15: Character Education

Rule 15.1 Character Education. The policy of the State Board of Education shall be to encourage each school district and each school to ensure the inclusion of character education in the entire curriculum and to include character education in the staff development programs for teachers.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/1997)*

Part 3 Chapter 16: Charter Schools

Rule 16.1 Charter Schools. The State Superintendent of Education is directed to assign staff to develop a charter school petition package in compliance with the charter school statute and State Board of Education regulations. Staff is directed to add such items as are needed to ensure that the information being submitted by the school is educationally sound for use in deciding whether to grant the charter. The petition package shall be presented to the State Board of Education for approval as part of the charter school regulations and disseminated as appropriate. As modifications in this petition package are required, the same approval process shall be followed.

The State Superintendent of Education is further directed to assign staff to develop a process for reviewing and recommending which charters should be granted. That process shall include review of petitions by at least some individuals external to the Department of Education. If review of the first group of petitions does not result in all six charters being issued, the staff may select those petitions with the highest ratings in the appropriate geographical areas and, if the petitioners wish to revise and resubmit those petitions, offer revision assistance to the petitioners. After this, if all six charters have not been issued, the State Superintendent of Education is authorized, in his discretion, to accept new petitions. The first petitions requesting issuance of charters shall be submitted to the State Department of Education by October 15, 1997; recommendations for issuance of charters shall be provided to the State Board of Education (SBE) no later than its December 1997 meeting. If a petition from a school for a charter is not approved by the local school board in the district where the school is located, State Department of Education staff shall review it and the reasons for disapproval submitted by the local school board. After that review, a recommendation shall be made to the SBE relative to any further action which should be taken. If no further action is taken by the SBE, that petition shall not be considered in the rating process.

At least six months prior to the end of the four year pilot period for the six charters, unless those charters have been voided or are otherwise no longer in operation, each charter school wishing to renew its charter shall update the petition as needed following the currently approved application process.

In implementing the charter school statute, the regulations outlined below shall be followed. The charter school shall, in addition to the specific requirements of the charter school statute (House Bill 1672, 1997 Legislative session):

1. have a policy and decision-making body;

2. if the school acts as its own fiscal agent, implement a financial accounting and auditing process which shall be the same as, or meet the same requirements as, those which must be followed by a local public school district;

3. implement a student attendance recording and reporting process, which shall be the same as, or meet the same requirements as, those which must be followed by a local public school district;

4. submit such reports as shall be requested by the State Superintendent of Education;

5. not charge tuition for attending the school;

6. have a school calendar that includes at least 180 days;

7. comply with state/federal regulations for federal programs - where waivers are available from the federal government, schools shall apply for such waivers in the same manner as any other public school would apply;

8. abide by state statutes and SBE policy relative to state testing program;
9. receive state educational funds (including, but not limited to, minimum program and/or MAEP, transportation, and textbook) and funds from flow through federal funding on an equitable basis with other public schools in the district;

10. maintain permanent records in accord with state statutes and SBE policy;

11. comply with regulations for ordering and reporting on state purchased textbooks;

12. report expulsion of students as required in state statutes;

13. retain proprietary control of any products/processes created by the school;
14. meet, at a minimum, SBE policy relative to graduation requirements;
15. not deny any person admission to the school on the basis of race, color, creed, national origin, sex, disability, handicap, nor age;

16. comply with the personnel policies of local school board in the district where the school is located; and
17. comply with the requirements of the following sections in Title 37 of the Mississippi Code Sections:

    37-9-75 (teacher strikes)
    37-11-18 & 19 (student expulsion and suspension)

    37-11-20 (coercion relative to student attendance)

    37-11-21 (school staff abuse)

    37-11-23 (disrupting school or school meetings)

37-11-29 & 31 (reporting unlawful or violent acts on school property)

37-11-53 & 55 (student discipline plan and code of conduct)

37-15-13 through 31 (inter and intra district transfers)

37-19-53 (false reports)

The State Department of Education is authorized to develop procedures to implement these policies and regulations and to make such interpretations as are required to carry out SBE intent.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/1997)*

Part 3 Chapter 17: Child Nutrition

Rule 17.1 Administrators.

1. In order to provide a menu planning system that ensures the food served at school meets the nutrition objectives for the nation as outlined in the current *Dietary Guidelines for Americans*, and the *Healthy People* ***2020*** objectives, the Mississippi Department of Education is authorized to create the following educational standards for food service staff in all schools participating in the National School Lunch Program:

    a. Food Service Program Manager

    b. Food Service Satellite Manager

    c. Food Service Administrator I

    d. Food Service Administrator II

    e. Food Service Administrator III

    f. Food Service Administrator IV

2. Qualifications

The following qualifications shall be established:

    a. Food Service Program Manager:
    a high school diploma or equivalent

    b. Food Service Satellite Manager:
    a high school diploma or equivalent

    c. Food Service Administrator I:
    a high school diploma, six (6) college level hours of food and nutrition or food systems management, and six (6) college level hours of educational administration, business, management, or accounting.

d. Food Service Administrator II:
a baccalaureate degree from an accredited four year college or university including a minimum of nine (9) hours food and nutrition or food systems management, and six hours of educational administration, business, management or accounting.

e. Food Service Administrator III:
a master's degree from an accredited four year college or university including a minimum of twelve (12) hours food and nutrition or food systems management, and six (6) hours of educational administration, business, management or accounting.

f. Food Service Administrator IV:
a specialist or doctorate degree from an accredited four year college or university including a minimum of 15 hours of food and nutrition or food systems management, and nine (9) hours of educational administration, business, management, or accounting.

3. Administration
This process shall be administered through the Mississippi Department of Education, Office of Child Nutrition.

4. Process
The process shall be as follows:

a. Food Service Program or Satellite Manager
Any newly appointed Food Service Manager employed after July 1, 1992, shall meet the minimum qualifications of the Food Service Manager. In the event a special need arises and written justification is submitted, a two year provisional certificate may be granted. The minimum qualifications must be met within the first twenty-four (24) months of employment.

b. Food Service Administrator
Any newly appointed Food Service Administrator employed after July 1, 1992, shall meet the minimum qualifications for a Level II Food Service Administrator. In the event a special need arises the superintendent of the local district may request a two year provisional certificate for an individual. In order for an individual to obtain this provisional certificate, proof must be provided that the minimum qualifications can be met within twenty-four (24) months of employment.

c. Continuing Training
The continuing training requirements passed by the State Board of Education in 1953 shall remain in place. In summary, that policy requires that Managers and Food Service Administrators attend a twenty-four (24) clock-hour course during the first year of employment and complete an additional twenty-four (24) clock-hours course every three years. The twenty-four clock-hours are obtained by attending a course designed by the Office of Child Nutrition based on current program needs.

d. Rule and Regulation Authority
The State Department of Education is authorized to promulgate rules and regulations necessary to implement this policy.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

Rule 17.2 Competitive Food. To ensure that children are not in the position of having to decide between non-nutritious foods immediately before or during the meal service period:

1. No food items will be sold on the school campus for one (1) hour before the start of any meal services period.
2. The school food service staff shall serve only those foods which are components of the approved federal meal patterns being served (or milk products) and such additional foods as necessary to meet the caloric requirement of the age group being served.
3. With the exception of water and milk products, a student may purchase individual components of the meal only if the full meal unit also is being purchased.
4. Students who bring their lunch from home may purchase water and milk products.

This policy should be viewed as a minimum standard. Local boards of education are encouraged to develop more comprehensive restrictions.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2007)*

Rule 17.3 Family Day Care Homes. The criteria listed in Sections I and II will be utilized to evaluate providers (homes) currently participating in the Child Care Food Program. Providers (homes) must have an annual inspection report showing compliance with all standards prior to approval to participate in the Child and Adult Care Food Program.

1. <u>SECTION I</u>

If a home provider receives a "no" for the items listed below, they will be allowed 90 days from the date of the inspection report to provide proof that the conditions that created the unsatisfactory report have been corrected. Conditions are as follows:

a. All fuel-fired or natural gas room heaters are vented to the outside.

b. The water supply is under pressure or adequately protected.

c. The sewage system functions properly.

d. There are operable smoke detectors in corridors and children's sleeping rooms.

e. There is at least one fully charged 5 pound ABC fire extinguisher properly mounted in the kitchen area.

f. Heating equipment in spaces occupied by children is protected to keep children away from hot surfaces and properly installed?

g. Special protective covers are provided for electrical receptacles.

2. SECTION II

If a home (provider) received a “no” for five or more of the items listed below, the report will be immediately declared unsatisfactory. Conditions are as follows:

a. Refuse is properly stored in an outside area that is drained and free of potentially hazardous objects or conditions and vector harborage.

b. The inside area is clean and in good repair and free of insects, rodents and unnecessary articles.

c. Toilet facilities are clean and in good repair.

d. The food preparation area contains safe and adequately protected food supply.

e. Acceptable dishwashing procedures and facilities are present.

f. Staff practice good hygiene and, if infection is present, take proper precautions.

g. Hot water is available.

h. Toxic items are used and stored properly.

i. Mixed occupancy buildings are protected by a (1) one hour fire barrier.

j. The dwelling has two remote exits.

k. Traveling distance to exits is less than 150 feet, and the egress is adequately lighted.

l. Each room where children are cared for has two means of escape.

m. Doors are a minimum of 24 inches wide.

n. Closet door latches are operable from inside.

o. Bathroom doors are designed to permit opening from outside in an emergency.

p. Corridors, stairways, lobbies, exits and all other interior finishes are Class A or B materials.

q. If a vent hood is present, grease filters are clean.

r. No portable heaters and fans are in use.

s. Protective covers are in place around functioning heating systems.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

Rule 17.4 Day Care Homes Management Plans. In the evaluation of management plans submitted by sponsors of family day care homes, the Mississippi Department of Education will utilize the criteria listed below.

1. Sponsor will define plans for maintaining financial records in accord with generally accepted accounting principles. The plan shall include written procedures for documentation of daily accounting functions.

2. Sponsor will provide job descriptions and resumes which demonstrate staff has education or experience appropriate to task to be performed. The staff shall have education or experience in the following areas: Management, Accounting, Child Care and Nutrition.

3. Sponsor will provide one monitor or full-time equivalent staff for each 50 homes. For each home over/under 50, five hours per month shall be added/subtracted as appropriate to the monitoring staff.

4. Sponsor will establish and implement administrative plans to:
    a. train sponsor staff, train providers,

    b. monitor providers,

    c. document provider approval,

    d. document changes in provider application, and

    e. make available to providers access to sponsor staff from the start of the first day care home meal service to the end of the last meal service.

5. Sponsor will define the geographical area (counties) in which providers under their sponsorship will operate, and the management plan shall outline a means for daily contact with providers.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

Rule 17.5 District Application. The annual Application, Agreement and Free/Reduced Meal Policy related to receipt of Federal Funds for the National School Lunch Program, School Breakfast Program and Food Distribution Program shall have final approval by the State Department of Education prior to the service of any meals under the program.

The staff of the State Department of Education shall have authority to grant a 30-day extension.

This policy shall be in effect from July 1, 1991, forward.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 3/1991)*

Rule 17.6 Eligibility Monitoring and Management (Child Care Program)

1. Sponsor Requirements:
    a. Each new sponsor will provide evidence of a successful organizational history which includes administration of Federal and/or State Programs or providing services to children.

    b. All sponsors will maintain a continuous log which indicates any change in the days or hours a provider is scheduled to provide care, any days when a substitute caregiver is utilized and the name of the substitute.

    c. All changes in information provided to the State Agency on the provider application shall be submitted to the State Agency for approval in advance of the change date.

    d. All required sponsor monitoring visits must be conducted during meal service, annually shall cover all approved meal types, i.e., breakfast, a.m. snack, lunch, p.m. snack, supper, and shall be unannounced.

    e. Homes caring for children on weekends or on split shifts (breakfast, child leaves for school/center/head start, then returns for snack

    f. and supper) shall be monitored a minimum of six times a program year.

    g. If a provider is keeping an outside child all day and is not claiming lunch for reimbursement, this provider shall be monitored by the sponsor a minimum of six times a program year.

    h. Homes claiming reimbursement for meals served on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day shall be monitored during meal service on each named holiday.

    i. Inform providers of their right to request an administrative review of intent to terminate and the procedures to appeal.

2. Provider Requirements
    a. The primary or substitute caregiver shall be at least eighteen years of age.

    b. A substitute for the primary provider can be utilized only in event of a short term emergency, and the sponsor must be given advance notice.

    c. All changes in information provided to the sponsor on the provider application shall be submitted to the sponsor for approval in advance of the change date.

d. When the state agency audits/reviews a sponsor, a provider is labeled "Seriously Deficient" if the following occurs:
   i. Children or provider are not present as scheduled,

   ii. Provider has no required records on site,

   iii. Provider is serving meals that do not meet the meal pattern requirements,

e. A corrective action plan must be implemented. Failure of the provider to permanently correct the problem will result in termination by the sponsor.

   i. Breakfast will not be approved for Day Care Home Providers where the enrolled children attend a school, child care center, or head start that offers the Breakfast Program under another Child Nutrition Program.

   ii. Minimum hours of care shall be provided in order to claim reimbursement for a meal type as follows:

      2 Hours - One Meal Type
      4 Hours - Two Meal Types
      6 Hours - Three Meal Type

   iii. A minimum of 2 ½ hours shall lapse between the beginning service time of any meal type and the service of the next meal type.

   iv. All providers shall have an operable telephone on site during hours of operation.

3. Service Area Requirements

   a. New sponsors will be approved only in a county where inadequate services are available to children.

The staff of the State Department of Education shall have the authority to develop procedures as necessary to implement these requirements.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

Rule 17.7 Family Day Care

1. The State Department of Education shall:
   a. Develop readiness training for Day Care Home Sponsors for children ages 0-4
      i. Train sponsors on readiness for 0-4 years old

      ii. Provide training to sponsor representatives on use of readiness training program

      iii. How to present readiness training

iv. Utilization/effectiveness checklist

b. Family Day Care Home Sponsors shall:
   i. Attend training provided by State Department of Education on readiness
   ii. Adopt and implement readiness training in every family day care home under sponsorship

   iii. Annually train all providers on readiness

   iv. Train new family day care home providers prior to approval
   v. Employ a child care director who is at least 21 years of age with a minimum of two years' experience as director or caregiver

   vi. Establish a referral program for low literacy providers

c. Family Day Care Home Providers shall:
   i. Attend annual training on the readiness as a condition of approval

   ii. Implement training in the family child care setting

   iii. Involve parents in training, send/handout progress reports home with children

d. Parents shall:
   i. Reinforce training by using materials sent home with children

e. Sponsoring organizations shall implement in all homes under sponsorship by October 1, 2000 and each year thereafter.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

Rule 17.8 Purchasing System, Food Purchasing System for Public Schools

1. Awards for Price of Product

   a. All awards for price of product, whether obtained by formal bids, competitive negotiations, or noncompetitive negotiation shall be approved by the State Board of Education.

   b. In the event an unusual set of circumstances makes it necessary for a decision to be made between meetings of the State Board of Education, the State Superintendent of Education is authorized to make the decision and report at the next Board of Education meeting.

2. Product Identification and Brand Approval

a. All decisions related to product identifications and brands to be approved shall be made by the purchasing management committee composed of representatives of the member organizations.

b. The addition or deletion of items from the request for pricing shall be made by the product committee.

c. Prior to approval, all products shall be tested in a school environment with children as the test panel.

d. Member organizations, when purchasing items covered by this contract, shall be required to utilize only the brands approved from the specified distributor.

e. In the event it is necessary for a member organization to purchase an item not on the state contract, the organization shall be responsible for developing the identification for the product.

3. Purchasing Management Committee

a. The purchasing management committee shall consist of one representative for private schools, one representative for headstarts, one representative for superintendents of public school districts and one representative from each geographical region of the member school districts.

b. The members of the purchasing management committee shall be elected by a majority vote of the members of the category or region they represent.

c. A representative of a school district can be nominated for a position on the purchasing management committee by presenting the Bureau of Child Nutrition in the State Department of Education with a letter requesting your name be placed on the ballot.

d. Members of the purchasing management committee shall serve staggered three year terms, with one third of the terms expiring each year.

e. The expiration date of members' terms shall be June 30.

f. The Director of the Division of School District Purchasing shall serve as the Executive Secretary for the Purchasing Management Committee.

g. The members of the purchasing management committee shall annually elect a chairperson.

h. During the initial year of start up, the purchasing committee shall be appointed by the State Board of Education. Initial appointments shall be staggered so that three appointments expire in each of the next three years.

i. In the event a Member of the Purchasing Management Committee cannot be present at a meeting of the Purchasing Management Committee, the member can confer his vote by proxy to another member of the Food Purchasing System under the following conditions:

i. The member casting the proxy vote must be a current member of the Food Purchasing System and a member of the category or region that the Purchasing Management Committee member represents.

ii. The proxy is valid for one meeting only and must be accompanied by a letter from the Purchasing Management Committee member conferring the proxy status.

iii. The proxy vote is applicable only to the items listed on the official agenda for that meeting. The agenda shall be mailed to all members of the Purchasing Management Committee no later than one week before the meeting of the Purchasing Management Committee. The proxy vote will not apply to any new business presented at the meeting.

4. Other

   a. A onetime fee shall be assessed to each organization when they choose to join the purchasing system. The purpose of this fee is to cover the start up cost for the system.

   b. Annual fees shall be assessed in amounts as necessary to cover the cost of operation for the fiscal year. Any excess fees collected shall be utilized to cover a portion of the cost in the next year.

   c. The basis for assessing fees shall be the meal equivalents served in the prior year.

   d. An annual report of the revenue and expenditures shall be made to the State Board of Education, and the Board shall approve the fee structure for each fiscal year.

5. Vendor Deletions

   a. Vendors shall be removed from the qualified vendor list when a response has not been received in two successive applicable bid invitations. Removal shall be until the vendor can show reason why they should be reinstated.

   b. Vendors shall be removed from the qualified vendor list when a contract is canceled at the request of the vendor. In such cases the contractor shall be removed for the remainder of the contract period or twenty four months whichever is greater.

   c. Vendors shall be removed from the qualified vendor list when due to default a contract is canceled by the State. The vendor shall be removed for not less than twenty four months or until the vendor shows evidence that the reason for the cancellation has been corrected.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2003)*

Rule 17.9 Termination, Day Care Sponsors

1. Criteria for termination of seriously deficient family day care home sponsors:

a. When a review is conducted of a sponsor and 10 percent of providers have site visits and 20 percent of the providers visited are not at home or have no outside children and do not appear on the sponsor telephone log as closed, the sponsor shall be declared seriously deficient and be given a minimum of 30 days from the date of review to implement corrective action.

b. A follow-up review shall be conducted after 30 days. During the follow-up review, a 10 percent sample of providers shall be visited and if over 10 percent of the providers sampled are not at home or have no outside children present and do not appear on the sponsor telephone log as closed, the sponsor will be terminated.

2. On any review, if the sponsor has violations of federal regulations, the sponsor shall be declared seriously deficient. Should any of these same federal regulations be violated on the next regular review, the sponsor will be automatically terminated.

Source: *7 CFR, Part 226, July 27, 2005 (Revised April 1, 2013)*

Rule 17.10 Smart Snacks Standards for All Foods and Beverages Sold in Mississippi Schools. The State Board of Education (SBE) shall adopt Smart Snacks Standards for All Foods and Beverages Sold in Mississippi Schools. These standards will ensure school district compliance of what products can be sold and the time of day they can be sold on a school campus.

The Healthy Hunger-Free Kids Act of 2010 directed the USDA to establish nutrition standards for all foods and beverages sold to students in schools during the school day. The Smart Snacks Standards ensures schools will provide students healthier choices by offering more whole grain options, fruits, vegetables, leaner protein and lower-fat dairy. Smart Snacks applies to all foods and beverages sold to students through:

1. Vending machines
2. Student stores
3. Snack bars
4. Fundraisers
5. Culinary Education Program Sales
6. Any other sales

1. Time of Day for ALL Foods and Beverages Sold in Schools

The following regulations apply to all Mississippi school campuses during the school day. The School day is defined as the hours between 12:00 a.m. the midnight before until 30 minutes after the end of the instructional day. This policy does not apply to school-related events; such as interscholastic sporting events, school plays, and band concerts; where parents and other adults constitute a significant portion of the audience or are selling beverages as boosters. In addition, no food items shall be sold on the school campus for one (1) hour before the start of any meal services period through the end of the meal service, including breakfast (if offered).

2. FOOD Regulations for Mississippi Schools:

All foods sold in schools must meet the following ingredients and nutrient requirements:

1. Be a Whole Grain-Rich (WGR) product; or
2. Have as the first ingredient a fruit, vegetable, a dairy product, or a protein food; or
3. Be a combination food that contains at least ¼ cup of fruit and/or vegetable; or
4. Contain 10% of the Daily Value (DV) of one of the nutrients of public health concern in the 2010 Dietary Guidelines for Americans (calcium, potassium, vitamin D, or dietary fiber).

a. Calories Limits:
   i. Snack/Side items: No more than 200 calories
   ii. Entrée items: No more than 350 calories

b. Sodium Limits:
   i. Snack/Side items: No more than 230 mg
   ii. Entrée items: No more than 480 mg

c. Fat Limits:
   i. Total fat: No more than 35% of calories
   ii. Saturated fat: < 10% of calories
   iii. Trans fat: zero grams

d. Sugar Limits:
   i. No more than 35% of weight from total sugars in foods (excludes sugars naturally occurring in fruits, vegetables, and dairy). For smoothies (made with low-fat yogurt or other low-fat dairy alternatives and/or fruit/juice), yogurt and pudding, no more than 5 grams total sugar (added and naturally occurring) per ounce.

e. Exemptions:
   i. Dried/dehydrated fruits or vegetables with no added nutritive sweeteners; or
   ii. Dried fruits with nutritive sweeteners for processing and/or palatability; or
   iii. Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.

f. Food Accompaniments
   i. Accompaniments such as cream cheese, sugar, sweeteners, salad dressing, ketchup etc., must be included in the nutrient analysis as part of the food item sold.
   ii. This helps control the amount of calories, fat, sugar and sodium added to foods.

3. BEVERAGE Regulations for Mississippi Schools:

The fluid and nutrition needs of young people at school are best met through well- balanced, nutrient-rich school meals provided through Child Nutrition Programs, planned by nutrition professionals following US Department of Agriculture (USDA) guidelines.

Beverages for All Grades:

Beverage	Elementary School (K-5)	Middle School (6-8)	High School (9-12)
Plain Water, Carbonated or not	**No Size Limit**	**No Size Limit**	**No Size Limit**
Low-Fat Milk, Unflavored	**≤ 8oz.**	**≤ 12oz.**	**≤ 12oz.**
Non-Fat Milk, Unflavored or Flavored	**≤ 8oz.**	**≤ 12oz.**	**≤ 12oz.**
100% fruit/vegetable juice	**≤ 8oz.**	**≤ 12oz.**	**≤ 12oz.**

Other Flavored Beverages in High Schools ONLY:

a. Calorie-Free Beverages: Maximum serving size 20 fluid ounces (20 oz.)
   i. Calorie –free flavored water, with or without carbonation
   ii. Other calorie-free beverages with less than 5 calories per 8 fluid ounces
   iii. (8 oz.), or up to 10 calories per 20 fluid ounces

b. Lower Calorie Beverages: Maximum serving size 12 fluid ounces (12 oz.)
   i. Up to 60 calories per 12 fluid ounces; or
   ii. Up to 40 calories per 8 fluid ounces

4. CAFFEINE:
   a. Elementary and Middle School (K-8)
      i. Foods and beverages must be caffeine-free, with the exception of trace amounts of naturally occurring caffeine substances.

   b. High School (9-12)
      i. Coffee and tea may be sold in high schools only; however, if cream and sweetener are offered as accompaniments, the cream and sweetener must be included in the evaluation of the coffee or tea against the beverage standard. The use of accompaniments may be averaged over the number of drinks sold. The other beverage standard in high school permits <60 calories per 12 fl oz; this is the same as <5 calorie per 1 fl oz. If a smaller beverage is served, the calories may not exceed 5 calories per fl oz, for example a 6 fl oz beverage may have no more than 30 calories.

5. VENDING/SNACK Regulations for Mississippi Schools

Schools shall utilize the *Healthier Generation Alliance Product Calculator* to analyze all food and beverage products before they can to be sold. This calculator is the most accurate tool to use when analyzing products to determine if they meet the Smart Snack Standards for vending products, snack products, entrees, side dishes and beverages.

6. TEACHERS' Lounge Vending:

At least 50 percent of the items sold in staff vending areas/lounges (those inaccessible to students) should meet the Smart Snacks Standards.

7. CULINARY Education Programs

Culinary Education Programs operating in schools participating in the National School Lunch Program (NLSP) and School Breakfast Program (SBP) must follow the same Smart Snack Standards previously mentioned. The Smart Snack standards have no impact on the Culinary Education Programs curriculum in schools nor do they impact foods sold to adults at any time. However, any foods and beverages prepared and sold to students by Culinary Programs, during the school day must meet the same nutrition standards.

RESOURCES:

1. Please visit the MS Department of Education, Office of Child Nutrition website for additional information.
2. Please visit United States Department of Agriculture (USDA), Food and Nutrition Service website for additional information.
3. Please visit the Healthier Generation, Smart Snacks Alliance Product Calculator website for additional information.

Source: *United States Department of Agriculture (USDA), Food and Nutrition Service (FNS): Federal Law # 7 CFR 210.11 (Adopt 10/2015)*

Part 3 Chapter 18: Children First Act of 2009

Rule 18.1 Annual Report

1. Children First Act Annual Report Guidelines

The information required to be in the Children First Act (CFA) Annual Report will be compiled by the Mississippi Department of Education's Office of Research and Statistics. This report is, according to the CFA, to be printed in the newspaper, listed on the district website and made available free of charge at a location(s) in the district in a hard copy format. The report shall look at the district as a whole and be printed in the paper and made available on the district website no later than November 1 of each year.

2. Publication in the Newspaper

There are three categories of information which shall be included in the Annual Reports: District Profile Information, Academic Achievement Information and Financial Data Information. Specific items to be included in the report are as follows:

a. District Profile
   i. Number of students
   ii. Number of employees
   iii. Number of full-time teachers
   iv. Number of National Board Certified teachers
   v. Percentage of teachers who are highly qualified
   vi. Percentage of teachers with emergency licenses
   vii. Number of special education teachers
   viii. Percentage of special education teachers who are highly qualified
   ix. Percentage of special education teachers with emergency licenses
   x. Racial profile of student population
   xi. Percentage of students receiving free and reduced lunches
   xii. Number and percentage of students receiving special education services
   xiii. Percentage of students receiving out-of-school suspensions and expulsions
   xiv. Percentage of students receiving special education services receiving out- of-school suspensions and expulsions
   xv. Average Daily Attendance rate (ADA)
   xvi. Contact information for the district and information on how to get involved in the schools
   xvii. Superintendent's name and contact information

b. Academic Achievement Information
   i. Accreditation status

ii. Percentage of students receiving a high school diploma

iii. Percentage of students receiving special education services receiving a high school diploma

iv. Percentage of students receiving an occupational diploma

v. Percentage of students receiving special education services receiving an occupational diploma

vi. Percentage of students receiving a certificate of completion

vii. Percentage of students receiving special education services receiving a certificate of completion

viii. Dropout rate for all students

ix. Dropout rate for students receiving special education services

x. Percent of Graduates Taking the ACT

xi. District rating level

xii. Number of schools by rating level

xiii. ACT information (% taking the test and the average score)

c. Financial Data

i. Total Revenue: Local, State and Federal Funds (Actual dollar amount and percentage of total revenues)

ii. Millage Rate (Operations and Debt Service broken out separately)

iii. State average of millage rates

iv. Total millage dollars

v. Assessed Valuation

vi. Total Expenditures: Instructional, Operations & Maintenance, Other Instructional, General Administration, School Administration (Percentage of total expenditures)

vii. Per Pupil Expenditures: Local, State and Federal dollar amounts broken out separately

All information needed to compile this report will be available on the Mississippi Department of Education's Web site in time for submission to the local paper for publication before the November 1 deadline. Districts shall be required to purchase ad space at least three columns in width to ensure readability of the report upon publication. Districts are responsible for placing the ad in the newspaper, paying for the ad in the newspaper and submitting an electronic or hard copy of the report to the newspaper staff.

3. Publication on the Web

In addition to information published in the newspaper, information will be published by the Mississippi Department of Education's Office of Research and Statistics on a centralized Web site. Each district shall be required to post a link to the Web site on the home page of the district Web site. That information is as follows:

a. District Profile
   i. Number of teachers with advanced degrees
   ii. Percent in Pre-K
   iii. Number of students in gifted programs
   iv. Number of students in special education
   v. Number of Title I schools
   vi. Quality of the Distribution Index
   vii. High School Completer Index

b. Academic Achievement Information
   i. Percent of students with dual enrollment
   ii. Number enrolled in AP courses
   iii. Percent of students at each achievement level (Minimal, Basic, Proficient, Advanced)
   iv. Drop-out rate

c. Financial Data
   i. Average teacher salary
   ii. Amount of debt
   iii. Any audit findings or a statement showing there were no audit findings (letter from state auditor and a link to the state auditor's website)

iv. Federal dollars by funding category

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/2009)*

Part 3 Chapter 19: Class Size

Rule 19.1 Class Size. When the personnel report from each district is submitted to the Mississippi Department of Education the following procedure will be implemented:

1. If the enrollment in any class in grades 1-4 is greater than 27 and/or the number of students taught by any individual teacher exceeds 150, MDE staff will notify the district in writing and request an explanation as to the reasons for the overage.

2. The district shall submit documentation that the situation has been corrected or request an exemption. The request for exemption will describe the situation and provide justification as to why the exemption should be approved. This request should include at a minimum:

    a. the number of classes in that school that serve the same grade,
    b. whether there is a school reasonably close by to which the children over the maximum could be transferred,
    c. a clear description of why an additional class cannot be added to alleviate the overload, and
    d. other emergency, hardship, or special situations which justify an exemption.

3. The Mississippi Department of Education staff (Exemptions Committee) will review the request for exemption and make a recommendation to the State Board.

4. The State Board shall disapprove or approve exemption requests.

5. A school district may appeal the denial of an exemption by submitting a request within fourteen (14) days of receipt of notification to the State Board.

6. The State Board's decision on an appeal is final.

If a school district violates the provisions of Mississippi Code 37-151-77, the state aid for the ensuing fiscal year to such school district shall be reduced by the percentage variance that the actual pupil-teacher ratios in such school district has to the required pupil-teacher ratios mandated in this section. Any district meeting the highest levels of performance are exempt from the maximum pupil teacher ratio in Grades 1, 2, 3, and 4.

Source: *MS Code 37-151-77 (Revised 2/2012)*

Part 3 Chapter 20: College Admission

Rule 20.1 College Admission. The admission requirements to public universities, as adopted by the Board of Trustees of Institutions of Higher Learning, are endorsed by the Mississippi Department of Education. Refer to Appendix C of the current edition of the *Mississippi Public Accountability Standards*.

Source: *Miss. Code Ann. § 37-1-3 (Revised 9/2012)*

Part 3 Chapter 21: Communicable Diseases

Rule 21.1 Communicable Diseases. The Mississippi State Department of Education will develop model guidelines for dealing with HIV infection and communicable disease control. As revisions are made and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the education community.

Source: *Miss. Code Ann. § 37-1-3 (Revised 1/2006)*

Part 3 Chapter 22: Consolidated Applications (Federal Funds) *(Repealed 1/2012)*

Part 3 Chapter 23: Contracts

Rule 23.1 Contracts. The Mississippi Department of Education Contracts Policy set forth herein applies to the procurement of all personal and professional services by the Mississippi Department of Education. Violation of this policy shall carry such penalties as may be applicable under state and federal laws. The awarding office shall be responsible for compliance with the rules and regulations governing the procurement of services.

Contracting for services shall be governed by all applicable rules and regulations promulgated by the Personal Services Contract Review Board (PSCRB), Department of Finance and Administration, Mississippi Department of Information Technology Services, Mississippi Ethics Commission, and state laws, as well as the policies approved by the Mississippi Board of Education. Contracts must be procured through adequate and reasonable competition, with the exception of sole-source and emergency procurements. Generally, the total amount of the contract shall be used to determine the appropriate method to be used in procuring services. Contracting for services shall be accomplished by using one of the following methods of source selection:

1. Competitive Sealed Bids
2. Competitive Sealed Proposals
3. Small Purchases
    a. Pool of Service Providers
    b. Three Written Quotations
4. Sole-Source Procurement
5. Emergency Procurement

Contracts totaling $50,000 or greater must be approved by the Mississippi Board of Education prior to awarding the contracts. Contracts requiring PSCRB approval shall be submitted to PSCRB following approval by the Mississippi Board of Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2010)*

Part Chapter 24: Contracts, Teachers

Rule 24.1

CONTRACT OF EMPLOYMENT WITH
MISSISSIPPI PUBLIC SCHOOL DISTRICTS FOR
ASSISTANT SUPERINTENDENT, PRINCIPAL AND LICENSED EMPLOYEE

This agreement is made and entered into as of the dates indicated below, by and between

_____

First Name Middle Name Last Name Social Security Number

(employee), and the _____ School District (employer), with the employee having been duly elected and approved for employment by the school board of the employer.

This agreement provides:

That the employee will be employed by the employer for the scholastic year(s) 20___ - 20___ and shall hold the position of

_____.

Assistant Superintendent, Principal, Licensed Employee

That the employee will be employed for _____ days during said scholastic year. And that the employee shall be available to perform assigned duties beginning on _____, 20____ and ending on _____, 20____, or otherwise, as may be amended by the employer due to an emergency or other good cause in accordance with the policies of the employer.

That the employee will perform assigned duties during the school term. And that the school term will consist of _____ days and will commence and end on dates established in accordance with the policies of the employer.

That the employee agrees to reassignment during the school term to any area for which a valid license is held.

That in consideration for the duties performed under this agreement, the employer agrees to compensate the employee with an annual salary of $_____, which shall be paid on a basis as determined by the local school board. And that the annual salary is established in accordance with the policies of the employer and is based on an amount from the Adequate Education Program Salary scale for the appropriate license and years of experience of the employee and an amount from the local salary supplement scale of the employer, and/or an amount from the employer as compensation for which other duties are to be performed by the employee. The school district may reduce the employee's state minimum salary by a pro rata daily amount in order to comply with the school district employee furlough provisions provided

in statute. The payment of such salary is conditioned upon the availability of adequate education funds provided for salaries. Employee's salary shall be payable in equal monthly installments beginning in the first month of employment, regardless of the number of days worked in any particular month by the employee. If employee fails to complete the contractual obligation and receives payment in excess of the monthly installment for the period which such employee ceases employment with the district, employee shall become liable immediately to the school board of the employing district for the sum of all amounts received in payment less the corresponding amount of any compensation paid for which service has been rendered, plus interest accruing at the current Stafford Loan rate at the time employee discontinues service.
This contract shall be subject to all applicable policies, resolutions, rules and regulations of the employer, the Mississippi Educator Code of Ethics and Standard of Conduct adopted by the state Board of Education, and the laws of the State of Mississippi, copies of which are available from the Superintendent's office. This contract is subject to being terminated immediately prior to the end of the school year by a Conservator appointed by the State Board of Education in a conservatorship school district established pursuant to Section 37-17-6 and/or Section 37-17-13 of the Mississippi Code.
This contract of employment has been executed in duplicate on the dates indicated as witnessed by the signature of the employee and the duly authorized superintendent.

_____	_____
Superintendent	Employee
_____	_____
Date	Date

The employer does not discriminate on the basis of sex, race, religion, color, national origin, age or handicap.

NOTE: In accordance with state law, if the employee should arbitrarily and willfully breach this contract and abandon his or her employment without first being released by the school board of the school district, then the school board may recommend to the Mississippi Board of Education that the teaching license of the employee be suspended for a period of one (1) year.

Source: *Miss. Code Ann. § 37-1-3 (Revised 3/21/2014)*

Rule 24.2 CONTINGENT CONTRACT OF EMPLOYMENT WITH MISSISSIPPI PUBLIC SCHOOL DISTRICTS.

CONTINGENT CONTRACT OF EMPLOYMENT
WITH
MISSISSIPPI PUBLIC SCHOOL DISTRICTS

This agreement is made and entered into as of the dates indicated below, by and between

_____

First Name Middle Name Last Name Social Security Number

(employee), and the _____ School District (employer), with the employee having been duly elected and approved for employment by the school board of the employer.

Check (x) the appropriate box

□ This agreement is contingent upon the employee's graduation from an approved teacher education program before September 1, 20 ___, or the issuance of a proper license by the Mississippi Board of Education before
October 15, 20 ____.

□ This agreement is contingent upon employee's graduation from an approved teacher education program before December 31, 20 ___, or the issuance of a proper license by the Mississippi Board of Education before February 15, 20 ___.

This agreement will be null and void should this condition not be satisfied by the employee.

If the agreement is declared null and void in accordance with the terms and conditions set out above, both parties do hereby agree that the employee will be paid for services to that date only for such amounts as are paid to substitute teachers in the district. The employee further agrees that the district may withhold from the employee's final salary payment, or take such legal action as may be necessary to collect from the employee, any amounts previously paid in excess of the amount paid to substitute teachers.
This agreement provides:

That the employee will be employed by the employer for the scholastic year(s) 20___ - 20___ and shall hold the position of
_____.
Assistant Superintendent, Principal, Licensed Employee

That the employee will be employed for _____ days during said scholastic year. And that the employee shall be available to perform assigned duties beginning on _____, 20____ and ending on _____, 20____, or otherwise, as may be amended by the employer due to an emergency or other good cause in accordance with the policies of the

employer.
That the employee will perform assigned duties during the school term. And that the school term will consist of _____ days and will commence and end on dates established in accordance with the policies of the employer.
That the employee agrees to reassignment during the school term to any area for which a valid license is held.

That in consideration for the duties performed under this agreement, the employer agrees to compensate the employee with an annual salary of $_____, which shall be paid on a basis as determined by the local school board. And that the annual salary is established in accordance with the policies of the employer and is based on an amount from the Adequate Education Program scale for the appropriate license and years of experience of the employee and an amount from the local salary supplement scale of the employer, and/or an amount from the employer as compensation for which other duties are to be performed by the employee. The school district may reduce the employee's state minimum salary by a pro rata daily amount in order to comply with the school district employee furlough provisions provided in statute. The payment of such salary is conditioned upon the availability of adequate education funds provided for salaries. Employee's salary shall be payable in equal monthly installments beginning in the first month of employment, regardless of the number of days worked in any particular month by the employee. If employee fails to complete the contractual obligation and receives payment in excess of the monthly installment for the period which such employee ceases employment with the district, employee shall become liable immediately to the school board of the employing district for the sum of all amounts received in payment less the corresponding amount of any compensation paid for which service has been rendered, plus interest accruing at the current Stafford Loan rate at the time employee discontinues service.

This contract shall be subject to all applicable policies, resolutions, rules and regulations of the employer, the Mississippi Educator Code of Ethics and Standards of Conduct as adopted by the State Board of Education, and the laws of the State of Mississippi, copies of which are available from the Superintendent's office. This contract is subject to being terminated immediately prior to the end of the school year by a Conservator appointed by the State Board of Education in a conservatorship school district established pursuant to Section 37-17-6 and/or Section 37-17-13 of the Mississippi Code.
This contract of employment has been executed in duplicate on the dates indicated as witnessed by the signature of the employee and the duly authorized superintendent.

_____	_____
Superintendent	Employee
_____	_____
Date	Date

The employer does not discriminate on the basis of sex, race, religion, color, national origin, age or handicap.

NOTE: In accordance with state law, if the employee should arbitrarily and willfully breach this contract and abandon his or her employment without first being released by the school board of the school district, then the school board may recommend to the Mississippi Board of Education that the teaching license of the employee be suspended for a period of one (1) year.

Source: *Miss. Code Ann. § 37-1-3 (Revised 3/*2014)

Part 3 Chapter 25: Conversion Charter Schools

Rule 25.1 Conversion Charter Schools

1. Procedure for submission of petition

The Petition for the conversion of a public school to a conversion charter school status shall be submitted to the State Board of Education by the sponsor as that term is defined by state statute.

Each member of the local school district board and superintendent must certify under notary seal that the petition and conversion plan have been approved by more than fifty percent (50%) of the families of the students enrolled in a chronically under-performing public school during the third consecutive year in which the school has been designated as Low-Performing, At-Risk of Failing or Failing (classification of "F"). For those families approving the petition and conversion plan, the certification must include a certified list of the names of student/students enrolled in a chronically under-performing public school, name of parent(s) or legal guardian(s) of student(s), addresses of the parent(s) or legal guardian(s), phone numbers of parent(s) or legal guardian(s), grade level(s) of child/children and names of teachers of each student.

Each member of the local school district board and superintendent must certify under notary seal that the family of a student enrolled in a chronically under-performing public school proposed to be converted to a conversion charter school status has only voted once per family without regard to the number of children a family may have enrolled as students at the school.

The sponsor must conduct a public hearing in the local school district in which the school proposed for conversion is located to allow the parents or legal guardian(s) of students enrolled in the chronically under-performing public school (classification of "F") affected by the conversion to be informed of the conversion process and to address any concerns relating to the process and subsequent operation of the conversion charter school. Notice of the public hearing shall be published at least once a week for at three (3) consecutive weeks in a newspaper published within the jurisdiction of the local school district, or if no newspaper is published in the district, then in a newspaper having a general circulation. The sponsor shall submit documentation of the public hearing as part of the petition which shall include, but is not limited to, a written agenda of the public hearing, a proof of publication of the newspaper notice, any additional written notice of the hearing, a transcript of the hearing from a certified court reporter and a list of those individuals in attendance to include names, current addresses and current phone numbers.

A conversion plan that meets all statutory and policy requirements must be attached to the Petition when submitted to the State Board of Education. The sponsor must submit to the State Board of Education a Statement of Assurances as part of the petition.

The State Board of Education and the Commission on School Accreditation shall review and rate all petitions for a conversion charter school based on the criteria established in statute and policy.

2. Format for the petition and conversion plan

The forms and format for the filing of a petition for the conversion of a public school to a conversion charter school and a conversion plan approved by the State Board of Education may be obtained from the Mississippi Department of Education.

3. Criteria to approve or deny a petition

The State Board of Education with the advice of the Commission on School Accreditation may approve or deny a petition for conversion charter school status. In order to be approved, a petition for conversion charter school status must adequately include:

a. A Plan for Improvement at the school level for improving student learning and achievement of a minimum of a Successful (classification of "C") rating or higher under the State Accountability Model;

b. A set of academic or vocational, or both, performance-based objectives and student achievement-based objectives for the term of the contract and the means for measuring those objectives on no less than an annual basis;

c. An agreement to provide a yearly report to parents, the school board of the school district in which the conversion charter school is located, and the State Board of Education, which indicates the progress made by the conversion charter school in the previous year in meeting the academic or vocational, or both, performance objectives;

d. An agreement that the conversion charter school shall be nonsectarian;

e. An agreement that the conversion charter school shall not charge tuition;

f. An agreement that the conversion charter school shall be subject to financial audits in the same manner as public school districts;

g. A plan for improving student performance and encouraging new and innovative programs; and

h. Written documentation to demonstrate ability to successfully operate a conversion charter school.

4. Time line for accepting petitions

The State Board of Education will accept petitions for the conversion of a public school to a conversion charter school status subsequent to the State Board of Education meeting in which the State Board of Education has approved the annual classifications of the public schools in the state.

5. Criteria and Procedure for the Operation of a Conversion Charter School

The conversion charter school may begin operation on July 1 following the filing of the petition and approval of the petition by the State Board of Education or at a time established by the State Board of Education. No conversion charter school may begin operations prior to July 1, 2013. The conversion charter school must comply with all rules, regulations, policies and procedures of the State Board of Education and the local school district board and the provisions of the Mississippi Code of 1972 relating to the elementary and secondary education of students, except those rules, regulations, policies or procedures from which the conversion charter school specifically requests to be exempted and which have been agreed upon by the State Board of Education as specified in the school's contract.

Conversion charter schools must comply with general health and safety standards, state test assessments and accountability requirements, financial accountability and auditing requirements, and all reporting and data collecting requirements in the same manner as public schools in the local school district.

The local management board shall not directly or indirectly communicate to a parent or legal guardian that the conversion charter school is unable to meet the needs of a child, but shall provide a free and public education to every student in the attendance zone.

The operation of a conversion charter school shall comply with all state and federal statutory and regulatory requirements.

6. Selection of Conversion Charter School Local Management Board Members

The selection of members to the local management board of conversion charter schools shall be performed in accordance with the rules and regulations promulgated by the State Board of Education for the selection of conversion charter school local management board members. The local management board shall be comprised of parents or legal guardians of students enrolled and in attendance at the conversion charter school, selected by other parents or legal guardians of students enrolled in and in attendance at that school.

The local management board members shall be selected by written, secret ballot submitted to the local school district board to determine the results of the selection process. Members of the local management board must meet all statutory requirements for board members of public schools. Individuals who have been removed as a district superintendent or a local school board member shall not qualify as a local management board member.

7. Cessation of the Conversion Charter School

A conversion charter school shall cease to be designated a Conversion Charter School at the completion of the term of the contract which shall not exceed three (3) years unless the contract is renewed by the State Board of Education on a one-year or multiyear basis, not to exceed an additional three (3) years. The conversion charter school shall cease to be designated as a conversion charter school if the local management board fails to substantially comply with the statutory and policy requirements for a conversion charter school.

8. Modifications
(This policy will be subject to modification as the charter school process develops.)

Source: *Miss. Code Ann.* §37-165-7 *(Adopted 1/2013)*

Part 3 Chapter 26: Cost Reimbursement/Salary Supplements

Rule 26.1 Cost Reimbursement/Salary Supplements. Policy and procedure salary supplements and process cost reimbursement for master teacher certificates, national certified school counselors and certificate of clinical competence for speech pathologists and audiologists and national school nurse certification.

Introduction. The maximum salary supplement for any individual under this policy is limited to $6,000 per school year.

1. MASTER TEACHER CERTIFICATE - $6,000 SALARY SUPPLEMENT
Any licensed teacher who has met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards shall receive a $6,000 salary supplement. The teacher must be employed as a teacher and not as an administrator by a local school board, the Mississippi Board of Education or a state supported university or college when such institution is providing a program of education in accordance with Section 37-23-31, Mississippi Code of 1972 (Ann.). The term teacher is defined to include any teacher who is required by law to obtain a teacher's license from the Mississippi Board of Education and is assigned to an instructional area of work as defined by the State Department of Education the equivalent of a minimum of three (3) normal periods per school day.

In the 1999-2000 and 2000-2001 school years, the teacher will be entitled to the full $6,000 salary supplement if the certificate is awarded to the teacher prior to April 15 of the current school year and the teacher's district time is reported as 100 percent on the district personnel report for the school year in which the supplement is being requested. The salary supplement will be prorated when the reported district time is less than 100%.

Beginning with the 2001-02 school year and in school years thereafter, a teacher will receive the full $6,000 salary supplement if the certificate is awarded to the teacher prior to October 15 and the teacher's district time is reported as 100 percent on the district personnel report. The teacher will be entitled to a prorated salary supplement of $3,000 beginning with the second school term if the certificate is awarded after October 15 but prior to February 15 of the school year and the teacher's district time is reported as 100 percent on the district personnel report. The salary supplement will be prorated when the reported district time is less than 100%.
The employer must establish a process that identifies all teachers who have successfully obtained the Master Teacher Certificate from the National Board for Professional Teaching Standards. Upon identifying those teachers, the employer must submit a letter to the Office of Financial Accountability requesting funds to pay the salary supplement. The letter must list the name, social security number, percent of district time as reported on the personnel report and the amount of salary supplement for each teacher for which the employer is requesting funds.

For teachers who the salary supplement is being initially requested, the employer must provide a copy of the candidate notification letter contained in the Candidate Score Report and, when available, a copy of the Master Teacher Certificate both of which are issued by the National Board for Professional Teaching Standards.

2. MASTER TEACHER CERTIFICATE - PROCESS COST REIMBURSEMENT

The teacher shall be reimbursed one (1) time for the actual cost of completing the process of acquiring the Master Teacher Certificate, regardless of whether or not the process resulted in the award of a Master Teacher Certificate. The employer, an individual or entity may pay the cost of completing the process on behalf of the teacher. However, the Department of Education shall only reimburse the employer. If an individual or entity has paid the cost of completing the process for the teacher, the employer may agree to directly reimburse the individual or entity for such cost on behalf of the teacher. If the cost of completing the process is paid by the employer, an individual or entity and the teacher fails to complete the process, the teacher shall be liable to the employer, individual or entity for all amounts paid on behalf of the teacher.

The employer must establish a system that identifies all teachers that have completed the process of acquiring the Master Teacher Certificate, regardless of whether or not the teacher successfully obtained the certification. The employer must submit a letter to the Office of Financial Accountability requesting reimbursement for the teacher for the cost of completing the process. A copy of the candidate notification letter contained in the Candidate Score Report issued by the National Board for Professional Teaching Standards along with proof of expenditure (canceled check or receipt from the National Board for Professional Teaching Standards) must accompany the letter.

3. NATIONAL CERTIFIED SCHOOL COUNSELOR - $6,000 SALARY SUPPLEMENT

From and after July 1, 1999, any licensed school counselor who has met the requirements and acquired a National Certified School Counselor endorsement for the National Board of Certified Counselors shall receive a $6,000 salary supplement. The individual must be employed as a counselor and not as an administrator by a local school board, the Mississippi Board of Education or a state supported university or college when such institution is providing a program of education in accordance with Section 37-23-31, Mississippi Code of 1972 (Ann.). The term counselor is defined to include any individual who is required by law to obtain a license with a school counselor endorsement from the Mississippi Board of Education and, when employed by a local school board, is assigned the majority of the day (the equivalent of a minimum of three (3) normal periods) in one or more of the following Course/Work Areas as defined in Appendix A of the Personnel/Accreditation Reference Manual:

a. 601006 Counselor, Vocational

b. 601005 Counselor, Non -Vocational, Elementary

c. 601107 Counselor, Non -Vocational, Secondary

The equivalent of such course areas is required when the individual is employed by the Mississippi Board of Education or a state supported university or college when such institution is providing a program of education in accordance with Section 37-23-31, Mississippi Code of 1972 (Ann.). When a counselor is assigned the majority of the day (the equivalent of a minimum of three (3) normal periods) to course/work areas other than those outlined above, a letter from the employer must be submitted to verify that the counselor is working directly with children.

The counselor will receive the full $6,000 salary supplement if the certificate is awarded to the counselor prior to October 15 and the counselor's district time is reported as 100 percent on the district personnel report. The counselor will be entitled to a prorated salary supplement of $3,000 beginning with the second school term if the certificate is awarded after October 15 but prior to February 15 of the school year and the counselor's district time is reported as 100 percent on the district personnel report. The salary supplement will be prorated when the reported district time is less than 100%.

The employer must establish a process that identifies all counselors that have successfully obtained the National Certified School Counselor certification from the National Board of Certified Counselors. The employer must submit a letter to the Office of Financial Accountability requesting funds to pay the salary supplement. The letter must list the name, social security number, percent of district time as reported on the personnel report and the amount of salary supplement for each counselor for which funds are being requested.

For counselors who the employer is requesting a salary supplement, the employer must provide a copy of the certificate awarded by the National Board of Certified Counselors (if not previously provided), and an official letter of verification from the National Board of Certified Counselors stating that the certificate is valid for the school year for which funds are being requested.

4. NATIONAL CERTIFIED SCHOOL COUNSELOR -- PROCESS COST REIMBURSEMENT

The counselor shall be reimbursed one (1) time for the actual cost, not to exceed $500, of completing the process of acquiring the National Certified School Counselor certification from the National Board of Certified Counselors, regardless of whether or not the counselor successfully obtained the certification. The reimbursement shall not include any cost incurred for postgraduate work by the counselor. The employer, an individual or entity may pay the cost of completing the process on behalf of the counselor. However, the Department of Education shall only reimbursement the employer. If an individual or entity has paid the cost of completing the process for the counselor, the employer may agree to directly reimburse the individual or entity for such cost on behalf of the teacher. If the cost of completing the process is paid by the employer, an individual or entity and the counselor fails to complete the process, the counselor shall be liable to the employer, individual or entity for all amounts paid on behalf of the counselor.

The employer must establish a system that identifies all counselors that have completed the process of acquiring the National Certified School Counselor certification from the National

Board of Certified Counselors. Upon identifying those counselors, the employer must submit a letter to the Office of Financial Accountability requesting reimbursement for the counselor for the cost of completing the process. Proof of expenditure (canceled check or receipt from the National Board of Certified Counselors) must accompany the letter.

5. CERTIFICATE OF CLINICAL COMPETENCE FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS -- $6,000 SALARY SUPPLEMENT

From and after July 1, 1999, any licensed speech-language pathologist or audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language Hearing Association shall receive a $6,000 salary supplement. The individual must be employed as a speech-language pathologist or audiologist, and not as an administrator, by a local school board, the Mississippi Board of Education or a state supported university or college when such institution is providing a program of education in accordance with Section 37-23-31, Mississippi Code of 1972 (Ann.). The terms speech- language pathologist and audiologist are defined to include any individual who is required by law to obtain a license with a speech pathologist or audiologist endorsement from the Mississippi Board of Education and is assigned the majority of the day (the equivalent of a minimum of three (3) normal periods) in one or more of the following Course/Work Areas as defined in Appendix A of the Personnel/Accreditation Reference Manual:

a. 131012 Audiologist

b. 132001 Early Childhood

c. 132002 Language/Speech Therapy

d. 132003 Language Impaired/Other Combination

e. 132004 Hearing Impaired/Other Combination

f. 132010 Elementary (K-8) Specific Learning Disability (SLD)/Other Combinations

g. 132011 Secondary (7-12) Specific Learning Disability (SLD)/Other Combinations

h. 132020 Home/Hospital (HH)

i. 132021 Special Education/ Assessment Team Member

j. 132023 Infant and Toddler
k. 132024 Elementary DD/Other Combinations

The equivalent of such course areas is required when the individual is employed by the Mississippi Board of Education or a state supported university or college when such institution is providing a program of education in accordance with Section 37-23-31, Mississippi Code of 1972 (Ann.). When a speech language pathologist or audiologist is assigned the majority of the

day (the equivalent of a minimum of three (3) normal periods) to course/work areas other than those outlined above, a letter from the employer must be submitted to verify that the speech language pathologist or audiologist is working directly with children.

The speech-language pathologist or audiologist will receive the full $6,000 salary supplement if the certificate is awarded to the speech-language pathologist and audiologist prior to October 15 and the speech-language pathologist's or audiologist's district time is reported as 100 percent on the district personnel report. The speech-language pathologist or audiologist will be entitled to a prorated salary supplement of $3,000 beginning with the second school term if the certificate is awarded after October 15 but prior to February 15 of the school year and the speech-language pathologist=s or audiologist's district time is reported as 100 percent on the district personnel report. The salary supplement will be prorated when the reported district time is less than 100%.

The employer must establish a process that identifies all speech-language pathologists and audiologists who have successfully obtained the Certificate of Clinical Competence from the American Speech-Language Hearing Association. The employer must submit a letter to the Office of Financial Accountability requesting funds to pay the salary supplement. The letter must list the name, social security number, percent of district time as reported on the personnel report and the amount of salary supplement for each speech-language pathologist or audiologist for which funds are being requested.

For speech-language pathologists and audiologists who the employer is requesting a salary supplement, the employer must provide a copy of the certificate awarded by the American Speech-Language Hearing Association (if not previously provided), and a copy of the certification card issued by the American Speech-Language Hearing Association indicating that the certificate is valid for the school year for which funds are being requested.

6. CERTIFICATE OF CLINICAL COMPETENCE FOR SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS -- PROCESS COST REIMBURSEMENT

Each speech-language pathologist or audiologist shall be reimbursed one (1) time for the actual cost, not to exceed $500, of completing the process of acquiring the Certificate of Clinical Competence from the American Speech-Language Hearing Association, regardless of whether or not each speech-language pathologist and audiologist successfully obtained the certification. The reimbursement shall not include any cost incurred for postgraduate work by each speech-language pathologist or audiologist. The employer, an individual or entity may pay the cost of completing the process on behalf of each speech-language pathologist or audiologist. However, the Department of Education shall only reimbursement the employer. If an individual or entity has paid the cost of completing the process for each speech-language pathologist or audiologist, the employer may agree to directly reimburse the individual or entity for such cost on behalf of the teacher. If the cost of completing the process is paid by the employer, an individual or entity and the speech- language pathologist or audiologist fails to complete the process, the speech-language pathologist or audiologist shall be liable to the employer, individual or entity for all amounts paid on behalf of each speech-language pathologist or audiologist.

The employer must establish a system that identifies each speech-language pathologist and each audiologist who have completed the process of acquiring the Certificate of Clinical Competence from the American Speech-Language Hearing Association. Upon identifying each speech-language pathologist and audiologist, the employer, must submit a letter to the Office of Financial Accountability requesting reimbursement for each speech-language pathologist and audiologist for the cost of completing the process. Proof of expenditure (canceled check or receipt from the American Speech-Language Hearing Association) must accompany the letter.

7. NATIONAL CERTIFIED SCHOOL NURSE - $6,000 SALARY SUPPLEMENT

From and after July 1, 2004, any licensed nurse who has met the requirements and acquired a National Certified School Nurse certification from the National Board for Certification of School Nurses, Inc. shall receive a $6,000 salary supplement. The individual must be employed as a school nurse and not as an administrator by a local school board, the Mississippi Board of Education or a state supported university or college when such institution is providing a program of education in accordance with Section 37-23-31, Mississippi Code of 1972 (Ann.) Provided, however, that the total number of licensed school nurses eligible for a salary supplement shall not exceed twenty (20). This will be determined by the time and date that the complete request is received by the Office of Financial Accountability from the school district. A complete application will list the name, social security number, percent of district time as reported on the personnel report, the amount of salary supplement for each school nurse and a copy of the National School Nurse Certificate issued to the individual teacher. Incomplete applications will not be recognized as received by the Office of Financial Accountability and the local school district will be duly notified.

The school nurse will receive the full $6,000 salary supplement if the certificate is awarded to the school nurse prior to October 15 and the school nurse's district time is reported as 100 percent on the district personnel report. The school nurse will be entitled to a prorated salary supplement of $3,000 beginning with the second school term if the certificate is awarded after October 15 but prior to February 15 of the school year and the school nurse's district time is reported as 100 percent on the district personnel report. The salary supplement will be prorated when the reported district time is less than 100%.

The employer must establish a process that identifies all school nurses that have successfully obtained the National Certified School Nurse certification from the National Board for Certification of School Nurses, Inc. The employer must submit a letter to the Office of Financial Accountability requesting funds to pay the salary supplement. The letter must list the name, social security number, percent of district time as reported on the personnel report and the amount of salary supplement for each school nurse for which funds are being requested.

For school nurses who the employer is requesting a salary supplement, the employer must provide a copy of the certificate awarded by the National Board for Certification of School Nurses, Inc. (if not previously provided), and an official letter of verification from the National Board for Certification of School Nurses, Inc. stating that the certificate is valid for the school year for which funds are being requested.

8. NATIONAL CERTIFIED SCHOOL NURSE -- PROCESS COST REIMBURSEMENT

The school nurse shall be reimbursed one (1) time for the actual cost of completing the process of acquiring the National Certified School Nurse certification from the National Board for Certification of School Nurses, Inc., regardless of whether or not the school nurse successfully obtained the certification. The reimbursement shall not include any cost incurred for postgraduate work by the school nurse. The employer, an individual or entity may pay the cost of completing the process on behalf of the school nurse. However, the Department of Education shall only reimbursement the employer. If an individual or entity has paid the cost of completing the process for the school nurse, the employer may agree to directly reimburse the individual or entity for such cost on behalf of the school nurse. If the cost of completing the process is paid by the employer, an individual or entity and the school nurse fails to complete the process, the school nurse shall be liable to the employer, individual or entity for all amounts paid on behalf of the school nurse.

The employer must establish a system that identifies all school nurses that have completed the process of acquiring the National Certified School Nurse certification from the National Board for Certification of School Nurses, Inc. Upon identifying those school nurses, the employer must submit a letter to the Office of Financial Accountability requesting reimbursement for the school nurse for the cost of completing the process. Proof of expenditure (canceled check or receipt from the National Board for Certification of School Nurses, Inc.) must accompany the letter.

Source: *Miss. Code Ann. § 37-1-3 (Revised 8/2004)*

Part 3 Chapter 27: Criminal Background Checks

Rule 27.1 CRIMINAL RECORDS BACKGROUND CHECKS ON APPLICANTS FOR EMPLOYMENT. Upon State Board of Education approval, it is the policy that any applicant being recommended for employment with the Mississippi Schools for the Deaf and Blind, Mississippi School for Mathematics and Science, Mississippi School of the Arts, and the Mississippi Department of Education, Office of Compulsory School Attendance Enforcement, hereafter referred to as "schools and/or departments" shall submit to criminal records background checks. Current employees of the schools and those individuals employed prior to State Board of Education approval of this policy are exempt from the policy.

The applicant shall be fingerprinted in order to determine the applicant's suitability for employment. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history records check. The fee for such fingerprinting and criminal history records check shall be paid by the applicant in an amount not to exceed $50.

If such fingerprinting or criminal history records check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in MS Code Section 45-33-23(g), child abuse, arson, grand larceny burglary, gratification of lust or aggravated assault which has not

been reversed on appeal or for which a pardon has not been granted, the applicant shall not be eligible for employment.

Any school and/or department under the purview of the Mississippi Department of Education may employ any individual prior to receiving criminal records background checks information provided the individual signs a statement acknowledging that any disqualifying information received from the checks may be grounds for immediate dismissal. Any individual employed with a school or Office of Compulsory School Attendance Enforcement under the purview of the Mississippi Department of Education prior to the criminal records background checks being completed, shall acknowledge by signature that he/she understands and agrees that his/her employment shall not be continued should any disqualifying information be revealed in the checks.

However, the State Board of Education may in its discretion, allow any applicants for a position, or any individual employed prior to the school receiving criminal records background checks information to appear before a hearing officer designated for such purpose to continue employment with the school or Office of Compulsory School Attendance Enforcement. Such mitigating circumstances shall include, but not be limited to:

1. age at which the crime was committed;

2. circumstances surrounding the crime;

3. length of time since the conviction and criminal history since the conviction;

4. work history;

5. current employment and character references;

6. other evidence demonstrating the ability of the person to perform the responsibilities competently and that the person does not pose a threat to the health or safety of the children.

Note: Any and all information received through the criminal history records check shall be kept strictly confidential. The information provided from these checks shall only be used for employment purposes.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2002)*

Part 3 Chapter 28: Curriculum

Rule 28.1 Curriculum Guides. The Mississippi Department of Education will provide curriculum frameworks to set forth expectations of students by specifying course titles and content. Frameworks may be updated every five to seven years based on revisions to national standards**.** As subject areas are revised and approved by the State Board of Education, the modifications

will be disseminated to the appropriate individuals in the educational community. An up-to-date copy of each framework shall be kept on file at the Mississippi Department of Education.

For a copy of the Mississippi Extended Curriculum Frameworks, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Elementary Part # 35.

For a copy of the Mississippi Extended Curriculum Frameworks, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Middle School Part # 36.

For a copy of the Mississippi Extended Curriculum Frameworks, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; High School Part #37.

For a copy of the Common Core Essential Elements for English Language Arts, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 18.
For a copy of the Common Core Essential Elements for Mathematics, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 19.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2012)*

Rule 28.2 Approved Courses for the Secondary Schools. The Mississippi Department of Education will provide a list of the Approved Courses for the Secondary Schools of Mississippi to each school district. This list contains all approved courses that can be offered in the Mississippi secondary schools. The list will be updated each year to reflect revisions to the curriculum frameworks approved by the State Board of Education. Additions, deletions, and modifications to the course listing will be disseminated to the appropriate individuals in the educational community. This list will vary for districts implementing innovative programs authorized by the State Board of Education.

Source: *Miss. Code Ann. § 37-1-3 (Revision 12/2012)*

Rule 28.3 Access to a Substantive and Rigorous Curriculum Policy

1. In compliance with Section 37-15-39 of the Mississippi Code of 1972, the purpose of this policy is to ensure that each student has a sufficient education for success after high school and that all students have equal access to a substantive and rigorous curriculum that is designed to challenge their minds and enhance their knowledge. The intent of this policy is to increase the preparation of all students for and their participation in substantive and rigorous curriculum experiences and specifically in Advanced Placement Courses and innovative programs authorized by the State Board of Education.

2. Beginning with the 2007-2008 school year, all high schools must offer at least one (1) Advanced Placement (AP) course in each of the four (4) core areas (mathematics, science, language arts, and social studies). Distance learning or the Mississippi Department of Education's Mississippi Virtual Public School may be used as an appropriate alternative for the delivery of AP courses. Any public high school implementing innovative programs authorized by the State Board of Education is exempt from Part II of this policy.

3. All school districts may offer Pre-Advanced Placement (Pre-AP) courses in each of the four (4) core areas (mathematics, science, language arts, and social studies). Pre-AP course means a middle, junior high and/or high school level course that specifically prepares students to enroll and participate in an AP course. Beginning with the 2007-2008 school year, if Pre-AP courses are offered, the school district must submit a Pre- Advanced Placement Program Proposal to the Mississippi Department of Education's Office of Curriculum and Instruction. The proposal must indicate the Pre-AP courses that will be offered and the College Board training that the Pre-AP teachers will obtain in order to teach the Pre-AP courses. The proposal must also indicate the process for identifying students for Pre-AP courses. Each teacher planning to teach a Pre-AP course must have completed the College Board's Pre-AP Summer Institute, Vertical Teams Training, the Pre-AP Workshop, or other training specifically designed for Pre-AP teachers. The district is responsible for providing documentation (when requested) of participation in the Pre-AP training. The Pre-AP Program Proposal will be approved for a period of five years. Whenever a district makes changes to the Pre-AP Program, the district shall submit a new Pre-AP Program Proposal Form to the Mississippi Department of Education's Office of Curriculum and Instruction for approval prior to implementing changes. Any public high school implementing innovative programs authorized by the State Board of Education is exempt from Part III of this policy.

4. Subject to appropriation, funding shall be made available so that all sophomores in Mississippi's public schools may take an examination (Preliminary Scholastic Assessment Test (PSAT) or ACT PLAN Assessment) that measures the students' ability to succeed in an AP course. The examination results should be used to identify students who were not recognized during middle school as students who would benefit from taking AP courses.

5. Beginning with the 2007-2008 school year, each teacher planning to teach any AP course must have completed the College Board endorsed AP Summer Institute (APSI) for the course and must have obtained the AP certification through the Mississippi Department of Education's Office of Educator Licensure. Documentation showing completion of the College Board APSI is required. Teachers with the AP certification must comply with Licensure renewal guidelines. AP teachers must complete the AP Summer Institute (APSI) at least every five years, which can be used for licensure renewal if completed during the validity period. Teachers in districts implementing innovative programs authorized by the State Board of Education must have completed a district or program-specific training or other training specifically designed for teachers of innovative programs authorized by the State Board of Education.

Exception: Teachers who have served with Educational Testing Service as readers for the AP exam(s) may have the initial training waived and will automatically earn the AP certification if the appropriate documentation is provided. These teachers should complete the APSI at least every five years or serve as a reader for the AP exam(s) at least every five years.

Source: *Miss. Code Ann. § 37-1-3 (Revised 12/2012)*

Rule 28.4 Early Learning Guidelines for Four Year Old Children. The Mississippi Department of Education will provide standards and guidelines for Mississippi schools serving three year old children and four year old children. The standards and guidelines may be updated every five to seven years based on revisions to national standards. As the documents are revised and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the educational community. An up-to-date copy of the standards and guidelines shall be kept on file at the Mississippi Department of Education.

For a copy of the Mississippi Early Learning Standards for Classrooms Serving **Four- year-old Children**, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 5.

For a copy of the Mississippi Early Learning Standards for Classrooms Serving **Three- year old Children,** please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 6.

Source: *Miss Code Ann. §37-3-49 (Revised 2/2012)*

Rule 28.5 Credit Recovery Policy. The purpose of the credit recovery policy is to provide guidance to Local Education Agencies (LEAs) with credit recovery programs. Credit recovery allows students who have been unsuccessful in mastering particular content or skills an opportunity to apply for credit recovery as an alternative to repeating the entire course.

1. Credit recovery is defined as a course-specific, skill-based learning opportunity for students who have previously been unsuccessful in mastering content/skills required to receive course credit or earn promotion. In order to be eligible for credit recovery, a student must have:
   a. Completed the entire course and received a failing grade for the course, and/or
   b. Failed a SATP assessment
2. Beginning with the 2008-2009 school year, any LEA that provides a credit recovery program shall develop and implement a policy that has been adopted by the school board and that includes rules, regulations, and processes. This policy shall be available to faculty, students, and parents/guardians. At a minimum, LEAs must address the following areas:
   a. Admission to and removal from the credit recovery program

i. LEAs shall establish an application process that requires parental consent.
ii. LEAs shall establish minimum criteria to determine eligibility for participation in the credit recovery program.
iii. LEAs shall determine the number of credit recovery courses that a student can take at one time.
iv. Students shall not remain in a credit recovery course for more than one year.
v. Only students who have failed a course may enroll in credit recovery to earn a minimum passing grade. Credit recovery cannot be used by a student who has passed the course to improve the students assigned course grade.
vi. A student who has passed a SATP class, but failed the SATP assessment may enroll in credit recovery for remediation only. The grade earned for the SATP class remains unchanged.

b. Instruction:

i. LEAs shall determine the instructional methodology used for the credit recovery program (e.g. online program, Mississippi Virtual Public School, direct instruction, computer assisted instruction, etc.)
ii. LEAs shall provide professional development for teachers and facilitators involved with the credit recovery program.
iii. Credit recovery curriculum shall be based on the Mississippi Curriculum Frameworks competencies and objectives.
iv. LEAs are responsible for establishing specific procedures for evaluation of student progress and determining grades.
v. Beginning with the school year 2016-17, a student who selects credit recovery to earn a Carnegie unit may only earn the minimal passing grade on the district's grading scale.

Source: *MS Code Ann 37-1-3 (Revised 2/2016)*

Part 3 Chapter 29: Driver Education

Rule 29.1 Driver Education. The regulations governing the Driver Education Program are amended in accord with the attached document entitled *Driver Education and Training Program Regulations.*

DRIVER EDUCATION AND TRAINING PROGRAM REGULATIONS

1. Right to Establish Driver Education and Training Programs

a. Any school or school district maintaining a secondary school which includes any combination of grades nine (9) through twelve (12) desiring to establish and maintain

automobile driver training under the provisions of this Act, shall submit an application to the State Board of Education for approval.

b. To justify procurement and maintenance of an automobile and an instructor, an attendance center should not have less than 10 students enrolled in the driver education program.

c. All schools or school districts must be accredited. Public schools must be accredited by the Commission on School Accreditation. Nonpublic schools must be accredited by the Commission on School Accreditation, the Mississippi Private School Association, or Southern Association of Colleges and Schools.

2. Pupils Eligible to Participate in the Driver Education Program

a. Each school or school district providing driver education and training shall prescribe regulations determining who can best profit by and who shall receive instruction under this program. It is provided, however, that any student receiving instruction under this Act shall be:
   i. Fourteen years of age and above (preferably 14 years, six months). Age must be verified by proof of birth.
   ii. A regularly enrolled student in the ninth, tenth, eleventh, or twelfth grades.
   iii. A full-time student in the respective secondary school.
   iv. Must secure a learner's permit from the Mississippi Highway Safety Patrol or have a valid driver's license.

b. A learner's permit issued to a 14 year old student is valid only while participating in an approved driver education course.

c. The instructor shall return all applications for learner's permits to the students and destroy all permits issued to 14 year olds when the course is terminated.

3. Instructional Time Requirements and Credit

a. A driver education course receiving approval for reimbursement must consist of a minimum of 30 clock hours of classroom instruction and six hours behind-the-wheel training or its equivalent which may be achieved in the following ways:
   i. Actual six hours behind-the-wheel instruction, or
   ii. Twelve hours instruction in a State approved simulator and three hours behind-the-wheel training, or
   iii. Any combination of multi-car driving range instruction and simulation instruction at the proper ratio and a minimum of two hours on-street driving.

b. Instruction in a State approved simulator when not counted as classroom time may be substituted for behind-the-wheel training at a 4 - 1 ratio not to exceed three hours substitution.

c. Twelve hours' time in an approved simulator may count as classroom time when it is not substituted for part of the six hours actual behind-the-wheel training.

d. Multi-car driving range training may be counted at a ratio of 2 - 1 when substituted for on-street driving.

e. A minimum of two hours on-street driving is required regardless of combination of simulation, range and on-street training.

f. Training time received on a multi-car driving range that is substituted for on- street driving time must receive prior approval from the State Department of Education.

g. One-half unit credit can be given provided the course meets the minimum hours required and covers a full semester.

4. Summer School Courses
   a. Driver and traffic safety education may be offered in a regular summer school program for reimbursement provided:

      i. All provisions applying to the regular school term are met, i.e., time requirements, pupil eligibility, teacher qualifications, etc.
      ii. An application is submitted and approval is secured from the supervisor of driver and safety education, State Department of Education.
      iii. Classes are scheduled to provide students with no more than two hours of classroom instruction and one hour of behind-the-wheel instruction during any 24 hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day should be allowed.

   b. Schedules may be required to show how these requirements will be achieved.
   c. All reports and records required during regular session are also required for a summer school session.

5. Reimbursement

   a. Reimbursement will be made to school or school district upon request for courses which meet the requirements stated in III and IV.
   b. The maximum allowance for cost of driver education and training as set forth in Chapter 25, Section 37-25-13 of the Mississippi Code of 1973, as amended 1982, is as follows:

      "The State Superintendent of Pupil Education shall allow to each school or school district an amount <u>per pupil to be determined by the State Board of</u> <u>Education</u>, but in no case to exceed the <u>actual cost</u> per pupil completing the course in the driver education and training programs in that school or school district during the preceding fiscal year in accordance with the regulations set forth by the State Board of Education to the school or school districts for instructing pupils in driver education and training. <u>All such funds</u>

made available for the purposes of this act shall be appropriated by the Legislature in the same manner as general funds. In the event that the funds herein authorized by the Legislature for the support of driver education shall exceed the funds which actually become available, each participating school or school district shall have its funds reduced on a pro rata basis.

c. Schools or school districts using the State-owned driver trainer simulators will receive seventy-five per cent (75%) per pupil reimbursement allocated to districts teaching the conventional driver education course.

d. Per pupil reimbursement from the State may vary from year to year. The amount of per pupil reimbursement is determined by the State Board of Education based on receipts that have accumulated in the Driver Penalty Assessment Fund.

6. Teacher Qualifications

a. Driver Education Teachers shall have a professional teacher's degree from an approved teacher training institution and meet minimum requirements as established by the appropriate accrediting association.

b. Evidence must be provided by each instructor of having satisfactorily completed the required courses (12 semester hours for New Teachers) in driver education at an approved teacher training institution.

c. Driver Education Teachers shall have a valid driver's license issued by the State of Mississippi.

d. Teachers who instruct in the simulation phase of the program must show evidence of proper training in use of the equipment. Ordinarily this training should be incorporated within a college credit course.

e. In addition to the above requirements, it is imperative that the school administration, when choosing a teacher for this program, be aware of the fact that much of the instruction is done on the public streets and highways under the eye of the most severe critic, as far as automobile operation is concerned, the motoring public. In view of the public relations involved, the prospective teacher should be one who accepts the responsibility of being a competent traffic citizen not only when teaching but also in his personal life as both a driver and a pedestrian.

7. Driver Trainer Simulators

a. Simulator practice driving must be a four to one ratio that is four hours of simulator experience equals one hour of practice driving instruction in an automobile with dual controls.

b. The following are the responsibilities of the State Department of Education concerning the State-owned mobile simulators.

   i. Cooperate in the maximum utilization of available simulators by scheduling them in schools through local school superintendents.
   ii. Conduct in-service training workshops for teachers in the use of simulators.
   iii. See that the actual instruction of students in simulators is done by regularly employed driver education instructors in the school or school district where the instruction is being given.

c. The following should be considered when installing the State-owned mobile simulator at the school.

   i. Sufficient space must be available. Each trailer is 60 feet long, 10 feet wide and 12½ feet high. Sufficient space should be available for maneuvering since sharp turns are impossible to make. Be certain there is enough lateral, vertical, and longitudinal clearance plus a margin of safety for entrance to the site.
   ii. The ground should be level and a hard surface is necessary due to the weight of the equipment.
   iii. Power requirements for proper operation of the driver education simulator equipment may influence the selection of the site. A 230 volts, alternating current, three wires, (115 volts to neutral) single phase is required. This source should be capable of providing 100 amperes per line or approximately 25 KVA. It is important that the voltage be 230 volts and not 208.
   iv. All of the arrangements concerning the power should be left in the hands of the school electrician or to a competent electrical contractor. A qualified person should perform the work since power of this nature is dangerous and expensive. Such a person will know the local and state laws which must be met for reasons of safety and insurability. It is important that the power into the unit should not be turned on without the State Department of Education Technician present.
   v. Arrangements should be made to locate a fuse box near the power input connection of the trailer. From this external fuse (Circuit Breaker Box) 230 volts, 100 amperes, three number four wires can be run to the power disconnect plug on the front of the trailer. For permanent installation, the disconnect plug is removed and the wiring is made direct from the external fuse box to the internal circuit breaker panel.
   vi. When the trailer arrives and is located at its predetermined site, the Education Department Technicians will position the trailer and level the unit. Also, a complete check of the installation and the assurance of proper operation of the equipment will be made before turning the equipment over to the school.

8. Reports Required by the State Department of Education

a. DE-1, Application for Approval and for State-Aid for teaching Driver Education, shall be completed as follows:

   i. One copy to be sent to the State Department of Education at the beginning of the regular school session and at the beginning of the summer session.
   ii. One copy should be kept on file at the respective school.

b. DE-2, Application for Use of State-Owned Driver Trainer Simulator, shall be processed as follows:

   i. Should be completed and returned immediately to the State Department of Education.
   ii. Must be on file with the State Department of Education before a unit may be assigned to a school district.

c. DE-3 and DE-3A, Requisition for Reimbursement for Teaching Driver Education and Summary of Students Completing Driver Education, shall be completed as follows:

   i. One copy must be submitted to the State Department of Education at the conclusion of each semester, at the end of the summer session, or upon completion of the course.
   ii. A copy of this report should be retained at the respective school and school district superintendent's office.

d. DE-4, Driver Education Yearly Cost Report, shall be completed as follows:

   i. One copy must be submitted to the State Department of Education at the end of the regular school session.
   ii. One copy should be kept on file at the respective school.

9. Compliance Standards for Driver Education Training
   a. No reimbursement will be made under this section for the instruction of pupils in driver education and training unless the respective school or school district has complied with the rules and regulations governing the establishment, conduct, and scope of driver education and training.

   b. The State Board of Education, on recommendation of the State Superintendent of Education, reserves the right to revoke, modify, or amend these rules and regulations at such time as a majority of the members thereof deems necessary.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1997)*

Part 3 Chapter 30: Dropout Prevention

Rule 30.1 Compulsory School Attendance

1. <u>Requirements</u>

   a. Employment of all School Attendance Officers, qualifications and duties, shall be in compliance with {MS Code §37-13-89} (1972).

b. Pursuant to {MS Code §43-21-321 and §37-13-80}School Attendance Officers shall:

   i. Serve on transition teams to assist youth in detention centers to transition successfully back into the home school district once released from detention; and
   ii. Gather accurate data on youth in juvenile detention centers to properly track students.

c. In addition to the duties set forth in statute, State School Attendance Officers shall be required to provide technical assistance to school districts in the areas of attendance and dropout prevention.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/2007)*

Rule 30.2 Reporting Unexcused Absences.

1. Pursuant to Mississippi Code 37-13-91, a parent, guardian or custodian of a compulsory-school- age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic for the period of time that the child is of compulsory-school-age. Mississippi Code Section 37-9-14(2)(u) states that School District Superintendents are "to comply in a timely manner with the compulsory education reporting requirements prescribed in Section 37-13-92(6)." The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer.

   a. An unlawful absence is an absence by any compulsory school-age child missing for thirty-seven (37%) or more of a school day, in which the absence is not due to a valid excuse for temporary nonattendance.
   b. An unlawful absence is an absence by any compulsory school-age child who is removed from school for days missed as a result of disciplinary suspension. Absences due to suspension or expulsion shall not be excused by the school district superintendent, or his designee. A student that is absent due to suspensions or expulsions shall not be reported as truant.

2. Based on Section 37-13-91(6), the school district superintendent or his/her designee, shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officers. Therefore, pursuant to Section 37-13-85(o), provides that the MDE shall adopt any other policies that the office deems necessary for the enforcement of the Mississippi Compulsory School Attendance Law; however, the policies or guidelines shall not add or contradict with the requirements of Section 37-13-91. The superintendent, or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur and code them as "unexcused absences". However, these absences will not be counted towards a student being identified as truant.

3. For the purpose of determining and reporting attendance, a pupil must be present for at least sixty-three percent (63%) of his/her instructional day, as fixed by the local school board, and defined by the student's schedule, in order to be considered in full-day attendance.

4. Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

   a. An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

   b. An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

   c. An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

   d. An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

   e. An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

   f. An absence may be excused if the religion, to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

   g. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.

   h. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

5. If a compulsory-school-age child is **participating in an authorized school activity** with the prior approval of the superintendent of the school district, or his/her designee, the student is

considered **PRESENT** for average daily attendance reporting purposes. The activities include, but are not limited to:

a. Official Organized Events Sponsored by the 4-H

b. Future Farmers of America

c. Junior Livestock Shows

d. Rodeo Events

e. Official Employment as a Page at the State Capitol

f. Subject-Matter Field Trips

g. Athletic Contest

h. Student Conventions

i. Music Festivals or Contest

6. A student's participation in an authorized school activity must be verified by one of the following:

   a. Student Schedule
   b. Class Roster

   c. Activity Roster

7. If a district superintendent fails to comply with the above guidelines, the following may occur:

   a. The School Attendance Officer may present evidence to the Director of the Office of Compulsory School Attendance Enforcement that a school superintendent has failed to report unexcused absences in a timely manner. Such a report must be in writing and supported by written evidence.

   b. If no action is warranted, the Director of the Office of Compulsory School Attendance

   c. Enforcement will notify the School Attendance Officer in writing of the determination.

d. If further action is warranted, the Director of the Office of Compulsory School Attendance Enforcement may recommend to the State Superintendent of Education or his/her designee, downgrading of the district's accreditation status.

e. When information on file in the Mississippi Department of Education indicates that a school district may be in violation of a state law, the superintendent of the district will be informed in writing by appropriate staff in the Department responsible for monitoring compliance with of the compulsory school attendance law.

f. School district officials will be given thirty (30) days from the date of receipt of notification to provide a written response verifying accuracy or inaccuracy of the notice of possible noncompliance with the compulsory school attendance law. If the written response includes appropriate evidence to correct or refute the alleged violation, the superintendent of the district will be notified by appropriate staff.

g. The appropriate staff member in the Office of Accreditation will notify the superintendent of the district in writing of the verified violation. Although the accreditation status of the district may not be subject to change until the next assignment of annual district status, the superintendent is required to provide a written response specifying how and when the violation will be corrected.

Source Code: *Miss. Code Ann.* §37-13-91, *et seq. House Bill 1530 (Revised 8/2013)*

Rule 30.3 Compulsory School Attendance (*Repealed 5/2010)*

Rule 30.4 Truancy Rate Definition, Calculation and Rate

1. PURPOSE

Pursuant to MS Code §37-13-91, a parent, guardian or custodian of a compulsory-school- age child in this state shall 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. A "Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. Provided, however, that the parent or guardian of any child enrolled in a full-day public school kindergarten program shall be allowed to disenroll the child from the program on a one-time basis, and such child shall not be deemed a compulsory-school-age child until the child attains the age of six (6) years.

Pursuant to the Elementary and Secondary School Act, Subpart I, §4112, (c)(3)(A)(B)(i), beginning with the 2005-2006 school year, state education agencies were required to report truancy rates on a school-by-school basis to the US Department of Education. In an effort to ensure compliance with federal guidelines, this policy sets forth the distinction between excused

and unlawful absences and provides formulas for truancy, habitual truancy, suspension and expulsion rate calculations. This information will serve to establish a uniform reporting method.

2. DEFINITIONS
   a. Cumulative Enrollment – sum of all entering students within a school year.

   b. Excused Absence – any of seven designated valid excuses for temporary nonattendance of a compulsory-school-age child enrolled in a public school, pursuant to MS Code §37-13-91, (4) (a) through (4) (i).

   c. Habitual Truant – a student who has accumulated twelve (12) or more unlawful absences, excluding suspension and expulsion days, in a school year, which shall result in the filing of a petition in a court of competent jurisdiction by the school attendance officer.

   d. School Day – pursuant to Mississippi Code §37-13-91 (d), defined as not less than five (5) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.

   e. Truant – a student that has accumulated five (5) or more unlawful absences in a school year, excluding suspension and expulsion days.

   f. Unlawful absence – (also known as an unexcused absence) an absence during a school day by a compulsory-school-age child, which the absence is not due to a valid excuse for temporary nonattendance, pursuant to MS Code §37-13-91 (4).

3. REQUIREMENTS
   a. Truancy shall only apply to students of compulsory-school-age.

   b. Each local school district shall determine whether an absence is excused or unlawful based on the Compulsory School Attendance Law §37-13-91 of the Mississippi Code 1972 Annotated.

   c. For the purpose of calculating truancy rates, out of school suspensions shall not be considered unlawful absences. Out of school suspension days shall not be factored into truancy rate calculations.

   d. Students that satisfy the school day attendance requirements shall not be considered absent and/or calculated in the truancy rate, including students enrolled in alternative education programs, GED Options programs, and students detained in juvenile detention centers.

   e. The MDE shall calculate the truancy, habitual truancy, suspension, and expulsion rates once per year. The MDE shall report disaggregated data at both the state and district levels. The following calculations shall be used in determining truancy, suspension and expulsion rates:

i. The Truancy Rate shall be calculated using the following formula: Numerator: Number of students with five or more unlawful absences (truant)
Denominator: Count of Student Membership – Cumulative Enrollment
Multiplied by 100 to create a percentage value

ii. The Habitual Truancy Rate shall be calculated using the following formula: Numerator: Number of students with twelve or more unlawful absences (habitual truant)
Denominator: Count of Student Membership – Cumulative Enrollment
Multiplied by 100 to create a percentage value

iii. The Student Out-of-School Suspension Rate shall be calculated using the following formula:
Numerator: Total number of student out-of-school suspensions in a school year
Denominator: Count of Student Membership – Cumulative Enrollment
Multiplied by 100 to create a percentage value

iv. The Overall Out-of-School Suspension Rate shall be calculated using the following formula:
Numerator: Total number of out-of-school suspension days in a school year
Denominator: Count of Student Membership – Cumulative Enrollment
Multiplied by 100 to create a percentage value

v. The Expulsion Rate shall be calculated using the following formula: Numerator: Number of student expulsions in a school year Denominator: Count of Student Membership – Cumulative Enrollment Multiplied by 100 to create a percentage value {MS Code§ 37-13-91} (1972).

Source: *Miss Code Ann. 37-13-91(Revised 10/2007)*

Rule 30.5 Dropout Prevention Plan. Miss Code Ann § 37-13-80. Office of Dropout Prevention created; qualifications and responsibilities of director; date for implementation of dropout prevention program; procedures for tracking students who enter and leave detention centers; dropout prevention plan to address student transition to home school districts; legislative intent [Repealed effective June 30, 2009].

1. There is created the Office of Dropout Prevention within the State Department of Education. The office shall be responsible for the administration of a statewide dropout prevention program.

2. The State Superintendent of Public Education shall appoint a director for the Office of Dropout Prevention, who shall meet all qualifications established by the State Superintendent of Public Education and the State Personnel Board. The director shall be responsible for the proper administration of the Office of Dropout Prevention and any other regulations or policies that may be adopted by the State Board of Education (*Miss. Code Ann*. §37-13-80).

3. Each school district shall implement a dropout prevention program approved by the Office of Dropout Prevention of the State Department of Education by the 2012-2013, and annually thereafter school year (*Miss. Code Ann*. §37-13-80).

4. Each local school district will be held responsible for reducing and/or eliminating dropouts in the district. The local school district will be responsible for the implementation of dropout plans focusing on issues such as, but not limited to:

    a. Dropout Prevention initiatives that focus on the needs of individual local education agencies;

    b. Establishing policies and procedures that meet the needs of the districts;
    c. Focusing on the student-centered goals and objectives that is measureable;
    d. Strong emphasis on reducing the retention rates in grades kindergarten, first and second;

    e. Targeting subgroups that need additional assistance to meet graduation requirements; and

    f. Dropout recovery initiatives that focus on students age seventeen (17) through twenty- one (21), who dropped out of school (Miss. Code Ann. §37-13-80).

5. The Office of Dropout Prevention may provide technical assistance upon written request by the local school district. The Office of Dropout Prevention will collaborate with program offices within the Mississippi Department of Education to develop and implement policies and initiatives to reduce the state's dropout rate (Miss. Code An. §37-13-80).

6. Each school district's dropout prevention plan shall address how students will transition to the home school district from the juvenile detention centers (Miss. Code Ann. §37-13-80).

7. In addition, the Mississippi Department of Education recommends the following:

    a. expand educational affiliations to include head start, parochial, private and community early childhood programs to develop a systematic approach that will support students in acquiring the child development skills that are essential for success in a K-12 program. These skills will include cognitive, social, language, behavioral, gross and fine motor skills.
    b. develop criteria to identify students, as early as third grade that are potentially at risk of dropping out.

8. The Office of Dropout Prevention shall establish graduation rate benchmarks for each two-year period from the 2008-2009 school year through the 2018-2019 school year,

which shall serve as guidelines for increasing the graduation rate for cohort classes on a systematic basis to eighty-five percent (85%) by the 2018-2019 school year.

Graduation Benchmarks	School Years	Graduation Rates
Benchmark 1	**2008-2009**	**63%**
Benchmark 2	**2010-2011**	**66 %**
Benchmark 3	**2012-2013**	**71%**
Benchmark 4	**2014-2015**	**77%**
Benchmark 5	**2016-2017**	**81%**
Benchmark 6	**2018-2019**	**85%**

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

Rule 30.6 Youth Detention Center Educational Provisions. In accordance with Section 43-21-321 of the Mississippi Code of 1972 Annotated, educational provisions are required for all compulsory school age students detained in a youth detention center facility.

1. A certified teacher will provide educational services to detainees.

2. Teacher selection shall be in consultation with the youth court judge.

3. The sponsoring school district will pay the salary of the teacher, based upon actual certification, state (teacher) salary schedule and number of employment days.

4. The sponsoring school district in collaboration with the home school shall comply with the Individuals with Disabilities Education Act (IDEA) and comparable state laws for students with special needs.

5. After forty-eight (48) hours of detention, the detainee shall receive the following services which may be computer-based:
    a. Diagnostic assessment of grade-level mastery of reading and math skills;
    b. Individualized instruction and practice to address any weaknesses identified in the assessment; and
    c. Character education to improve behavior.

6. The sponsoring school district shall work in collaboration with detention center staff to ensure that educational records have been obtained for any student that will be detained for more than 48 hours.

7. The sponsoring school district will provide instruction based on the academic needs of each detainee. When a youth has been receiving special education services in his/her school placement, and is admitted with an existing Individualized Education Program (IEP), it is the responsibility of the educational personnel at the detention center to ensure the continued implementation of the IEP with modifications, if needed, due to the nature of the youth's detainment.

8. The sponsoring school districts shall maintain and update the computer labs.

9. Students in the youth detention center shall not be classified as absent by the student's home school.

10. The sponsoring school district provides adequate substitute teaching staff to cover teaching duties of educational staff that are on sick or personal leave. The criteria for a substitute teacher shall be aligned with the district's policy for short and long term placement.

11. The sponsoring school district shall provide 330 minutes of instruction per school day.

12. The sponsoring school district shall identify students with limited English proficiency and provide appropriate instruction to ensure meaningful access to the curriculum.

13. An Individualized Academic Plan shall be written by the sponsoring school district for each student that has been detained for 10 days or more and forwarded to the students home school and is used as a transition component.

14. The Mississippi Department of Education will collaborate with the appropriate state and local agencies, juvenile detention centers and local school districts to ensure that educational services are provided to every student placed in a juvenile detention center.

15. The non-sponsoring school districts, that have students detained at a detention center, will share equally in the additional cost of educational services. Once the Legislature has allocated funding for educational services, provided by the state's detention centers, the Mississippi Department of Education will disseminate the funding based on the needs analysis submitted by each of the sponsoring school districts. Any remaining cost related to educational services, including the maintenance of computer labs, will be equally divided among the non-sponsoring school districts, or district of residence, of juveniles placed in a detention facility.

16. Related services provided for students with special needs may require additional reimbursement to the sponsoring school district from the student's home school or district of residence for services rendered.

17. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding educational programming.

Source: Miss. Code Ann. §43-21-321 (Revised 4/2015)

Rule 30.7 Home School Guidelines. Pursuant to the Mississippi Code of 1972 Annotated Section 37-13-91, the Mississippi Legislature requires all compulsory-school-age children who have attained or will attain the age of six (6) years on or before September 1 of the calendar year and who have not attained the age of seventeen (17) years on or before September 1 of the calendar year; to enroll in and attend a public, private or home school.

1. A parent, guardian or custodian of a compulsory-school-age child in this state shall 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***, except under the following circumstances:
   a. When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.
   b. When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.
   c. When a compulsory-school-age child is being educated in a legitimate home instruction program.

2. The parent, guardian or custodian of a compulsory-school-age child enrolled in home school must complete a certificate of enrollment.

3. The appropriate school official for any or all children attending a nonpublic school shall complete a "certificate of enrollment" in order to facilitate the administration of this section.

4. The certificate of enrollment shall be prepared and maintained by the Mississippi Department of Education, Office of Compulsory School Attendance Enforcement.

5. The Office of Compulsory School Attendance Enforcement shall be the only authorized entity to disseminate and collect the certificates of enrollment. Certificates of Enrollment will not be provided to school district personnel for distribution.

6. School district personnel must notify the Office of Compulsory School Attendance Enforcement (state school attendance officer) if a parent, guardian or custodian is seeking to enroll a compulsory-school-age child in home school.

7. District personnel **cannot** at any time complete a certificate of enrollment. The certificate of enrollment must be completed by the parent, guardian or custodian of the compulsory-school-age child enrolling in a home school program.

8. The school attendance officer will provide the parent, guardian or custodian with information and documents to ensure compliance with the Compulsory School Attendance Law.

9. The certificate of enrollment shall be designed to obtain the following information only:
    a. The name, address, telephone number, and date of birth of the compulsory-school-age child;
    b. The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;
    c. A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and
    d. The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a nonpublic school, the signature of the appropriate school official and the date signed.

10. The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in Mississippi Code of 1972 *Annotated Section 37-13-91 (6)*, the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.

11. For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

Therefore, a "Certificate of Enrollment "for students beyond the compulsory school attendance age will only be accepted if a student is or has been previously enrolled in a home instruction program and/or the student was enrolled in a home instruction program at any time prior to exceeding the compulsory school attendance age.

Certificates of Enrollment will not be accepted for individuals registering to enroll in a home instruction program, for the first time, that have exceeded the compulsory school age nor will the student be considered as a "*transfer to home school*".

Source: *Miss. Code Ann. §37-13-91, et seq. (Adopted 8/2013)*

Part 3 Chapter 31: Drug Testing, State Department of Education Staff

Rule 31.1 Drug Testing, State Department of Education Staff. In compliance with the Omnibus Transportation Employee Testing Act of 1991, the State Board of Education has developed the

attached drug and alcohol policies and procedures. These policies and procedures shall be implemented and enforced.
The Mississippi Department of Education, hereafter referred to as the Department, recognizes that our employees are our greatest asset. Our employees are the key to our goal of providing the best possible education program for our students. To achieve our goal, and to maximize the skills and talents of our employees, it is important that every employee of the Department understand the dangers of drug and alcohol abuse and be aware of the new state and federal requirements concerning substance abuse. This policy statement should clarify our position on employee drug and alcohol use. This policy and procedure should not be construed as contractual in any nature.

1. POLICY OBJECTIVES:
   a. To create and maintain a safe, drug-free working environment for all employees.

   b. To meet the requirements of the Drug Free Workplace Act of 1988 and the Drug Free Schools and Community Act of 1986, as they relate to the use of alcohol, inhalants, cannabis, controlled substances and similar substances.

   c. To encourage any employee with a dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem.
   d. To reduce problems of absenteeism, tardiness, carelessness and/or other unsatisfactory matters related to job performance.

   e. To reduce the likelihood of incidents of accidental personal injury and/or damage to customers, visitors or property.

   f. To meet the requirements of 49 C.F.R. part 40 and the Omnibus Transportation Employee Testing Act of 1991.

      i. To reduce the likelihood that department property will be used for illicit drug activities.
      ii. To protect the reputation of the Department and its employees.

Substance abuse is a serious threat to the Department and its employees. Though the percentage of substance abusing employees may be relatively small, practical experience and research indicate that appropriate precautions are necessary. It is the belief of the Department that the benefits derived from the policy objectives outweigh the potential inconvenience to employees. The Department earnestly solicits the understanding and cooperation of all employees in implementing this policy.

The Department requires that all employees report to work without any alcohol or illegal or mind altering substances in their systems. No employee shall report for work or remain on duty when using any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform in a safe manner. No employee shall use alcohol while on duty. Further, outside

conduct of a substance abuse-related nature which affects an employee's work, the Department's relationship with the government or reflects badly on the Department is prohibited.
Employees must inform their supervisor when they are legitimately taking medication which may affect their ability to work, in order to avoid creating safety problems and violating the Drug and Alcohol Policy.

The Department also prohibits employees using, possessing, manufacturing, distributing or making arrangements to distribute illegal drugs while at work or on department property.

2. ENFORCEMENT of OMNIBUS TRANSPORTATION ACT

The following policies are related only to those employees, applicants, and contractual workers subject to 49 C.F.~ Part 40 and the Omnibus Transportation Employee Testing Act of 1991. In order to enforce these rules, the Department reserves the right to require the above employees to submit, at any time an employee is on duty or at any time an employee may normally be called to be on duty, to drug tests to determine the presence of prohibited substances. The State Board of Education is required to develop, implement and enforce a drug and alcohol policy for their employees as a condition of compliance with the Omnibus Transportation Employee Act of 1991.

Pursuant to Board policy and regulations, applicant testing may be required. All current employees may be required to undergo testing where the Board has reasonable suspicion to believe an employee has violated its Alcohol and Drug Policy, and/or on a random basis without advance notice. No employee shall perform any job-related duties within four hours after using alcohol. Employees are also required to report all injury or damage related accidents involving Department property or personnel or during Department- related activities and may be required to submit to alcohol screening within two (2) hours and to drug screening within thirty-two (32) hours of a reportable accident. Employees who return to work following rehabilitation will be required to undergo return to duty/follow up testing in addition to the general Department testing requirements.

The Department also reserves the right to search desks, cabinets, tool boxes, vehicles, including personal vehicles brought on the Department's property, bags or any other property at the worksite or in vehicles when the Department has reasonable cause to believe an employee has violated its Alcohol and Drug Policy.
Violation of these rules, including testing positive, will subject the employee to discipline, including discharge. Refusal to cooperate with the Board in any test investigation will result in discipline, including discharge as appropriate under the applicable state and federal laws.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the employer through its drug and alcohol testing program are confidential communications and may not be disclosed except in accordance with the Policy Consent/Release Form and Federal Regulations 49 C.F.R. 40 et seq and 49 C.F.R. 382 et seq.

Any questions should be directed to the Personnel Officer, who has been assigned by the State Superintendent of Education and/or the State Board of Education as the Drug Program Coordinator.

Mississippi Department of Education
Policy Consent/Release Form for Alcohol and Controlled Substance Use

I have read the above statement of policy and agree to abide by the State Board of Education's drug and alcohol rules. I agree to submit to drug or alcohol tests at any time as a condition for my initial or continued employment. I authorize any laboratory or medical provider to release test results to the Mississippi Department of Education and its Medical Review Officer, Dr. Howard M. Strickler.

I expressly authorize the State Board of Education or its MRO to release any test-related information, including positive results, to the Unemployment Compensation Commission, or any other relevant government agency.

I understand that this agreement in no way limits my right to terminate my employment or be terminated in accordance with federal and state law.

_____ _____
Employee Date

_____ _____
Witness Date

3. Mississippi Department of Education Drug and Alcohol Program Procedures

   a. General Policy

      Practical experience and research has proven that even small quantities of narcotics, abused prescription drugs or alcohol can impair judgment and reflexes. Even when not readily apparent, this impairment can have serious results, particularly for employees operating vehicles or potentially dangerous equipment. Drug-using employees are a threat to co-workers and themselves, and may make costly errors. For these reasons, the State Board of Education has adopted a policy that all employees must report to work completely free from the effects of alcohol and/or the presence of drugs, unless used as prescribed by a physician.

   b. Drug Use/Distribution/Impairment/Possession

      All employees are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, abused prescription drugs or any other mind altering or intoxicating substances present in their system while at work or on duty.

c. Alcohol Use/Possession/Impairment

All employees are prohibited from possessing, drinking or being impaired or intoxicated by alcohol while at work or on duty. While employees are prohibited from having any alcohol present in their system while on duty, a Breath Alcohol Concentration (BAC) of .04 will be accepted as presumptive evidence of intoxication. Additionally, mandated employees (employee's subject to provisions of 49 C.F.R Part 40 and the Omnibus Transportation Employee Testing Act of 1991) with a BAC of .02-.039 will be placed out-of-service for a period of no less than 24 hours. Evidential breath testing devices EBTs) on the National Traffic Highway Safety Administration Conforming Products List will normally be used to determine BAC.

d. Off-Duty Conduct

Off-the-job use of drugs, alcohol or any other prohibited substances which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product, or harm to the Department's image or relationship with the government is prohibited. Employees should realize that these regulations prohibit all illicit drug use--on and off duty.

e. Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; however, the Department prohibits the misuse of prescribed (or over the counter) medications and requires all employees using drugs at the direction of a physician to notify the State Board of Education's Medical Review Officer (MRO), Dr. Howard M. Strickler, or their supervisor prior to beginning work where these drugs may affect their job performance, such as by causing drowsiness.

An employee or job applicant (with the exception of mandated employees) shall be allowed to provide notice to the Department of currently or recently used prescription or nonprescription drugs at the time of the taking of the specimen to be tested, and such information shall be placed in writing upon the employer's drug and alcohol testing custody and control form prior to initial testing.

f. Substance Screening

i. Applicants

Substance screening may be required for all final applicants. Applicants are required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

ii. All Current Employees

a) Reasonable Suspicion

All employees may be required to submit to screening whenever a supervisor observes circumstances which provide reasonable suspicion to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. The supervisor's determination that reasonable suspicion exists to require the employee to undergo an alcohol and drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a supervisor or designee who has been trained for at least 60 minutes on alcohol misuse and an additional 60 minutes on controlled substance misuse.

The supervisor or supervisors requesting testing shall prepare and sign written documents explaining the circumstances and evidence upon which they relied within 24 hours of the testing, or before the results of the tests are released, whichever is earlier. While one supervisor may request a reasonable suspicion test, when feasible, supervisors are encouraged to obtain a second supervisor as a witness.

b) Random Testing

The Department may conduct random unannounced screening of all employees. Tests of employees for illicit drugs will be conducted in a number equal to or greater than 50 percent of the affected work force--without advance notice--in any given 12 month period. Tests of employees for alcohol will be conducted in a number equal to or greater than 25 percent of the affected work force-without advance notice--in any given 12 month period. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule. Subsequent testing will be conducted at levels equal to or greater than the initial testing level. Employers Drug Program Management, Inc. will provide computerized random sample lists to the Drug Program Coordinator. The list of employees in the random pool will be updated on a monthly basis. Employees will be required to report to the Department's designated collection site for testing immediately following notification. Annually, the tests will be spread reasonable over 12 months.

All employees may be tested during the initial implementation of the program.

c) Post Accident Testing

Employees are required to immediately notify the Drug Program Coordinator of any accident resulting in injury or damage to Department property. The

Department of Transportation (DOT) requires post-accident drug and alcohol testing following any accident which results in the: (1) loss of human life, or (2) receipt of a citation under State or local law for a moving traffic violation arising from the accident.

The Department may require an employee involved in any accident resulting in injury requiring more than simple first aid or resulting in damage to property, to undergo alcohol screening within 2 hours and drug screening within 32 hours of the occurrence of the accident. The Department will discipline any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator shall complete an Accident Report in compliance with Department policy and applicable laws and regulations.

d) Return to Duty/Follow up Testing

All employees referred for rehabilitation through administrative channels, or suspended for violation of this policy, may be subject to unannounced testing following return to duty for a period of 12 to 60 months. Such employees shall be tested at the frequency stipulated in the abeyance contract or as scheduled by the MRO. The employee will be tested a minimum of six (6) follow up tests during the first twelve months. Testing will be on a daily, weekly, monthly or longer basis at the discretion of the MRO and will be in addition to the other types of tests provided in this policy.

Employees testing at a level 0.04 BAC for alcohol or positive for drugs must be assessed by a Substance Abuse Professional (SAP), satisfy the recommendations of the assessment, test negative for drugs and below 0.02 BAC for alcohol and be released as drug free by the Medical Review Officer prior to returning to duty.

iii. Testing Procedures

a) General Guidelines

The State Board of Education and its lab shall rely, when practical, on the guidance of the federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R. parts 40.1 through 40.39 and on the further guidance of the Omnibus Transportation Employee Testing Act provided in 49 C.F.R. Parts 382, 391, 392 and 395.

b) Substances Tested For All Employees

Employees may regularly be tested for: amphetamines, cannabinoids, cocaine, opiates, phencyclidine and alcohol. Testing for alcohol will also be conducted subject to the final provisions of the Omnibus Transportation Employee

Testing Act of 1991. Employees may be tested for other substances without advance notice as part of a separate test performed by the Department for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

c) Testing Procedure

The State Board of Education reserves the right to utilize blood, hair, breath, saliva or urinalysis testing procedures. Only urinalysis and breath tests will be utilized in the pre- employment and random testing. All initial positive urine specimens will be confirmed by gas chromatography/mass spectrometry (GC/MS).

iv. Collection Sites

The Department will designate collection sites in areas where it maintains facilities or job sites where individuals may provide specimens.

v. Collection Procedures

The State Board of Education, Employers Drug Program Management, and the laboratory, have developed and will maintain a documented procedure for collecting, shipping and accessing urine specimens. The State Board of Education, EDPM and the laboratory will utilize a standard Urine Custody and Control Form for all employee drug testing. The State Board of Education, EDPM and the laboratory will utilize a standard Breath Alcohol Testing Form for all employee alcohol testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used for drug sample transportation. Alcohol results will use approved tamper evident tape.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable. A person who collects or takes a specimen for a drug test pursuant to this policy shall collect an amount sufficient for two (2) drug tests as defined by the Department of Transportation. Where the Department has an employee collect the specimen, the State Board of Education will provide instruction and training to that employee. All alcohol testing will be performed by a certified Breath Alcohol Technician (BAT). All employees will also be required to execute the Department Applicant/Employee Consent Form.

vi. Occasions When the Collection Personnel Should Directly Observe the Specimen Being Provided

The Department has adopted the direct observation procedures as set out in Section 40.25 of the Department of Transportation regulations. An Employer or

Medical representative at the collection site may directly observe an employee provide the specimen where there is reason to believe that an individual may alter or substitute the specimen. Section 40.25 (e)(2) sets out the only four circumstances where direct observation is appropriate:

a) The employee has presented a urine specimen that falls outside the normal temperature range, and the employee declines to provide a measurement of oral body temperature by sterile thermometer, as provided in paragraph (f)(23) of this part, or the oral temperature does not equal or exceed that of the specimen.

b) The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/L.

c) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.).

d) The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted as a part of a rehabilitation program or on return to service after any required rehabilitation.

A second specimen should be obtained under direct observation wherever there is reason to believe that the individual may have altered or substituted the specimen.

Where necessary, a Department representative or medical personnel may obtain a specimen outside of a designated collection site (such as, at a public restroom at an accident investigation).

vii. Evaluations and Return of Results to the Department

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the Department's MRO, Dr. Howard M. Strickler. The MRO will be responsible for reviewing the quantified test results of employees and confirm that the individuals testing positive have used drugs in violation of Department policy. Prior to making a final decision, the MRO shall give the individuals an opportunity to provide a medical explanation for the positive test result either face to face or over the telephone. The MRO shall then promptly report to the Drug Program Coordinator which employees or applicants test positive.

viii. Request for Retest

Where a split specimen has been collected an employee may request a retest of the split specimen within 72 hours of notification of the final test result. Where only one sample is submitted for testing the employee may request a retest of the original sample within 72 hours after notification of the final test result. Requests must be submitted to the Drug Program Coordinator.

The employee may be required to pay the associated costs of retest in advance.

g. Release of Test Results

All information, interviews, reports, statements, memoranda and test results written or otherwise, received by the employer through its drug and alcohol testing program are confidential communications and may not be disclosed except in accordance with the Policy Consent/Release Form and Federal Regulations 49 C.F.R. et seq and 49 C.F.R. 382 et seq.

With the exception of those entities listed in the Federal Regulations, test results shall not be released by the State Board of Education, beyond the MRO and Department's management without the individual's written authorization. However, all employees will be required to execute a consent/release form permitting the Board to release test results and related information to the Unemployment Compensation Commission, or other relevant government agencies.

The MRO shall retain the individual test results for five (5) years.

h. Discipline

The State Board of Education will discipline, including discharge, employees for any violation of the policy, including refusing to submit to screening, to execute a release, or otherwise cooperate with an investigation or search by the Department. Disciplinary measures will be instituted in accordance with State Personnel Board regulations if applicable and state and federal laws.

All employees who test positive in a confirmative substance test will be subject to discipline up to and including discharge. Rehabilitation, at a pre-approved treatment provider, may be available to individuals who violate the policy. However, unless other provisions are available to the affected individual, assistance will be limited to the degree of treatment provided within the Department's Employee Benefits Plan. The Drug Program Coordinator should be contacted for guidance.

No employee may be returned to regular duties after any rehabilitation or testing positive unless released for duty for the Department's MRO. Any employee returned to duty after violating the policy or testing positive will be subject to aftercare and random testing.

i. Employee Assistance Program (EAP)

The Board's EAP shall include education and training for supervisors who are authorized to determine reasonable suspicion testing. These supervisors must receive a minimum of 60 minutes on alcohol abuse and an additional 60 minutes of training on controlled substance use and abuse.

The training shall cover the physical, behavioral, speech and performance indicators of probable use and misuse of alcohol and controlled substances. Documentation of training attendance must be maintained.

The Drug Program Coordinator should be contacted for further guidance.

j. Investigation/Searches

Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he or she may inspect vehicles which an employee brings on the Board's property, lockers, work areas, desks, purses, briefcases, tool boxes or other belongings, and at locations where Department related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator will do so for him or her. The Board may release any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities.

All searches should be coordinated with the Drug Program Coordinator.

<u>NOTE</u> These procedures should not be construed as contractual in any nature. They represent the State Board of Education's current guidelines in dealing with a developing problem under evolving laws and facts, and may be changed in accordance with Department policy and state and federal law.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 1/1995)*

Part 3 Chapter 32: Education Enhancement Funds

Rule 32.1 Education Enhancement Funds. Rules and Regulations Regarding the Administration of Funds Appropriated for Education Enhancement Funds for Classroom Supplies and Materials.

1. Authorization and Dissemination
   Pursuant to Mississippi Code Section 37-61-33(3)(iii), As Amended, this policy provides rules and regulations for the administration of Education Enhancement Funds appropriated for classroom supplies, materials and equipment to be distributed to all eligible teachers within the state through the use of procurement cards. The intent of the policy is to allow individual teachers to expend such funds, as they deem appropriate, to support the overall

goals of the school. Classroom supply funds may not be expended for administrative purposes. These funds may only be used to supplement, not replace, other local and state funds available for the same purpose.

2. Allocation of Funds
   On or before September 1 of each year, local school districts shall determine and submit to the State Department of Education the number of teachers eligible to receive an allocation for the current year. The term "teacher" shall mean any employee of the school district who is required by law to obtain a teacher's license from the State Board of Education and is assigned to an instructional area of work, but shall not include a federally funded teacher. The term "teacher" includes all licensed regular teachers and licensed state or locally funded special education teachers, vocational teachers, gifted teachers, counselors and librarians. Procurement cards shall be issued with equal dollar amounts per teacher determined by the total number of qualifying personnel and the current state appropriation for classroom supplies with the Education Enhancement Fund combined with the total of any carryover amounts from the previous year’s allocation.

3. Carry Forward of Funds
   Teachers are encouraged to expend their funds in the year in which they receive them. Procurement cards will expire on March 31 of each year. If a teacher does not fully expend the allocation, the unexpended balance will carry forward to the next school year, combine with the next school year's allocation and the total will be allocated equally to all teachers in the state.

4. Documentation
   School districts are required to maintain adequate documentation to demonstrate compliance with the distribution of the procurement cards. At a minimum, each district shall maintain a listing of all eligible teachers, the card number distributed to each teacher, and a copy of the signed Teacher Cardholder Agreement form.

5. Definitions
   a. Administrative Purposes - shall mean expenditures properly accounted for under expenditure function codes 2300, General Administration; 2400, Office of the Principal Services; and 2500, Business Services, as defined by the Office of the School Financial Services, in the Mississippi Department of Education in the Financial Accounting Manual for Mississippi Public School Districts.

   b. Classroom Teacher - shall mean any employee of the school district who is required by law to obtain a teacher's license from the State Board of Education and is assigned to an instructional area of work, but shall not include a federally funded teacher. The term "teacher" includes all licensed regular teachers and licensed state or locally funded special education teachers, vocational teachers, gifted teachers, counselors and librarians. Federally funded teacher is a teacher who is paid, in any part, with Federal funds.

c. Instructional Area of Work - shall mean an area of work dealing directly with the provision of academic instruction, vocational instruction or guidance to students by an employee who is required by law to obtain a teacher's license from the State Board of Education. The instruction or guidance may be provided in the classroom or in another location, such as a library or a counselor's office. This definition applies to teachers, librarians and guidance counselors.

Source: *Miss Code Ann. 37-61-33(3)(iii) (Revised 11/14)*

Part 3 Chapter 33: Equity Funding (*Repealed 1/2011)*

Part 3 Chapter 34: Functional Literacy Exam

Rule 34.1 Functional Literacy Exam-Renamed and Renumbered to Rule 36.3 (*Repealed 6/2012)*

Part 3 Chapter 35: Gifted

Rule 35.1 Gifted. The operation of the gifted program is governed by the *Regulations for Gifted Education Programs in Mississippi* and the *Standards for the Gifted Education Programs in Mississippi*. An up-to-date copy of these document**s** shall be kept on file at the Mississippi Department of Education. Upon approval of amendments to the documents by the State Board of Education, staff will disseminate to the appropriate personnel in the education community.

For a copy of the Regulations for Gifted Education Programs in Mississippi**,** please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 10 and Part # 96.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2012)*

Part 3 Chapter 36: Graduation Requirements

Rule 36.1 Graduation Requirements (*Repealed 7/2012)*

Rule 36.2 Policies for Subject Area Testing. Beginning with the 2014-2015 school year, students shall not be required to pass any end-of-course Subject Area Test in a course for which the student earns or receives credit in a Mississippi public school as a requirement for graduation. Student performance on the end-of-course Subject Area Test shall be considered, along with the overall course grade based on the Concordance Table as outlined in State Board Policy 3803.

Archived Information Regarding State Board Policy 3801 for Students Graduation Prior to School Year 2014-2015:

Enrollment in a non-public school/program (to include, but not limited to, private schools, parochial schools, home schools, virtual schools, summer schools, independent study/correspondence programs, etc.) shall not be used to circumvent participation in the

Mississippi Statewide Assessment System or students meeting the graduation requirements outlined in this policy.

1. Students will not be required to pass any end-of-course Subject Area Test in a course for which the student earns or receives credit (i.e., course completed as recorded on an official transcript) in a Mississippi public school prior to the 2001-2002 school year. (MS Code 37-16-7)

2. Any student enrolled in a Mississippi public school who concurrently earns a Carnegie unit for any course which includes a required end-of-course Subject Area Testing Program (SATP) exam from a non-public school (to include, but not limited to: private school, parochial school, home school, virtual school, summer school, or independent study / correspondence program, etc.) must take and pass the SATP exam in order to earn a standard diploma.

3. Students entering a Mississippi public school will not be required to pass any end-of-course Subject Area Test in a course for which the school accepts credit earned by the student in a public school of another state as fulfilling the requirements for a Mississippi high school diploma.

   a. Effective with the 2011-2012 school year, students entering or enrolled in a Mississippi public school implementing an innovative program authorized by the State Board of Education who have earned credits in the *Required Subjects* for a diploma in the state of Mississippi and will have completed an end of course assessment or end of domain assessment, will be exempt from State Board Policy 3803 until the State Board of Education has adopted standards and cut-scores for the corresponding assessments.

4. Students entering a Mississippi public school will not be required to pass any end-of-course Subject Area Test in a course for which the school accepts credit earned by the student in a private school as fulfilling the requirements for a Mississippi high school diploma, provided the private school is accredited regionally or by the state of Mississippi.

5. Students entering a Mississippi public school will be required to pass any end-of-course Subject Area Test in a course for which the school accepts credit earned by the student in a private school as fulfilling the requirements for a Mississippi high school diploma if the private school is not accredited regionally or by the state of Mississippi.

6. Students entering a Mississippi public school will be required to pass any end-of-course Subject Area Test in a course for which the school accepts credit earned by the student through home schooling as fulfilling the requirements for a Mississippi high school diploma.

7. Passage of the required Subject Area Test (High School End of Course Assessment or End of Domain Assessments as appropriate) is a separate requirement for graduation for students prior to the 2014-15 school year. In accordance with Section 37-16-5 of the MS Code, innovative programs authorized by the State Board of Education, shall periodically assess student performance and achievement in each school. Such assessment programs shall be based upon local goals and objectives which are compatible with the state's plan for education and which supplement the minimum performance standards approved by the State Board of Education. Data from district assessment programs shall be provided to the State Department of Education when such data is required in order to evaluate specific instructional programs or processes or when the data is needed for other research or evaluation projects. Each district may provide acceptable, compatible district assessment data to substitute for any assessment data needed at the state level when the State Department of Education certifies that such data is acceptable for the purposes of Section 37-16-3.

Source Code: MS Code 37-17-6, 37-16-7

Rule 36.3 Policies for Carnegie Unit Credit.

1. Any Mississippi public school student shall not be awarded Carnegie unit credit unless the core objectives identified in the Mississippi College and Career-Ready Standards or Mississippi Curriculum Framework have been mastered.

2. For students entering a Mississippi public school from a regionally accredited private school or public school in another state for which the school did not award a Carnegie Unit even though the student successfully completed a course, the district may accept the course as meeting the requirement for the *Required Subjects* for a diploma in the state of Mississippi provided the district determines that the content of the course taken is comparable. However, the total *Carnegie Unit* requirement for the *Curriculum Area* remains the same.

3. Students entering a public school in Mississippi from any regionally accredited public or private school that awarded a Carnegie Unit for the successful completion of a course, the district may accept the course as meeting the requirement for the "Required Subject" in Appendix A of the *Mississippi Public School Accountability Standards*.

4. Any student previously enrolled in a Mississippi public school that failed a SATP exam and later transfers credit for the same SATP course from either a private school that is accredited regionally or by the state of Mississippi or an out-of-state public school must meet one of the graduation options in State Board Policy 3803.

Source Code: *MS Code 37-17-6, 37-16-7 (Revised 3/2015)*

Rule 36.4 Assessments Required for Graduation

1. All students enrolled in one of the four end-of-course Subject Area Test courses ***must*** pass the course and participate in the applicable end-of-course Subject Area Test in order to earn the Carnegie Unit.

2. Beginning with school year 2014-2015, students shall graduate by passing the course and meeting ***one*** of the following options:

- Passing the applicable end-of-course Subject Area Test, or
- Using options outlined in State Board Policy 3804, or
- Using the end-of-course Subject Area Test score with the overall course grade based on the Concordance Table for each of the four end-of-course Subject Area Tests as provided to school districts by the Mississippi Department of Education. (Students must be enrolled in order to utilize this option.)

3. Beginning with school year 2015-2016, in addition to number two (2) above, all students enrolled may achieve a combined minimum score from the end-of-course Subject Area Tests to meet the requirement for graduation in lieu of passing the applicable end-of-course Subject Area Test.

4. Beginning with school year 2018-2019, all students who are enrolled in an end-of-course Subject Area Test course for the first time must participate in the assessment in order to earn the Carnegie Unit. The assessment score will constitute 25% of the student's final grade in the course.

5. Any Mississippi public school student who fails to pass a required end-of-course Subject Area Test, prior to school year 2018-2019, will be offered opportunities to retake the test.

Archived Information Regarding State Board Policy 3803 for Students Graduation Prior to School Year 2014-2015:

Academic end-of-course tests were phased in during the 2001-2002 school year to replace the (FLE) as a requirement for graduation.

1. Students who began 9th grade PRIOR to 1999-2000 must pass the Functional Literacy Examination (FLE).
2. Students who began 9th grade in school year 1999-2000 must pass the Functional Literacy Examination (FLE) plus the Subject Area Test in U.S. History.
3. Students who began 9th grade in school year 2000-2001 must pass the mathematics section of the FLE plus the Subject Area Tests in U.S. History and English II.
4. Students who began 9th grade in 2001-2002 must pass the mathematics section of the FLE plus the Subject Area Tests in U.S. History, English II, and Biology I.
5. Students who began 9th grade in 2002-2003 must pass the end-of-course Subject Area Tests in U. S. History, English II, Biology I and Algebra I. Students who began 9th grade in 2003-2004 and each year thereafter must pass all required end-of-course Subject Area Tests in U.S. History, English II, Biology I, and Algebra I.

Source Code: MS Code 37-1-3, 37-17-6, 37-16-7 (Revised 4/2016)

Rule 36.5 Additional Assessment Options for Meeting End-of-Course Subject Area Test Graduation Requirements. State Board Policy 3803, *Assessments Required for Graduation*, outlines the end-of- course subject area test graduation requirements. State Board Policy 3804 provides approved options for students to meet these high school end-of-course subject area test graduation requirements through approved alternate measures. State Board Policy 3804 applies to past, current, and future Mississippi students.

While it is possible that a student will meet one of the options below before taking the subject area test, this policy states that a student is eligible to use any of these options once he or she has failed to pass any required end-of-course subject area test **two times.** Specifically, students may meet the graduation requirement outlined in State Board Policy 3803 by attaining any one of the measures outlined below for each of the subject area tests listed.

1. Algebra I

    a. Obtain a score of **17** or higher on the Math subject subscore of the ACT.

    b. Earn a C or higher in an entry level, credit-bearing dual enrollment/dual credit /college credit course with a MAT prefix.

    c. Obtain an ASVAB AFQT score of 36 **plus one** of the following:

        i. Earn a CPAS (Career Planning and Assessment System) score that meets the attainment level assigned by Federal Perkins requirements.

        ii. Earn an approved Industry Certification as specified in the Career Pathway's Assessment Blueprint and outlined in **Appendix A-5** in the current edition of the *Mississippi Public School Accountability Standards*.

    d. Obtain the *Silver Level* on the ACT WorkKeys **plus one** of the following:

        i. Earn a CPAS (Career Planning and Assessment System) score that meets the attainment level assigned by Federal Perkins requirements.

        ii. Earn an approved Industry Certification as specified in the Career Pathway's Assessment Blueprint and in **Appendix A-5** in the current edition of the *Mississippi Public School Accountability Standards*.

2. Biology I

    a. Obtain a score of **17** or higher on the Science subject subscore of the ACT.

b. Earn a C or higher in an entry level, credit-bearing dual enrollment / dual credit / college credit course with a BIO prefix.

i. Obtain an ASVAB AFQT score of 36 **plus one** of the following:

i. Earn a CPAS (Career Planning and Assessment System) score that meets the attainment level assigned by Federal Perkins requirements.

ii. Earn an approved Industry Certification as specified in the Career Pathway's Assessment Blueprint and in **Appendix A-5** in the current edition of the *Mississippi Public School Accountability Standards*.

d. Obtain the *Silver Level* on the ACT WorkKeys **plus one** of the following:

i. Earn a CPAS (Career Planning and Assessment System) score that meets the attainment level assigned by Federal Perkins requirements.

ii. Earn an approved Industry Certification as specified in the Career Pathway's Assessment Blueprint and in **Appendix A-5** in the current edition of the *Mississippi Public School Accountability Standards*.

3. English II

a. Obtain a score of **17** or higher on the English subject subscore of the ACT.

b. Earn a C or higher in an entry level, credit-bearing dual enrollment / dual credit college credit course with an ENG prefix.

c. Obtain an ASVAB AFQT score of 36 **plus one** of the following:

i. Earn a CPAS (Career Planning and Assessment System) score that meets the attainment level assigned by Federal Perkins requirements.

ii. Earn an approved Industry Certification as specified in the Career Pathway's Assessment Blueprint and in **Appendix A-5** in the current edition of the *Mississippi Public School Accountability Standards*.

d. Obtain the *Silver Level* on the ACT WorkKeys **plus one** of the following:

i. Earn a CPAS (Career Planning and Assessment System) score that meets the attainment level assigned by Federal Perkins requirements.

ii. Earn an approved Industry Certification as specified in the Career Pathway's Assessment Blueprint and in **Appendix A-5** in the current edition of the *Mississippi Public School Accountability Standards*.

4. U.S. History

a. Obtain a score of **17** or higher on the reading subject subscore of the ACT.

b. Earn a C or higher in an entry level credit-bearing dual enrollment / dual credit / college credit course with a HIS prefix.

c. Obtain an ASVAB AFQT score of 36 **plus one** of the following:

   i. Earn a CPAS (Career Planning and Assessment System) score that meets the attainment level assigned by Federal Perkins requirements.

   ii. Earn an approved Industry Certification as specified in the Career Pathway's Assessment Blueprint and in **Appendix A-5** in the current edition of the *Mississippi Public School Accountability Standards*.

d. Obtain the *Silver Level* on the ACT WorkKeys **plus one** of the following:

   i. Earn a CPAS (Career Planning and Assessment System) score that meets the attainment level assigned by Federal Perkins requirements.

   ii. Earn an approved Industry Certification as specified in the Career Pathway's Assessment Blueprint and in **Appendix A-5** in the current edition of the *Mississippi Public School Accountability Standards*.

Source: *MS Code 37-17-6 and 37-16-7 (Adopted 01/2014)*

Part 3 Chapter 37: Grants/Subgrants

Rule 37.1 Grants/Subgrants. The Mississippi Department of Education Grants/Subgrants Policy set forth herein applies to the awarding of all grants and subgrants by the Mississippi Department of Education. Violation of this policy shall carry such penalties as may be applicable under state and federal laws. The awarding office shall be responsible for compliance with the rules and regulations governing the awarding of such grants and subgrants. The awarding of grant funds shall be governed by all applicable rules and regulations promulgated by the grantor, state and federal regulations, and policies approved by the Mississippi Board of Education. Formula grants are awarded to eligible grantees on a non-competitive basis based upon a predetermined formula. Competitive grants are awarded to eligible grantees on the basis of a competitive review process. Discretionary grants are awarded to eligible grantees based upon the requirements of the grantor.

Prior to the awarding of any grant, the Mississippi Board of Education shall approve the methodology to be utilized in awarding the grants. In addition, any competitive or discretionary grant award resulting in one or more entities receiving an amount of $50,000 or greater shall require Board approval.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2010)*

Part 3 Chapter 38: Healthy and Safe Schools

Rule 38.1 School Violence Reporting. The State Board of Education is implementing the requirements of Section 37-11-29, Mississippi Code of 1972, as amended 1994, which requires the development of a form to report school violence; the required form is attached. State Department of Education staff shall develop guidance materials to assist school districts in reporting school violence.
To obtain a Report of Unlawful Activity and Violent Act Form go to: MS Department of Education website, Office of Healthy Schools.

Source: *Miss Code Ann. 37-11-29 (Adopted 8/1994)*

Rule 38.2 Behavior Modifications. Section 37-13-92, Mississippi Code of 1972, requires the State Board of Education to establish the definition and components of a behavior modification program.

1. Definition:
   Policies, procedures and research-based strategies that teach students the skills needed to make positive decisions concerning behavior and learning.

2. Components:
   The program will contain procedures and research-based strategies that:
   a. Include a (proactive) prevention component for all students;
   b. Include interventions designed to deal with common disciplinary problems;
   c. Provide an intensive intervention program for low-incidence behavior problems;
   d. Provide professional development for all team members and parents;
   e. Provide a safe and disciplined environment where teaching and learning can take place; and
   f. Permit implementation of the School Safety Plan.

Source: Miss Code Ann. 37-13-92 (Adopted 1/2005)

Rule 38.3 Beverage Regulations. The State Board of Education shall adopt beverage regulations for school district compliance of what products can be sold and when on a school campus.

Beverage Regulations for Mississippi Schools
The Mississippi Board of Education recognizes the critical role that adequate hydration plays in healthy weights, disease prevention, and dental health, as well as academic performance. The fluid and nutrition needs of young people at school are best met through well-balanced, nutrient-rich school meals provided through Child Nutrition Programs, planned by nutrition professionals following US Department of Agriculture (USDA) guidelines.

http://www.cn.mde.k12.ms.us/resources/pnp/CNPoliciesAndProceduresManual.pdf

Source: *Miss. Code Ann. § 37-1-3 (Adopted: 10/2006)*

Rule 38.4 Snack Regulations. The State Board of Education shall adopt snack regulations for school district compliance of what products can be sold and when on a school campus. For a copy of the updated regulations, go to: http://www.cn.mde.k12.ms.us/Regs&Policies/vending/vendingregsnk.pdf.

Source: *Miss. Code Ann. § 37-1-3 (Adopted: 10/2006)*

Rule 38.5 Minimum Training Standards. Section 37-7-321, Mississippi Code of 1972 requires the State Board of Education to establish training standards for school safety personnel.

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

Rule 38.6 School Resource Officer Basic Course (Repealed 3/2012)

Rule 38.7 School Safety Officer Basic Course (Repealed 3/2012)

Rule 38.8 School Nurse Procedures and Standards of Care. In September 2007 the Mississippi Board of Education approved the Mississippi School Nurse Procedures & Standards of Care June 2007. These procedures and standards were developed through collaboration between the Mississippi Department of Education, the Mississippi Board of Nursing, the Mississippi Department of Health, and the Mississippi School Nurse Association.

Source: *Miss. Code Ann. § 37-1-3 (Adopted: 9/2007)*

Rule 38.9 Criteria for School Nurse (Registered Nurse) & Licensed Practical Nurse Working in the School Setting.

1. QUALIFICATIONS:

    a. Possess a valid Mississippi Nursing License

    b. Possess a minimum of one year of work experience in the health care area

    c. Possess good verbal and written communication skills

    d. Possess organizational and time management skills, and the ability to communicate well with children, parents, school faculty and administration

    e. Possess the ability to work independently according to all nursing practice standards

    f. Such alternatives to the above qualifications as the District School Board may find appropriate and acceptable

2. JOB GOAL: Ensure the health of all students as a means to ensure academic success

3. PERFORMANCE RESPONSIBILITIES:
   The major focus of school nursing services is the prevention of illness and disabilities and the early detection and correction of health problems.
   The school nurse promotes and protects the health status of students and staff through functions in all areas of Coordinated School Health.

   a. HEALTH SERVICES
      i. Provide health assessments
         a) Obtain a health history

         b) Screen and evaluate vision, hearing, scoliosis, dental and others as directed

         c) Observe students as required for development and health patterns/concerns.

         d) Participate in school registration process to procure parental consent and health insurance information

      ii. Develop and implement health plans and procedures
         a) Maintain a confidential cumulative health record for each student

         b) Interpret the health status of students to parents and school personnel.

         c) Initiate and follow referrals for intervention and/or remediation

         d) Plan and implement health management protocols and modification of school programs and environment.

      iii. Provide direct nursing intervention
         a) Administer appropriate level of first aid for illness and injury, including CPR

         b) Administer/supervise medication and monitor the effects.

         c) Provide individual health counseling concerning high-risk behaviors.

         d) Perform skilled nursing functions

   b. HEALTH EDUCATION
      i. Provide health education for students, staff and parents
         a) Coordinate and participate in student support groups and activities.

         b) Promote and interpret health careers which may include participation of school in allied health programs.

c) Teach health topics as outlined in the Mississippi Comprehensive Health Framework which will include but not be limited to tobacco, alcohol and substance abuse prevention

ii. Serve as a resource person in health education

a) Participate in health curriculum planning and evaluation.

b) Promote drop-out prevention programs

c. HEALTHY SCHOOL ENVIRONMENT

i. Recommend provisions for a safe, healthy school environment.

ii. Serve on school committees to develop and implement safety programs.

iii. Promote and assist in control of communicable diseases.

iv. Ensure that each student complies with the immunization requirements of the State of Mississippi

v. Confirm that students have medical emergency cards on file.

vi. Participate in wellness projects

d. PHYSICAL EDUCATION

i. Promote healthy physical education, sports policies and practices

ii. Serve as a health resource to the physical education staff

e. NUTRITION SERVICES

i. Support healthy food service programs.

ii. Serve as a health resource to school food service staff

f. COUNSELING, PSYCHOLOGICAL & SOCIAL SERVICES

i. Provide crisis intervention for emotional/physical disturbances.

ii. Counsel students as needed

g. HEALTH PROMOTION FOR STAFF

i. Screen and counsel school employees as needed.

ii. Administer/provide influenza vaccinations for staff upon request.

iii. Provide staff with in-service training programs on health-related issues

h. FAMILY/COMMUNITY INVOLVEMENT

i. Work with agencies and civic clubs in providing assistance to indigent children

ii. Make home visits as necessary

i. **COLLECT DATA AS ESTABLISHED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION/OFFICE OF HEALTHY SCHOOLS AND REPORT TO SAME ENTITY MONTHLY** (See Program Evaluation & Measurement document.)

j. ATTEND ANNUAL TRAINING MEETING SPONSORED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION/OFFICE OF HEALTHY SCHOOLS

i. It is the position of the Mississippi Board of Nursing that the scope of practice of the school nurse requires the knowledge of the RN (Registered Nurse). A LPN (Licensed Practical Nurse) may not function in the role of "school nurse."

ii. A Licensed Practical Nurse working in the school setting is functioning within her scope when she is working under the direct supervision of a RN who is either physically present on the premises or available at all times to the LPN.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 9/2007)*

Rule 38.10 Recommended Non-Binding Mississippi School Nurse Salary Schedule. Pursuant to House Bill 1132 as passed in the 2007 Legislative Session, the Mary Kirkpatrick-Haskell – Mary Sprayberry Public School Nurse Act of 2007 states that, "the State Department of Education, through the Office of Healthy Schools, shall…develop recommended salary structure for school districts to use when hiring a school nurse." In the absence of a salary scale of any kind for school nurses, the Office of Healthy Schools has recommended that districts either use the teacher salary scale when hiring school nurses, or – if recruitment dictates - pay based on a trend for their particular area. Most districts have used the teacher salary scale. The recommended non-binding salary schedule is *the teacher salary* scale simply adjusted for nursing degrees. It applies only to Registered Nurses. Licensed Practical Nurses are considered non-exempt employees under the Fair Labor Standards Act and must be paid on an hourly basis.

Recommended Non-Binding Mississippi School Nurse Salary Schedule

		2007-2008		
Yrs. Exp.	**Doctorate**	**Masters**	**BSN**	**Associate Degree RN**
0	$35,020	$33,990	$32,960	$30,900
1	$35,814	$34,717	$33,620	$31,395
2	$36,608	$35,444	$34,280	$31,890

3	$37,402	$36,171	$34,940	$32,385
4	$38,196	$36,898	$35,600	$32,880
5	$38,990	$37,625	$36,260	$33,375
6	$39,784	$38,352	$36,920	$33,870
7	$40,578	$39,079	$37,580	$34,365
8	$41,372	$39,806	$38,240	$34,860
9	$42,166	$40,533	$38,900	$35,355
10	$42,960	$41,260	$39,560	$35,850
11	$43,754	$41,987	$40,220	$36,345
12	$44,548	$42,714	$40,880	$36,840
13	$45,342	$43,441	$41,540	$37,335
14	$46,136	$44,168	$42,200	$37,830
15	$46,930	$44,895	$42,860	$38,325
16	$47,724	$45,622	$43,520	$38,820
17	$48,518	$46,349	$44,180	$39,315
18	$49,312	$47,076	$44,840	$39,810
19	$50,106	$47,803	$45,500	$40,305
20	$50,900	$48,530	$46,160	$40,800
21	$51,694	$49,257	$46,820	$41,295
22	$52,488	$49,984	$47,480	$41,790
23	$53,282	$50,711	$48,140	$42,285
24	$54,076	$51,438	$48,800	$42,780
25 & above	$56,930	$54,225	$51,520	$44,840

1. This salary schedule is applicable to Registered Nurses (RN) only, classified as exempt employees under the Fair Labor Standards Act (FLSA).

2. Licensed Practical Nurses (LPN) are non-exempt employees under FLSA, and should be paid on an hourly basis.

3. Certified Nurse Assistants (CNA) will be paid on the same scale as Teacher Assistants ($12,500 minimum).

4. Nationally Certified School Nurses will receive a $6,000 salary supplement annually.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/2007)*

Rule 38.11 Nutrition Standards.

1. The Mississippi Department of Education recognizes that:

    a. A crucial relationship exists between nutrition and health and nutrition and learning. The health and nutrition needs of growing students are met with USDA school meals programs.

    b. As a minimum, school districts must follow all current and future requirements and recommendations of the USDA National School Lunch Program Meal Patterns and Nutrient Standards.

    c. The 2005 Dietary Guidelines for Americans, USDA's My Pyramid (www.mypyramid.gov) and the USDA Healthier U.S. School Challenge provides nutritional guidance for school meals.

    d. Schools must offer equal access to all meals or items served or sold under the National School Lunch & Breakfast Programs.

    e. Students need adequate time to eat and enjoy meals served in schools.

    f. Moving recess before lunch, through a simple schedule change, may provide many benefits for students especially in grades K-12.

    g. Family education will be the key to building a healthy future for all Mississippians. Families must embrace nutrition and wellness; it is crucial to the success of our efforts. Mississippi public schools offer the best resources, facilities and structure to promote family nutrition education.

    h. Offering healthful foods and beverages in schools does not guarantee that students will choose them. Aggressive marketing techniques must inform students, teachers,

administrative staff and most importantly, the public of the benefits of eating in the school cafeteria.

i. School districts are encouraged to participate in the Healthier U.S. School Challenge and become a USDA Team Nutrition School.

2. The Mississippi Department of Education intends that:
   i. Healthy food and beverage choices:
      i. Schools shall increase fresh fruits and vegetables offered to students. A minimum of one fresh fruit or vegetable choice should be offered to students each day.

      ii. School menus shall offer a minimum of three different fruits and five different vegetables weekly. Schools should try to serve dark green leafy vegetables or broccoli and/or orange vegetables (high in vitamin A) or fruits three times per week. A Vegetable Guidance List can be downloaded on the Office of Healthy Schools website at www.healthyschoolsms.org

      iii. Schools shall offer milk choices with a maximum milk fat of 1%, unless USDA Regulations require a lower milk fat content. Flavored nonfat or low-fat, or milk shall contain no more than 160 calories per 8-ounce serving.

      iv. Schools shall only offer 100% fruit and vegetable juice with no added sugar.

   ii. Healthy food preparation.
      i. Schools shall comply with the existing USDA NSLP/SBP meal pattern requirements. This includes meeting the minimum nutrient standards for calories, protein, calcium, iron, vitamin A, vitamin C and the maximum levels of 30% calories from fat and less than 10% calories from saturated fat. (USDA Food and Nutrition Services or www.fns.usda.gov)

MINIMUM NUTRIENT AND CALORIE LEVELS FOR SCHOOL LUNCHES SCHOOL WEEK AVERAGES				
	MINIMUM REQUIREMENTS (LEVELS ARE MATCHED TO GRADES OF SCHOOLS)			
NUTRIENTS AND ENERGY ALLOWANCES	Grades K-3	Grades 4-12	Grades K-6	Grades 7-12
Energy allowances (calories)	633	785	664	825
Total fat (as a percentage of actual total food energy)	1, 2	1, 2	2	1, 2
Saturated fat (as a percentage of actual total food energy)	1, 3	1, 3	3	1, 3
RDA for protein (g)	9	15	10	16
RDA for calcium (mg)	267	370	286	400
RDA for iron (mg)	3.3	4.2	3.5	4.5
RDA for Vitamin A (RE)	200	285	224	300
RDA for Vitamin C (mg)	15	17	15	18

ii. The Dietary Guidelines recommend that after 2 years of age "...children should gradually adopt a diet that, by about 5 years of age, contains no more than 30 percent of calories from fat."
iii. Not to exceed 30 percent over a school week
iv. Less than 10 percent over a school week

iii. Schools shall develop and implement a food safety program by July 1, 2005. Every school shall develop a HACCP system plan as required by the Child Nutrition and WIC Reauthorization Act of 2004. (National School Lunch Act Section 9 (H)) Schools shall update their School Wellness Policy to include a food safety assurance program for all food offered to students through sale or service.

iv. Schools shall secure a Food Service Operational Permit through the Mississippi State Department of Health for approval to operate under the National School Lunch/National School Breakfast Program.

v. Mississippi State Department of Health conducts two School Food Facility Inspections per site each school year. The State Agency is required by federal regulations to submit a written report to the United States Department of Agriculture (USDA) Food and Nutrition Service reporting on the number of School Food Facility Inspections conducted per site. (Child Nutrition and WIC Reauthorization Act 2004, Section15. 9(H), Implementation Memo SP-24).

vi. Schools shall implement healthy school food preparation techniques using training materials developed through sources such as USDA, National Food Service Management Institute or Mississippi Department of Education. Training documentation and assessment records shall be retained for review by Mississippi Department of Education.

vii. Schools should limit fried foods whenever possible and practical. Schools shall develop a long range plan for reducing and/or eliminating fried products in their lunch and breakfast menus. The long range plan should include preparation methods using existing equipment and/or goals to replace fryers with combi-oven/steamers as budgets allow. The long range plan (3 years) must be submitted to the Office of Child Nutrition by July 2010 and maintained on file in the school district. The long range plan must include preparations using existing equipment, and/or replace existing fryers with combi- oven/steamers.

viii. Marketing of healthy food choices to students and staff

i. Train School Foodservice Administrators, Kitchen Managers, and Cooks in Marketing, New Cooking Techniques, and Garnishing using available or newly developed training tools, such as Marketing Sense – Mississippi Department of Education, Office of Child Nutrition

ii. Use the Whole School Approach in Marketing the Local Wellness Policy. Administration, faculty, staff, students, and parents need to be solicited to be a part of the implementation of the Local Wellness Policy. Educating the family and the community is crucial to the success of our efforts.

a) Suggestions include:
   1) Establishing Community Partnerships. With these groups on-board with the program, they can provide physical and financial support.
      A. Junior League

      B. Service Organizations (Rotary, Kiwanis, etc.)
      C. Local Community Foundations

   2) Marketing New Foods. Research shows that it takes a number of times for an item to be served before it can be accepted. To facilitate the introduction of a new item, we suggest:
      A. Tasting Parties

      B. Serving Line Sampling

      C. Serving Line Promotion

ix. Food preparation ingredients and products
   i. School districts shall adopt the Dietary Guideline recommendation that trans-fatty acids will be kept "as low as possible".

   ii. Wherever possible and practical, school lunch and breakfast programs shall include products that are labeled "0" grams trans fat.

   iii. Schools shall incorporate whole grain products into daily and weekly lunch and breakfast menus based on product availability and student acceptability. School Food Authorities are encouraged to increase the amount and variety of whole grain products and at a minimum must serve at least 1 serving of whole grain products. At a minimum, one grain/bread component must be whole grain at least three days per week at lunch. The same item may not be served each day.

j. Minimum and maximum time allotment for students and staff lunch and breakfast periods
   i. Schools shall schedule at least a minimum of 24 minutes to ensure an adequate eating time for school lunch. The factors influencing the lunch period are wait time, consumption time, standard deviation/variability and social time.

   ii. Since school breakfast is not factored into the regular school day, schools should take into consideration the recommended time of 10 minutes for a child to eat school breakfast after they have received the meal.

k. The availability of food items during the lunch and breakfast periods of the Child Nutrition Breakfast and Lunch Programs.
   i. School districts shall comply with the Mississippi Board of Education Policy on Competitive Food Sales as outlined in the Mississippi Board of Education Policies.

ii. School districts shall update the wellness policy to address limiting the number of extra sale items that may be purchased with a reimbursable meal. This policy will exclude extra beverage purchases of milk, juice and/or water. Schools may want to consider the following options:

   a. Example:
      1. Elementary School – 1 extra sale item other than beverage
      2. Middle School – 1 extra sale item other than beverage
      3. High School – 2 extra sale items other than beverage

iii. Schools may sell extra items in individual packages not to exceed 200 calories. Example: ice cream, baked chips (grain), 100% juice bars, 100% fruit juice, or granola bars, or cereal bars.

iv. Schools may sell extra items in portions not to exceed the menu portion serving size. Example: ½ cup of fruit, ½ cup of vegetable, 2oz. wheat roll or entrees with 2-3 oz. protein.

v. Schools will use marketing, pricing and nutrition education strategies to encourage healthy extra sale selections.

   a. Example:
      1. Healthy selections such as fruit or vegetables priced lower than other selections
      2. Healthy selections positioned in a visibly prominent location
      3. Fun nutrition information marketing the healthy selections

l. Methods to increase participation in the Child Nutrition School Breakfast and Lunch Programs

i. Since school food service operates like a business with income and expenses, adequate marketing ensures a successful program operation. Child nutrition programs are usually highlighted once or twice a year during National School Lunch and Breakfast Weeks. For marketing to be effective, it should occur more frequently. When devising a plan, remember the following:

ii. Define your business.
iii. Define your customers.
iv. Evaluate your plan and budget.
v. Define your objectives.

m. Family education will be the key to building a healthy future for all Mississippians. Mississippi public schools offer the best resources, facilities and structure to promote family nutrition education.

n. Schools are strongly encouraged to develop academic partnerships with appropriate governmental agencies to offer family nutrition education programs. Family education should be incorporated into each school's Wellness Policy.

o. Schools will promote healthful eating and healthy lifestyles to students, parents, teachers, administrators and the community at school events.

p. Methods to award incentives to schools who have achieved USDA recognition through USDA's Healthier US School Challenge Program.

3. House Bill 1078, of the 2010 Regular Session of the Mississippi Legislature, added a new section 37-11-8 to the Mississippi Code of 1972 requiring the Department of Education to provide financial incentives to schools recognized by the United States Department of Agriculture (USDA) through the Healthier US School Challenge Program. House Bill 1078 provided financial incentives up to $200,000 per year allocated to schools receiving awards of: Bronze - $2,000, Silver - $4,000, Gold - $6,000 and Gold with Distinction - $8,000. The following procedures will be used to allocate the financial incentives provided under House Bill 1078.

   i. House Bill 1078 restricts eligibility to Public Schools.

   ii. State funding is limited to $200,000 per year.

   iii. Schools recognized by USDA as achieving a Healthier US School Challenge level prior to March 1st will receive their allocation by June 30th of the same year.

   iv. Schools recognized by USDA as achieving a Healthier US School Challenge level between March 1 and June 30 will receive their allocation in the next Budget Year.

   v. Funding of the financial incentives, established by House Bill 1078, will consist of both federal and state funds. Federal funds awarded to schools receiving an award level will be counted first towards the total dollar allocations established by House Bill 1078. State funds will be used to make up the additional incentive amount to equal the set award, up to the annual allocation of $200,000 per year.

   vi. Funding of award levels will follow the USDA Healthier US School Challenge Program and is based on award criteria effective January 1, 2009. Schools receiving their award level after January 1, 2009 will be eligible to receive the financial incentive.

   vii. Funding Table:

Award Level	Federal Funds	State Funds	Total Award
Bronze	$ 500	$1,500	$2,000
Silver	$1,000	$3,000	$4,000
Gold	$1,500	$4,500	$6,000
Gold Distinction	$2,000	$6,000	$8,000

viii. USDA Healthier US School Challenge award levels are currently recognized for a period of four years. If a school improves its award level during the four year period of another award level, the school will receive funding for the new award level. Example: If a school is recognized for a Bronze level and two years later applies and is recognized at the Silver level they would receive financial incentives for Silver Level.

4. In Summary:

School Nutrition Programs must play a central role in modeling good nutrition. These regulations offer schools a standard for improving the nutritional quality of school meals. These recommendations go above and beyond the established standards for the USDA National School Lunch Program. Healthy eating patterns and adequate nutrients are important for school-aged children to promote cognitive development, prevent health problems and reduce under-nutrition which has been linked to increase behavioral and emotional functioning.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

Rule 38.12 Physical Education/Comprehensive Health Education Rules and Regulations. The Mississippi Department of Education understands the relationship between student health and academic achievement. Research supports the relationship between quality physical education programs and the development of social skills, academic performance, increased attendance, and a reduction in discipline referrals. In accordance with Mississippi Code of 1972 Annotated Section 37-13-134 (Mississippi Healthy Students Act) and the Mississippi Public School Accountability Standards, the State Board of Education has adopted the following rules and regulations to support the implementation of quality activity based and health education programs.

1. DEFINITIONS

   a. Physical Education is a sequentially planned, developmentally appropriate K-12 curriculum and instruction that promotes lifelong physical activity. It helps students develop the knowledge, motor skills, self-management skills, social skills, attitudes and confidence needed to adopt and maintain physical activity throughout their lives.

      Quality physical education programs provide opportunities for:

      i. students to learn the skills necessary to perform a variety of physical activities

      ii. students to know the implications and benefits of participating regularly in physical activity

      iii. students to be physically active

   b. Physical Activity is any movement of the body that expends energy, such as exercise, sports, dance, swimming, lifting weights or other body movements that result in an increased heart rate. Physical activity also includes daily activities like walking programs, recess, etc. Physical activity characterizes all types of human movement

that leads to an expenditure of energy; associated with living, work, play, and exercise.

c. Activity Based Instruction allows students to practice movements learned in a variety of settings that lead to an expenditure of energy and/or support other subject areas.

   This instruction could be integrated into the regular classroom setting (See Appendix: Approved Curriculum) Comprehensive Health Education is a sequentially planned, developmentally appropriate curriculum and instruction based on the Mississippi Comprehensive Health Framework that promotes a healthy lifestyle. It guides students in developing the basic knowledge, decision making skills and ability to obtain valid health information.

2. IMPLEMENTATION I. Grades K-8
   a. Successful implementation of Physical Education and Comprehensive Health Education must include the following:
      i. 150 minutes per week of instruction through a combination of physical education, physical activity, and activity based instruction

      ii. 45 minutes per week of health education

      iii. Fitness testing in grade 5 (See Appendix)

   b. Standard 33 of the Mississippi Public School Accountability Standards requires physical education to be a part of the basic curriculum in any configuration of grades K-8. The total number of minutes in physical education must not be below 50 minutes per week.

   c. In grades 7-8 extracurricular activities, such as basketball, baseball, marching band, show choir, cheerleading, archery, softball, and football that are sanctioned by the Mississippi High School Activities Association and JROTC can be substituted for physical education if:
      i. attendance is kept; and

      ii. instruction is based on at least one competency from the Mississippi Physical Education Framework; and

      iii. Staff licensed by the Mississippi Department of Education supervises practices and games.

   This instruction would be coded in MSIS as a physical education course (See Appendix: Course Codes).

d. Suggested sample school schedules for elementary and middle schools to assist in complying with the mandated activity based instruction and health education for K-8 are as follows:

e. Sample Elementary School Schedule

i. Example 1

Monday -25 minutes of physical education
10 minutes of recess
10 minutes of activity based instruction integrated by regular classroom teacher
9 minutes of instruction in health education

Tuesday -10 minutes of recess
10 minutes of activity based instruction integrated by regular classroom teacher
9 minutes of instruction in health education

Wednesday-25 minutes of Physical Education
10 minutes of recess
10 minutes of activity based instruction integrated by regular classroom teacher
9 minutes of instruction in health education

Thursday -10 minutes of recess
10 minutes of activity based instruction integrated by regular classroom teacher
9 minutes of instruction in health education

Friday-10 minutes of recess
10 minutes of activity based instruction integrated by regular classroom teacher
10 minutes of instruction in health education

ii. Example 2

Monday-30 minutes of physical education
12 minutes of instruction in health education

Tuesday –30 minutes of physical education
12 minutes of instruction in health education

Wednesday –30 minutes of physical education
12 minutes of instruction in health education

Thursday-30 minutes of physical education
12 minutes of instruction in health education

Friday –30 minutes of physical education

iii. Example 3
Monday-20 minutes of recess or other activity based program

Tuesday-20 minutes of recess or other activity based program
50 minutes of physical education
Wednesday -20 minutes of recess or other activity based program

Thursday -20 minutes of recess or other activity based program
45 minutes of health education

Friday-20 minutes of recess or other activity based program

iv. Example 4
Monday -10 minutes of activity based instruction integrated by regular classroom teacher
15 minutes of instruction in health education

Tuesday-5 minutes of activity based instruction integrated by regular classroom teacher
25 minutes of physical education

Wednesday- 10 minutes of activity based instruction integrated by regular classroom teacher
20 minutes of recess or other activity based program
15 minutes of instruction in health education

Thursday-5 minutes of activity based instruction integrated by regular classroom teacher
25 minutes of physical education

Friday-10 minutes of activity based instruction integrated by regular classroom teacher
20 minutes of recess or other activity based program minutes of instruction in health education

f. Sample Middle School Schedule

i. Example 1
Monday -25 minutes of physical education
15 minutes of instruction in health education
10 minutes activity based program
5 minutes of activity based instruction provided by regular classroom teacher

Tuesday -10 minutes other activity based program
5 minutes of activity based instruction provided by regular classroom teacher

Wednesday - 15 minutes of instruction in health education
10 minutes of activity based program
25 minutes of physical education
5 minutes of activity based instruction provided by regular classroom teacher

Thursday - 15 minutes of activity based instruction provided by regular classroom teacher

Friday -15 minutes of instruction in health education
1. minutes activity based program
25 minutes of physical education
5 minutes of activity based instruction provided by regular classroom teacher

ii. Example 2
Monday -45 minutes of physical education (Group 1)
12 minutes of recess or other activity based program

Tuesday-45 minutes of physical education (Group 2)
12 minutes of recess or other activity based program

Wednesday -45 minutes of health education (Groups 1 and 2)

Thursday -45 minutes of physical education (Group 1)
12 minutes of recess or other activity based program

Friday -45 minutes of physical education (Group 2)
13 minutes of recess or other activity based program

3. Grades 9-12

a. Successful implementation of Physical Education and Comprehensive Health Education must include the following:
   i. ½ Carnegie unit of physical education provided by staff that possess a valid 9-12 teaching license with a physical education endorsement (See Waivers/Exemptions in Appendix, item 11.)

   ii. Mississippi Public School Accountability Standards require ½ Carnegie unit requirement for health education provided by staff that possess a valid 9-12

teaching license with a health education endorsement (See Waivers/Exemptions in Appendix, item 11.)

iii. Fitness Testing in the grade which the student receives credit toward graduation

b. Sample school schedules high schools to assist in complying with the mandated physical education and health education for 9-12 are as follows:

c. Sample High School Schedule

i. Example 1

Health One semester course
Physical Education One semester course

ii. Example 2

1st semester -Health
3 days of physical education per week

2nd semester Physical Education Physical Education
2 days of health education per week
3 days of health education per week

Health
2 days of physical education per week

Rule 38.12.1 Appendix

1. Adapted Physical Education

Refer to the students Individualized Education Program and allow parents to provide input into their child's involvement in activity based programs.

2. Approved Curriculum

a. Instruction in physical education must be based on state standards for physical education as provided in the Mississippi Physical Education Framework.
b. Instruction integrated by the regular classroom teacher may include the Health in Action web based lesson plan resource provided by the Mississippi Department of Education's Office of Healthy Schools.
c. Instruction in physical education or activity based instruction by regular education teacher or licensed physical education teacher can be based on curriculum identified in the Supplemental Resource Providers List that is based on state standards.
d. Instruction in health education must be based on state standards for health education as provided in the Mississippi Comprehensive Health Framework.

3. Class Size

a. Grades K-5

i. It is recommended that in grades K-5 the student to teacher ratio for physical education shall not exceed 35 to 1. If there is a licensed teacher and a teacher assistant, it is recommended the maximum class size for physical education shall not exceed 70 students.

b. Grades 6-12

i. It is recommended that in Grades 6-12 the maximum class size for physical education shall not exceed 40 students per licensed staff. If there is a licensed teacher and a teacher assistant it is recommended the maximum class size should not exceed 80 students.

ii. Class size should not apply to extracurricular activities such as band, JROTC, and show choir.

iii. Mississippi Public School Accountability Standard 34.5 does not apply to Physical Education or Health Education. This standard applies to core academic subjects (English, Reading, Language Arts, Math, Science, Social Studies, Foreign Language, and the Arts) as defined by No Child Left Behind and Level Four and Level Five schools are exempt from this standard.

4. Course Codes

a. The following course codes should be used for instruction in physical education and health education:
   i. 349902 Physical Education, Grades PK - 6
   ii. 340111 Physical Education, Grades 7 – 8
   iii. 340113 Physical Education, Grades 9 – 12
   iv. 905143 Physical Education, Dual Credit
   v. 349901 Health Education, Grades K-8
   vi. 340131 Health Education, Grade 7
   vii. 340132 Health Education, Grade 8
   viii. 340133 Health Education Grades 9-12
   ix. 340138 Distance Learning, Grades 9-12
   x. 905133 Dual Credit 9-12

b. Any instruction that meets the requirements of the Rules and Regulations for Physical Education or Health Education should be coded as such. This instruction also includes programs that are offered after school and meet the requirements for instruction in physical education.

c. The dual credit physical education course code can only be used by those high schools that have a signed articulation agreement between the district and post-secondary institute using the template suggested by MDE. One high school Carnegie unit is equal to six college hours of credit.

5. Equipment
   a. The Suggested Equipment List is located on the MDE website. All teachers designated to provide instruction in physical education must have access to a computer.

6. Facility

   a. Minimum
      Designated area for instruction- If this is an outside area, the area must be adequately maintained to ensure safety and facilitate participation by all students. Storage space must also be provided for equipment.

   b. Adequate
      Indoor classroom, designated outside area, and storage space should be provided for equipment.

   c. Exemplary
      Gym space is available for physical education classes. Storage space must also be provided for equipment.

7. Fitness Testing

   Students must participate in fitness testing using the FITNESSGRAM®, ACTIVITYGRAM®, President's Challenge to Physical Fitness, or other comparable program. This assessment must be conducted in grade 5 and the grade in which the student will earn the ½ Carnegie unit requirement for graduation. The time required to conduct the fitness assessment would count toward the minutes required for minimum implementation for physical education.

8. School Health Councils

   All schools must have established a school health council and the physical education and comprehensive health staff must serve on this council. Duties of this council must include, but not be limited to, conducting a needs assessment and making recommendations based on a coordinated approach to school health. The Office of Healthy Schools recommends the School Health Index as a resource/tool for each council to use for conducting this assessment.

9. Staff

   a. Physical education instruction in grades K-8 may be provided by a licensed physical education teacher, regular classroom teacher, or other staff licensed by the Mississippi Department of Education.

b. Physical education instruction in grades 9-12 must be provided by a licensed physical education teacher.

c. School districts are encouraged to develop ongoing relationships with Institutions of Higher Learning to allow students receiving degrees from an approved teacher preparation program an opportunity to assist with instruction in physical education programs.

10. Student Assessment
Staff should use the suggested assessment as provided in the Mississippi Physical Education and Comprehensive Health Education Frameworks and in the Health in Action web based resource.

11. Waivers/Exemptions

b. In grades K-12 there shall be no exemptions from physical education except for a medical exemption provided by a physician. The following guidelines must be followed:
   i. A physician must complete a Medical Release Form provided by the school.

      a) the school must keep the completed form on file.

b. In grades 7-12 extracurricular activities sanctioned by the MHSAA and JROTC can be <u>substituted for physical education if:</u>

   i. attendance is kept; and
   ii. instruction is based on at least one competency from the Mississippi Physical Education Framework; and
   iii. Staff licensed by Mississippi Department of Education supervises practices and games.

c. In grades 9-12 successful completion of the first two JROTC courses can substitute for the required ½ Carnegie unit in health education if:

   i. instruction includes all of the health components included in the JROTC I and JROTC II curriculums; and,
   ii. the JROTC teachers are licensed by the Mississippi Department of Education with the 499 endorsement code.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010)*

Rule 38.13 Restraint and Seclusion

1. Introduction

The Mississippi Department of Education and the State Board of Education supports a positive approach to behavior that uses proactive strategies to create a safe school climate that promotes dignity, creates authentic student engagement, and improves student achievement for all students. When teachers and administrators implement evidence-based positive behavior supports with fidelity, a safe and orderly school environment is created that is conducive to learning and students are able to achieve without the constant interruptions that occur when teachers are required to address discipline in the classroom.

Research indicates that the most effective response to school violence is to establish a school culture that emphasizes prevention, early identification, teaching, reinforcement of appropriate behavior and continuous data-based problem solving. One primary method is to structure the environment using a non-aversive effective behavioral system, such as Positive Behavior Interventions and Supports (PBIS). Effective positive behavioral systems are comprehensive, in that they are comprised of a framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavioral outcomes for all students. The PBIS prevention-oriented framework or approach applies to all students, all staff, and all settings. When integrated with effective academic instruction, such systems can help provide the supports children need to become actively engaged in their own learning and academic success. Schools successfully implementing comprehensive behavioral systems create school-wide environments that reinforce appropriate behaviors while reducing instances of dangerous behaviors that may lead to the need to use restraint or seclusion. In schools implementing comprehensive behavioral systems, trained school staff use preventive assessments to identify where, under what conditions, with whom, and why specific inappropriate behavior may occur, as well as implement de-escalation techniques to defuse potentially violent dangerous behavior. Preventive assessments should include (1) a review of existing records; (2) interviews with parents, family members, and students; and (3) examination of previous and existing behavioral intervention plans. Using these data from such assessments helps schools identify the conditions when inappropriate behavior is likely to occur and the factors that lead to the occurrence of these behaviors; and develop and implement preventive behavioral interventions that teach appropriate behavior and modify the environmental factors that escalate the inappropriate behavior. The use of comprehensive behavioral systems significantly decreases the likelihood that restraint or seclusion would be used, supports the attainment of more appropriate behavior, and, when implemented as described, can help to improve academic achievement and behavior. In order to reduce the use of aversive techniques in response to student behavior, restraint and seclusion, school wide behavior systems should include a comprehensive behavior management system that includes: (a) socially valued and measurable outcomes, (b) empirically validated and practical practices (c) systems that efficiently and effectively support the implementation of these practices, and (d) continuous collection and use of data for decision making.

However, at times, some students exhibit behaviors which place themselves and others in imminent danger. Schools shall implement proactive strategies and interventions to reduce the likelihood of these situations, and they shall have clearly identified responses to address such situations when they occur. Additionally, schools shall have policies in place that address the responses needed to ensure the safety of all students and staff.

2. Restraint and Seclusion Policy

A Restraint and Seclusion Policy is defined through written local school board-approved policies and procedures that define appropriate means of restraint and seclusion to provide for a safe and orderly education. These policies and procedures shall apply to all students in the local school district and shall not focus on one or more subgroups of students.

In accordance with Miss. Code Ann. §§ 37-9-69 and 37-11-57, it is recognized that staff may intercede in situations wherein students are displaying physically violent behavior or are deemed to be a danger to themselves or others. State Board policy positively prohibits the use of excessive force, or cruel and unusual punishment regarding student management. Restraint and/or seclusion shall not be utilized as a punitive measure.

This policy in no way shall inhibit the right of staff to reasonable self-defense in accordance with the provisions of the 5th and 14th amendments to the Constitution of the United States, or the Constitution of Mississippi, nor negate the obligation of the district to provide a safe work environment.

3. Definitions
   a. Aversive behavioral interventions is defined as a physical or sensory intervention program intended to modify behavior that the implementer knows would cause physical trauma, emotional trauma, or both, to a student even when the substance or stimulus appears to be pleasant or neutral to others and may include hitting, pinching, slapping, water spray, noxious fumes, extreme physical exercise, loud auditory stimuli, withholding of meals, or denial of reasonable access to toileting facilities.

   b. Aversive procedure is defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to: infliction of bodily pain, (e.g., hitting, pinching, slapping), water spray, noxious fumes, extreme physical exercise, costumes, or signs.

   c. Aversive technique is defined as physical, emotional or mental distress as a method of redirecting or controlling behavior.

   d. Behavioral intervention is defined as the implementation of strategies to address behavior that is dangerous, inappropriate, detrimental, or otherwise impedes the learning of the students.

   e. Behavior Intervention Plan (BIP) is defined as a plan of action for managing a student's behavior. The BIP includes a set of strategies and supports intended to increase the occurrence of behaviors that school personnel encourage and to decrease behaviors that school personnel want to lessen or eliminate. The BIP shall include:

i. Observable and measurable description of the problem behavior;
ii. Identified purpose of the problem behavior as a result of the FBA;
iii. General strategy or combination of strategies for changing the problem behavior;
iv. Written description of when, where, and how often the strategy will be implemented; and
v. Consistent system of monitoring and evaluating the effectiveness of the plan.

f. Chemical restraint is defined as "the administration of medication for the purpose of restraint." Chemical restraint does not apply to medication prescribed by and administered in accordance with the directions of a licensed physician. The use of chemical restraint is prohibited in Mississippi Public Schools.

g. Dangerous behavior is defined as behavior that presents an imminent danger of physical harm to self or others but does not include inappropriate behaviors such as disrespect, noncompliance, insubordination, or out–of-seat behaviors.

h. De-escalation techniques are defined as strategically employed verbal or non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.

i. Emergency situation is defined as spontaneous unpredictable events posing an imminent threat of serious bodily injury.

j. Functional Behavioral Assessment (FBA) is defined as a school-based, collaborative process that includes the parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment.
   i. The term includes direct assessments, indirect assessments and data analysis designed to assist the team to identify and define the problem behavior in concrete terms.
   ii. Contextual factors (including affective and cognitive factors) are identified that contribute to the behavior, and a hypothesis is formulated regarding the general conditions under which a behavior usually occurs and the probable consequences that maintain the behavior.
   iii. Formal documentation of the assessment by appropriately qualified individuals become part of the child's educational record.
   iv. The FBA must include all of the following:
      a. Clear description of the problematic behavior;
      b. Identification of the antecedent events, times, and situations that predict when the problem behavior will and will not occur;
      c. Identification of the consequences of the problem behavior;
      d. Development of hypotheses and summary statements that describes the problem behavior and its functions; and
      e. Collection of data from a variety of sources: interviews, direct observation data, etc.

k. Imminent danger is defined as a danger which is impending, close at hand, threatening, or about to happen.

l. Individualized Education Plan (IEP) is defined as a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§ 300.320-300.324.

m. Mechanical restraint is defined as "any device that attaches to a student's body that restricts movement and cannot be removed by the student." Examples include: straps, tie downs, boards, and harnesses. Handcuffs are also considered mechanical restraints, but may only be used by certified school resource officers, as defined in Miss. Code Ann. §§ 37-7-321 and 37-7-323. The use of mechanical restraints is prohibited in Mississippi Public Schools, except as provided in §§ 37-7-321 and 37-7-323.

   Devices not considered mechanical restraints include: adaptive equipment, protective devices, or assistive technology devices documented in a student's individualized education plan (IEP), Section 504 plan, behavior intervention plan, or otherwise prescribed for the student by a medical or related service provider, seatbelts, and other safety equipment when used to secure students during transportation.

n. Physical escort is defined as the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out (with minimal resistance) and able to respond to such physical prompt, to move to a safe location.

o. Physical prompt is defined as a teaching technique that involves physical contact with the student and that enable the student to learn or model the physical movement necessary for the development of the desired competency.

p. Physical Restraint is defined as "the use of physical force, without the use of any device or material that restricts the free movement of all or a portion of a student's body." Physical restraint does not include briefly holding a student's hand or arm to calm them or escort them to another area. A physical restraint shall be removed as soon as the student is no longer a danger to himself/herself or others. The term physical restraint does not include:
   i. Physical restraint that restricts the flow of air to the student's lungs.
   ii. Prone restraint in which a student is placed face down on the floor or other surface, and physical pressure is applied to the student's body to keep the student in the prone position.

q. Positive Behavior Interventions and Supports (PBIS) is defined as a proactive approach to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional and academic success. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social,

family, work, recreation) for all youth by making targeted misbehavior less effective, efficient, and relevant, and desired behavior more functional.

r. Positive Behavior Support Plan is defined as the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.

s. Seclusion is defined as "the confinement of a student in an enclosure from which the student's egress is restricted." Seclusion does not include in-school suspension, detention, or alternative school.

t. Section 504 Plan is defined as an individualized plan of accommodations and modifications to provide a free appropriate public education to a student who has a disability that substantially limits a major life activity. A 504 plan spells out the modifications and accommodations that will be needed for a student to have the opportunity to perform at the same level as their peers.

u. Written report is defined as a printed paper filings and electronic filings that can be printed.

4. General Procedures

Restraint

a. Physical restraint is considered to be an emergency response after all other verbal and non-verbal de-escalation measures have failed in effectiveness based on the following criteria:
   i. The student or other person is engaged in actions that would constitute a danger to themselves or others;
   ii. The student or other person is engaged in actions that would constitute potential or actual destruction of property;
   iii. To remove a non-compliant student or person from the scene of an incident;
   iv. The restraint should be removed as soon as the student is no longer a danger to themselves or others.

b. When using physical restraint for students who are a danger to themselves or others, staff should take precautions necessary to ensure the safety of the student and the staff members engaged in restraining the student. Physical restraints that restrict the flow of air are prohibited in all situations. When deemed it is necessary to restrain a student who is a danger to themselves or others, the following procedures shall be used:
   i. Restraint shall be conducted by staff who are trained in the restraint procedures adopted by the school district;
   ii. Staff shall carefully observe the student throughout the restraint to observe the student's physical and emotional status;

iii. Restraint shall be immediately terminated if the student appears to be, or claims to be, in severe stress;
iv. The restraint shall be removed as soon as the staff determines the student is no longer a danger to himself/herself or others;
v. When the student is able, he/she should be returned to the instructional activity, or to a less restrictive environment;
vi. Parents must be notified on the same school day of the incident. At the time the parent is notified, the school shall schedule a debriefing with the parent to discuss the incident. In the event a parent cannot be reached by telephone, a letter shall be sent informing the parent of the incident and the person who can be contacted at the school to address any questions the parent may have.
vii. Within two school days after the restraint incident occurs, the staff shall conduct a debriefing of the circumstances leading to the restraint and discuss any alternative behaviors that could have been utilized;
viii. The school shall report the restraint and/or seclusion incident to the local school district and the Mississippi Department of Education._

c. School districts that permit restraint and seclusion shall ensure that staff members are trained in the use of restraint. This training shall be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, crisis intervention, and de-escalation techniques.

Absent an imminent danger to health or safety, physical restraint shall only be practiced by staff trained in the physical restraint approach adopted by the local school district. The Mississippi Department of Education does not endorse a particular training program. The local school district shall select programs which are approved by the MDE and those that are founded on evidence-based techniques which focus on:
i. Certification for school personnel and recertification as required by the training program;
ii. Preventing the need for restraint;
iii. Training in first aid;
iv. Identification of antecedent behaviors;
v. Use of positive behavior supports, de-escalation, and conflict management;
vi. Keeping staff and students safe during required restraints.

Local school district administrators shall monitor the use of physical restraint to ensure fidelity of implementation. Additional and follow-up training shall be provided on an ongoing basis and any situations in which procedures are not followed shall be addressed immediately.

d. The use of mechanical restraints is prohibited in Mississippi Public Schools, except by law enforcement.

e. The use of chemical restraints is prohibited in Mississippi Public Schools.

Behavioral Interventions

a. Behavioral intervention must be consistent with the child's right to be treated as an individual. Schools shall implement an evidence-based system of positive behavioral intervention strategies and support. Elements of the system of support shall include universal screening to identify potential students, teaching school-wide expected behaviors and social skills, and a system to monitor the effectiveness of the interventions and supports.

b. Behavioral strategies, in conjunction with the school-wide system of positive behavioral interventions shall be used to help identify the causes of dangerous behavior and reduce the need for restraint or seclusion. Information about a student through interviews, observation, and records help identify the causes of the dangerous behavior and shall guide the development of a behavioral plan for the student. A complete plan shall include:
    i. Addressing the characteristics of the setting and the event;
    ii. If possible, removing the antecedents that triggered the event;
    iii. Adding antecedents that promote appropriate behavior;
    iv. Teaching appropriate behaviors to replace the dangerous behaviors.

Seclusion

a. The use of seclusion occurs in a specially designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. The room or space used for seclusion may not be locked and staff shall be present to monitor the student. Seclusion shall cease once the student regains control of his or her behavior.

    Only school personnel trained in the use of restraint and seclusion should be used to observe and monitor these students. Staff engaged in monitoring students shall have knowledge of effective restraint and seclusion procedures, emergency procedures, and knowledge of how to effectively debrief students after the use of restraint or seclusion.

b. The room or space used for seclusion shall not contain any objects or fixtures with which a student could reasonably be harmed. Additionally, the room shall provide adequate lighting and ventilation.

c. School personnel may use seclusion to address a student's behavior:
    i. If the student's behavior constitutes an emergency and seclusion is necessary to protect a student or other person from imminent, serious physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;
    ii. After less restrictive or alternative approaches have failed or have been determined to be inappropriate.

d. Each time a student is placed in restraint or seclusion, the incident shall be documented in the student's educational record or cumulative folder. The documentation shall be

available to the parent or guardian, and the parent or guardian shall be notified verbally or in writing on the day of the restraint or seclusion or no later than 48 hours following the incident In the event a parent cannot be reached by telephone, a letter shall be sent informing the parent of the incident and the person who can be contacted at the school to address any questions the parent may have. This documentation shall be provided using an incident report that is completed for each student in each instance in which the student is restrained or placed in seclusion. This report shall include the following:

i. Date of incident and date submitted in MSIS;
ii. Student's name, age and grade level;
iii. Ethnicity, sex, and non-disabled/disabled status;
iv. Location of restraint;
v. Precipitating behavior/antecedent;
vi. De-escalation efforts tried;
vii. Type of restraint used;
viii. The student's behavior and physical status during the restraint/seclusion;
ix. Total time spent in restraint or seclusion. The student shall not be kept in seclusion for more than 20 minutes. If additional time is needed, school personnel shall reassess the student and document why the extra time is needed, or after this time, if the physical behavior is still manifested, the student shall be assessed for transport to a medical facility for evaluation by a physician and the parent notified;
x. Injuries to student or staff;
xi. Staff participating in the restraint/seclusion;
xii. Staff signatures, including the principal/administrator;
xiii. Name of school employee who the parent can contact; and
xiv. Date and time parent was contacted.

After an incident of restraint and/or seclusion, all school personnel involved in the incident and appropriate administrative staff shall participate in a debriefing session for the purpose of planning to prevent or at least reduce the reoccurrence of the event. The debriefing session shall occur no later than two school days following the imposition of physical restraint or seclusion.

e. If restraint and/or seclusion is used on a student who is not identified with a disability, the student shall be referred to the school's intervention team within 10 days of the incident. The team shall determine if the student shows a pattern of behavior that would indicate the need for an intervention plan.

5. Administrative Procedures

a. Local school districts that utilize physical restraint and seclusion for all students shall develop written policies and procedures that govern the use of restraint and/or seclusion and shall periodically review and update them as appropriate. The written policies and procedures shall be designed to ensure the safety of all students, school personnel, and visitors and include the following provisions:

i. Staff and faculty training on the use of physical restraint;

ii. Parental notification when physical restraint is used to restrain their student not to exceed one school day from the use of the restraint;
iii. Documentation of the use of physical restraint or seclusion by staff or faculty participating in or supervising the restraint or seclusion event;
iv. Procedures for the periodic review of the use of restraint and seclusion policies;
v. Procedures by which a parent may submit a complaint regarding the physical restraint or seclusion of their child;
vi. Procedures for reporting the use of restraint or seclusion to the local board of education and to the Mississippi Department of Education.

b. The policies and procedures shall be reviewed with all staff on an annual basis.

c. Teachers and other district personnel shall be trained on how to collect and analyze student data to determine the effectiveness of these procedures in increasing appropriate behavior.

d. All parents shall receive, at least annually, written information about the policies and procedures for restraint and seclusion issued by the local school district or school. The written policies are to be included in each local education agencies code of conduct, student handbook, or other appropriate school publication.

e. A review of the use of a restraint and seclusion process shall be conducted by the school to determine if a revision of behavioral strategies are in place to address dangerous behavior or if positive behavioral strategies were not in place at the time of the restraint or seclusion.

f. School districts shall not only establish and disseminate policies and procedures on the use of seclusion and restraint, but also shall periodically review and update them as appropriate. The school district or school shall maintain records of its review of seclusion and restraint data and any resulting decisions or actions regarding the use of seclusion and restraint.

g. In any situation in which a student is a danger to themselves or others, and it becomes necessary to contact law enforcement or emergency medical personnel, nothing in this policy guidance shall be construed to interfere with the duties of law enforcement or emergency medical personnel.

h. The school district shall report the restraint and/or seclusion incident to the local school district and the Mississippi Department of Education annually.

6. Parental Notification
   a. All parents shall receive, at least annually, written information about the policies for restraint and seclusion issued by the local school district or school.

b. All parents shall be notified when physical restraint is used to restrain their student before the close of school on the day the restraint was used or within 48 hours following the incident.

Source: Miss. Code Ann. §§ 37-1-3, 37-7-321, 37-7-323, 37-9-69, 37-11-57 (Adopted 04/2016)

Part 3 Chapter 39: Historical Sites (Restoration)

Rule 39.1 Historical Sites (Restoration). Criteria for Funding Restoration/Renovation of Historically and/or Architecturally Significant School Buildings or Educational Museums House Bill 1669, passed during the 1995 regular legislative session, authorizes the expenditure of $250,000 for the purpose of restoring or renovating historically and/or architecturally significant school buildings or educational museums in accordance with criteria established by the State Board of Education. The State Department of Education will inform the owners of school buildings that may be considered historically and/or architecturally significant, of the nature and availability of these funds and will distribute requests for proposals (RFP).

Criteria for awarding of funds will be based on the following information that will be solicited in the RFP:

1. The applicant shall submit a narrative that outlines the history and significance of the building. The narrative shall also address the potential educational and/or community benefit of restoration/renovation, plan for continued maintenance and preservation, current use of the building and proposed use of the building.

2. The applicant shall also submit the following:
   a. Projected cost of restoration/renovation

   b. Local matching funds available

   c. Amount of state funds requested

   d. Location, age, and condition of building

   e. Projected completion date of the project

   f. Other information required by the RFP

It shall be the responsibility of the owner to ensure compliance with state bid/construction laws and State Antiquities Act, Mississippi Landmark Procedures. All grantees shall file a final report upon completion of the project.

Source: *Miss. Code Ann. § 37-1-3*

Part 3 Chapter 40 McKinney-Vento Homeless Education Dispute Resolution Procedure

Rule 40.1 McKinney-Vento Homeless Education Dispute Resolution Procedure. The *McKinney-Vento Homeless Assistance Act* acknowledges that disputes may arise between the school district and homeless students and their parent(s)/guardian(s) when the student is placed in a school other than the one requested. Guidance for school selection is provided in the law. The law includes dispute resolution among the required duties of the LEA Liaison.

1. The following procedures are specified in the Act:
   a. Enrollment: Immediately enroll the homeless student in the school preferred by the parents until the dispute is settled.

   b. Written explanation: Provide a written explanation of the school placement decision to the parent/guardian or unaccompanied youth.

   c. Liaison: The designated LEA liaison is assigned to carry out the dispute resolution in an expeditious manner.

   d. It is the responsibility of the school district to inform the parent(s)/guardian(s) of homeless students of the Complaint Resolution Procedures.

2. The Mississippi Department of Education, Office of Federal Programs, has adopted a complaint resolution process. In a case where a dispute occurs regarding the education of a homeless child or youth, the following process may be used:

   a. Local Level: Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Mississippi Department of Education (MDE).

      i. If a question concerning the education of the homeless child arises, the first person to contact in the school district is the homeless liaison. Each school district is required to have a designated homeless liaison, with someone in every school or in the central office for the school district able to identify said homeless liaison. If there is a complaint about services for the homeless student(s), the complainant is to be provided a copy of the local complaint procedure. If the district or public school does not have a complaint procedure in place, the following steps are suggested:

         a) The homeless liaison should discuss the complaint with the complainant and the complainant is to be provided copies of the policies that the ***local*** Board of Education has adopted concerning the education of homeless children and youth

         b) A determination is to be made as to whether the requested services for the homeless student are consistent with local school board policy

c) If the complaint is not resolved, the complainant will be advised to present it in writing to the homeless liaison

d) A written proposed resolution of the complaint or plan of action is to be provided to the complainant within five (5) days of the date of receipt of the written complaint.

ii. If the complaint is not resolved at this level within five (5) days, it may be taken to the superintendent of the district the student is attending or wishes to attend. In addition to presenting the written complaint, an appointment will be made for the complainant to meet with the superintendent to discuss the complaint. At the end of the discussion with the superintendent, a written resolution will be provided within five (5) days of the date of the discussion.

iii. If the complaint is still not resolved, it may be possible to appeal to the local Board of Education.

b. State Level: If the complaint is not resolved in a satisfactory manner at the local level, the complaint may be directed to MDE. Complaints made under this process must be made in writing and signed by the complainant. The following steps are to be taken:

i. Address the complaint to:
Mississippi Department of Education,
Office of Federal Programs, State Homeless Education Coordinator,
359 North West Street-Ste. 111,
P.O. Box 771,
Jackson, MS 39205

ii. Include in the complaint:

a) A description of the situation that prompted the complaint

b) The name(s) and age(s) of the child or children involved

c) The name(s) of the involved school district personnel and the school district or districts involved

d) A description of the attempts that were made to solve the issue at the local level including copies of any documentation used up to that point.

iii. The State Homeless Coordinator will gather needed information from statements of the parties involved and will forward the information to the director of the Office of Federal Programs along with a recommendation for resolution or for further investigation.

iv. Within thirty (30) days after receiving a complaint, the Director of the Office of Federal Programs will recommend a resolution and will inform interested parties in writing of the decision.

v. If a complainant or one of the parties involved in the complaint disagrees with the decision, that party may, within ten (10) working days, appeal to the Deputy Superintendent of the Office of Instructional Enhancement and Internal Operations. This appeal must be in writing and state why the party disagrees with the decision of the Director of the Office of Federal Programs.

vi. Within thirty (30) days after receiving an appeal, the Deputy Superintendent will render a final administrative decision and notify the complainant and the school district(s) involved in writing.

If the party disagrees with the decision of the Deputy Superintendent in a matter concerning homeless children or youth, the party may request a review of the decision by the United States Secretary of Education in accordance with 34 CFR Part 299.11.

While the dispute is being resolved, the child or children in question must be enrolled in school. If the dispute is concerning the school of "best interest," the child must be enrolled in the school preferred by the parent/guardian or unaccompanied youth unless previous arrangements have been implemented.

Visit the MS Department of Education website, Office of Federal Programs, Title X Homeless for more information.

Source: *No Child Left Behind §722 (g)(3)(E)(i)(ii)(iii)(iv) and Miss. Code Ann. §37-17-6*

Part 3 Chapter 41: Intervention

Rule 41.1 Intervention

1. The purpose of this policy is to ensure that the behavioral and academic needs of every student are met through an instructional model that is designed to address student learning with quality classroom instruction and opportunities for intervention. The Mississippi Department Education (MDE) shall require every school district to follow the instructional model, which consists of three (3) tiers of instruction:

    a. Tier 1: Quality classroom instruction based on Mississippi Curriculum Frameworks

    b. Tier 2: Focused supplemental instruction

    c. Tier 3: Intensive interventions specifically designed to meet the individual needs of students

2. If strategies at Tier 1 and Tier 2 are unsuccessful, students must be referred to the Teacher Support Team (TST). The TST is the problem-solving unit responsible for interventions developed at Tier 3. Each school must have a Teacher Support Team (TST) implemented in accordance with the process developed by the MDE. The chairperson of the TST shall be the school principal as the school's instructional leader or the principal's designee. The designee may not be an individual whose primary responsibility is special education. Interventions will be:

    a. designed to address the deficit areas;

    b. evidence based;

    c. implemented as designed by the TST;

    d. supported by data regarding the effectiveness of interventions.

3. Teachers should use progress monitoring information to:

    a. determine if students are making adequate progress,

    b. identify students as soon as they begin to fall behind, and

    c. modify instruction early enough to ensure each student gains essential skills.

    Monitoring of student progress is an ongoing process that may be measured through informal classroom assessment, benchmark assessment instruments and large-scale assessments.

4. After a referral is made, the TST must develop and begin implementation of an intervention(s) within two weeks. No later than eight weeks after implementation of the intervention(s) the TST must conduct a documented review of the interventions to determine success of the intervention(s). No later than 16 weeks after implementation of the intervention(s), a second review must be conducted to determine whether the intervention(s) is successful. If the intervention(s) is determined to be unsuccessful, then the student will be referred for a comprehensive assessment.

5. In accordance with the Literacy-Based Promotion Act of 2013, each public school student who exhibits a substantial deficiency in reading at any time, as demonstrated through:

    a. performance on a reading screener approved or developed by the MDE, or

    b. locally determined assessments and teacher observations conducted in Kindergarten and Grades 1 through 3, or

    c. statewide end-of-year assessments or approved alternate yearly assessments in Grade 3, must be given intensive reading instruction and intervention immediately

following the identification of the reading deficiency. A student who was promoted from Grade 3 to Grade 4 under a good cause exemption of the Literacy-Based Promotion Act must be given intensive reading instruction and intervention. The intensive intervention must include effective instructional strategies and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade.

6. A dyslexia screener must be administered to all students during the spring of their kindergarten year and the fall of their first grade year. The screening must include the following components:

    a. Phonological awareness and phonemic awareness;

    b. Sound symbol recognition;

    c. Alphabet knowledge;

    d. Decoding skills;

    e. Encoding skills; and

    f. Rapid naming (quickly naming objects, pictures, colors, or symbols (letters or digits) aloud.

7. All students in Kindergarten and grades 1 through 3 shall be administered a state-approved screener within the first 30 days of school and repeated at mid-year and at the end of the school year to identify any deficiencies in reading. In addition to failure to make adequate progress following Tier 1 and Tier 2, students will be referred to the TST for interventions as specified in Response to Intervention guidelines developed by MDE if any of the following events occur:

    a. Grades K-3: A student has failed one (1) grade;

    b. Grades 4-12: A student has failed two (2) grades;

    c. A student failed either of the preceding two grades and has been suspended or expelled for more than twenty (20) days in the current school year; OR

    d. A student scores at the lowest level on any part of the Grade 3 or Grade 7 statewide accountability assessment.

    e. A student is promoted from Grade 3 to Grade 4 under a good cause exemption of the Literacy-Based Promotion Act.

8. Referrals to the TST must be made within the first twenty (20) school days of a school year if the student meets any of the criteria a-e stated above in Paragraph 7.

9. School districts must complete, at a minimum, documentation as required for all students in Tier 2 or Tier 3. All Tier 3 documentation must accompany the student's cumulative folder upon promotion or transfer to a new school.

Source: Miss. Code Ann. § 37-177-1, et seq., (Act) (Adopted 8/2016)

Part 3 Chapter 42: Kindergarten Guidelines

Rule 42.1 Kindergarten Guidelines. The Mississippi Department of Education, subject to approval of the State Board of Education, will develop and disseminate Kindergarten Guidelines to provide direction to school districts in meeting the requirements of Mississippi Code 37-21-1 and standard 23 of the Mississippi Public School Accountability Standards. The *Mississippi Kindergarten Guidelines* may be updated periodically based on changes to national standards. As the guidelines are revised and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the education community. An up-to-date copy of these guidelines shall be kept on file at the Mississippi Department of Education.
For a copy of the Mississippi Kindergarten Guidelines, please visit the Mississippi Secretary of State's website, Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 7.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2012)*

Part 3 Chapter 43: Construction Regulations *(Repealed 9/2012)*

Part 3 Chapter 44: Leadership & Professional Development

Rule 44.1 Leadership & Professional Development. The Mississippi Department of Education will develop and disseminate a professional development model which sets forth expectations for individual educators and for local school district programs. As revisions are made and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the education community. An up-to-date copy of the model shall be kept on file in the Mississippi Department of Education. (References to Mississippi Public School Accountability Standards and MS Code 37-17-8).

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/1997)*

Part 3 Chapter 45: Legislative Recommendations

Rule 45.1 Legislative Recommendations. The State Board of Education will submit legislative recommendations to the Legislature and the Governor each year no later than November prior to the Legislative Session in January. A collection of potential legislative needs should be generated by the staff and provided to the Board for discussion.

Source: *Miss. Code Ann. § 37-1-3 (Revised 4/1997)*

Part 3 Chapter 46: Level 1 and 2 Districts Consolidated Applications *(Repealed 1/2012)*

Part 3 Chapter 47: Long Term Substitutes (*Repealed 4/2007)*

Part 3 Chapter 48: MAEP (Mississippi Adequate Education Program)

Rule 48.1 Section 504 Teacher Units.

1. Children counted for the allocation and approval of a teacher unit(s) must meet the following criteria:
   a. Documented birth date verifying age of five (5) through twenty-one (21) years,

   b. Indication of being a resident citizen of the State of Mississippi,

   c. Cannot have their educational needs met in the regular public school programs,

   d. Have not finished or graduated from high school,

   e. Determined by competent medical authorities and psychologists to need placement in a state licensed facility as designated below,

   f. Cannot be counted in average daily attendance when determining the regular teacher unit allocation, and

   g. Are not eligible for special education as defined under Part B of the Individuals with Disabilities Education Act and in state regulations.

Documentation of numbers a-g above must be maintained on file for each child served by an approved state funded teacher and be available upon request by the Mississippi Department of Education (MDE).

2. <u>State Licensed Facility</u>

A state licensed facility is a private facility which has been granted a license by a state agency within the state of Mississippi and is located within the state. The facility is licensed for inpatient treatment, day treatment, residential treatment, or as a group therapeutic home.

3. <u>Teacher Units Approved for a School District</u>

   a. A tutorial instructional education program for children in a state licensed facility may be provided by a school district in which the state licensed facility is located. Such a program would be the responsibility of the school district and would be under the direct supervision of the district.

b. The district is responsible for verifying the criteria are met for each child served as outlined above under the heading of Criteria for Children Served. Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the district superintendent that data for each child served has been verified and is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.

c. The district must submit a copy of the facility's state license to the MDE when requesting an allocation for a teacher unit.

d. The district must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Each teacher will be responsible for the educational instruction of a minimum of ten (10) children. A maximum of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.

e. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year and the amount of instructional time based on the schedule of each teacher will be calculated when allocating funds for the teacher unit.

4. <u>Teacher Units Approved for a State Licensed Facility</u>

a. A private school providing an instructional education program which is operated as an integral part of a state licensed facility may request funding for teacher units. Such an educational program must meet the standards for a special school and be approved by the State Board of Education prior to the allocation and approval of a teacher unit. The facility shall be responsible for providing for any additional costs of the program beyond a teacher unit(s).

b. The administrative head of the facility is responsible for verifying the criteria is met for each child served by an approved teacher as outlined above under the heading Criteria for Children Served. Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the administrative head of the facility indicating criteria for each child served has been verified for correctness and documentation of such is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.

c. A copy of the facility's current state license must be submitted to the MDE when requesting an allocation for a teacher unit.

d. The administrator of the facility must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Teacher units will be allocated based on the teacher certificate requirements of special schools under the Office of Accreditation and each teacher being responsible for the educational instruction of a minimum of ten (10) children. The Maximum number of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.

e. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year to provide educational instruction and the amount of instructional time based on the schedule of each teacher will be used to calculate the amount of funds for the teacher unit.

f. The administrative head of the facility is responsible for ensuring a teacher approved for a teacher unit will be paid based on the salary scale and salary schedule requirements in Section 37-19-7 and 37-19-17 of the Mississippi State Code.

g. Teacher units will be allocated and approved for the regular school session. The number of days the facility will provide a regular school session must be in accordance with the MDE's regulations. The calendar dates of the beginning and ending of the regular school session must be submitted to the Office of Special Education when requesting an allocation for a teacher unit.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/1994)*

Rule 48.2 Special Education Teacher Approval

1. Each district will receive an allocation of exceptional student teacher units for the next school session by April 5 of the current year. The allocation will be based on the numbers of students being served during the current year and in line with the minimum/maximum numbers for exceptional student programs as outlined in State regulations. In the event that the total allocation is more than the number of units approved by the Legislature, districts will be notified of this deficit.

2. District exceptional student programs will be approved by December 15 of the current year. Approval will be based on State regulations covering teacher certification standards, justification of separate facilities, justification of EMR resourcing, justification of unusual combinations of students, and the superintendent's assurance of compliance with regulations.

3. Allocations of exceptional student teacher units based on the previous year's numbers may be increased if the district can show the need by October 15 of the current year.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 3/1998)*

Rule 48.3 Teacher Selection. When a certified secondary teacher is assigned to teach in a 5th or 6th grade departmentalized situation and is appropriately endorsed in the subject he/she is teaching, that teacher may be selected as a Minimum Foundation Program teacher in the State Department of Education's process and, if the teacher is selected, the district shall be reimbursed under the Minimum Program for that teacher.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 12/1992)*

Rule 48.4 Withholding Funds. WITHHOLDING OF FUNDS FOR FAILURE TO SUBMIT STUDENT, FISCAL, AND PERSONNEL DATA. The State Superintendent of Education may withhold payment of Mississippi Adequate Education Program (MAEP) funds to a school district which fails to submit any reports containing student, fiscal and personnel data necessary to meet state and/or federal requirements on or before the required due dates of the report. Notice of a report being subject to withholding of MAEP funds, along with the due date of the report, must be given at the time of the request of the report.
Upon written notification to the Department of Education from the Department of Finance and Administration, Office of Insurance, the State Superintendent of Education shall withhold payment of Mississippi Adequate Education Program funds to those districts that fail to remit premiums, interest penalties and/or late charges under the State and School Employees' Life and Health Insurance Plan. Noncompliance with these rules and regulations shall result in a violation of compulsory accreditation standards as established by the State Board of Education and Commission on School Accreditation.

Source: Miss. Code Ann. § 37-151-95 (Revise 6/2015)

Rule 48.5 Effective At-Risk Programs.

1. The definition of an effective at-risk program shall be any program designed to target the unique needs of the student in order to allow that student to perform on grade level and ultimately graduate from high school. These programs may be offered before, during or after school, but cannot be any regular course offering available to all students. An example of an allowable program is an after school program designed to accelerate a student's reading grade level. An example of a non-allowable program is a regularly offered English class made up entirely of students currently participating in the free and reduced lunch program.

School districts are required to make annual reports to the Department of Education on the district's programs serving at-risk School Districts shall budget and spend Mississippi Adequate Education Program (MAEP) At-Risk funds, earned as prescribed by Section 37-151-7(1)(d), on effective programs specifically targeted to serve at-risk students. These programs must be in addition to all other regular or required programs offered by the school district to all students. The accounting of the expenditure of these funds shall be as required by the Mississippi School District Financial Accounting Manual as prescribed by the Department of Education.

The definition of an at-risk student will be as determined by each individual school district.

Examples of student groups a school district could use as a guideline in making a determination as to whether a student is considered at risk are:

a. A student who is currently participating in the USDA Free and Reduced Lunch Program (if the school or district is 100 percent free and reduced lunch an additional at-risk determination is required).

b. A student who is not meeting the requirements necessary for promotion to the next grade level or graduation from high school.

c. A student whose education attainment is below other students of their age or grade level.

d. A student who is a potential dropout.

e. A student who is failing two or more courses of study.

f. A student who has been retained.

g. A student who is not reading on grade level.

h. A student who is pregnant.

i. A student who is students.

The form, content and due dates of these reports will be prescribed by the Department of Education.

2. STATE BOARD POLICY - MAEP AT-RISK FUNDS

As a guideline, at-risk programs may include, but are not limited to:

a. Alternative School Programs,

b. Dropout Prevention Programs,

c. Drug Awareness Programs,

d. GED Programs,
e. School Nurse Programs,

f. Social Work Services,

g. Mentoring Programs,

h. Summer School Programs,

i. After-School Programs,

j. Homebound Programs,

k. School Counselors,

l. Class Size Reduction,

m. Extra Support within a Class,

n. Career Counselors,

o. Classroom Intervention,

p. Parent Center,

q. Extended Year,

r. Assistant Teachers,

s. Software Programs,

t. Tutorial Assistance,

u. Curriculum Development,

v. Professional Development (specifically addressing at-risk student needs),

w. Remedial Instruction,

x. Safety & Health,

y. School Attendance,

z. Performance Assessments,

aa. Screening Assessments,

bb. Homeless/Migrant,

cc. Crisis/Behavioral Intervention,

dd. Dyslexia.

The Department of Education shall review each district's At-Risk program request and based upon the district's ability to logically explain the purpose, stated goals and objectives, and the methodology for determining success of the program will make a determination as to whether the program is a valid use of MAEP At-Risk funds. In the event that the Department of Education determines that the program is not valid then the Department will notify the district in writing of that determination. The Department of Education will provide assistance to these districts by providing information on programs determined to be valid.

Before a school district can spend MAEP At-Risk dollars on any program targeting at- risk students other than what was originally approved by the Department of Education, the school district must seek approval from the Department. The district's request must include documented research as to the effectiveness of the program.

Districts failing to comply with any requirements of this policy shall be in violation of the Mississippi Public School Accountability Standards and upon determination of a violation the district's accreditation level will be downgraded by the Accreditation Commission.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 3/2009)*

Rule 48.6 Selection of Successful School District. Prior to November 1, 2009, for the purpose of selecting successful school districts for use in the Mississippi Adequate Education Program (MAEP) base student cost calculations, "successful school district" is defined as a school district that has a Quality of Distribution Index (QDI) of 133 to 199 as established in the State Accountability Rating System adopted by the Board in March 2009. From and after November 1, 2009 for the purpose of selecting successful school districts for use in the MAEP base student cost calculations, "successful school district" is the definition of "successful school district" as defined in the State Rating Accountability Rating System adopted by the Board in March 2009.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/2009)*

Rule 48.7 Determination of "inordinately large number of absentees. To determine "inordinately large" as that term is used in 37-151-103(3) a school district must notify the State Superintendent of Education in writing by December 1 of the current school year of a decrease in attendance and the reason for the decrease in attendance. If the State Superintendent determines that the reason for the decrease in attendance is a result of epidemic, natural disaster, or any concerted activity

discouraging school attendance then the following process will be used to determine if there is "an inordinately large number of absentees".

1. The State Department of Education shall divide the school district's months two and three average daily attendance (ADA) by the school district's months two and three average daily enrollment (ADM) for grades kindergarten through 12th grade (exclusive of self-contained special education grades) for the current school year to determine the percentage of attendance to enrollment for the current school year.

2. The State Department of Education shall determine the school district's five- year average of the percentage of months two and three average daily attendance to the school district's months two and three average daily enrollment (ADM) for the same grades defined in step 1 above using the last five years of attendance and enrollment data as reported through the Mississippi Student Information System (MSIS). Current year's enrollment and attendance data are excluded from the five-year average calculation.

3. Subtract the result of Step 1 from the result of Step 2. If the resulting percentage is two percent (2%) or greater the district will be considered to have an inordinately large number of absentees.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/2009)*

Part 3 Chapter 49: Miscellaneous

Rule 49.1 Partnership with Regional Education Service Agencies. The Mississippi State Board of Education recognizes that for the past decade Mississippi's Regional Educational Services Agencies have provided a sound statewide network of services to local school districts. The Regional Education Service Agencies (RESAs) will work in partnership with the Mississippi Department of Education to increase their function as a local provider of educational services as provided in Section 37-7-345 (6) of the Mississippi Code.

The State Superintendent of Education shall designate a senior staff member as the Department's liaison to meet periodically with and be the primary contact to work with the state's RESAs on the collaborative partnership. The liaison will coordinate the utilization of resources and development of the following programs offered in conjunction with the RESAs:

1. Professional Development

2. Instructional Materials

3. Educational Technology

4. Curriculum Development

5. Alternative Educational Programs

6. Purchasing Cooperatives

7. Insurance Cooperatives

8. Business Manager Services

9. Auditing and Accounting Services

10. School Safety/Risk Prevention

11. Data Processing and Student Records

12. Communications/Public Information

13. Employee Background Checks

14. Grants Management

15. Printing/Publications

16. Internships.

Development of detailed-specific policy guidance will be contingent upon needed implementation of such programs in each RESA in the state and upon available resources.

Source: *Miss. Code Ann. § 37-1-3*

Part 3 Chapter 50: Mississippi Adequate Education Capital Improvement Section

Rule 50.1 Mississippi Adequate Education Capital Improvement Section. CAPITAL IMPROVEMENT SECTION MISSISSIPPI ADEQUATE EDUCATION PROGRAM ACT OF 1997. The Mississippi Board of Education has established Policy and Procedures to enable local school districts to receive approval for the use of Interim School District Capital Expenditure Funds. The local school district may choose any one or a combination of the options available, except where otherwise noted.

The school board of any district shall have authority to expend Mississippi Adequate Education Program (MAEP) funds in accordance with Section 37-151-7(5), Mississippi Code of 1972, annotated, subject to the following:

1. Cash Allotments

A. In accordance with Section 37-151-7(5)(a), Mississippi Code of 1972, annotated, districts are authorized to spend the interim school district capital expenditure funds for "Purchasing,

erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, school barns and garages for transportation vehicles, school athletic fields and necessary facilities connected therewith and the purchasing of land therefor."

The Mississippi Board of Education must approve the following:

Long Range Capital Expenditure Plan
Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project

Disbursement and Expenditure of MAEP Funds: Upon approval of the Long Range Capital Expenditure Plan and the Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

AND/OR

B. In accordance with Section 37-151-7(5)(b), Mississippi Code of 1972, annotated, districts are authorized to spend the interim school district capital expenditure funds for "Providing necessary water, light, heating, air conditioning and sewerage facilities for school buildings, and the purchasing of land therefor."
The Mississippi Board of Education must approve the following:

Long Range Capital Expenditure Plan
Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project

Disbursement and Expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan and the Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.
AND/OR

C. In accordance with Section 37-151-7(5)(c), Mississippi Code of 1972, annotated, districts are authorized to spend the interim school district capital expenditure funds for "Paying debt service on existing capital improvement debt of the district or refinancing outstanding debt of the district if such refinancing will result in an interest cost savings to the district." For purposes of this section districts are authorized to spend district maintenance funds and repay these funds to the district maintenance fund with the interim school district capital expenditure funds that are available to the district.

The Mississippi Board of Education must approve the following:

Long Range Capital Expenditure Plan Disbursement and Expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

2. Interim Pledge

In accordance with Section 37-151-7(5)(d), Mississippi Code of 1972, annotated, "From and after October 1, 1997 through June 30, 1998, ... a school district may pledge such funds until July 1, 2002, plus funds provided for in paragraph (e) of this subsection (5) that are not otherwise permanently pledged under such paragraph (e) to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45" (general obligation bonds), "37-59-101 through 37-59-115" (3 mill, ten year), "37-7-351 through 37-7-359" (Emergency School Leasing Authority Act of 1986), "37-41-89 through 37-41-99" (transportation note), "37-7-301" (lease-purchase of school buildings), "37-7-302" (asbestos removal), "and 37-41-81" (general grant of authority to purchase school transportation equipment, erect and equip school bus shops and to purchase land) "Mississippi Code of 1972, or debt issued by board of supervisors for agricultural high schools pursuant to Section 37-27-65, Mississippi Code of 1972, or lease-purchase contracts entered into pursuant to Section 31-7-13, Mississippi Code of 1972, or to retire or refinance outstanding debt of a district, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors." The Mississippi Board of Education must approve the following:

Long Range Capital Expenditure Plan

Additional Requirement:

Attach a copy of the local board resolution as required by Section 37-151-7(5)(d)

Disbursement and Expenditure of MAEP Funds:
Upon approval of the Long Range Capital Expenditure Plan by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

3. Long Term Pledge District *may select A or B, but not both.*
A. In accordance with Section 37-151-7(5)(e), Mississippi Code of 1972, annotated, "From and after October 1, 1997 through June 30, 1998, in addition to any other authority a school district

may have, any school district may issue State Aid Capital Improvement Bonds secured in whole by a continuing annual pledge of any Mississippi Adequate Education Program Funds available to the district, in an amount not to exceed One Hundred Sixty Dollars ($160.00) per pupil based on the latest completed average daily attendance count certified by the department prior to the issuance of the bonds. Such State Aid Capital Improvement Bonds may be issued for the purposes enumerated in subsections (a), (b), (c) and (g) of this section. Prior to issuing such bonds, the school board of the district shall adopt a resolution declaring the necessity for and its intention of issuing such bonds and borrowing such money, specifying the approximate amount to be so borrowed, how such money is to be used and how such indebtedness is to be evidenced... The State Board of Education shall not approve any capital expenditure plan for a pledge of funds under this paragraph unless it determines (i) that the quality of instruction in such district will not be reduced as a result of this pledge and (ii) the district has other revenue available to attain and maintain at least Level III accreditation."

"A district issuing State Aid Capital Improvement Bonds may pledge for the repayment of such bonds all funds received by the district from the state, in an amount not to exceed One Hundred Sixty Dollars ($160.00) per pupil in average daily attendance in the school district as set forth above, and not otherwise permanently pledged under paragraph (d) of this subsection or under Section 37-61-33(2)(d), Mississippi Code of 1972, annotated."

"Any such State Aid Capital Improvement bonds shall mature as determined by the district's school board over a period not to exceed twenty (20) years. Such bonds shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-101, Mississippi Code of 1972. The further details and terms of such bonds shall be as determined by the school board of the district…State Aid Capital Improvement Bonds shall mean any bond, note, or other certificate of indebtedness issued by a school district under the provisions hereof. “School boards have the discretion to determine the terms and conditions of the indebtedness as well as the manner in which the indebtedness will be sold, i.e., open market, financial institution, Mississippi Development Bank, or other legal means.

"This paragraph (e) shall stand repealed from and after June 30, 1998." Note 1: The $160.00 limitation is subject to adjustment based on lesser amounts received during the interim period. At no time during the term of the bonds can the district's pledge for repayment exceed $160.00 per pupil. Note 2: Average daily attendance is as defined by MAEP.

The Mississippi Board of Education must approve the following:
Long Range Capital expenditure plan

Application for the Expenditure of MAEP Funds for a Capital Improvement Project [Not required for Section 37-151-7(5)(c) and Section 37-151-7(5)(g)]

Additional requirement: Attach a copy of the local board resolution as required by Section 37-151-7(5)(e)

Disbursement and expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan and the Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project [when applicable] by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

OR

B. In accordance with Section 37-151-7(5)(f), Mississippi Code of 1972, annotated, "As an alternative to the authority granted under paragraph (e), a school district, in its discretion, may authorize the State Board of Education to withhold an amount of the district's adequate education program allotment equal to up to One Hundred Sixty Dollars ($160.00) per student in average daily attendance in the district to be allocated to the State Public School Building Fund to the credit of such school district. A school district may choose the option under this paragraph (e) or paragraph (f), but not both. In addition to the grants made by the state pursuant to Section 37-47-9, a school district shall be entitled to grants based on the allotments to the State Public School Building Fund credited to such school district under this paragraph. This paragraph (f) shall stand repealed from and after June 30, 1998."

The Mississippi Board of Education must approve the following:
Long Range Capital Expenditure Plan

Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project

Construction Contracts including plans and specifications

Change Orders greater than 1% of the total contract amount in accordance with Section 31-7-13(g), MS Code of 1972, annotated

A school board resolution authorizing the State Board of Education to withhold an amount of the district's Adequate Education Program allotment equal to up to One Hundred Sixty Dollars ($160.00) per student in average daily attendance in the district
School district grant for capital improvements under the provisions of the Mississippi Adequate Education Program Act will be computed as follows:

ESTIMATED MAEP PLEDGE

Fiscal Year	$ Per Student	x ADA*	Total
1997-1998	_____	_____	_____
1998-1999	_____	_____	_____
1999-2000	_____	_____	_____
2000-2001	_____	_____	_____
2001-2002	_____	_____	_____
Full Funding	_____	_____ x _____	_____

(beginning July 1, 2002) (Years)

TOTAL: ____

Total MAEP Funds Pledge
- Bond Interest and Issuance Cost
= Net MAEP District Grant

Note 1: The $160.00 limitation is subject to adjustment based on lesser amounts received during the interim period. At no time during the term of the bonds can the district's pledge for repayment exceed $160.00 per pupil.
Note 2: *Average daily attendance is as defined by MAEP.

Disbursement of MAEP District Grant: Under the State Public School Building Fund, proceeds from the State bond sale will be distributed by the Mississippi Department of Education to the school district according to the following payment schedule:

1. 60% upon approval of Contract Documents by the MS Board of Education

2. 30% upon written certificate from the Architect/Engineer that the project is 50% completed

3. 10% upon completion of the project, including completion of all items noted at the final inspection, and approval of the final report by the MS Department of Education, Office of School Building and Transportation

Applicable procedures for submission of documents supporting capital improvement project(s) under the State Public School Building Fund will be provided by the Mississippi Department of Education, Office of School Building and Transportation.

4. Alternate Uses

A. In accordance with Section 37-151-7(5)(g), Mississippi Code of 1972, annotated,

"The State Board of Education may authorize the school district to expend not more than twenty percent (20%) of its annual allotment of such funds or Twenty Thousand Dollars ($20,000.00), whichever is greater, for technology needs of the school district, including computers, software, telecommunications, cable television, interactive video, film low- power television, satellite communications, microwave communications, technology- based equipment installation and maintenance, and the training of staff in the use of such technology-based instruction."

The Mississippi Board of Education must approve the following:

Long Range Capital Expenditure Plan

Disbursement and Expenditure of MAEP Funds: Upon approval of the Long Range Capital Expenditure Plan by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund

availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.
AND/OR

B. In accordance with Section 37-151-7(5)(h), Mississippi Code of 1972, annotated, "To the extent a school district has not utilized Twenty Percent (20%) of its annual allotment for technology purposes under paragraph (g), a school district may expend not more than twenty percent (20%) of its annual allotment or Twenty Thousand Dollars ($20,000.00), whichever is greater, for instructional purposes. The State Board of Education may authorize a school district to expend more than said twenty percent (20%) of its annual allotment for instructional purposes if it determines that such expenditures are needed for accreditation purposes." The Mississippi Board of Education must approve the following:
Long Range Capital Expenditure Plan Disbursement and Expenditure of MAEP Funds:
Upon approval of the Long Range Capital Expenditure Plan by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

5. Program Management

In accordance with Section 37-151-7(5)(i), Mississippi Code of 1972, annotated, the Mississippi Board of Education will not require that any district use the services of a program manager, unless upon review of the Long Range Capital Expenditure Plan, the Board determines that such a need exists. However, if a district elects to use a program manager, or the Board requires the district to use a program manager, the Mississippi Board of Education approval is required. The Mississippi Board of Education must approve the following:

A school board resolution identifying the firm, explaining the selection criteria utilized and addressing the cost effectiveness

Additional Requirements for All Options

1. The Mississippi Board of Education or the Mississippi Department of Education may, upon review of the Long Range Capital Expenditure Plan and the Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project, request additional information from the school district as deemed necessary prior to final approval.

2. Each building project, including renovations and repairs in excess of Fifty Thousand Dollars ($50,000.00), must be planned and supervised by a registered professional architect/engineer in accordance with Section 73-13-45, Mississippi Code of 1972, annotated. Architectural and engineering fees paid from state funds shall not exceed 6% of the contract.

3. Mississippi Department of Education staff is authorized to make on-site visits to observe the construction of school facilities as deemed necessary or upon the request of the district.

4. Any change in the district's Long Range Capital Expenditure Plan shall require Mississippi Board of Education approval.

5. Mississippi Board of Education approval is required for revisions to the Application(s) for the Expenditure of MAEP funds for a Capital Improvement Project that result in: (1) deviation from the original intended use of the facility, (2) reduction in the number of instructional areas, (3) the actual bid price exceeds the total estimated cost by greater than five percent (5%), or (4) a change in the method of financing the project.

Approval Criteria for Long Range Capital Expenditure Plan and Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project.

1. Instructional Area Needs - When considering priorities in the area of capital improvements, generally, the instructional areas are the most important -- classrooms, laboratories and libraries -- then, followed by cafeteria areas. However, special circumstances may dictate the need to consider other areas.

2. Renovation vs. New Construction - Renovating an existing facility is often more cost effective than construction of a new facility. A 5-year facility needs survey will define the scope of work needed along with cost estimates of the construction. All construction shall adhere to the current edition of the Standard Building Code, Americans with Disabilities act and all codes and regulations adopted by local jurisdiction.

3. Debt Structure - The debt structure of a school district must be considered when deciding whether to issue new debt and/or to retire or refinance an existing debt.

a. Other Justification - In order to justify the need for capital improvements, a summary including detailed district information shall be provided by districts with a current performance index below 3.5 to indicate how the use of funds will enable them to attain and maintain at least Level III accreditation and not reduce the quality of instruction. Districts with a current performance index of 3.5 and above, that choose Option 3-Long Term Pledge, must provide a detailed explanation that, as a result of this pledge, the quality of instruction in the district will not be reduced and the district has other revenue available to attain and maintain at least Level III accreditation.

Definition of Terms

1. Average Daily Attendance shall mean the average daily attendance for months one through nine less the average daily attendance for self-contained special education classes and alternative school programs for fiscal year 1997 for purposes of calculating the bonding limitation.

2 Capital Improvement Project shall mean a specific plan to address new construction, renovation and repairs within the Long Range Capital Expenditure Plan and may include more than one school site. Such projects should only include construction work expected to be completed during a specified period of time.

3. Instructional Areas shall mean classrooms, libraries and laboratories.

4. Long Range Capital Expenditure Plan shall mean a 5-year facility plan of capital improvement needs.

5. Program Management shall mean professional services to assist the district in the development and management of a project with respect to design and construction.

6. State Aid Capital Improvement Bond shall mean any bond, note, or other certificate of indebtedness issued by a school district as authorized by Section 37-151-7(5)(e).

7. Technology Plan shall mean a 3-5 year approved plan indicating the district's intent to integrate educational technology into the classroom in accordance with Section 37-151-17, MS Code of 1972, annotated.

8. Preliminary architectural plans shall mean drawings of graphic and textural information conveying size, shape, spatial relationships and functional characteristics of the project components.

Section 37-151-7(5)(i) states in part, "Any interest accruing on any unexpended balance in the Interim School District Capital Expenditure Fund shall be invested by the State Treasurer and placed to the credit of each school district participating in such fund in its proportionate share." Interest income that is earned by the State Treasurer during the 1997-98 fiscal year will be disbursed to school districts in the month of July 1998. Interest income that is earned during the 1998-99 fiscal year and subsequent interim fiscal years will be disbursed on a monthly basis during those fiscal years.

The interest income will be available for use by districts in accordance with Section 37-151-7(5)(a), (b) and/or (c) (Option 1 - Cash Allotments) and/or Section 37-151-7(5)(g) and/or (h) (Option 4 - Alternative Uses). Option 1 - Cash Allotments is pay-as-you-go cash that can be used for capital expenditures and/or the retirement of debt while Option 4 - Alternative Uses is cash that can be used for technology needs and/or instructional purposes.

It is not necessary that a school district submit or amend an Application for the Expenditure of MAEP funds for the use of the interest income. However, a "Statement of Assurance" must be completed and submitted to the Department of Education that stipulates that interest income will be expended in accordance with Section 37-151- 7(5)(a), (b), (c), (g) and/or (h).

STATEMENT OF ASSURANCE for EXPENDITURE OF INTEREST INCOME ON MAEP FUNDS EARNED by THE STATE TREASURER

The _____School District will expend the Interest Income earned by the State Treasurer on the investment of MAEP funds in accordance will applicable state laws, including, but not limited to Section 37-151-7 (5) (a), (b), (c), (g) and/or (h).

By signature below, I assure the State Board of Education and the Department of Education that the expenditure of interest income earned by the State Treasurer on the investment of MAEP funds will be expended by the school district during the interim years in accordance with the above referenced statutes.

_____, Superintendent
(Signature)

_____
(Print)

_____
(Date)

Source: *Miss. Code Ann. § 37-1-3 (Revision 6/1998)*

Part 3 Chapter 51: Mississippi Recovery School District

Rule 51.1 Mississippi Recovery School District. The Mississippi Recovery School District shall provide leadership, management and oversight of all school districts that are subject to state conservatorship.

1. Conservatorship

Whenever the governor declares a state of emergency in a school district, the State Board of Education may assign an interim conservator to the local school district. For states of emergency declared under 37-17-6(11)(b), the State Board of Education may abolish the school district and assume control and administration of the schools formerly constituting the district and appoint a conservator. The reasons for declaring of a state of emergency in a local school district include, but are not limited to, the following:

a. An extreme emergency exists in a school district that jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and that the emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law;
b. If a school district meets the State Board of Education's definition of a failing school district for two (2) consecutive full school years;
c. Or in the event that more than fifty percent (50%) of the schools within the school district are designated as Schools At-Risk in any one year;
d. A lack of financial resources;
e. Withdrawal of the accreditation of a public school district; or
f. Failure to meet minimum academic standards as evidenced by a continued pattern of poor student performance.

2. Corrective Action Plan

As stated in MS Code 37-17-6(20), the conservator appointed to the district shall within forty-five (45) days after being appointed present a detailed and structured corrective action plan to move the local school district out of conservatorship status to the local school board and local superintendent of education if they have not been removed, or if the board and superintendent have been removed, to the local governing authority of the municipality or county in which the district conservatorship is located. A copy of the conservator's corrective action plan shall also be filed with the State Board of Education.

The Mississippi Department of Education has established the following procedures in order to meet the 45 day corrective action plan requirement. The findings from an accreditation audit compiled by the Office of Accreditation will become the conservator's corrective action plan. This detailed plan outlines findings, corrective actions, and recommendations for implementation required to comply with the standards addressed in the *Mississippi Public School Accountability Standards*.

3. Education Employment Procedures Law

When a district has been placed in Conservatorship, the Education Employment Procedures Law shall not apply to any teacher, principal, superintendent or other professional in the local school district. The Education Employment Procedures Law shall not be applicable in any school district for a full period of time that the state of emergency as declared by the Governor continues to exist. MS Code §37-0-103(2)

Source: *Miss Code Ann. §37-17-6 (Adopted 12/2011)*

Part 3 Chapter 52: Consolidation of School Districts

Rule 52.1 Consolidation of School Districts. Pursuant to Section 37-7-104, *et seq*. of the Mississippi Code, the Mississippi Legislature has required that certain school districts (consolidate/be consolidated) and that the Mississippi Board of Education promulgate rules and regulations to facilitate the consolidation of these school districts. This policy shall apply to all consolidations currently required by law and for any future consolidations that the Mississippi Legislature shall require. These procedures shall be implemented by the Office of School Improvement, Oversight and Recovery and other assigned Mississippi Department of Education (MDE) staff.

The Board prescribes the following rules and regulations for consolidation of school districts:

1. Transition Team
    a. The State Superintendent shall appoint a Transition Team that includes MDE staff members and individuals not employed by MDE to facilitate transition to a new school board and consolidated school district.
    b. The school boards, superintendents, administrative and instructional staff of the school districts required to consolidate shall work cooperatively with the MDE and the Transition Team to facilitate the transition to the new consolidated district.

c. Unless otherwise provided by state law, this may include timelines and procedures for:
   i. Abolition of affected school districts and formation of consolidated school district.
   ii. Selection of administrators, establishment of contracts for licensed personnel and hiring of un-licensed personnel for the consolidated district
   iii. Community meetings
   iv. Adoption of a set of school district policies for the consolidated district
   v. Consolidation of programs including but not limited to:
      1. Athletic programs and student organizations
      2. Bus routes
      3. Curriculum consistent with Common Core State Standards
      4. Districts' business offices and financial accounting software
      5. Federal programs
      6. Food service
      7. Safety crisis plan
      8. Special education programs
   vi. Transfer of assets from affected school districts to consolidated school district
   vii. Transition to a new school board for the consolidated school district
d. This Transition Team shall establish procedures and a timeline for administrative consolidation of the affected school districts and shall serve notice and instructions on the affected school districts of the procedures and timeline.

2. The Transition Team shall report periodically to the State Superintendent of Education. The State Superintendent of Education will notify the Mississippi Board of Education of the progress of the Transition Team.

Source: *Miss. Code Ann. §37-7-104, et seq.(Adopted 7/2013)*

Part 3 Chapter 53: New Start School Program Regulations

Rule 53.1 New Start School Program Regulations.

1. <u>Publication of Notice of Failing School</u>

Following receipt of the classification of failing for any school in the district, the local school board of the district in which the failing school is located shall initiate the notice required by Mississippi Code Ann. Section 37-167-1(3)(b) in a suitable newspaper. Publication of the notice will be at the earliest available date following the official release of accountability grades.

Notice shall substantially comply with Appendix One. The local school board shall bear all costs related to publication of the required notice.

Following completion of publication, the local school board shall promptly confirm in writing completion of publication to the Deputy Superintendent of Education responsible for the

Mississippi Recovery School District (hereinafter in these Regulations "Deputy Superintendent").

2. Notice to Employees of Failing Schools

When a school is classified as failing in any school year, the Deputy Superintendent or his/her designee may provide written notice to the principal and each employee that such school may be transformed into a new start school. The notice shall also state that if the school receives a classification of failing for the succeeding school year and transformation into a new start school occurs, the person's employment with the local school district may be terminated.

3. Notice to Superintendent and Board Members

If a local school district has one or more schools designated as failing in any school year, the superintendent of that local school district shall be restricted only to travel that is mandated by law or prescribed by the State Department of Education as required by Mississippi Code Ann. Section 37-167-1(7). Additionally, the members of the local school board shall be restricted only to travel that is mandated by law or prescribed by the State Department of Education, and shall have the amount of their per diem and/or yearly rate reduced by half as required by Mississippi Code Ann. Section 37-167-1(8).

The local school district superintendent shall be responsible for sending financial statements to the Deputy Superintendent or his/her designee monthly to demonstrate that per diem amounts and travel were reduced as required.

4. Comprehensive Plan of Improvement

If a school that has been classified by the State Department of Education as a failing school in any school year, the Mississippi Recovery School District shall take steps to facilitate the transformation of the failing school into a new start school. However, the school board of the local school district may appeal to the State Board of Education for an additional year by submitting a comprehensive plan of improvement. The State Board of Education may grant a one-year delay if it determines circumstances merit giving the school an additional year to achieve academic improvement. A template will be provided to schools as a guide, but additional items may be added to the plan as determined by the local school board. At a minimum, the following items must be included in the comprehensive plan of improvement:

a. The district and school name subject to new start status.
b. Area(s) of needed improvement including a three-year summary of the school's accountability grades.
c. Specific steps needed to implement the improvement changes.
d. Action(s) required to successfully complete the steps.
e. The person responsible for the implementation (contact person) and title.
f. The funding source and overall estimated cost to implement the plan.

5. Transformation Plan

Upon determining that a new start school must be established, the Deputy Superintendent shall issue a transformation plan for implementing the New Start School Program for the failing school. The transformation plan will be served on the local school board for the school district in which the failing school is located. The local school board, the superintendent of schools, and all

others affected by the transformation of the failing school into a new start school shall comply with all requirements of the transformation plan.

At a minimum, the transformation plan shall include the following:

a. The name of the school subject to transformation into a new start school.
b. The date by which employee evaluations must be submitted by the superintendent of schools to the Mississippi Recovery School District.
c. The effective date by which administration and control of the failing school will be transferred to the Mississippi Recovery School District.
d. Any other provision necessary for transformation of the failing school into a new start school.

A transformation plan may be amended as may be required to implement the provisions of Mississippi Code Ann. Section 37-167-1 and these regulations.

6. Access to School District Resources

The Mississippi Recovery School District shall have access to all books, records, files and other items in the possession of the local school district relating to the new start school. This includes, but is not limited to personnel records, student records, property book, bank and other accounts.

7. Personnel Selection

No person selected by the Deputy Superintendent to be principal of a new start school shall be subject to election and approval for employment by the local school board or the local superintendent until such time as control of such school is transferred to the local school district.

The Deputy Superintendent shall notify the superintendent of the school district of the person selected to be principal of the new start school, the terms of the contract of employment, and the time within which such contract must be executed.

The principal of a new start school shall select and recommend for employment all licensed (certified) and nonlicensed (classified) personnel at the new start school. Each teacher recommended for employment must be approved by the Deputy Superintendent. Any employee of a failing school receiving an unsatisfactory employee evaluation may be terminated by the Mississippi Recovery School District upon the transformation of the former school into a new start school. All employees of a new start school shall be employees of the local school district in which the new start school is located, and shall have all the benefits and privileges of a district employee except as indicated in Miss. Code Ann. Section 37-167-1 and these regulations. However, all such employees shall be under the supervision and direction of the Deputy Superintendent and his/her designated line of supervision.

8. Local School District Support for New Start Schools

No action by the local school board involving the academic, financial, managerial or operational functions of the new start school shall be effective without the approval of the Mississippi Recovery School District. The local school board shall keep the Deputy Superintendent

informed of all matters involving the new start school so as to prevent disruption of operations in such school.

9. Students

Students previously enrolled in, in attendance at and residing in the attendance zone of the former school are deemed to be enrolled in the new start school without the necessity of reapplying for enrollment. Students desiring to attend another school in the local school district or in another district may petition the local school board in accordance with applicable law and local school board policy.

Enrollment in and attendance at a new start school shall not limit a student's participation in district extracurricular activities.

10. New Start School – Local School District Responsibilities

Once it has been determined that a school is a new start school the following actions must take place:

a. The local district shall confirm that students who were enrolled in, in attendance at and residing in the attendance zone of the public school before the new start school is instituted shall continue to be enrolled in the new start school. This information will be provided to the Deputy Superintendent or his/her designee on the date specified.
b. The local superintendent shall evaluate the performance of all licensed (certified) and nonlicensed (classified) employees in schools receiving a classification of Failing (F). The evaluation of such employees shall take priority over the evaluation of employees at other, nonfailing schools in the district. The evaluation of teachers and other appropriate licensed employees shall be conducted using Mississippi Statewide Teacher Rubric (MSTAR).
c. The local superintendent shall provide the performance evaluations of employees in the new start school with the Deputy Superintendent or his/her designee on the date specified.
d. Any employee of a failing school who receives an unsatisfactory evaluation may be terminated by the school district in which the school is located.
e. The Deputy Superintendent or his/her designee shall select a principal for the new start school. This person may or may not be the current principal of the school when the takeover occurs.
f. The principal of the new start school shall be an employee of the district but will report to the Deputy Superintendent or his/her designee. The local school district shall include the principal in meetings that affect the school in which they serve.
g. The principal shall select and recommend for employment all licensed and nonlicensed personnel for the school in the same manner as provided for other schools. All employees must be approved by the Deputy Superintendent or his/her designee. The employees may or may not be employed by the new start principal if the takeover occurs after the school year has begun.
h. All employees of the new start school shall participate in professional development courses. Subject to the approval of the State Board of Education, the local superintendent

shall provide professional development for all licensed and nonlicensed employees of the school.

i. The local school district shall fund operations at any new start school within the district at a level sufficient to readily improve performance in such school. Funding shall be allocated on a per pupil basis. The Deputy Superintendent shall determine if funding is sufficient, and may establish a per pupil amount if it is determined that district funding for a new start school is insufficient. The local superintendent will be responsible for working with the Deputy Superintendent or his/her designee and new start principal to provide the necessary support as prescribed.
j. For all extracurricular purposes, any new start school shall remain a member of the local school district. The local superintendent shall be responsible for communicating that all extracurricular activities will be supported by the local district.
k. The local superintendent shall be responsible for all bus routes to and from the new start school as they are with the other schools in the district. The local superintendent shall be responsible for making sure adequate buses and drivers are available for all planned extracurricular activity trips.
l. The local superintendent shall be responsible for providing food service to the new start school as part of the local school district.
m. The local superintendent shall be responsible for providing security at school, or any school event, as provided to any other school in the local district.

11. Mississippi Recovery School District

The Deputy Superintendent or his/her designee shall inform the principal and employees of the line of supervision for the new start school. The principal and employees of the new start school shall adhere to this line of supervision for all purposes so long as such school remains under the Mississippi Recovery School District. All employee personnel action in a new start school shall be subject to approval by the line of supervision, including, but not limited to:

a. Recommendations and approval of employment;
b. Setting salaries;
c. Transfers and reassignments;
d. Promotions and demotions;
e. Adverse action such as suspensions, dismissal/terminations and nonrenewals.

The Deputy Superintendent may establish requirements and standards for employees of a new start school that amend and/or supplement the local district's personnel policies.

12. Noncompliance

Failure to comply with the implementation of the New Start School Program by any local school district will be considered a violation of the relevant provisions of the Mississippi Public School Accountability Standards.

Source: *Miss. Code Ann.* §37-167-1, *et seq. (Adopted 1/2015)*

NEW START SCHOOL PROGRAM REGULATIONS

APPENDIX ONE

NOTICE OF FAILING SCHOOL

In accordance with Miss. Code Ann. Section 37-167-1, the (INSERT NAME OF SCHOOL BOARD) hereby gives notice to the public that (INSERT NAME OF SCHOOL) has received a classification of FAILING (F) for the 20__-20__ school year.

Any school receiving a classification of FAILING for two (2) consecutive school years shall be transformed into a New Start School under the administration and control of the Mississippi Recovery School District within the Mississippi Department of Education.

NAME OF SCHOOL BOARD PRESIDENT	DATE
NAME OF SUPERINTENDENT OF SCHOOLS	DATE

New Start School
Comprehensive Plan of Improvement

Date: _____ School: _____ School District: _____

Goal(s) and Objective(s): *Areas of Improvement to be addressed; show evidence of need – i.e., data, as well as goals and objectives associated with those areas.*

Measurable Outcome: *What will be accomplished and how will you know the action worked?*

Specific Steps to implement Action: *Complete the following chart using one box/row for each step and actions as needed. Add steps and actions as needed.*

Specific Step to implement the action	**WHEN** (Specific begin/end dates) month/day/year	**WHO** (Immediate person or group implementing	**FUNDING SOURCE** (local, state, federal)
Action:			
Action:			

WHO: *Person(s) with overall responsibility to monitor fidelity of implementation*

OVERALL COST PER STUDENT:
OVERALL COST TO THE DISTRICT:

Part 3 Chapter 54: Lampton Auditorium, MS Schools for the Arts

Rule 54.1 Lampton Auditorium, MS Schools for the Arts

1. Section 1: Conditions for Use of Lampton Auditorium

Use of Lampton Auditorium is subject to the conditions stated in the Application and the Confirmation Agreement and all conditions listed below:

a. The application form and executed confirmation agreement, along with all fees, must be received by the Mississippi Department of Education (MDE) at least five (5) working days prior to date of intended use;
b. The confirmation agreement will not be binding upon the MDE unless and until accepted and executed by the MDE;
c. Neither smoking nor alcoholic beverages shall be permitted or allowed at any time in Lampton Auditorium;
d. Use of candles requires clear plastic or other protection on the floor. Reservation markers placed on seats should be fastened with ribbon. Do not use any form of tape. No nails, tacks, staples, pins, adhesives or anything that will mar woodwork or furniture may be used. All decorations must be removed within the time limitations of your event;
e. Portable sound or visual equipment shall be furnished by and at the expense of the applicant;
f. Equipment available for use in the auditorium shall consist of tables, chairs, podium, lectern, and state and American flags;
g. Regulations governing use of facilities as stated in these policies and in the application form and confirmation agreement must be observed;
h. Failure of the Applicant/Lessee to comply with any of the foregoing conditions constitutes cause for cancellation of privilege to use the facility;
i. The Lessee hereby further agrees and binds itself to indemnify and hold harmless the Lessor from any liability or loss occasioned by any injury or damage sustained by any person on said premises during this lease as a result of the Lessee's, his guests', or independent contractor's failure to exercise such care as is required of it by law in the operation of the said Lampton Auditorium during said period, and the Lessee further agrees and obligates itself to maintain and keep the said premises in a reasonable safe condition for the use herein specified;
j. The Lessee understands that he shall be responsible for the costs of and repairs and/or replacement necessary due to any damage or destruction resulting from the Lessee's, his guests', or independent contractor's use of Lampton Auditorium;
k. The MDE will not be responsible for any damages to articles or equipment or loss of any articles or equipment left in the Lampton Auditorium prior to, during, or following a function;
l. Furthermore, the MDE is authorized to make repairs and/or purchase replacements necessary due to any damage or destruction resulting from use of said facility caused by the Lessee, his guests, or independent contractors and to bill the Lessee for same.

2. Section II: Application for Use and Confirmation (See Attached)

3. Section III: Nondiscriminatory Practices

The Mississippi Department of Education does not permit the practice of discrimination in granting permission for use of its facilities by any organization or group which excludes persons from participation because of race, color, sex, creed, national origin, or disability. Applicants for the use of school facilities must agree not to engage in or permit such discrimination while using school property.

4. Section IV: Noncompliance

    a. The Applicant/Lessee understands that upon failure to comply with any and all of the policies on use of Lampton Auditorium, the Mississippi Department of Education may terminate and cancel all rights and privileges of the applicant to use Lampton Auditorium.
    b. No delay or omission by the MDE in exercising any right, power, or remedy hereunder or otherwise afforded by the policies, application or agreement, at law, or in equity shall constitute an acquiescence therein, impair any other right, power or remedy hereunder or otherwise afforded by any means, or operate as a waiver of such right, power or remedy.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 5/2000)*

Part 3 Chapter 55: Management Information Systems

Rule 55.1 Technology and Strategic Services

1. The Office of Technology and Strategic Services (OTSS) is to ensure appropriate authorized access of IT resources and services, equipment and usage for the security and protection of information as assigned by State of Mississippi. These resources are provided to conduct and support state business and educational functions as required by law. OTSS provides security and controls to enhance efforts in providing confidentiality, integrity and availability to the departments within MDE as with student and personnel information in schools, public and nonpublic school districts governed by the State Board of Education. All information technology assets that are managed, operated, maintained, or in the custody or proprietorship of the agency and/or hosted by third parties on behalf of MDE must be utilized to ensure:

    a. Appropriate Use
    b. Availability
    c. Accountability
    d. Data Integrity
    e. Privacy and Confidentiality

    Employees and authorized users are required to adhere to the "Appropriate and Acceptable Use Policy" that is published in the MDE Human Resource Employee Policy and Procedures Manual and on the OTSS website. Users must read and acknowledge the policy as a condition of being granted access to Office of Technology and Strategic Services' technology assets during their tenure as an employee or authorized user. Users will be held responsible for protection of all technology resources and information for which they are entrusted and using them for their intended purposes.

The Office of Technology and Strategic Services Security Policy has been created as a directive of MS Information Technology Services as it applies in MS Code 25-53-1 to §25-53-25. Each agency must establish a framework to operate, develop, implement and apply appropriate security measures to protect and safeguard the agency and its users from forms of unauthorized access, malicious misuse, disclosure, modification or inadvertent compromise.

State board governed schools, public and non-public school districts are required to create a district wide Information Technology Security Policy. The policy will develop, implement and maintain district information technology resources that are managed, operated or in the custody or proprietorship of the district and/or MDE and/or hosted by third parties on behalf of the school district and/or MDE. The requirements and standards cannot be less than those established in the OTSS Information Technology Security Policy.

The more restrictive policy will take precedence in the event of a conflict between the agency's policy and the district's policy.

2. Information Technology Steering Committee (ITSC)
   The Information Technology Steering Committee is established to be the coordinating body for the agency and school districts technology resources and information security- related activities. It is composed of appointed staff from the Office of Technology and Strategic Services and representatives appointed by the State Superintendent of Education and/or a Deputy Superintendent of Education.

3. ITSC responsibilities include:
   Assisting the Chief Information Officer (CIO) in developing, reviewing, and recommending technology resources and information security policies for the agency and all governed school districts by the board
   Identifying and recommending industry best practices for technology asset usage and information security
   Developing, reviewing, implementing and recommending federal and statewide standards, procedures and guidelines
   Coordinating inter-departmental and school district professional and accurate communication and collaboration on technology usage, security issues and future access system changes
   Coordinating statewide information technology and security education and awareness to all governed school districts by the state board

Source: *Federal Information Security Management Act of 2002 (FISMA), National Institute of Standards Technology (NIST), Federal Information Processing Standards 200 (FIPS)*
The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99)
No Child Left Behind Act of 2001, The Individuals with Disabilities Education Improvement Act of 2004 (IDEA)34CFR 300.560-300.577, The U.S. Department of Agriculture – Use of Free and Reduced Price Meal, Eligibility Information Nondiscrimination or Identification of Recipients, 42USC 1758 (b)(2)(C)(iii), Richard B Russell National School Lunch Act (42U.S.C. 1751 et seq.)
The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),
Miss. Code Ann. §37-1-3, 37-3-5, §37-151-9, §25-53-1 to §25-53-25 (Revised 4/2016)

Part 3 Chapter 56: Distance Learning/Online Courses

Rule 56.1 Distance Learning/Online Courses. The purpose of the distance learning/online course policy is to provide guidance to Local Education Agencies (LEAs) regarding the use of distance learning and online courses through the Mississippi Virtual Public School (MVPS), the Mississippi Interactive Video Network (MIVN), independent study programs, and other distance learning/online course providers not already approved by the Mississippi Department of Education (MDE).

For the purposes of this policy, **distance learning** is defined as a technological delivery model in which regularly scheduled real-time instruction occurs during the school day where students and instructors are not in the same place and in which a Mississippi-certified teacher is responsible for providing instruction. **Online learning** is defined as a delivery model that is an interactive computer-based and internet-connected learning environment in which students are separated from their teachers by time or location or both and in which a Mississippi-certified teacher is responsible for providing instruction. **Blended learning** is defined as a hybrid instructional delivery model where pupils are provided face-to-face instruction in part at a supervised school facility away from home and in part in a computer-based, internet-connected learning environment with some degree of pupil control over time, location, and pace of instruction and in which a Mississippi-certified teacher is responsible for providing instruction.

1. The **Mississippi Virtual Public School (MVPS)** is an online course system that has been approved by the MDE. The provider is selected through a Request for Proposals process. All courses have been reviewed for alignment to the respective framework. All MVPS courses are assigned a course code that is listed in the *Approved Courses for the Secondary Schools of Mississippi*. There is no limit to the number of online courses that can be taken for Carnegie Unit credit through the MVPS. Enrollment must have prior approval by the principal. MVPS courses can be used for credit recovery. The school district does not provide the certified teacher for the MVPS courses. The school district is required to provide a site coordinator. The MVPS course(s) are free to students on a first-come-first-served basis contingent upon availability of funds appropriated by the legislature, with seniors given priority. Once all MVPS seats are used, districts, schools, or parents may pay the cost for additional students to take MVPS courses.

   The **Mississippi Interactive Video Network (MIVN)** is a distance learning system that has been approved by the MDE. This system links certified teachers in one school with classes of students in other schools or districts as a means of delivering real-time instruction. These courses are listed in the *Approved Courses for the Secondary Schools of Mississippi*.

   The MDE has approved a limited number of online correspondence courses for **independent study programs** taught by institutions of higher learning in Mississippi. These courses are listed in the *Approved Courses for the Secondary Schools of Mississippi*. LEAs are responsible for determining course funding structure.

2. For all **distance and online courses other than the delivery methods listed in Section 1 above,** LEAs must submit an application to the MDE for approval to ensure that the

vendor/provider's content, curriculum, and assessments are aligned to Mississippi's course standards. LEAs are responsible for determining course funding structure. In order to count as a credit toward graduation, course codes must be listed in the *Approved Courses for the Secondary Schools of Mississippi*. There is no limit to the number of courses a student may take. Enrollment in such courses must have prior approval by the principal.

For **blended learning courses** in which an LEA provides a face-to-face Mississippi-certified teacher, no prior approval from the MDE is required. For online programs or computer-assisted instruction in which an LEA is using for the sole purpose of credit recovery, no prior approval from the MDE is required. For online dual enrollment courses through a Mississippi Community College or Institution of Higher Learning, no prior approval from the MDE is required.

3. Beginning with the 2016-2017 school year, any LEA that provides a distance learning/online program other than the delivery methods listed in Section 1 above shall develop and implement a distance learning/online course policy and handbook guidance that has been adopted by the local school board and that includes the rules, regulations, and processes for online courses. The rules, regulations, and processes shall be available to faculty, students, and parents/guardians.

   a. At a minimum, LEAs must ensure the following through local board policy:

      i. Teachers are licensed by the Mississippi Department of Education to teach the respective course;

      ii. Background checks are conducted for the teachers;

      iii. The content, curriculum, and assessments for each course are aligned to the competencies, objectives, and standards of the respective Mississippi course;

      iv. Appropriate course codes are used;

      v. A facilitator is assigned to assist students;

      vi. Students have access to the technology needed for courses;

      vii. Students have all instructional materials needed for courses;

      viii. The district grading policy is followed;

      ix. Students enrolled in the courses take the required state assessments where applicable; and

      x. Documentation is maintained on file at the central office.

   b. At a minimum, the LEA student handbook shall include the following:

i. The process for notifying parents about the program;

ii. Minimum criteria to determine eligibility for participation;

iii. The number of distance learning/online courses that students can take at one time;

iv. If the distance learning/online course program can be used for credit recovery and/or remediation;

v. The courses by grade level and content area for the distance learning/online program; and

vi. The process for monitoring student progress and notifying parents of student progress during the course.

Source: *Miss. Code Ann.* § 37-1-3 and § 37-161-3 (Adopted 10/2006)

Part 3 Chapter 57: Monthly Attendance Reports

Rule 57.1 Monthly Attendance Reports. Pursuant to authority in Mississippi Code 37-19-51 for the purpose of calculating Minimum Education allotments, the State Department of Education is authorized to change the monthly attendance data reporting from scholastic months to calendar months to begin with the 1993-94 school year. The reporting months shall be defined as following:

September	1st month Report	Shall include the number of days school is in session in the calendar month of August, if applicable, plus the number of days school is in session in the calendar month of September.
October	2nd month Report	Shall include the number of days school is in session in the calendar month of October.
November	3rd month Report	Shall include the number of days school is in session in the calendar month of November.
December	4th month Report	Shall include the number of days school is in session in the calendar month of December.
January	5th month Report	Shall include the number of days school is in session in the calendar month of January.
February	6th month Report	Shall include the number of days school is in session in the calendar month of February.
March	7th month Report	Shall include the number of days school is in session in the calendar month of March.
April	8th month Report	Shall include the number of days school is in session in the calendar month of April.
May	9th month Report	Shall include the number of days school is in session in the calendar month of May plus the number of days school is in session in the calendar month of June, if applicable.

The second and third months		Shall be defined as the reporting months of October and November.
The first six (6) months		Shall be defined as the reporting months of September through February.
The nine months		Shall be defined as the months of September through May

Source: *Miss Code Ann. 37-19-51 (Adopted 10/1993)*

Part 3 Chapter 58: Non-Public Approval (*Repealed 09/2012)*

Part 3 Chapter 59: Paperwork Reduction

Rule 59.1 Paperwork Reduction. The number of written reports that classroom teachers are required to prepare shall be limited to those directly related to the instructional program of the state and district and only essential elements shall be included. Further, the State Department of Education (SDE) shall provide an example of each report required of a district within a logical time frame and shall reduce the number of regularly required reports. The SDE shall continue to work with the Legislature to provide computer capability for school districts and for the SDE itself to be able to manage instruction and fiscal operations by electronic means.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1988)*

Part 3 Chapter 60: Parent Awards (*Repealed 09/2012)*

Part 3 Chapter 61: Probation (Conservatorship) (*Repealed 09/2012)*

Part 3 Chapter 62: Public School Funding

Rule 62.1 Applications

1. The local School Board and Superintendent shall prepare and submit to the State Board of Education in duplicate the "Long Range Plan of Providing Equal Facilities" for the children of the district. It is very desirable that a conference be held with the Office of School Building and Transportation before the Long Range Plan is completed. This Long Range Plan must be submitted to and approved by the State Board of Education before any school building project can be approved.

2. The site for any new building must be approved by the State Board of Education.

3. Separate applications, along with preliminary plans, must be submitted for each project. These should be submitted in duplicate for review and processing.

4. Immediately following the approval of each project, a Loan Agreement and a No- Arbitrage Certificate must be executed by and between the School Board and the State Board of Education. Copies of this Agreement and Certificate will be mailed from the offices of the State Department of Education to the School Board. All copies of the Agreement and Certificate should be executed by the proper officials designated therein and all copies returned to the State Department of Education.

5. The State Department of Education must be furnished a Certificate of Title prepared and signed by an Attorney for the School Board, if requested. (Blank forms will be provided by the State Department of Education.) Title to school sites should be vested in the School Board and their successors in office. In those cases where title to school property is vested in municipal boards of aldermen, or other such governing authorities of a municipality, a transfer of title to the proper School Board should be effected and such deed properly recorded. In those cases where oil and gas leases are in effect on property purchased for school sites, or where mineral interests are outstanding, it will also be necessary for a non-drilling agreement to be secured and filed with the State Department of Education.

6. Final plans and specifications should then be completed, after the owner and architect/engineer have conferred with officials of the Office of School Building and Transportation of the State Department of Education, and have made a restudy of the plan in order to be sure that all educational and other requirements have been met. Final plans and specifications, including any addenda, must be approved by the Office of School Building and Transportation, the State Board of Health, and other required regulatory Agencies. Architects/engineers should furnish the State Department of Education with two sets of plans and specifications on each project. When such final plans and specifications are approved by the agencies aforesaid, the School Board will be contacted by the State Department of Education to set a bid date. When a bid date has been authorized by the State Department of Education, proper notice to bidders should be published as provided by law (37-47-29, Mississippi Code of 1972). School districts are urged to instruct their architects/engineers to construct bid proposal documents to include every "add alternate" and "deduct alternate" which may be needed to place the project under contract. Under Mississippi law, there is no provision to "negotiate" a contract.

7. All bids received shall be publicly opened, read and tabulated and the contracts awarded to the lowest and best bidders by the School Board, subject to the approval of the State Board of Education.

8. Following the acceptance of bids, the School Board and/or Architect/Engineer shall submit to the State Department of Education the following:
   a. Tabulation of all bids received.
   b. Copy of "Bid Proposal" of lowest bidder.
   c. Four (4) copies of signed contracts. (Contracts must be signed by the School Board President and the authorized representative of the Contractor.)
   d. Four (4) copies of "Performance Bonds", with Power of Attorney in the State of Mississippi.

e. Letter from Contractor(s) stating that there are no sub-contractors whose work value is in excess of $50,000.00, or a list of the sub-contractor(s) with their addresses and certificate of responsibility number(s).
f. Architect's/Engineer's certification of area under contract.
g. Letter from Architect/Engineer stating the percentage of project fees.
h. Letter from the School Board as to the availability of funds to complete the entire project.
i. Proof of publication of Advertisement for Bids.

9. Payments will be made as follows:

a. 60% upon approval of Contract Documents by the State Board of Education.
b. 30% upon written certificate from the Architect/Engineer that the project is 50% completed.
c. 10% upon completion of the project (including completion of all items noted at the final inspection), approval of final report by the State Board of Education, and except as provided in Section 14 herein.

10. Architect/engineer will supervise and conduct inspections during the course of the project, and will furnish field inspection reports to the owner, contractor, and the State Department of Education, Office of School Building and Transportation. Representatives of the State Department of Education will make as many inspections as necessary for project evaluation.

11. All change orders; including credits granted by the contractor, must be submitted to and approved by the State Board of Education before being carried out. Documentary evidence must be furnished for every change that is made affecting the amount of the contract or the architectural or engineering fees involved, and such changes must be approved by the state Board of education and placed on record in its minutes. The State Board of Education will not approve a reduction in the work to be performed unless adequate evidence is presented that a corresponding reduction in the amount of the contract has been affected. Likewise, the State Board of Education will not approve an increase in the contract amount, unless adequate evidence is provided that there will be a corresponding increase in the work performed. No change order will be considered by the State Board of Education after final payment has been made.
12. When the building is ready for final inspection, there should be furnished the State Department of Education a certificate from the architect/engineer that the building is substantially completed and ready for final inspection. The architect/engineer will set a time and date acceptable to the State Department of Education, the school board, and the contractor for making the final inspection. A written report of the final inspection shall be made to the State Department of Education by the architect/engineer. The architect/engineer must furnish to the State Department of Education (1) a copy of the "Final Certificate of Payment" A.I.A. Document G-702 (an itemized statement showing all changes in contracts), (2) a certification that all items on the final "punch list" have been completed or corrected, (3) complete documentation of the expenditure of any allowances which were included in the contract, and (4) a copy of all closing documents and warranties as required. When this report is made to the State Board of Education, and when same is approved, the State Board of Education will enter an order in its minutes finally approving and accepting the project.

13. The architect/engineer must furnish to the State Department of Education (1) a copy of the "Final Certificate of Payment" A.I.A. Document G-702 (an itemized statement showing all changes in contracts), (2) a certification that all items on the final "punch list" have been completed or corrected, (3) complete documentation of the expenditure of any allowances which were included in the contract, and (4) a copy of all closing documents and warranties as required. When this report is made to the State Board of Education, and when same is approved, the State Board of Education will enter an order in its minutes finally approving and accepting the project.

14. Prior to receiving the final 10% of loan proceeds, the School Board shall submit to the State Board of Education a certified copy of the records regarding the investment of the loan proceeds which records will reflect (1) that the loan proceeds were segregated in an account separate and apart from other funds of the School Board, (2) the date the loan proceeds were received, (3) the dates the loan proceeds were invested or reinvested, (4) the respective rates of interest in which the loan proceeds were invested or reinvested, and (5) the amounts of investment income received from the investment or reinvestment of the loan proceeds.

15. Upon receipt of those documents and reports listed in 13 and 14 above, payment of the final 10% of state funds will be made, subject however, to the State Board of Education right to deduct certain amounts relating to the rebate to the United States Department of Treasury of certain arbitrage profits, if any, resulting from the investment of loan proceeds by the School Boards.

Source: *Miss. Code Ann. § 37-1-3*

Rule 62.2 Application Evaluation. After a school district's Long Range Plan has been approved by the State Board of Education as required by Section 37-47-15, Mississippi Code of 1972, as amended, the following criteria shall be utilized in the evaluation of project applications for funding under the Public School Building Fund:

1. Actual and Projected Instructional Area deficit at the Attendance Center;
2. Percentage of Total Floor Area of Attendance Center Needing Renovation (including re-roofing);

3. District's Current Bonded Debt as a Percent of Property Assessment;

4. District's Public School Building Fund Expenditures Per Pupil for last 5 years (aggregate);

5. Date of most recent Public school Building Fund Allocation to District; and
6. Current Public School Building Fund Loans Outstanding Per Student (district). Appeals from decisions of the State Department of Education may be affected in the manner prescribed by law.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 4/1989)*

Rule 62.3 Division of $10,000,000. The additional $10,000,000 diversion to the Public School Building Fund shall be used for capitol improvements. Funds shall be distributed on a cash basis. Staff shall inform school district personnel of the steps which must be followed to acquire these funds.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 6/1992)*

Rule 62.4 Hearing Procedures. The hearing procedure for the Public School Building Fund is as follows:

1. The State Department of Education, Bureau of School Building and Transportation, shall make the initial recommendation to the State Board of Education to approve or disapprove the plan or application.

2. If the recommendation is to disapprove the plan or application and the State Board acts upon same, the Department will notify the district by certified mail of disapproval, listing the reasons therefore in accord with 37-47-17 and giving notice to the district of its right to request a hearing in writing before the State Board of Education pursuant to 37-45-27 et. seq. within twelve days of receipt of the letter of denial.

3. Upon receipt of a request for a hearing by the district, the State Superintendent of Education will notify the district by certified mail of the time and place of the hearing. Such notification will not exceed ten days from the date of receipt of the request unless mutually agreed in writing by the department and the district.

4. The State Board of Education may hear the issues or may designate an ad hoc committee of the Board to hear the issue(s) at a called meeting and act upon the committee's recommendation at the next regularly scheduled meeting following the issuance of the committee's recommendation unless otherwise mutually agreed in writing by the department and the district.

5. The district and the department may present witnesses and other evidence pertinent to the issue(s) in accord with the provisions of 37-45-27. The State Board of Education shall not be bound by the common law or by statutory rules of evidence or by formal or technical rules of procedure, but may conduct the hearing in such a manner as to best ascertain and determine the welfare of the educable children involved, the efficiency of the schools' operation, and the economic and social welfare of the various school areas involved. Hearsay evidence, if presented, shall not be the sole basis for the determination by the board. The board may ask questions, limit the examination or cross-examination of witnesses and recess and reconvene the hearing, if necessary, in accord with 37-45-27 and 37-45-15.

6. It shall be the responsibility of each party to secure the attendance of its witnesses; however, under the authority of 37-45-31 and upon request of the parties, the State Board of Education may subpoena witnesses and documents material to the issue(s) under seal of

the State Board of Education and in its name. Failure to comply with a subpoena is governed by 37-45-33.

7. A record of the hearing will be taken in accord with the provisions of 37-45-37 and 37-45-45. It is the duty of the appealing district to obtain a court reporter. Should the district certify in writing to the board that it is unable to obtain a competent reporter; the board will select a reporter for the district.

8. The appealing district will bear all costs of the hearing, including the court reporter's fees, excepting only the cost of any witnesses subpoenaed by the State Department of Education (See 37-45-35; 37-45-37; 37-45-43; 37-45-45; 37-45-47; 37-45-49).

9. Two copies of all written evidence will be required: one copy for the State Board of Education and one copy for the opposing party. Evidence submitted by the district will be labeled P-1, P-2, etc. Evidence submitted by the department will be labeled D-1, D-2, etc. Evidence may be stipulated and entered as S-1, S-2, etc.

10. Following the hearing and within a reasonable time after opportunity to review, study and analyze the evidence presented, the board shall make its written findings and issue its order. In the event the board chooses to designate an ad hoc committee of its members to hear the evidence, such committee will within thirty (30) working days of the conclusion of the hearing, after opportunity to review, study and analyze the evidence presented, make its written findings and recommendation to the board, which will act upon such recommendation at its next scheduled meeting. The decision of the board is final.

11. If a decision is adverse to the district, the district has the right of appeal to Chancery Court under the provisions of 37-45-51 and 37-47-67.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 11/1992)*

Rule 62.5 Historical Sites (*Repealed 3/2012)*

Rule 62.6 Kindergarten Classrooms (*Repealed 2/2012)*

Rule 62.7 Regulations

1. The "Loan Entitlement" to capital improvement funds for each school district shall be computed according to the provisions of Title 37, Chapter 47, Mississippi Code of 1972, as follows:

Total Earned Credits (Annual grants earned since 7-1-54)
- Interest Charged on Loans Outstanding
= Net Earned Credits
- Amount of Approved Projects
= Loans Outstanding
+ Maximum Permissible Loan (Annual grant X ADA X 20 yrs. X 75%)
= Loan Entitlement

2. The expenditure of State Funds for capital improvements shall be subject to the following restrictions:

   a. $40 per square foot for new construction (including A & E fees);

   b. $15 per square foot for renovation and/or repairs to existing facilities (including A & E fees);

   c. No state funds for the purchase or improvement of school sites;

   d. No state funds for construction, renovation, or repairs of frame or predominately frame buildings;

   e. No state funds for maintenance-type repairs;

   f. Each building project, including renovations and repairs, must be planned and supervised by an architect/engineer licensed in the State of Mississippi;

   g. Architectural and engineering fees from state funds shall not exceed 6% of contract;

   h. The architect/engineer shall furnish to the successful bidder(s), without cost, sufficient sets of drawings and specifications to satisfactorily complete the project;

   i. A minimum pitch of 1/4 inch to each foot on any roof on any new building;

   j. The accreditation status of the school district must be verified by the Commission on School Accreditation. In order to be eligible for state public school building funds, the district must demonstrate that all of its schools are fully accredited, the only exception being non-accreditation due to a facilities deficiency.

3. The district's Long Range Plan must address itself to the proposition of providing adequate and equal facilities for all students in the school district.

4. The "Procedures for Submission of Projects", as revised periodically, are hereby made a part of the Mississippi Board of Education Rules and Regulations of the State Public School Building Fund.

5. School sites shall be subject to the following:

   a. Regardless of whether state public school building funds are involved, no new school facilities shall be constructed on any new site until the said site shall have been submitted to and approved by the Mississippi Board of Education.

   b. Fee simple title to the school site must be vested in the school board and its successors in office.

   c. Elementary school sites must have at least five (5) acres of land with one (1) additional acre for each 100 students enrolled, and high school sites must have at least fifteen (15) acres of land with one (1) additional acre for each 100 students enrolled. (These minimum standards may be waived, at the discretion of the Board, when extenuating circumstances exist.)

   d. School sites will be approved according to the criteria established by the Mississippi Board of Education.

6. The School District must execute and deliver to the Mississippi Board of Education a No-Arbitrage Certificate simultaneous to the execution and delivery of the Loan Agreement and further agrees to comply with the requirements set forth in the No- Arbitrage Certificate, the Procedures for Submission of Project as each relates to the expenditure and investment of funds advanced, the maintenance of expenditure and investment records of advanced funds and the reporting to the Board and the Treasurer of the State of Mississippi of the records of the expenditure and investment of advanced proceeds.

Source: *Miss. Code Ann. § 37-1-3 (Revised 12/1998)*

Rule 62.8 Roof Requirements

1. Type of System
The following four types of roofing systems will be accepted. Any other type of roof system must have written approval of the State Department of Education:

   a. A four-ply fiber glass hot applied built-up roofing system.

   b. A single-ply ethylene propylene diene monomer (EPDM) which can be loose laid, adhered or mechanically attached.

   c. A modified bitumen system which can be heat welded, hot bitumen, or adhered; and with a surfacing which shall completely cover the membrane.

d. A standing seam metal roof system shall be from a single manufacturer with a minimum of 24 gauge galvalume sheets attached to slip clips for expansion and all seams double locked or pittsburged rolled.

Roofs shall be specified, as well as guaranteed, as a system and shall include vapor retarders, insulation, bitumen, felts, membranes, flashings, metals, decks, and/or any other items where required by the proposed roof design. All manufacturers' materials used in the roofing system shall be specified to meet the latest available ASTM standards for individual components of the roofing system. Certification from the roofing manufacturer shall be furnished at the pre-roofing conference as well as when the material is delivered to job site.

2. GUARANTEE

a. The four-ply built-up roof system shall have a 20-year unlimited manufacturer's guarantee for water tightness covering material and workmanship on the entire system.

b. The single-ply EPDM system shall have a 15-year manufacturer's guarantee for water tightness covering material and workmanship on the entire system, limited to the installation cost of the roof system.

c. The modified bitumen roof system shall have a 20-year manufacturer's guarantee for water tightness covering material and workmanship on the entire system, limited to the installation cost of the roof system.

d. The standing seam metal roof shall have a 20-year, 6-month unlimited manufacturer's guarantee for water tightness covering material and workmanship on the entire system.

e. In addition to the above guarantee, the general contractor and/or the roofing contractor shall provide a written guarantee agreeing to keep the roof free of leaks for a period of two (2) years starting at the time of acceptance of the project by owner.

3. ROOF SLOPES

a. All roof construction on new buildings shall have a built-in minimum slope to drains or eaves of 1/4 inch per foot.

b. All replacement roofs shall have a minimum slope of ¼ inch per foot where feasible; but in no case shall the slope be less than 1/8 inch per foot. Justification must be requested and approved by the State Department of Education for roofs less than 1/4 inch per foot.

4. SUBSTRATE

The type roof system selected shall be compatible with the substrate and shall be approved by the roofing material manufacturer. All decking material used for roofing shall be UL fire rated.

5. INSULATION

a. Roof insulation shall be of the type approved by the roofing manufacturer for the roof assembly in which it is to be used. The required minimum "R" value shall be specified.

b. On replacement roof projects that do not have a sloping deck, tapered insulation shall be used where feasible.

6. ROOF TOP EQUIPMENT

a. Roof top equipment on new construction is not desirable, and the building should be designed to eliminate the use of this equipment. However, where equipment must be installed on a roof, it shall be approved by the State Department of Education and shall be installed in accordance with NRCA (National Roofing Contractors Association) design details which shall be such that roofing can be easily accomplished without the removal of the equipment.

b. Where equipment on the roof must be periodically serviced, easy access and traffic pads shall be provided.

7. FLASHINGS

a. Flashings should be included in the roof warranty and shall be applied by an applicator approved by the manufacturer of the roofing material.

b. In re-roofing projects, existing metal flashings which are not to be replaced may be exempted from the warranty.

c. Perimeter metal flashing shall be of a material other than galvanized steel.

8. PRELIMINARY REQUIREMENTS

a. A report shall be prepared by the professional which will include the following items:

i. New Construction

a) Code fire-protection requirement and the required fire resistance in hours

b) UL roof assembly numbers

c) Type of flashing and roofing system recommended with justification for its use

d) Roof area

ii. Existing Construction

a) Determination of roof construction--core where necessary

b) Visual roof analysis inspection (See form attached.)

c) Code requirements--UL roof assembly number, if applicable

d) Provide Class A type roof or match existing roof

e) Recommendations by the professional as to repair or re-roof

9. BIDDING

a. BID DOCUMENTS

i. For new construction and complete tear-off of existing roofs, the professional shall specify the roof as a system and shall include all items which are to be covered under the roof warranty.

ii. When required, the professional shall state in the section, Instructions to Bidders, that upon award of contract, the General Contractor and/or Roofing Contractor shall provide the owner with the installed price of the roofing system.

b. QUALITY ASSURANCE

If requested, the roof contractor shall provide to the Local Education Agency a letter from the manufacturer of the required roofing materials that it is an authorized installer and will provide the required specified warranty for completion.

c. CONFERENCES

i. Pre-Bid Conference

It is recommended that at least seven (7) days before the bidding of a re-roofing project, a pre-bid conference be held at the project site. Attendance at the pre-bid conference is not a prerequisite for bidding.

ii. Pre-Roofing Conference

On new and re-roofing projects prior to ordering roofing materials, a pre-roofing conference shall be initiated by the professional. At such time the roofing contractor shall provide a list of materials to be used, manufacturer’s installation instructions as well as manufacturer's certification confirming that the materials to be used on the project meet the specified ASTM Standards.

iii. On re-roofing projects, the following personnel shall be represented:

a) Professional Roofing Contractor
b) State Department of Education Roofing Manufacturer
c) Local Education Agency

iv. On new projects the following shall be represented:

a) Professional General Contractor

b) State Department of Education Roofing Contractor
c) Local Education Agency
d) Deck Contractor Roofing Manufacturer Mechanical Contractor

4. INSPECTION

a. Inspections shall be made by the manufacturer's technical representative as necessary to obtain the roof guarantee.

b. The professional or his representative shall inspect the roof as the work progresses, but in particular, he shall inspect at the following times and give a letter of confirmation:

i. Inspect the substrate before any roofing is done.

ii. Inspect at the start of roofing installation to assure that the approved materials are being properly installed.

iii. Inspect as necessary as the work progresses or when a problem arises.

iv. Final inspection at the end of the work to give acceptance of the project.

5. HISTORICAL RECORD

The professional shall assist the roofer in preparing the Roofing Data Sheet provided by the owner for the historical files. (See form attached.)

6. ANNUAL INSPECTION

School districts are encouraged to contract with a professional or a roof inspector to inspect their roof on an annual basis and submit a written report of any needed repairs and budgeted costs to the school district superintendent.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 3/1990)*

Rule 62.9 Relocatable Classrooms

1. PURPOSE AND COMPLIANCE
   a. To set minimum safety and utility requirements for relocatable units regardless of the manufacturer, vendor, and/or contractor.

   b. To assure local school authorities a relocatable unit meeting the mentioned requirements and, at the same time, giving them the freedom of selection as to the particular make and model of relocatable unit they desire to place under contract.
   c. To set forth certain minimum mandatory requirements that must be complied with by any manufacturer, vendor, and/or contractor supplying a relocatable unit for use in the Public School Districts of the State of Mississippi.

d. All relocatable units must conform to the construction requirements as established in this specification.

2. PROCEDURE
   a. Approval of plans and specifications.
      i. Plans shall be prepared by an Architect or Engineer registered in the State of Mississippi.

   b. Submit plans for approval to State Agencies listed below before bids may be submitted to local school districts:
      i. State Board of Health - **1 set**
      ii. State Department of Education - Division of School Building and Transportation - **1 set**

3. MOBILITY
   a. To be considered a relocatable unit, the largest component must be of such construction as to permit highway travel and require a minimum of "on-site" work before the unit may be used for intended school work before the unit may be used for intended school purposes. Such units must consist of prefabricated component parts, or sections, that can be easily joined together or dismantled on the site.
   b. A minimum of dismantling work and replacement of parts or components should be required to prepare an "in place" unit for relocation to another school site.

4. DIMENSION REQUIREMENTS
   a. The following dimensions *must equal or exceed the minimum shown below:*
      i. Floor to ceiling -- 8' - 0"
      ii. Exterior width -- 24' or 28'
      iii. Clear instructional area -- 700 square feet, exclusive of storage, toilets, and heating area.

5. STRUCTURAL DESIGN
   a. Southern Standard Building Code - Coastal Region (latest edition)
      i. All units for the State of Mississippi shall meet code for specified region *regardless of site location.*
      ii. Foundations, as well as structure, shall meet code.

   b. Footings shall be "poured in place" concrete. Piers shall be of concrete and/or masonry construction, using 4' jr. steel I beam for posts and rails as runners for units to be placed on, reinforced as required. Slab on grade construction will not be allowed. Concrete blocks and piers will not be allowed.

   c. Anchor bolts shall be used to resist uplift.
   d. Floor Live Load 75 pounds per square foot. D. Certification of Design.
   e. To be approved by the State Department of Education, Division of School Building and Transportation. Structural drawings must bear the seal of a structural engineer registered in the State of Mississippi.

6. CHASSIS
   a. Shall be perimeter in type and design.

   b. All I-Beams are made of A-36 steel or better.

   c. Either 8' or 10' I-Beam will be used as chassis beams. The front and rear members will be the same depth of I-Beam as those used on the sides. The I-Beam will be checked to see if it corresponds with the size specified.

   d. Placement of axles shall be indicated on the chassis drawing. This placement is expressed on the drawing as a distance the axles are located from the front crossmember. The axle location has been determined by engineering analysis, taking into account the gross weight, total length, the necessary coupling hitch weight, total distance, and turning radius. The coupling weight is not less than 12% or nor more than 255 of the gross weight. The axles, rims, tires, and hitch will remain the property of the manufacturer.

   e. Weld Quality - All welds on the steel chassis are full welds with no burn throughs or skips. Where the main I-Beams are butted together the joint is either full penetration weld from both sides of the web and flanges, or it is welded on one side of the web reinforced on the other side of the web of the I-Beam. This plate is at least 4" wide and is welded along all four sides. The difference in the height of the plate and web of the I-Beam is not more than 1½ inches.

   f. Lag Bolt Spacing -- At least one lag bolt for every 40 sq. ft. of floor area will be used to fasten the chassis to the floor system. One lag bolt will always be installed at 4' intervals. The remaining required lag bolts will be evenly distributed throughout the rest of the chassis area. The lag bolt size is 5/16" x 2½".

   g. A serial number will be stamped into each frame to identify the manufacturer, time, and place of manufacture.

7. CONSTRUCTION MATERIALS AND STANDARDS
   a. Required:
      i. All wall framing shall be 2x4 wood studs @ 16" O.C. Double studs at and over all doors with extra blocking over and under all windows. Three 1/4 belt line running full length and width of building.

      ii. A 3½" blanket of fiber glass insulation with a vapor barrier in all exterior walls. Insulation factor R-11 or greater.

   b. Exterior walls shall be covered with embossed finish, .019 aluminum, ribbed for extra strength. As an alternate exterior hardboard siding products as Tecture - 1-11 or masonite painted board siding or approved equal, will be acceptable.

c. Interior wall surfaces shall be 5/16" gypsum board with a ½ hour fire rating with a vinyl covered material.

d. Top Plate - Double 2x4's.

e. Bottom Plate - Single 2x4

f. Roof Rafters - Shall be full truss type 2x pitched rafters @ 16" O.C.

g. Roof is insulated w/3½" blanket fiber glass insulation with a vapor barrier on the warm side. Insulation factor R-11 or greater.

h. Interior ceiling shall be ½" gypsum board, carrying a ½" hour fire rating.

i. Roof covering shall be ½" CD plywood decking with 15# felt and 235# shingles or approved equal. Roof shall be vented.

j. Floor joists shall be 2X6 #2SPF @ 16" O.C.

k. Floor decking shall be ¾" plywood. ¾" T&G (Tongue and Groove) will be acceptable.

l. Floor shall be insulated w/3½" blanket fiber glass insulation with a vapor barrier on the warm side. Insulation factor R-11 or greater.

m. Finish flooring shall be 1/8" vinyl composition tile having a light reflectance value of 30%.

n. The bottom board material, which is fastened to the underside to the unit, is made of a moisture and weather resistant material.

o. This unit shall have two (2) exterior doors which are located remotely from each other. These doors shall not be located in rooms where an unlockable interior door must be used in order to exit. All exterior doors shall be aluminum clad, with shatter proof glass, panic hardware, door closure, and kickplate. There shall be one exit light located above each exterior door. All exterior doors swing outward. All exterior doors 36" x 80". There will be an exterior light located near each exterior door on the latch side of the door.

p. The window area shall equal at least 20% of the floor area and shall be at least 50% operable.

q. Interior doors to be 3" -0" x 6" -8" hollow core with heavy duty hinges.

r. Venetian blinds shall be furnished on each window of commercial grade.

s. Each girls' bath facility shall consist of one vitreous china water closet, one vitreous china wall hung lavatory. Wall materials are to have a smooth finish wall panel that is

completely washable. A urine proof smooth trim will be metal. Toilet paper holder at each water closet and mirror over each lavatory.

t. Each boys' bath facility consists of one vitreous china water closet, one vitreous china wall hung lavatory, one vitreous china urinal wall hung with flush valve. Wall materials are to have a smooth finish wall panel that is completely washable. Trim will be metal. Toilet paper holder at each water closet and mirror over each lavatory.

u. Each kindergarten classroom required to have a 6-gallon hot water heater.

v. Sanitation shall meet approval of the Mississippi State Board of Health.

8. ELECTRICAL
   a. Electrical current shall be single phase.

   b. All minimum wiring size to be 12/2 copper romex with ground.

   c. All lighting and ceiling vent fans shall be 110V.

   d. Lighting shall not be less than 70 footcandles of light.

   e. This building shall have one 200 AMP main breaker panel box.

   f. Electrical material, services, appliances, fittings, and other equipment installed, intended for use in or attached to, the unit shall be listed by nationally recognized testing agencies and all national electrical codes.

9. PLUMBING
   a. Plumbing shall meet requirements of the Southern Standard Plumbing Code.

10. HEATING
    a. Heating shall be electric, thermostatically controlled, and shall be designed to maintain an inside temperature of 70 degrees F. with an outside low of 10 degrees Fahrenheit

11. SKIRTING
    a. Skirting shall be .019 aluminum using a 2x2 framing.
    b. The skirting will enclose the entire perimeter of building from base of unit to ground level.
    c. The 2x2 framing material shall be treated to resist termites and moisture.

12. SPECIAL EQUIPMENT
    a. *Chalk and Tack Board*

Each classroom shall contain 16 linear feet of chalkboard and 8 linear feet of cork or fiber tackboard.

b. *Teacher's Cabinet*

Each classroom shall contain one teacher's cabinet with a hanging rod and storage shelves.

c. *Shelf and Hook Strip*

Each classroom shall contain a hat shelf with 35 coat hooks.

13. NOTICE

ALL BIDS SHALL BE SUBMITTED WITH PLANS AND SPECIFICATIONS OF UNIT YOU ARE SUBMITTING FOR BID.

a. Plans shall include the following:

   i. Perimeter Frame Plan drawn at scale not less than 1/8" = 1' -0".

   ii. Foundation Plan drawn at scale not less than 1/8" = 1' -0".

   iii. Floor Plan drawn at scale not less than 1/8" = 1" -0". This plan shall show all equipment, electrical lights, outlets, mechanical, etc., door and window schedules.

   iv. Typical Wall Section drawn at scale not less than 3/4" = 1' -0".

   v. Anchoring systems shall be specified on detailed plans.

   vi. Mini-gutters shall be installed around the complete unit with metal slashing over exterior doors and windows.

14. CONTRACTOR RESPONSIBILITY

Work required of party contracting with school officials for furnishing and installing one or more relocatable units:

a. Location of each unit on the school site according to direction of school officials and accord with the following:

   i. Should not be placed where they could constrict width of required means of egress from there or adjacent building.
   ii. Should maintain vehicular access and space for service vehicles.
   iii. Spacing of units should comply with requirements of Table 600 of the Standard Building Code.

b. Hand excavation and fine grading for footings.

c. Construction of footings and piers for concrete and steel I beam foundations. (A crawl space of 18 inches minimum is required.) Back fill and hand rank area to be covered by unit.

d. Complete installation of each unit on foundation including:

i. Proper anchorage to foundation and/or tie-downs.
ii. Installation of metal skirt.

e. Stub-out of utility lines so they are easily accessible for permanent tie-in by school officials.

f. Complete cleaning of interior and exterior of each unit. Clean site area adjacent to unit and leave grounds in neat condition and unit ready for occupancy.

15. GUARANTEES AND WARRANTIES

a. Contractor and/or vendor shall guarantee all labor, materials, and equipment for a period of one year after final acceptance of units in contract.

b. Furnish the contracting school authorities:

c. All guarantees or warranties furnished by the manufacturers of any equipment or components incorporated in the work of the contract. The standard guarantee or warranty of the manufacturer of the main structural unit -- before entering a contract, school officials should consider the terms of the warranty of the unit manufacturer as to time limitations, etc.

16. SCHOOL AUTHORITY RESPONSIBILITY

a. Do preliminary clearing and/or grading prior to arrival of relocatable unit contractor. Regulations governing specifications, plans and purchase of relocatable classrooms as authorized by house bill 677, section 3, regular 1990 legislative session are as follows:

i. Minimum specifications for relocatable classrooms shall be approved by the State Board of Education.

ii. The State Department of Education, Division of School Building and Transportation, shall approve or disapprove:

a) All plans for relocatable classrooms by persons, firms, corporations, or associations.

b) Persons, firms, corporations, or associations before bids are submitted to the local school district.

b. The State Department of Education, Division of School Building and Transportation, shall approve the purchase of relocatable classrooms based on the following:

i. Compliance with all applicable state purchasing laws,

ii. Certified Proof of Publication for bids for the purchase of relocatable classrooms,

iii. Complete tabulation of all bids,

iv. Copy of lowest bid,

v. Copy of approved plans as bid by lowest bidder,

vi. Copy of Certified Letter from the Manufacturer stating that no asbestos containing building materials were used in the manufacture of the relocatable classroom(s).

c. Approval for the purchase of relocatable classrooms must be granted by the State Department of Education, Division of School Building and Transportation, before the contract for purchase may be awarded.

d. All rules and regulations as stated above shall be applicable to the leasing of or the lease/purchase of relocatable classrooms.

e. In situations where there occurs either a natural or man-made disaster , the State Department of Education, Division of School Building and Transportation, may forego the above stated rules and regulations in order to expedite the acquisition of relocatable classrooms by the local school district. However, the acquisition of such units shall at all times comply with all applicable state purchasing laws.

Source: *Miss. Code Ann. § 37-1-3 (Revised 6/1990)*

Rule 62.10 Staff Signatures. In the process of allocating Public School Building Funds, the State Superintendent of Education or his designee shall have the authority to sign all documents relative to the administration of the Public School Building Fund after approval by the State Board of Education.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1988)*

Part 3 Chapter 63: Request for Information

Rule 63.1 Public Records Policy. The public records policy of the Mississippi Department of Education (MDE) has been adopted in accordance with the Mississippi Public Records Act of 1983, Section 25-61-1, et seq. Mississippi Code of 1972. All records and portions of records not exempt from disclosure will be made available in accordance with the procedures outlined below.

1. PUBLIC RECORD:

In accordance with Miss. Code Ann. Section 25-61-3(b), public records are defined as “all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body.”

2. REQUEST:
Requests for information may be made pursuant to and in accordance with the Mississippi Public Records Act and the Board policy by submitting a written request specifying the record(s) sought, and must include the name, address, and email address of the individual and/or organization requesting the record.

A form has been created to assist requesters in meeting these submission requirements and is available online at mde.k12.ms.us.

Requests should be submitted to:
Office of Reporting
Mississippi Department of Education
P. O. Box 771
Jackson, MS 39205-0771
ATTN: PUBLIC RECORDS REQUEST
reporting@mde.k12.ms.us

3. RESPONSE:
The MDE shall respond in writing within seven (7) working days from the date of the receipt of the request. If the requested record is unable to be produced by the seventh working day after the request is made, the MDE will provide a written explanation to the requester stating that the record requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the parties, in no event shall the date for the requested records be any later than fourteen (14) working days from the receipt by of the original request.

4. FEES:
By statute, charges are made on a cost-recovery basis. Any person who desires copies of a public record as defined herein but does not officially represent a public body shall be charged the actual cost per page of mechanically reproduced copy. Copies of pages printed on both sides (front and back) shall be considered as two pages. This fee is for the cost of searching, reviewing, and duplicating the public record.

However, if the searching, reviewing, or duplicating of documents or the separating of non-exempt material from documents, etc., containing exempt material requires more than one-quarter hour of work, then the hourly rate can be charged in addition to a mechanical reproduction charge of twenty-five cents ($.25) per page for any copies desired. The charge for the hours shall be based upon the hourly salary of the lowest paid employee of the MDE qualified and available to do the job.

In the event the public record is available in computer files and can be obtained through computer use, the requesting party must pay the charge for computer use, including programming time and actual computer time as well as any other costs incurred. This charge will be determined by the MDE.

Mailing costs calculated at the applicable United State Postal Service rates shall be charged where appropriate. The cost of mailing a notice to third parties via certified mail, return receipt requested, shall be charged to persons requesting the public records. Actual costs for shipment by other than United States Postal Service shall be charged to the person requesting the special shipment.

When fees are appropriate as specified, the fees must be paid prior to the MDE's compliance with the request. Cash, money orders, cashier's checks, personal and company checks will be accepted in payment for fees, and must be made payable to the Mississippi Department of Education. Payment by personal or company check will be accepted subject to clearance within fourteen (14) working days.

5. THIRD PARTY NOTICE:

Records furnished to the MDE by a third party which contain trade secrets or confidential commercial or financial information shall not be released until notice to the third party has been given in accordance with the Mississippi Public Records Act. Such records shall be released in fourteen (14) days from the third party's receipt of notice unless the third party obtains a court order protecting the records as confidential or notifies MDE in writing of its intent to seek such order.

6. DENIALS:

Denials shall contain the specific reasons for denial. Copies of all denials shall be maintained on file by the Office of Reporting for not less than three years from the date denial is made.

Source: *MS Code 25-61-1, et seq. (Adopted 01/2014)*

Part 3 Chapter 64: Qualified Zone Academy Bonds

Rule 64.1 Qualified Zone Academy Bonds

1. Background

Created by The Taxpayer Relief Act of 1997, QZABs are an interest free financial instruments that provide a different form of subsidy from traditional tax-exempt bonds. The difference is that the QZAB bondholder (these include banks, insurance companies and corporations actively involved in the business of lending money as well as any individual or private business) receives a federal income tax credit in an amount equal to a percentage of the face amount of the bond. The local school board will be responsible for the issuance of QZAB debt under existing statutory authority and the repayment of the QZAB principal upon maturity. The credit (interest) rate and maximum maturity (about 14 years under current market conditions) are determined by statutory formulas.

QZABs are to be issued in support of a Qualified Zone Academy. A Qualified Zone Academy is defined to include a public school (not a school district) or academic program within a school that enters into a partnership with one or more local businesses to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the workforce under a plan approved by the local school board. Eligible schools must be located in an empowerment zone or an enterprise community or expect to have at least 35 percent

or more of their students eligible for free or reduced lunch under the National School Lunch Act. Students in a Qualified Zone Academy must be subject to the same academic standards and assessments as other students educated by the local school system. A Comprehensive Education Plan must be developed by the partnership and must be approved by the board of education of the local school district.
The Department of Education has the responsibility of allocating portions (or all) of the amount of QZAB authority allocated to the State to one or more Qualified Zone Academies. Amounts allocated to the State for a year that are not allocated to Qualified Zone Academies during that year will be carried over and allocated in any subsequent year. The Davis-Bacon Act applies to projects funded with QZABs.

2. Allocation of QZAB to PUBLIC School Districts
The total amount of QZABs allocated to Mississippi will be available to public school districts that meet established criteria on first-come-first-served basis. The Department will make that determination based on the date and time the QZAB Application is received from the school district. The amount of QZABs available to public schools will be based on the availability of funds at the time of request.

3. QZAB Application
The local school district must complete an application in its entirety and submit to MDE as required.
It is the responsibility of the board of education of the local school district to determine whether the purposes for which the QZAB is issued conform to applicable State and Federal Law.

Source: *Public Law 105-34, Sec. 1397E; Public Law 107-217 (Revised 7/2015)*

Part 3 Chapter 65: Reading Improvement Program

Rule 65.1 Reading Improvement Program (*Repealed 2/2012)*

Rule 65.2 Assistant Teacher Program Regulations. The Mississippi Reading Improvement Regulations are hereby entitled Mississippi Elementary School Assistant Teacher Program Regulations. These regulations shall be reviewed regularly, with needed changes being recommended to the State Board of Education for Approval. Upon Approval, changes will be disseminated to the appropriate personnel in the education community. An up-to-date copy of this policy shall be kept on file in the Mississippi Department of Education.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 4/1994)*

Part 3 Chapter 66: Recruitment

Rule 66.1 Recruitment. These Rules and Regulations are subject to change by the Board of Trustees of State Institutions of Higher Learning (hereinafter referred to as the "Board") and the State Board of Education. The number of awards and recipients are dependent upon availability of funds and selection shall be based on a first-come, first-serve basis of all eligible applicants;

however, priority consideration shall be given to persons previously receiving awards under the Critical Needs Teacher Loan/Scholarship Program.

1. ELIGIBILITY

   a. The applicant must be fully admitted as a regular student and enrolled as a Junior or Senior full-time (minimum 12 semester hours or 9 trimester hours) or part-time (minimum of 6 semester/trimester hours) at a four year institution of higher learning in the State of Mississippi approved by the State Board of Education and have expressed in writing a present intention to teach in the State of Mississippi in a public school district in a geographical area of the State or subject area of the public school curriculum in which there exists a critical shortage of teachers, as designated by the State Board of Education.

   b. The applicant must be enrolled as a student at the undergraduate level seeking a bachelor's degree in a program of study leading to a Class "A" standard teacher educator license at one (1) accredited institution of higher learning in Mississippi approved by the Board and must diligently pursue the course of study and requirements for the teaching license.

   c. The applicant must provide passing scores on the Praxis I Basic Skills Test (reading, writing, and math) to the office that administers the loan/scholarship, the Mississippi Office of Student Financial Aid. The Mississippi Department of Education automatically receives Praxis I scores, not the Mississippi Office of Student Financial Aid. CNTP applicants may supply proof of exemption for Praxis I by providing an ACT composite score of 21 or higher from a national test with sub- scores of 18 or higher from that same test prior to enrollment into higher education.

   d. The recipient must maintain a cumulative 2.5 college grade point average each period of enrollment (i.e. semester or trimester) and must maintain satisfactory academic progress in a program of study leading to a Class "A" standard teacher educator license in accordance with the attending institution's policy in order to continue to receive funds under the renewal process.

   e. The applicant must not presently or previously have defaulted on an educational loan.
   f. Ineligible programs of study for CNTP include, but are not limited to, speech and language pathology; psychological and counseling services; recreational therapy.

   g. CNTP recipients are not eligible for any other state aid (MTAG, etc.) but may apply for federal and institutional aid.

2. <u>REQUIREMENTS FOR LOAN/SCHOLARSHIP APPLICANT</u>
   To qualify, first time applicants must:

   a. Complete an application on-line at <u>www.mississippi.edu</u> by the deadline date of March 31st

b. Pass the reading, writing and math parts of Praxis I and submit all three test scores to the Mississippi Office of Student Financial Aid. See the Praxis I exemption in Section I. C.
c. Participate in Entrance Counseling.

d. Mail in a signed and initialed copy of the CNTP Rules and Regulations to the Mississippi Office of Student Financial Aid.

NEW ADDITIONS:

a. Have a cumulative college GPA of 2.5.

b. Mail to the Mississippi Office of Student Financial Aid a completed, signed and notarized CNTP Contract and Note. The recipient must enter into a Contract and Note with the Board of Trustees of State Institutions of Higher Learning pursuant to these Rules and Regulations and all applicable State Laws. *Please note: the contract will be mailed once the applicant has been awarded. Failure to return a completed, signed and notarized CNTP Contract and Note nullifies the award.*

To receive a second year, renewal applicants must:

a. Complete an application on-line at www.mississippi.edu by the deadline date of March 31st.

b. Participate in Entrance Counseling.

c. Maintain a cumulative 2.5 college GPA per period of enrollment (i.e. semester or trimester), maintain the enrollment status as awarded (full-time or part-time) for each period of enrollment, and remain in a program of study leading to a Class "A" standard teacher educator license, making satisfactory academic progress in accordance with the attending institution's policy.

d. Mail in a signed and initialed copy of the CNTP Rules and Regulations to the Mississippi Office of Student Financial Aid.

3. AMOUNT AND LENGTH OF LOAN/SCHOLARSHIP

Awards shall be available to both full-time and part-time students.

a. The annual amount of the award for full-time students at a public college or university shall equal the total cost for tuition, room and meals, books, materials and fees at the college or university in which the student is enrolled, not to exceed an amount equal to the highest total cost of tuition, room and meals, books, materials and fees assessed by a State Institution of Higher Learning during that school year or the pro-rated amount for part-time students. The annual amount of the award for students at a private college or university shall equal the award of the nearest comparable public college or university as determined by the Board.

b. Students enrolling on a full-time basis may receive a maximum of two (2) annual awards/four (4) semesters. Students enrolling on a part-time basis may receive a maximum awards equaling the maximum award of a full-time student of two (2) annual awards/four (4) semesters.

c. Checks shall be mailed directly to the school as indicated on the on-line application, to be applied first toward tuition and required fees.

NEW ADDITIONS:

a. Awards are not provided for out-of-state tuition costs or for summer school.

b. Once a student has received funds from the Critical Needs Teacher Loan/Scholarship program, he/she may not receive funds from the other undergraduate teacher programs, William Winter Teacher Scholar Loan (WWTS) and William Winter Alternative Route Scholar Loan (WWAR). CNTP recipients are not eligible to receive other state grant funds.

c. The amount of the loan/scholarship remains the same regardless if the recipient lives and/or moves on or off campus.

4. RECIPIENTS IN SCHOOL

a. The recipient must maintain good standing at the educational institution in which he/she is enrolled at all times.

b. Should a recipient fail to maintain a 2.5 minimum grade point average (GPA) per period of enrollment (i.e. semester or trimester), he/she is suspended from participation in the program for the following period of enrollment. An official transcript sent directly by the educational institution evidencing a 2.5 GPA for the non-eligible period of enrollment will entitle such a recipient for renewal priority.

c. Persons who withdraw from school or fail to complete an appropriate program of study shall immediately become liable to the Board for the sum of all outstanding CNTP awards.

d. The recipient must at all times keep the Mississippi Office of Student Financial Aid informed of any change of address and phone number. The recipient will furnish a correct, complete home address and telephone number, and will immediately inform the Mississippi Office of Student Financial Aid of any change of address and phone number, which the recipient enters via the State Financial Aid's web site at www.mississippi.edu.

e. Special circumstances regarding enrollment status, withdrawal, or failure to complete the appropriate program of study should be addressed in writing to the Mississippi Office of Student Financial Aid, 3825 Ridgewood Road, Jackson, MS 39211-6453.

5. SERVICE OBLIGATION

a. It is the responsibility of the awards recipient to secure employment as a full-time classroom teacher (K-12) in a critical geographical teacher shortage area or critical subject

shortage area in the state of Mississippi as designated by the State Board of Education. The recipient will furnish to the Board evidence of employment in a designated shortage area, at the time of graduation, unless granted a deferment.
Recipients receive forgiveness if they teach in a geographical shortage area or if they teach a critical subject 100% of the work day in a Mississippi public school approved by the State Board of Education. Designation as a Title I school does not necessarily mean that the school qualifies for teaching forgiveness. It is fully understood that it is the responsibility of the loan/scholarship recipient to seek and secure employment in an area designated as having a critical teacher shortage. Neither the Board nor the State Board of Education assumes the obligation to perform that function. Prospective teachers may contact the Mississippi Teacher Center for placement assistance. Qualifying positions include teacher and school librarian; invalid positions include, but are not limited to, the following: assistant teacher, full- time substitute, high school counselor, curriculum specialist or administrator.

b. Loans/Scholarships recipients may either have their loan/scholarship discharged by forgiveness through teaching service or by repayment:

   i. The CNTP loan/scholarship recipient who renders service as a licensed full-time classroom teacher in a Mississippi public school district in a geographical area or subject area of the public school curriculum in which there exist a critical shortage of teachers, as approved by the State Board of Education, shall have their CNTP loan converted to an interest-free scholarship. The loan to service obligation shall be discharged on the basis of one year's teaching service for one year of CNTP loan/scholarship received. Any person who received two (2) annual awards or fewer than two (2) annual awards or the equivalent of two (2) annual awards shall render one (1) year's teaching service for each year the full-time loan/scholarship was received. For part-time students, the amount of teaching service shall equal the amount equivalent to a full-time award as determined by the Board. For all recipients such service shall never be less than one (1) year regardless of the length of study provided under this loan/scholarship.
   ii. Any recipient failing to complete his/her required teaching obligation or educational requirement defined in Sections IV, C and VI, A, shall immediately become liable to the Board for the sum of all loan/scholarship awards made to that person less the corresponding amount of any awards for which service has been rendered, plus interest accruing at the current Federal Stafford Loan rate at the time the person discontinues his/her contractual obligation, except in the case of a deferral debt for cause when there is no employment position immediately available upon a teacher's completion of licensure requirements or in the case of required military service. After the period of such deferral such person shall begin or resume required teaching duties or shall become liable to the Board. If a claim for payment under this subsection is placed in the hands of an attorney for collection, the obligator shall be liable for an additional amount equal to a reasonable attorney's fee.

c. The obligations made by the recipient of this loan/scholarship shall not be voidable by reason of the age of the student at the time of receiving the loan/scholarship.

d. Special circumstances regarding a recipient's failure to acquire and/or complete the required teaching obligation should be addressed in writing to the Mississippi Office of Student Financial Aid, 3825 Ridgewood Road, Jackson, MS 39211-6453.

6. LOAN OBLIGATION

a. Recipient must repay his/her loan (principal and interest thereon) in 120 or less equal consecutive monthly installments should he/she withdraw from school, fail to complete an appropriate program of study or fail to render service as a licensed full- time teacher in a Mississippi public school district in a geographical or subject area of the state where there is a critical shortage of teachers as designated by the State Board of Education.

b. The rate of interest charged a loan recipient shall be at the current Federal Stafford Loan rate at the time of the occurrence of the event on the unpaid balance. Repayment commences one (1) month after the occurrence of one of the events outlined in the preceding paragraph (VI. A).

c. If the recipient fails to repay his/her loan (principal and interest thereon) in 120 or less equal consecutive monthly installments, all principal and interest outstanding, together with costs of collection, shall become immediately due and payable and, demand shall be made by mailing the same to the obligor at the last address furnished by said obligor. Should payment of the sum due not be made in full within thirty (30) days, from the date demand was made, the Contracts and Notes executed by the obligor shall be placed with an attorney for collection, at which point the obligor shall become liable for reasonable attorneys' fees and court costs, in addition to the other sums due and owing.

d. The obligations made by the recipient of the loan/scholarship shall not be voidable by reason of the age of the student at the time of receiving the scholarship.

e. Special circumstances regarding a recipient's failure to meet the loan obligation requirements should be addressed in writing to the Mississippi Office of Compliance and Collections, 3825 Ridgewood Road, Jackson, Mississippi, 39211-6453.

7. MILITARY SERVICE

In terms of military service the following definitions shall apply:

a. REQUIRED military service is that service which is required of an individual in the service of the Armed Forces of the United States; it does not include a military service obligation incurred to repay a grant, stipend, or scholarship granted the individual prior to, during, or after the award of the Critical Needs Teacher Loan/Scholarship Program.

b. OBLIGATED or VOLUNTARY military service is that service which is performed by the individual in repayment of a debt owed the United States government as a result of military scholarships, ROTC scholarships, etc. received by the individual. Service is

VOLUNTARY if the individual is not obligated to incur a period of military service, but chooses to incur the service obligation.

i. Loans/Scholarship shall be eligible for deferment of the accrual of interest and the repayment of principal during the time of required military service:

a) The recipient must apply in writing to the Board for a leave of absence, stating beginning and ending dates of such required military service.

b) The recipient must supply the Board with a copy of military orders.

c) Deferment of the obligation to repay due to military service must be requested by the recipient and approved by the Board on a year-to-year basis (annually).

d) Immediately upon completion of **REQUIRED** military service, the recipient must elect among the options for repayment or teaching service defined in Section V. and notifies the Board of such election.

e) If a recipient continues military service for any reason beyond the **REQUIRED** time, then that person shall be declared ineligible for deferment and the remaining unpaid principal and interest shall become due and payable on demand to the Board in equal consecutive monthly installments as determined by the Board, with interest calculated at the current Federal Stafford Loan rate at the time of the occurrence of such event.

ii. If a recipient obligates himself/herself to **VOLUNTARY** military service prior to, during, or after the award under the Critical Needs Teacher Loan/Scholarship program, then that person shall be declared ineligible for deferment and the remaining unpaid principal and interest shall become due and payable on demand to the Board in equal consecutive monthly installments, as determined by the Board, with interest calculated at the current Federal Stafford Loan rate at the time of the occurrence of such event.

8. DEATH/TOTAL AND PERMANENT DISABILITY/BANKRUPTCY

a. Death

i. If an individual recipient dies and, that recipient had elected to repay by teaching service as specified in Section V. or, by loan as specified in Section VI., then the recipient's obligation is canceled.

ii. The Board shall require a copy of the death certificate or other proof of death that is acceptable under applicable State Law. If a death certificate: or other acceptable proof of death is not available, the recipient's obligation for service or on the loan is canceled only upon a determination by the Board on the basis of other evidence that the Board finds conclusive.

iii. The Board may not attempt to collect on the loan from the deceased recipient's estate.

b. Total and Permanent Disability

i. If the Board determines that an individual recipient is totally and permanently disabled, the recipient's obligation to make any further payments of principal and interest on the loan is canceled. A recipient is not considered totally and permanently disabled on the basis of a condition that existed before he/she applied for the loan/scholarship, unless the recipient's condition has substantially deteriorated since he/she submitted the loan/scholarship application, so as to render the recipient totally and permanently disabled.

ii. After being notified by the recipient or the recipient's representative that the recipient claims to be totally and permanently disabled, the Board shall promptly request that the recipient or the recipient's representative obtain a certification from a physician, who is a doctor of medicine or osteopathy and legally authorized to practice, on a form provided or approved by the Board and other necessary documents as requested, that the recipient is totally and permanently disabled. The Board shall continue collection until it receives the certification or, receives a letter from a physician stating that the certification has been requested and, that additional time is needed to determine if the recipient is totally and permanently disabled. After receiving the physician's certification or letter and other necessary documents as requested and the student is found to be totally and permanently disabled, the Board may not attempt to collect from the recipient.

iii. If the Board determines that a loan owed by a recipient, who claims to be totally and permanently disabled, is not eligible for cancellation for that reason, or if the Board has not received the physician's certification and other requested documents, as described in paragraph [B](2) of this section, within 60 days of the receipt of the documents as described in paragraph [B](2) of this section, the Board shall resume collection and shall be deemed to have exercised forbearance of payment of both principal and interest from the date the Board received the documents described in paragraph [B](2) of this section until such a determination of ineligibility is made by the Board.

c. Bankruptcy

Loans made pursuant to the Critical Needs Teacher Loan/Scholarship Program are nondischargeable in bankruptcy.

9. WARRANTY

The acceptance of the CNTP loan/scholarship under the Critical Needs Teacher Loan/Scholarship program shall be deemed equivalent to an appointment of the Secretary of State of the State of Mississippi by each recipient to be his/her designated agent for service of process, upon whom may be served all lawful processes and summons in any action or proceeding against him/her in the event he/she removes himself/herself from this State and the processes of its courts, growing out of any breach of the CNTP Contract and Note by the recipient for failure to fulfill his/her Contract and Note with the Board or, to repay the Critical Needs Teacher Loan/Scholarship,

including interest pursuant to the law and the CNTP Contract and Note, and, said acceptance of the loan rights and privileges shall be a signification of the applicant's agreement that any such process or summons against him/her, which is so served upon the Secretary of State, shall be of the same legal force and validity as if served on him/her personally. The venue of all causes of action against such nonresidents shall be Hinds County, Mississippi.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/2011)*

Part 3 Chapter 67: Remediation

Rule 67.1 University Assisted Teacher Recruitment and Retention Grant Program. The goal of the University Assisted Teacher Recruitment and Retention Grant Program, as mandated in House Bill 609 (1998 Legislative Session), shall be to attract qualified teachers to those geographical areas of the state where there exists a critical shortage of teachers by making available scholarships to persons working towards a Master of Education degree or an Educational Specialist degree at an institution of higher learning whose teacher education program is approved by the State Board of Education.

The Mississippi Department of Education is authorized and directed to implement the requirements of House Bill 609, including, but not limited to, the promulgation of rules and regulations necessary for the proper administration of the University Assisted Teacher Recruitment and Retention Grant Program.

1. Rules and Regulations for Administration of the University Assisted Teacher Recruitment and Retention Grant Program

A single university or college shall be selected by the RFP process and shall be responsible for the administration of the University Assisted Teacher Recruitment and Retention Grant Program. That selected university or college shall be responsible for the implementation of program guidelines and the delivery of services under the grant. The selected university or college shall report directly to the Mississippi Teacher Center to ensure the program meets the overall goal of recruitment and retention of teachers for geographic areas of the state where teacher shortages exist as designated by the State Board of Education. The selected university or college shall comply with rules and regulations as stated below.

2. Institution Requirements for the Selected University or College Are As Follows:

    a. Offer a state approved Master of Education degree and/or Educational Specialist degree.
    b. Comply with HB 609, Section 13 and other appropriate subsections, for program operation.
    c. Have available resources to coordinate recruitment of teachers for critical needs areas as designated by the State Board of Education.
    d. Have available resources to provide professional development and support services necessary for the retention of teachers participating in the program.
    e. Have sufficient staff and a written plan of action for implementing the program.

f. Develop a plan for ensuring the completion of all requirements for teacher participants to obtain a standard Mississippi teacher's license.
g. Develop a plan for collaboration with other institutions of higher learning within the state.
h. Give priority to applicants for the program who are relocating from in- state or out-of-state to teach in a critical shortage area.
i. Establish accountability or performance measures to measure both student and program success.
j. Comply with appropriate state and federal laws relating to nondiscriminatory practices in the operation of the program.

3. Teacher Participant Requirements Are As Follows:

   a. Hold a Mississippi teacher's license.
   b. Be employed by a school district located in an area of Mississippi where there exists a critical shortage of teachers as designated by the State Board of Education.
   c. Be enrolled in a state approved Master of Education or Educational Specialist program in the state of Mississippi
   d. Comply with all eligibility requirements as outlined in the Application for the University Assisted Teacher Recruitment and Retention Grant Program.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2000)*

Rule 67.2 State (*Repealed 5/2010)*

Rule 67.3 Federal. The Mississippi State Department of Education, subject to approval of the State Board of Education, will develop and disseminate model guidelines for the evaluation of school performance. These guidelines will include a method of determining schools having exemplary performance as well as schools in need of improvement. An up-to-date copy of these guidelines shall be kept on file in the Mississippi State Department of Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/1997)*

Part 3 Chapter 68: Residency Verification

Rule 68.1 Residency Verification. The requirements relative to school district verification of student residency are as outlined below. The attached form is suggested as a way to collect the required information.

1. POLICY

   a. Definition of residence for school attendance purposes:

      The student physically resides full time, weekdays/nights and weekends, at a place of abode located within the limits of the school district.

b. Effective for the 1990-91 school year, all school districts will require students who are seeking to enroll or continue to enroll in a school district to register at the school they are assigned to attend. The school district shall verify the residence of each student.
c. In succeeding years any new student enrolling or entering a school district or any continuing students whose residence has changed will be required to verify his or her residence address as herein provided as a part of the registration process.

2. PROCEDURE

a. Each student identified in paragraphs 1 and 2 above must establish his or her residency in the following manner:

i. STUDENTS LIVING WITH PARENTS OR GUARDIAN

The parent or legal guardian of a student seeking to enroll must provide the school district with at least two of the items numbered (1) through (9) below as verification of their address, except that any document with a post office box as an address will not be accepted.

a) Filed Homestead Exemption Application form;
b) Mortgage Documents or property deed;
c) Apartment or home lease;
d) Utility bills;
e) Driver's license
f) Voter precinct identification;
g) Automobile registration;
h) Affidavit and/or personal visit by a designated school district official;
i) Any other documentation that will objectively and unequivocally establish that the parent or guardian resides within the school district; and, in the case of a student living with a legal guardian who is a bona fide resident of the school district;
j) Certified copy of filed petition for guardianship if pending and final decree when granted.

b. HOMELESS CHILDREN

When a child is determined to be homeless as defined by the Stewart B. McKinney Act 42 USC Section 11431(1), 11432 (e)(4) and 11302(a), the school district shall consider and take enrollment action that is in the best interest of the child pursuant to 40 USC 11432(e)(3).

c. STUDENTS LIVING WITH ADULTS OTHER THAN PARENTS OR LEGAL GUARDIANS:

i. The non-parent claiming district residency must meet the criteria of subparagraph (i)(a) through (j) above, required of a parent or legal guardian.

ii. The district resident must provide the school with an affidavit stating his or her relationship to the student, and that the student will be living at his/her abode full time, and provide documentation fully explaining the reason(s) (other than school attendance zone or district preference) for this arrangement. The local school board or its designee will make the necessary factual determinations under subsection II.1(c)(2). Examples of situations where "in loco parentis" authority of an adult should

be recognized to establish residency of the minor include but are not limited to the following:

a) Death or serious illness of the child's parent(s) or guardian(s);
b) Abandonment of the child;
c) Child abuse or neglect;
d) Unstable family relationships or undesirable conditions in the home of the child's parents or guardians having a detrimental effect on the child;
e) Students enrolled in recognized exchange programs residing with host families.

iii. Whenever appropriate the person who has assumed responsibility for the care and custody of the child shall be encouraged to obtain legal guardianship of the child.

a) The requirements of Section II.1(a) and (c) above are minimum requirements and the school district may require additional documentation and verification at any time.
b) At a minimum, the district shall maintain in a file a written instrument identifying the types of documents used to verify each student's residency and copies of any relevant guardianship petition or decree.
c) The provisions of this policy do not apply to students who reside outside the school district, but who have legally transferred into the school district.

3. In the event that a local school district has a similar procedure which requires documentation of residence and is approved by the State Board of Education, such procedure may be substituted for the procedure outlined in Section II.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/1992)*

Part 3 Chapter 69: Sabbaticals

Rule 69.1 Sabbaticals. Mississippi School Administrator Sabbatical Program (For licensed teachers in Mississippi school districts) Reference: Mississippi Code Annotated 37-3-7

Introduction. In 1998, the Mississippi Legislature amended the Mississippi School Administrator Sabbatical Program. The legislation enables Mississippi school districts to grant sabbatical leave to licensed teachers employed in Mississippi schools for not less than three years. The purpose is to allow such teachers to participate full-time in an educational leadership program and become local school district administrators. The conditions of eligibility, compensation, reimbursement, obligation, breech of contract, and availability are set forth in law and the following State Board of Education policy.

1. Eligible Candidates
   Each local school board may set its own criteria for approving recommendations. The educational leadership program must be full-time.

2. Reimbursement by Mississippi Department of Education

Local school districts shall submit sabbatical program applications as directed by the Mississippi Department of Education. The Department of Education will approve applications in accordance with the statute and the methodology for approval of subgrants established by the Mississippi Board of Education.

3. Obligation of Candidates
   There shall be a contractual agreement between the candidate and the school district which includes the standard terms and conditions specified by the Mississippi Department of Education.

4. Breach of Contract
   Any participant who fails to complete all requirements for obtaining a Mississippi administrator license within eighteen (18) months shall be in breach of contract and liable for the salary and fringe benefits received. Interest shall accrue at the current Stafford Loan rate.

   Partial years of employment as an administrator shall be prorated.

5. Availability of Sabbatical
   Candidates approved to participate in the Administrator Sabbatical Program prior to July 1, 2001, shall be subject to all requirements of this legislation and all regulations outlined in these guidelines.

6. Definitions
   a. Administrator:
      An administrator, as defined by the *Accreditation Requirements of the State Board of Education* (1997), is any staff member employed by a school board who is assigned responsibility for coordinating, directing, supervising, or otherwise administering programs, services, and/or personnel under the auspices of the program, school, or district.

   b. Administrator License:
      An individual hired to fulfill the above responsibilities is required to hold an administrator license as defined in the Guidelines for Mississippi Educator Licensure (1997).

Source: *Miss. Code Ann. § 37-1-3 (Revised 6/1998)*

Part 3 Chapter 70: Mississippi Criteria for Designation of Geographical Shortage Areas

Rule 70.1 Mississippi Criteria for Designation of Geographical Shortage Areas. In accordance with the "Mississippi Critical Teacher Shortage Act of 1998", the purpose of which is to attract qualified teachers to those geographical areas of the state and subject area shortage school districts as designated by the State Board of Education, the criteria outlined below shall be used to designate those areas.

1. Mississippi public school districts with 60 or more teaching positions having 10% or more of their teaching staff not appropriately licensed shall be declared a geographic shortage area. Not appropriately licensed shall include teachers teaching out of field, teachers teaching with no certificate, and long term substitutes.
2. Mississippi public school districts with less than 60 teaching positions having 15% or more of their teaching staff not appropriately licensed shall be declared a geographic shortage area.
3. Mississippi public school districts having 30% or more of their teaching staff with 25 or more years of experience shall be declared a geographic shortage area.
4. Mississippi public school districts that were named as geographical shortage areas for two or more years preceding enactment of this methodology shall continue to be named as geographical shortage areas.
5. Additional Mississippi public school districts must meet at least two of the aforementioned criteria (numbers 1 or 2 & 3) in order to be designated as a geographic shortage area of the state.

When there is a shortage of funds, priority shall be given to school districts that meet at least three of the aforementioned criteria in designating school districts as a *Subject Area Shortage District.* Refer to GBC-3 for subject area shortage.

Source: *Miss. Code Ann. § 37-1-3 (Revised 6/2004)*

Part 3 Chapter 71: School Business Officials

Rule 71.1 School Business Officials.

1. In order to provide a financial management system which ensures the proper accountability for funds administered through the local school districts on a timely and accurate basis, to provide and interpret financial information by which the local school board makes educational decisions, and to promote professional growth, the State Department of Education is authorized to create the following professional level positions for the public school districts of this state beginning with the 1990-1991 school year:

   a. School Business Officer
   b. School Business Administrator

2. <u>Accreditation Standard</u>

The Commission on School Accreditation is directed to develop a COMPULSORY STANDARD that one such position shall be required to meet minimum accreditation standards beginning with the 1990-1991 school year.

3. <u>Minimum Qualifications</u>
   a. School Business Officer
      a high school degree and who does not meet the requirements for a school business administrator and who has a minimum of nine (9) specified semester hours* in accounting.

b. School Business Administrator
   i. a current valid certificate endorsed in School Administration with a minimum of nine specified semester hours* in accounting;

or

   ii. a baccalaureate degree from an accredited four-year college or university with a concentration in a business related curriculum (accounting, finance, or business administration, etc.) including a minimum of nine (9) specified semester hours* in accounting;

or

   iii. a baccalaureate degree in a nonrelated concentration with a minimum of 24 semester hours of recommended business related courses; 12 hours of which must be in specified courses*; or a graduate degree in a business related field;

or

   iv. be a Certified Public Accountant licensed in Mississippi

c. Recommended college courses: (*specified hours)
   i. Principles of Accounting I and II (6 semester hours)
   ii. Intermediate Accounting I and II (6 semester hours)
   iii. Governmental Accounting (3 semester hours)
   iv. Managerial Accounting (3 semester hours)
   v. Financial Management (3 semester hours)
   vi. School Finance (3 semester hours)
   vii. School Business Administration (3 semester hours)
   viii. General Management (3 semester hours)
   ix. School Law (3 semester hours)

4. Administration

The administration of this process shall be through the State Department of Education, Bureau of School Support.

5. Initial Process

The initial process is as follows:

a. School Business Officer

Any school business officer who has been satisfactorily performing in that position, as of June 30, 1990, and does not meet the minimum qualifications for that position will be approved as a school business officer upon the recommendation of the local superintendent of education. An incumbent will be required to complete six semester hours of accounting (Accounting Principles I and II) plus a three hours specific training program developed by the State Department of Education within four years. Any newly appointed School Business Officer employed after July 1, 1990, must meet the minimum requirements of the School Business Officer. In the event a special need arises and written justification is submitted, a one year emergency approval may be granted for an individual who has only six of the specified hours in accounting. The three additional hours must be completed within 12 months of employment.

b. School Business Administrator
Any School Business Administrator who has been satisfactorily performing in that position on or before June 30, 1990, and does not meet the minimum requirements for the position but holds a four year college degree will be approved as a School Business Administrator upon the recommendation of the local superintendent of education. An incumbent will be required to complete six semester hours of accounting (Accounting Principles I and II) plus a three hour specific training program developed by the State Department of Education within four years. Any newly appointed School Business Administrator employed after July 1, 1990 must meet the minimum requirements of the School business Administrator.

6. Continuing Training

A minimum of 18 hours continuing training must be completed each year to maintain certification. One hour of credit will be given for each hour of training.
Ten of the 18 hours must be job specific. These hours must be from activities provided by the State Department of Audit; State Department of Education; or sponsored by the Mississippi Association of School Business Officials or the Mississippi School Boards Association; or approved by the local school superintendent of education as job specific.

The remaining 8 hours may be obtained by attending local and State Department of Education sponsored in service training for other certified staff members or attending state, regional or national school business official professional organizations.

All School Business Administrators must participate in the State Department of Education's School Executive Management Institute (SEMI) program.

Completing college courses to meet minimum job requirements will not apply as continuing training hours. However, other college courses may be counted for each semester hour completed.

In the event an emergency (a situation over which the individual has no control) should arise that would prevent an individual from completing the necessary 18 hours in service training, a one year waiver may be granted upon written justification and recommendation of the local school superintendent of education and approved by the State Department of Education. The subsequent school year's 18 hours must be completed.

7. Rule and Regulation Authority

The State Department of Education is authorized to promulgate other rules and regulations necessary to implement and administer this matter.

Source: *Miss. Code Ann. § 37-1-3 (Revised 5/1993)*

Rule 71.2 Licensure of School Business Administrator.

1. In order to provide a financial management system which ensures the proper accountability for funds administered through the local school districts on a timely and accurate basis, to provide and interpret financial information by which the local school board makes educational decisions, and to promote professional growth, the State Department of Education is authorized to create a Licensed School Business Administrator position for the public school districts of this state beginning with the 2012– 2013 school year. This license shall be issued by the Mississippi Department of Education, Office of School Licensure.
2. Accreditation Standard
   The Commission on School Accreditation is directed to develop a PROCESS STANDARD that one such position shall be required to meet minimum accreditation standards beginning with the 2012 – 2013 school year. Although any individual who meets the minimum requirements may obtain the license, the district may only designate one individual as the Licensed School Business Administrator. This individual either must hold the School Business Administrator License or, if they do not meet the minimum requirements for obtaining the license, must have been employed as the Certified School Business Administrator/Officer in the district prior to July 1, 2012. Individuals in a school district holding the School Business Administrator license, but who are not the designated Licensed School Business Administrators and are not employed in a position in the district requiring any other license issued by the Mississippi Department of Education Office of School Licensure shall not be considered a licensed employee as that term is used in Mississippi Code, 1972 Annotated.

   Any current School Business Administrator or Officer who has been satisfactorily performing in that position on or before June 30, 2012, and does not meet the minimum requirements for obtaining a School Business Administrator License will be required to maintain the School Business Administrator/Officer certificate issued by the Mississippi Department of Education, Office of School Financial Services by completing 18 hours of continuing training each fiscal year. One hour of credit will be given for each hour of training. Hours may be obtained by participating in local, state, regional, or national school business related conferences, courses or workshops. Districts that have a certified School Business Administrator or Officer in lieu of a Licensed School Business Administrator will be considered to be in compliance with the accreditation standard requiring a Licensed School Business Administrator. However, these individuals will not be considered a licensed employee as the term is used in Mississippi Code, 1972 Annotated.

   Any individual newly hired or appointed as a school district's Licensed School Business Administrator after June 30, 2012, must meet the minimum requirements of the Licensed School Business Administrator and obtain the license from the Mississippi Department of Education, Office of Teacher Licensure prior to being named as the school district's Licensed School Business Administrator.

3. Initial Licensure
   The following minimum qualifications must be met for initial licensing:

   A baccalaureate degree from an accredited four-year college or university with a concentration in business related curriculum (accounting, finance, or business administration,

etc.) including a minimum of fifteen (15) specified semester hours successfully completed in accounting from the following list.

a. Principles of Accounting I and II (6 semester hours)
b. Intermediate Accounting I and II (6 semester hours)
c. Advanced Accounting (3 semester hours)
d. Governmental Accounting (3 semester hours)
e. Managerial Accounting (3 semester hours)
f. Auditing (3 semester hours)
g. State Department of Education, Office of School Financial Services, must approve all courses titled differently than those listed.

4. Administration

The administration of this process shall be administered jointly through the State Department of Education Office of School Financial Services and Office of Teacher Licensure. The administration of this process shall be through the State Department of Education, Bureau of School Support.

5. Rule and Regulation Authority

The State Department of Education is authorized to promulgate other rules and regulations necessary to implement and administer this matter.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/2012)*

Rule 71.3 Required Monthly Reports to be furnished to Local School Board.

1. The State Board of Education is directed by §37-9-18 to promulgate rules and regulations concerning the type of financial reports required to be submitted by the superintendent of schools to the local school board, and the frequency with which the reports shall be submitted. At a minimum, the superintendent of schools shall furnish to the local school board the following required financial reports each month at the regular school board meeting:

   a. Reconciled Bank Statements

      All bank statements should be reconciled within 30 days of receipt. Presentation of reconciled bank statements should be made at the next regular board meeting after the bank statements are reconciled. Bank statements should be reconciled to the district's general ledger cash balances in a timely, accurate manner.

      In lieu of actual bank reconciliations, a certification from a designated individual listing all current district bank accounts by name, the specific time period covered, and a statement that the accounts have been reconciled is acceptable. Districts submitting a certification to the board should also submit a summary of the bank reconciliations. Full bank reconciliations should be available for review at the board meeting if requested. A copy of the certification and the summary should be made a part of the board minutes.

   b. Statement of Revenues and Expenditures

The Statement of Revenues and Expenditures should capture the monthly revenues and expenditures of each fund. At a minimum, a total amount of revenues and a total amount of expenditures should be presented for each fund for the month. Additional detail would be added at the discretion of the district.

c. Current Budget Status
The school district will present the board with a current listing of budgeted annual amounts for revenue and expenditures for all funds. The report will present cumulative revenue and expenditures to compare to budgeted amounts for each fund.

d. Cash Flow Statement by Month
The Cash Flow Statement should capture cash in and cash out for the District Maintenance fund with each month presented separately. The cumulative total of all months should be listed. Projected cash flow for the remaining months may be presented at the discretion of the district.

e. Combined Balance Sheet
The school district will present the board with a Combined Balance Sheet to include, at a minimum, all general funds and special revenue funds. Additional funds may be presented at the discretion of the district.

OR

f. Current Fund Equity Balances
The school district will present the board with a current listing of fund balances. The listing should include, at a minimum, all general funds, special revenue funds, and any other funds supported by district maintenance.

Two or more of the required reports listed above may be combined if all information is included and can be presented in the detail listed above for each report.

2. At each regular monthly school board meeting:
The financial reports shall be listed as an agenda item for discussion at each regularly scheduled meeting of the local school board. The minutes of the local school board meeting shall reflect that the financial reports were discussed. Each board member present shall be provided a copy of all required financial reports. A copy of all required financial reports shall be included in the official minutes of the board meeting at which the reports were discussed.

The Office of School Financial Services may require a school district to provide one or all of the required monthly reports listed in this policy. The Office of School Financial Services may require a school district to submit evidence that one or all of the required monthly reports listed in this policy have been provided to the local school board, the financial items were listed as a separate agenda item, the minutes reflect that the financial reports were discussed and a copy of each required report is included in the official minutes of the board meeting at which the reports were discussed.

Failure to comply with any of the rules and regulations established by the State Board of Education with regard to financial reporting requirements shall constitute a violation of the Mississippi Public School Accountability Standards.

Source: *MS Code 37-9-18 (Adopted 11/2013)*

Part 3 Chapter 72: School Executive Management Institute

Rule 72.1 School Executive Management Institute. The Mississippi Department of Education will develop and disseminate the structure and guidelines for the School Executive Management Institute. As revisions are made and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the education community. An up-to-date copy of the structure and guidelines shall be kept on file in the Mississippi Department of Education.

For a copy of the SEMI Structure and Guidelines for School Administrators 2003 - 2004, please visit the Mississippi Secretary of State's website, Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part #104.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/1997)*

Part 3 Chapter 73: School Records

Rule 73.1 School Records. The following procedures are adopted as provided under the Mississippi Public Records Act of 1983, Chapter 424, Laws of 1983 (hereinafter referred to as the Public Records Act.

1. DEFINITIONS

    a. Public body: A public body is defined as "any department, bureau, division, council, commission, committee, subcommittee, board, agency and any other entity of the state or a political subdivision thereof, and any municipal corporation and any other entity created by the Constitution or by law, executive order, ordinance or resolution. Within the meaning of this act, the term 'entity' shall not be construed to include individuals employed by a public body or any appointed or elected public official."

    b. Public records: Public records are defined as "all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body."

c. Exempt records: Those records exempt from disclosure under the Public Records Act.

d. Nonexempt records: Those records which are not exempt from disclosure under the Public Records Act.

e. Working day: A working day is any day other than a weekend, State holiday, or a day which by executive order an agency is authorized to be absent.

2. FEES

a. By statute, charges are made on a cost-recovery basis. Any person who desires copies of a public record as defined herein but does not officially represent a public body shall be charged the actual cost per page of mechanically reproduced copy. Copies of pages printed on both sides (front and back) shall be considered as two pages. This fee is for the cost of searching, reviewing, and duplicating the public record.

However, if the searching, reviewing, or duplicating of documents or the separating of nonexempt material from documents, etc., containing exempt material requires more than one-quarter hour of work, then the requesting party shall be charged for the work time above one-quarter hour in addition to the actual cost per page of mechanical reproduction for any copies desired. The charge for the hours shall be based upon the hourly salary of the lowest paid qualified employee of the State Department of Education (hereinafter referred to as the Department) available to do the job.

In the event the public record is available in computer files and can be obtained through computer use, then the requesting party must pay the charge for the computer use, including programming time and actual computer time as well as any other costs incurred. This charge will be determined by the Department.

b. Mailing costs calculated at the applicable United States Postal Service rates shall be charged where appropriate. The cost of mailing a notice to third parties via certified mail, return receipt requested, shall be charged to persons requesting the public records. Actual costs for shipment by other than United States Postal Service shall be charged to the person requesting the special shipment.

3. PROCEDURES

a. All requests for access to or copies of a public record shall be in writing and shall specify what record is being sought as well as the name and address of the individual and/or organization requesting the record. Requests shall be addressed to the State Superintendent of Education. Request forms are available in the State Superintendent of Education's office.

b. The Department shall respond in writing within fourteen (14) working days from the date of the request. Denials shall contain the specific reasons for the denial. Copies of all denials shall be maintained on file by the Department for not less than three years from the date denial is made.
c. Access to nonexempt records will be allowed during regular business hours.

d. If any public record which is held to be exempt from disclosure contains material which is not exempt, the Department shall separate the exempt material and make the nonexempt material available for examination and/or copying.

e. When fees are appropriate as specified in Section II of this regulation, the fees must be paid prior to the Department's compliance with the request. Cash, money orders, cashier's checks, personal or company checks will be accepted in payment for fees under Section II. Payment by personal or company check will be accepted subject to clearance within fourteen working (14) days.
f. Records furnished to the Department by third parties, which are not public bodies as defined in the Public Records Act, will not be released until notice to the third parties has been given. The records shall be released in fourteen days unless the third party obtains a court order protecting the records as confidential.

g. The State Superintendent of Education or his designee has the authority to specify the mode, manner, time and place of access.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/1989)*

Part 3 Chapter 74: Special Education

Rule 74.1 Educable Child Program

1. Educable Child

The Mississippi Department of Education (MDE), Office of Special Education (OSE) is directed to provide oversight through the Individuals with Disabilities Education Act (IDEA) and State Statute in the placement and funding of students with disabilities in private school/facilities. It is the policy of the MDE to ensure that Local Education Agencies (LEAs) meet the private school requirements in Mississippi Code Annotated, Sections 37-23-61 through 37-23-75 and IDEA 34 CFR §§300.130 through 300.148.

a. State Statute
The MDE shall have the authority to promulgate and enforce reasonable rules and regulations establishing standards for administration of the program contemplated by Mississippi Code Annotated, Sections 37-23-61 through 37-23-75, consistent with the maintenance of high quality programs for the benefit of the exceptional children served. The MDE shall require that the programs for which children are eligible for financial assistance under Mississippi Code Annotated, Sections 37-23-61 through 37-23-75 be designed to provide individualized appropriate special education and related services that enable a child to reach his or her appropriate and uniquely designed goals for success.

State funds will not be used for the payment of medical services or for room and board charges.

b. Individuals with Disabilities Education Act (IDEA)
The MDE has adopted State Policies Regarding Children with Disabilities under IDEA Amendments of 2004. A Free Appropriate Public Education (FAPE), as outlined in IDEA 34 CFR §300.101, ensures that each student ruled eligible by a public agency is protected under IDEA. Each eligible student under IDEA shall have available a FAPE that uniquely emphasizes their special education and related service's needs.
The MDE shall require that each private facility/school adhere to the IDEA mandated requirements, which include the provision that IDEA funds may only be used for the excess cost to educate students with disabilities placed by a school district or DHS in a private facility/school. IDEA funds may not be used for the payment of medical services or for room and board charges. 34 CFR §300.704

2. Private Schools/Facilities

A private facility must gain approval from the MDE, OSE to provide appropriate special education and related services under the Educable Child Program. The school within the private facility must obtain an approval status from the MDE, OSE, and must be operated as an integral part of the facility, which provides twenty-four (24) hours a day monitoring, treatment, and education. The private facility must also hold a current license from the Department of Health designating approval as an Intermediate Care Facilities for Intellectual Disabilities (ICF-ID) or Psychiatric Residential Treatment Facilities (PRTF) facility.

a. All private schools/facilities, parochial schools/facilities, speech, hearing and/or language clinics (hereinafter referred to as private facilities) that participate in the Educable Child Program will be accredited by a state or regional accrediting agency or approved/licensed by the MDE to meet educational standards in the state.

b. All Private ICF-ID or PRTF (hereinafter referred to as private facilities) shall be certified/licensed by the designated state authority for such facilities.

c. Out-of-state private facilities must hold an approval status from their state educational agency or a current accreditation status from a nationally recognized educational accrediting entity such as the AdvanceEd.

3. Fiscal

a. Appropriations
State appropriated funds will be used to pay the educational cost as defined by the State Legislature and as State Funds are available for the required placement per child per school year if an approved private school operates as an integral part of the facility, which provides twenty-four (24) hours a day monitoring, treatment, and education utilizing the prescribed formula. Federal funds will be added to the appropriated State funds as available and/or needed to fund school district and DHS applicants. If state monies are not sufficient to fund school district and DHS applicants, there will be ratable reduction for all applicants (including parentally placed applicants) receiving state funds under the Educable Child Program.

b. Formula
Will be defined annually by MDE utilizing an approved formula methodology.

c. Transportation
If transportation costs (i.e. defined as travel to and from school) are incurred by a private facility for an Educable Child Applicant placed by a public school district and placed by the DHS, the transportation rate will be determined annually by the MDE, OSE.

d. Payments
Payments will be scheduled and published annually by MDE.

4. Applications
a. School District Placed Students
The school district will pay an amount to be established annually in the OSE Ed Child Procedures for any Educable Child Application made by the district. The remainder of the total amount will be paid by the Educable Child Program, providing funds are available from State or federal sources (as allowed by IDEA) and the State Level Review Board has approved the Educable Child Applicant for financial assistance. The State Level Review Board's Decision does not change the Individual Educational Program (IEP) placement decision or continuum of services; rather it determines the Educable Child Program's financial involvement regarding the placement.

b. Department of Human Services (DHS) Placed Students
The Educable Child Program will pay the educational costs of an Educable Child Applicant placed by and in the custody of the DHS provided funds are available from State or federal sources (as allowed by IDEA) and the State Level Review Board has approved the placement for financial assistance. The State Level Review Board's Decision does not change the IEP placement decision or continuum of services; rather it determines the Educable Child Program's financial involvement regarding the placement.

c. Parentally Placed Students
Parentally-placed private school children with disabilities means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school or secondary school. State Educable Child Funds may be used only. IDEA funds are not allowed as parentally placed students are not covered under IDEA. 34 CFR §300.130

i. With Medicaid Available Funding: The Educable Child Program will provide financial assistance for the educational costs to an Educable Child Applicant placed in an approved private facility when the student is determined to be eligible for Medicaid services. Funding will be based on the entitlement authorized by the State Legislature, through the annual appropriations bill, providing funds are available from State sources and the State Level Review Board has approved the Educable Child Applicant for financial assistance.

ii. Without Medicaid Available Funding: The Educable Child Program will provide funds as outlined in Mississippi Code Annotated, Section 37-23-69(a) for the educational costs for an Educable Child Applicant who is placed in an approved private school and the State Level Review Board has approved the Educable Child Applicant for financial assistance.

5. Hearing Procedures

In the event of disapproval by the State Level Review Board of an application for financial assistance under the Educable Child Program, the MDE will give notice to the Educable Child Applicant and notify the applicant of the right to request a hearing.

Source: *Miss Code Ann. Section 37-3-11 (Revised 03/2014)*

Rule 74.2 Teacher Unit Approval (*Repealed 9/2011)*

Rule 74.3 Teacher Unit Allocation. Teacher Unit Allocation Methodology to Support Programs for Students with Disabilities

1. The Teacher Unit Allocation Methodology gives consideration to two factors:
   a. Educational Placement

   b. Levels of Support

Each student will be assigned a weighted value based on these two factors. After calculation of the total number of weighted students, teacher units are determined by the following formula:

a. Pre-K: 18 weighted units = 1 teacher
b. K-2: 22 weighted units = 1 teacher
c. Gr. 3-12: 27 weighted units = 1 teacher

2. Educational Placement

The first factor in determining the teacher unit allocation is the educational placement of students with disabilities. These placements represent options along the least restrictive environment continuum.

a. Regular Education/Early Childhood Setting
   i. Ages 3-5: Early childhood setting designed primarily for children without disabilities
   ii. Ages 6-20: General/regular education classes for more than 80% of the school day. (Removed from general education for no more than 20% of the school day)

b. Resourced
   i. Ages 3-5: Special education setting part time; remainder of time at home or in early childhood setting designed for non-disabled children
   ii. Ages 6-20: General/regular education placement between 40-80% of the school day

(Removed from regular education for 20-60% of the school day)

c. Self-Contained
   i. Ages 3-5: Program designed primarily for students with disabilities
   ii. Ages 6-20: General education class less than 40% of the school day (removed from regular education for more than 60% of the day)

3. Levels of Support

The second factor of the proposed methodology is the intensity of specially designed instruction received by the student from an appropriately licensed special education teacher and related services received from an appropriately licensed related service provider (except for transportation services). It is proposed that the following levels of support be reflected in the teacher unit allocation methodology:

a. Minimal Support: The student receives specially designed instruction/supports for at least one period per week or less than 5 hours per week.

b. Targeted Support: The student receives specially designed instruction/supports for at least one period per day or 5 to 12.5 hours per week.

c. Sustained Support: The student receives specially designed instruction/supports for at least half of the school day or more than 12.5 to 24 hours per week.

d. Intensive Support: The student receives specially designed instruction/supports for the full school day or all but one period per day, or more than 24 to 30 hours per week or more.

e. Other Instructional Support

Adaptive Physical Educators are specifically trained to make adaptations, modifications, and accommodations in order to provide a safe, successful physical education experience for students with disabilities. The ratio for Adaptive Physical Educators is 48:1 with a minimum of 25. The maximum class size is 48 students.

Speech/Language Pathologists are responsible for organizing and implementing the assessment and services for communication and related disorders through various service delivery models. The ratio for Speech/Language Pathologists is 48:1 with a minimum of 25. The maximum class size is 48 students.

Educational Placement	*Levels of Support*			
	Minimal *<5 hrs/wk*	***Targeted*** *5-12.5 hrs/wk*	***Sustained*** *>12.5-24 hrs/wk*	***Intensive*** *24+ hrs/wk*
Regular Education (removed less than 21% of the school day)	1.5	2.0	2.5	3.0

Resourced (removed 21-60% of the school day)		1.5	2.0	
Self-Contained (removed more than 60% of the school day)			2.0	3.0

Source: Miss. Code Ann. § 37-1-3 (Revised 8/2011)

Rule 74.4 Hearing Procedures, IDEA

1. In the event of funds being withheld in accordance with the regulations in the State Plan under Part B of the Individuals with Disabilities Education Act (IDEA) and state regulations regarding students with disabilities, the State Department of Education will give notice to the appropriate school official (district superintendent, agency head, or director of private school) by certified mail which shall include notification of the right to request a hearing.

2. Within five (5) calendar days after receipt of the notice, the applicant may apply in writing to the Mississippi Department of Education for a hearing before a hearing officer with knowledge of special education federal and state regulations. The hearing officer will be designated by the Mississippi State Board of Education pursuant to Mississippi Code Ann. Section 37-1-5.

3. The hearing officer shall notify the appropriate school official of the time, place, and date of the hearing. The date shall be not less than five (5) calendar days from the receipt of the request for a hearing.

4. It shall be the responsibility of each party to secure the attendance of its witnesses, if any, and any expenses attendant thereto shall be borne by the party calling that witness. Two copies of any written evidence will be submitted: one copy for the hearing officer and one for the opposing party. Evidence submitted by the school official will be labeled P-1, P-2, etc. Evidence submitted by the department will be labeled D-1, D-2, etc. Evidence may be stipulated and entered as S-1, S-2, etc.

5. The hearing officer shall require that all witnesses be sworn before offering testimony. The hearing officer shall not be bound by the Common Law or statutory rules of evidence or by formal or technical rules of procedure and may conduct reasonable questioning of any witnesses. The hearing officer may limit the examination or cross-examination of any witnesses to keep the hearing focused on the issue of withholding of funds and may recess/reconvene the hearing if necessary.

6. The Department of Education shall make a record of the proceedings to include all documents introduced into evidence which shall be available for cost upon the written request of the applicant.

7. Within fifteen (15) working days of the conclusion of the hearing, the hearing officer shall make a recommendation in the following format: (1) purpose of the hearing, (2) summary of evidence presented, and (3) conclusions and recommendations, a copy of which shall be sent to the parties by certified mail.

8. The completed record along with the hearing officer's recommendation shall be certified to the State Board of Education which shall at its next regularly scheduled meeting consider only the record and shall not consider any evidence or material not included within the record in reaching its final determination.

9. If the State Board of Education shall affirm the Department's actions of withholding of Part B and 89-313 funds, the State Board of Education shall make its written findings and issue its order and notice shall be given the school official by certified mail. The decision of the State Board of Education is final.

Source: *Miss. Code Ann. § 37-1-3 (Revised 9/1990)*

Rule 74.5 Hearing Officer Fees. Recommended rates per professional hour and non-professional hour shall be determined annually by the recommendations of the Mississippi Department of Education Leadership Team and shall be posted on the website of the Office of Special Education.

1. Time spent as specified below may be billed at the recommended professional hourly rate:
   a. Conducting the pre-hearing conference call which includes the following tasks:

      i. Sending the initial letter setting up the pre-hearing call (form letter.)

      ii. Conducting the pre-hearing conference call.

      iii. Writing a letter summarizing the call.

   b. Conducting the due process hearing which includes the following tasks:

      i. Preparing and sending notice of the hearing to all parties.

      ii. Conducting the hearing.

      iii. Writing an opinion.

2. Time spent as specified below may be billed at the recommended non- professional hourly rate:

a. Time spent performing clerical functions, including but not limited to, phone calls except as specified above, scheduling, preparing or sending documents, except as above, etc.

b. Time spent in travel from base to destination.

3. Usual and customary expenses include charges for the following:

a. Long distance telephone

b. Audio recording

c. Faxing

d. Photocopying

e. Certified mail
f. Out of pocket costs (hotel, meals, mileage)

4. Costs Not Allowed

a. Excessive time for research.

b. Time spent for billing purposes.

c. Transcribing phone calls or meetings.

d. Other expenses that is not documented and defined.

Miscellaneous time spent on the case should be included in the hourly rate for conducting the pre-hearing conference and for conducting the hearing.

5. Additional Considerations

Extra time required to educate oneself on an issue should not be passed on as extra cost to the district. Excessive time spent researching the issue will not be considered a necessary component of writing the opinion. If the hearing officer is not familiar with pertinent case law, he/she should request that counsel for both parties submit briefs following the hearing, since clients are already paying for the research to be conducted by their attorneys.

Source: *Miss. Code Ann. § 37-1-3 (Revised 8/2011)*

Rule 74.6 Transportation Management of Students with Disabilities. In the event a school district cannot meet the transportation needs of students with disabilities on a regular school bus route, the State Department of Education will provide funding to the district for transportation of students with disabilities within the district or to the nearest adequate facility outside the district

in order to provide appropriate educational services. Payment shall be based upon the following formula: (1/2 of school district's annual per pupil transportation allotment x number of students transported) + (round trip mileage transported x total number of actual days transported x 20 cents per mile).

Payment for transporting children enrolled as resident students at the Mississippi School for the Blind or Mississippi School for the Deaf shall be based on the same formula defined above. School districts may reimburse parents, guardians, etc., for the round trip to the Mississippi School for the Blind or Mississippi School for the Deaf and back home at the beginning of the school year and at the close of the school year. Transportation may also be provided on the same basis any time during the school year when the dormitories at these institutions are closed. School districts providing transportation for eligible day students assigned to the Mississippi school for the Blind and Mississippi School for the Deaf shall be eligible for funding based on the formula defined above.

If a child enrolled in either the Mississippi School for the Blind or the Mississippi School for the Deaf resides in a school district where there is an appropriate program for that child or where there is an appropriate program within reasonable driving distance which the district will make available to the child, then the transportation cost will be the responsibility of the Mississippi School for the Blind or the Mississippi School for the Deaf (depending upon which school the child is enrolled).

In the event that a state-supported university or college provides a special education program for children from any school district that is unable to meet the educational needs of those children, then the university based program shall be eligible for funding based on the formula defined above. Any assessment of one-half the per-pupil allotment shall be based on the child's resident district.

The maximum distance a student with disabilities may be transported or the maximum length of time for a special education transportation route will depend upon the Individualized Educational Program (IEP) for the respective child. For the purpose of payment, a student with disabilities is defined as any child properly tested and found eligible for a special education program receiving appropriate educational services as stipulated in the Individualized Educational Program (IEP).

Funding for the transportation of students with disabilities will be determined using prior year transportation data submitted on forms provided by the Mississippi Department of Education and based on the formula defined above.

No private contracts or use of vehicles other than school buses shall be submitted to the State Board of Education for approval.

Drivers transporting students other than members of the driver's immediate families must be trained and properly certified.

Source: *Miss. Code Ann. § 37-1-3 (Rev.12/2005)*

Rule 74.7 State Application Preschool (*Repealed 9/2011)*

Rule 74.8 University Based Programs. The University-Based Program is authorized in Sections 37-23-31 through 37-23-35 of the Mississippi Code. Any state supported university or college may apply for minimum program funds under these regulations.

1. Procedures

   a. When there is an organized program in a local school district for students with a particular exceptionality, then the university-based program will not enroll a student with that exceptionality from that district in the university- based program except in the following two situations:
      i. the student is enrolled on a private tuition basis

      OR

      ii. a) if the local district initiates a placement because an IEP committee in that district has determined that the organized program in that district is not appropriate for that student,

      b) that university-based program is an appropriate placement for that student, and

      c) the IEP committee places that student in the university-based program.

      Yearly placement decisions relative to whether a handicapped student is to be placed in a university-based program by a local district continue to be the responsibility of that local district.

   b. No later than April 15 each year, the State Department of Education (SDE) staff will notify the university-based program staff relative to which local school districts in the area served by the university-based program have organized programs for the exceptionalities currently being served in that university-based program. If a parent requests a university-based program to serve an exceptional child from a local school district that has an organized program, the university-based program staff will notify the parent that they are prohibited by state law from duplicating the program available in the local school district and will inform the local district of that child's need for educational service.

   c. When the university-based program staff is requested by a parent to serve an exceptional child from a local school district that does not have an organized program for that exceptionality, the child may be enrolled in that university-based program following SDE guidelines that apply to other state agencies. In that case, the university-based program is totally responsible for the education of that child including development of the IEP. It is suggested that local school district special education staff be kept abreast of the progress of this child and it is permissible for university- based program staff to invite district staff to IEP meetings.

d. In the event there is a question as to whether the local district has an organized program for a particular exceptionality, the university- based program staff may contact the SDE staff responsible for the university-based program for a decision.

e. An organized program is a program approved by the SDE serving a particular age range and exceptionality or exceptionalities. When the local school district has such a program and a child in that age range and with that exceptionality is identified, an IEP committee in that district makes the decision as to whether that organized program is appropriate for that child. No other entity can make that decision.

2. Application Steps

   a. Identify a teacher for this class(es) certified in accord with State Department of Education regulations.

   b. Identify a classroom facility in which to locate the class. It should be approximately the same size as a regular classroom in a public school district.

   c. Submit a proposal to the Bureau of Special Services describing the program according to regulations.

3. Upon receipt of this proposal, Bureau of Special Services personnel will review it and either approve it or work with university/college personnel to get it in an approvable form. The Bureau Director will write a letter indicating approval of acceptable proposals and indicating that university/college personnel may proceed with implementation. In the event that teacher certification and number of eligible children is not available when the proposal is submitted, tentative approval will be given until such time as this information is received.

   During the implementation of a program, following proposal approval, it will be necessary for the university/college to submit a Class Data Sheet. This submission will occur each year. Any time the program changes, the proposal must be amended.

4. The Outline for the proposal which is to be submitted to the Bureau of Special Services is as follows:

   a. Title of the Program
   b. General Information
      i. Number, age and exceptionality of students
      ii. Length of School Day (must be full day program to receive full funding)
      iii. Number of teachers requested, teacher's name (if available) and certification (if available)
      iv. Location and description of the classroom(s)
   c. A list of program objectives
   d. An outline of program evaluation criteria
   e. A copy of the university/college approved policies and procedures as required

f. An assurance that the university/college will comply with all applicable State Department of Education regulations relating to programs for handicapped children (it is the responsibility of personnel who operate this program to be familiar with all regulations).

Source: *Miss. Code Ann. § 37-1-3 (Revised 8/1991)*

Rule 74.9 504 Program (*Repealed 9/2011)*

Rule 74.10 Special Grant Selection Criteria. If during the school year a special education class exceeds the maximum enrollment according to the regulations in the Referral to Placement Handbook, Part II, a request for an exemption will be submitted to the State Department of Education. The maximum class enrollment for each type of special education program is as follows:

Resource Program	18
Self-Contained Program	14
Home/Hospital Program	8
Language/Speech Program	60
Preschool (ages 3-5) Home-Based Program	16
Preschool Community-Based Program	16
Preschool Combination of Home-Based and Community-Based Program	16
Preschool School-Based, Full-Day Program	14
Preschool School-Based, Single Half-Day Program	14
Preschool School-Based, Two Half-Day Programs	24

1. The request will describe the situation and provide justification as to why the exemption should be approved to include at a minimum the following:
   a. the number of special education teachers in that school who serve students with disabilities, the enrollment of each teacher; and why appropriate services cannot be provided by one of those teachers in that school,

   b. a clear description of why an additional class cannot be added to take care of the overload,

   c. whether there is a school reasonably close by to which the children over the maximum could be transferred, and

   d. other emergency, hardship, or special situations which justify the exemption.

2. State Department of Education staff (Exemptions Committee) will review the request for exemption and make a recommendation to the State Board as to whether it should be granted.

3. The State Board will consider requests at its monthly meetings.

4. A school district may appeal the denial of an exemption by requesting to appear before the State Board at its next meeting.

5. The State Board's decision on an appeal is final.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/1993)*

Rule 74.11 Exemptions, Maximum Enrollment (Repealed 03-24-2014)

Rule 74.12 Extended School Year

1. GENERAL MISCONCEPTIONS

   Careful study of the Crawford case, specifically including the Fifth Circuit's opinion, eliminates some misconceptions. An extended school year is:
   a. not a mandated 12 month school program for all students with disabilities,
   b. not required just because students with disabilities could benefit from it,
   c. not required in order that child care be available for students with disabilities during the summer,
   d. not required as a means of maximizing the educational opportunities for each student with a disability,
   e. not necessarily a continuation of the instructional program provided during the regular school year,
   f. not required to be provided all day, every day, nor each day during the week or month,
   g. not for more mildly students with disabilities (based on level of functioning), and
   h. not necessarily a traditional teacher/classroom/child operation. II.

2. DEFINITIONS

   a. Regular School Year - must be a minimum of 180 school days.
   b. Extended School Year - any individualized instructional program which is extended beyond the regular school year for students with disabilities who are enrolled in a school district's special education program.
   c. Mastery - the successful demonstration of an acquired skill, at the designated level of proficiency specified in the evaluation criteria defined for that skill, in the student's IEP.
   d. Regression - the loss, as a result of a scheduled break in instruction, of one or more mastered skills included in the short-term objectives of the student's IEP.
   e. Recoupment - following a scheduled break in instruction, the process of regaining a previously mastered skill through review and reteaching.
   f. Recoupment Time - the length of time required to regain previously mastered skills.

g. Regression-Recoupment Syndrome - the name applied to the belief that, following a scheduled break in instruction, a student will have lost one or more mastered skills and that it will take varying lengths of time to relearn those skills.
h. No Educational Benefit - regression because of summer vacation to such an extent that: (a) following review and reteaching, recoupment of one or more mastered skills does not occur during the first ten (10) weeks of instructions in the next school year or (b) the loss of one or more acquired critical skills addressed in the current IEP would be unusually substantial and severe.

NOTE: For a child who is not in regular attendance, during the first ten (10) weeks of instruction, sufficient time may be added to the recoupment period to make sure that the child has received ten (10) weeks of instruction.

3. POLICY

A review of the literature, as well as practical experience, indicates that both students with disabilities and students without disabilities regress during breaks in instruction. The amount of regression and the length of time required to recoup previously mastered skills varies widely among all students.

It is the policy of the State Department of Education that when necessary to insure a free appropriate public education (FAPE), each local school district shall offer an extended school year to those students with disabilities who's Regression-Recoupment Syndrome is so severe that it can be predicted that they will have gained no educational benefit from their previous year's educational program (as defined in the IEP) without an extended school year. The purpose of the extended program is to maintain each student's mastered skills so that the summer vacation periods will not render the previous year's educational program of no educational benefit.

4. PROCEDURE FOR SELECTION
a. General
The need for an extended school year must be considered on at least an annual basis at an IEP meeting. The IEP Committee must review available data relative to the student's mastered skills and educational history. Based on this review, the IEP Committee must predict whether the regression that will occur because of the lengthy break in instruction (summer vacation) will be to such a marked degree that recoupment of a previously mastered skill(s) will not occur during the first ten (10) weeks of instruction in the following school year or the loss of one or more acquired critical skills addressed in the current IEP would be unusually substantial and severe. It is possible that the extended school year may only include the maintenance of skills previously mastered as a result of a related service if loss of that skill will result in no educational benefit. Generally speaking, students with disabilities who require an extended school year will have severe problems in one or more of the following areas:
(1) physical, emotional, communication, and self-help and
(2) will need intensive instruction, including related services, across several of these areas. Conversely, when one considers how more mildly students with disabilities

function and what expectations are for them, it is likely that very few of them will require an extended program to derive educational benefit during the regular school year.

b. Suggested Data to be Reviewed at the IEP Meeting

The following list contains some of the information which may be helpful when preparing to make the decision about an extended school year:

i. current and previous IEP,
ii. checklists/curricula or other records showing when skills were mastered,
iii. attendance information,
iv. recommendations from professionals,
v. behavioral logs,
vi. video/audio tape information,
vii. other assessment data.

c. Using the Data for Decision Making

After gathering available data, consider the following while making the decision as to whether an extended school year is to be provided for the child:

i. Compare the mastery of IEP objectives prior to previous summer breaks with performance after summer breaks. If little or no regression was measured, then there is no indication of the need for extended programming.

ii. If regression was noted and instruction was provided to reteach skills which were lost, note the time required for recoupment. If IEP objectives mastered the previous year were not recouped during the first time (10) weeks of instruction in the next school year or it is projected that the loss of one or more acquired critical skills addressed in the IEP would be unusually substantial and severe, the child is eligible to receive an extended school year.

iii. Make sure that significant regression-recoupment in the past occurred because of extended breaks in instruction. Make sure that the regression was not caused by a lengthy absence or failure to review and reteach previously mastered skills. Significant regression-recoupment problems based on this information would not necessarily indicate the need for an extended school year.

iv. Some skills which were mastered in the previous year's program may be of minimal importance to higher levels of functioning and may no longer be in need of emphasis. Predicted loss and lengthy recoupment of these skills would probably not indicate the need for an extended school year.

v. When determining the content of the extended school program, only mastered skills will be considered for inclusion in the extended year program.

vi. If a prediction of significant regression-recoupment problems cannot be made because the previous year's data is unavailable, an extended school year may be recommended if other data indicate the probability of significant regression-recoupment problems. In such cases, there should be recognized research which supports the decision. You may also consider what regression occurred during scheduled holidays and other times when the student was out of school for a week or more. This option should only be used for students who exhibit severe problems.

vii. Determine whether performance within specific developmental areas, as identified on the IEP, is in an accelerated critical phase of acquisition so that the summer interruption in educational programming would cause significant problems in the mastery of that skill and subsequent skills.

viii. If the IEP Committee determines that there is documentation that there is one or more critical skills addressed in the current IEP objectives and that loss of these acquired critical skills would be unusually severe or substantial, then ESY may be justified without consideration of the time period for recoupment of such skills.

ix. A skill is critical when the loss of that skill is projected to result in any of the following unplanned occurrences during the first ten (10) weeks of the next regular school year:

a) Placement in a more restrictive instructional environment,
b) Significant loss of self-sufficiency in self-help areas as evidenced by an increase in the number of staff required to provide special education or related services, and/or
c) Loss of access to on-the-job training or productive employment.

x. DOCUMENTING THE DECISION

On at least an annual basis at an IEP meeting, the decision regarding ESY services must be documented and maintained in the student's file. This decision is not irreversible. At any time that data maintained on the student indicates that the ESY decision was incorrect, IEP revision procedures must be followed to change the decision.

When it is determined that a student meets the criteria for an extended school year, the specific skill(s) to be maintained must be identified on the IEP. The IEP Committee must also address the amount of time per day, the number of days per week and the number of weeks that the instruction will be provided to maintain the skills. While students who require an extended school year generally need intensive instruction during the regular school year to show progress it is probable that mastered skills can be maintained across the summer with less instruction.

If a related service is required for educational benefit during the Extended School Year, skills to be maintained must be those listed within the IEP.

xi. POSSIBLE DELIVERY SYSTEMS

The IEP Committee must consider the unique needs of each student when deciding the type of educational programs required to maintain mastered skills. Some alternatives the district might consider are:

a) the traditional classroom,
b) an abbreviated school day or week,
c) individual therapy (physical, occupational, counseling...),
d) tutorial services,
e) in-home training,
f) continuation of private placement, or
g) contractual agreements with other agencies. Educational programs must be provided by appropriately certified/licensed personnel.

xii. ESY HANDBOOK
The ESY handbook can be found at the following Website: MS Secretary of State Office, Regulations and Enforcement, Administrative Code, Title 7 Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 8/2011)*

Rule 74.13 Medicaid Placements (*Repealed 03-24-2014)*

Rule 74.14 Pooling State Funds. Designated state Educable Child Program funds from the Mississippi Department of Education (MDE) may be utilized to assist in providing a local or regional system of care in order to return a child with a serious emotionally disturbed disability to a community setting. Designated funds are the state moneys available to pay for the placement of a child who 1) has a disability and is diagnosed as seriously emotionally disturbed in accordance with regulations, and 2) has been placed in a private facility by a school district or the Department of Human Services (DHS), in accordance with regulations.

The designated state funds which would be used for a child's placement in a facility by a school district or DHS may be paid into a pool of funds from other state agencies. Such funds must be used for the implementation of a child's individualized plan of care. The individualized plan of care provided must be designed and provided in a manner which enables the child to successfully return to a community with the appropriate support for the child and family. The child's individualized plan of care must include the provision of a free appropriate public education in accordance with regulations. If there are sufficient funds to serve other children, due to cost savings as a result of serving more than one child at home and/or matching the pooled funds with federal dollars, the funds may be used to implement individualized plans of care for other children.
To ensure state funds from MDE are expended in a manner which will provide appropriate educational services, the information listed below must be submitted by the lead agency responsible for coordinating the system of care. The following information must be submitted to the Office of Special Education for approval prior to funds being paid:

1. A description of the local or regional system of care to be implemented including the responsibilities of each state agency and the school district(s) involved in the system,

2. The amount of funding to be provided by each state agency for the system of care and an assurance that the funds necessary to implement the system will be available,

3. The timeline for implementing the system of care,

4. The individualized plan of care for the child including the specific plan for support to ensure a free appropriate public education is provided, and

5. An assurance from the school district involved in the provision of the educational program for the child that an Individualized Education Program has been developed and services can and will be implemented in accordance with regulations.

If the school district responsible for providing a free appropriate education does not agree that an educational program can be provided for the child through a system of care, funds from the MDE for that particular child will not be utilized to support the system.
If, for any reason, during the implementation of the individualized plan of care, the district cannot meet the child's educational needs, the MDE, Office of Special Education must be notified by the district prior to an alternate out-of-district placement being made.

The Office of Special Education will then determine the reason(s) for the child's plan not being effective and notify the lead agency responsible for coordinating the system of care that the educational needs of the child can no longer be met by the district. If the district originally placed the child in a facility outside of the district, it will be responsible for determining the appropriate placement for the child. Such placements must be made in accordance with regulations. The district will be responsible for paying $6,000 or 10%, whichever is greater, of the total cost of such a placement as required by regulations. Federal funds will be utilized to pay the remaining cost of such a placement in accordance with regulations.

If DHS originally placed the child in a facility, it will be responsible for the placement of the child in an alternate setting based on the recommendation of the child's IEP committee. The MDE, Office of Special Education will coordinate such a necessary placement with DHS. The MDE will be responsible for the educational costs and DHS will be responsible for the room and board cost as specified in state law and regulations.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 9/1994)*

Rule 74.15 Preschool (*Repealed 9/2011)*

Rule 74.16 Referral to Placement Process (*Repealed 9/2011)*

Rule 74.17 Resource Program Numbers (*Repealed 9/2011)*

Rule 74.18 State Plan (*Repealed 9/2011)*

Rule 74.19 Individuals with Disabilities Education Improvement Act. School districts are required to follow the State Policies Regarding Children with Disabilities under the Individuals with Disabilities Education Act Amendments of 2004 (IDEA 2004).

For a copy, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 34.

For a copy of the Mississippi Testing Accommodations Manual, please visit the Mississippi Secretary of State's website at Regulations and Enforcement, Administrative Code, Title 7: Education K-12; Part # 12.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/2009)*

Rule 74.20 Testing Students with Disabilities Regulations (Repealed 9/2011)

Part 3 Chapter 75: Students

Rule 75.1 Residency Verification

REPEALED

Part 3 Chapter 76: Teachers

Rule 76.1 Awards. The Mississippi Teacher of the Year Program recognizes outstanding achievement and performance by our public school teachers. Each local school district has the opportunity to honor its teachers and nominate one for the state title. The 1995 Mississippi Teacher of the Year must be a certified classroom teacher (K-12) in a state-accredited public school who plans to teach next year. The teacher should have superior ability to inspire students, should possess leadership capabilities, and should be an active member of the community. Official entry forms and instructions will be mailed to each district's central office. The local Teacher of the Year entry form, signed by the local superintendent, is returned to the Mississippi Department of Education for judging during the summer. Five finalists (one from each Congressional District) are chosen and a selection committee visits the classroom of each near the beginning of the school year. The teacher selected as the Mississippi Teacher of the Year will be the state's nominee for National Teacher of the Year.

Entries are limited to one per school district. These are judged on a biography, professional development activities, community involvement, philosophy of teaching, insight on education issues and trends, personal teaching style, comments on the teaching profession, letters of recommendation, and how one would handle the duties of National Teacher of the Year.

The Mississippi Teacher of the Year Program is sponsored by the Mississippi Department of Education, Southern Educators Life Insurance Company of Atlanta, Georgia, and Bryan Foods, Inc. of West Point, Mississippi. The national program is sponsored by the

Council of Chief State School Officers and Encyclopedia Britannica.

The Mississippi Teacher of the Year (TOY), alternate and finalists receive the following honors and awards:

1. $5,000 for the state TOY from the Mississippi Department of Education, if approved;
2. $500 for the alternate and $250 for regional finalists from Southern Educators;
3. $500 for the state TOY and $250 for the TOY's school from Bryan Food;
4. a set of encyclopedias from the Britannica Company (TOY only);
5. a dinner honoring all five teachers and their guests, hosted by Southern Educators;
6. TOY and alternate receive formal recognition at a State Board of Education meeting;
7. TOY and finalists included in the Milken Educator Award Pool.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/1994)*

Rule 76.2 Contracts (*Repealed 1/21/2011)*

Rule 76.3 Experience
The number of days shall not exceed forty-five (45) consecutive school days during which a teacher may not be under contract of employment during any school year and still be considered to have been in full-time employment for a regular scholastic term.

Source: *Miss. Code Ann. § 37-1-3(Revised 9/2005)*

Rule 76.4 Housing. The Mississippi Employer-Assisted Housing Teacher Program is a special home loan program that is available to licensed teachers who render services in geographical areas of the state that are designated by the Mississippi Board of Education as having a critical shortage of teachers. The program will be administered by the Department of Education in conjunction with the Federal National Mortgage Association (Fannie Mae). The Department of Education will advertise for bids for the purpose of contracting with a public or private entity to assist with the implementation and administration of the program. A maximum loan amount of $6,000 will be available to eligible teachers to assist in paying closing costs associated with the purchase of a house. Eligible teachers shall include any employee of a school board of a school district who is required by law to obtain a teacher's license from the State Board of Education and who is assigned to an instructional area of work as defined by the State Department of Education the equivalent of a minimum of three (3) normal periods per school day.

Closing costs will include:

1. Down payment (limited to 2% of the sales price)
2. Lender Loan Origination
3. Teacher Grant Program Administrator
4. Attorney
5. Title Insurance
6. Appraisal
7. Credit Report

8. Pest Inspection
9. Survey
10. Recording Fees
11. Private Mortgage Insurance Premium

The teacher's house must be situated in the county in which the school district, or any portion of the school district, is located.
The amount loaned to any teacher will be converted to an interest-free grant on the basis of one (1) years' service in a geographical area of the state that is designated by the Mississippi Board of Education as having a critical shortage of teachers for one-third (1/3) of the amount of the loan. Any teacher who does not render three (3) years of service in a geographical area of the state that is designated by the Mississippi Board of Education as having a critical shortage of teachers will be liable to the Department of Education for one-third (1/3) of the amount of the loan for each year that the teacher does not render such service, plus interest accruing at the current Stafford Loan rate at the time the person discontinues service. If a claim for repayment is placed in the hands of an attorney for collection, the teacher will be liable for an additional amount equal to a reasonable attorney's fee.

Overview of Loan Process

The teacher will contact the program administrator to obtain confirmation that they are eligible for the program.

The teacher executes a contract for the purchase of a house in the county in which the school district is located.

The teacher makes a loan application with one of the approved participating lenders as determined by Fannie Mae (Union Planters Bank, Deposit Guaranty Bank, Trustmark Bank).

The lender will approve the loan and submit a copy of the loan approval to the program administrator with the anticipated closing date.

Closing attorney will send the administrator a copy of HUD-1 Form forty-eight (48) hours prior to closing. The administrator will wire the funds for the loan and mail a promissory note to be executed by the teacher at closing.
After closing, the lender will send the administrator the signed promissory note. Notes.
The program is available to teachers of any income level
The loan must be less than the Fannie Mae limit of $227,150. The loan is not limited to first-time home buyers.

MISSISSIPPI EMPLOYER-ASSISTED HOUSING TEACHER PROGRAM LOAN AGREEMENT

Date of Agreement: _____

Teacher: _____

Teacher's Social Security Number: _____

School District: _____

Loan Amount up to $6,000.00: _____

Beginning School Year: _____

This Agreement is made and entered into upon the above stated date by and between named Teacher ("Teacher") and the Mississippi State Department of Education ("Department"),

For purposes of this agreement “School District” or “District” shall mean any school district that has been designated by the State Board of Education as a geographical area where there exists a critical shortage of teachers.
WITNESSETH:

1. Purpose. Teacher has elected to apply to the Department for a loan for the purpose of purchasing a residence pursuant to the Mississippi Employer-Assisted Housing Teacher Program, enacted by Section 37-159-11, Mississippi Code of 1972 Annotated ("Program"). Department has agreed to lend to Teacher the above stated Loan Amount pursuant to the terms of the Program, of which the Teacher is aware, and upon the terms and conditions herein stated.
2. Use of Loan Amount. Teacher shall only use the Loan Amount for the purposes of acquiring a residence within the County in which the District or any part of the District is located.
3. Term of Agreement. The term of this Agreement shall commence upon the later of the commencement of the Beginning School Year or the date of this Agreement above stated.
4. Grant for Service. Commencing with the Beginning School Year above stated, Teacher shall receive a grant for each year of service rendered as a teacher in the District of one-third (1/3) of the total Loan Amount with no interest accrued upon such grant.
5. Service of Teacher. Teacher agrees to render service as a teacher in the District for three (3) consecutive years commencing with the Beginning School Year and that the school year in which the Agreement is executed will be considered the Beginning School Year provided the Agreement is executed by December 1 of the school year, otherwise, the Beginning School Year will be the next school year. Provided however that the teacher may choose to accept employment in another district that is located in whole or in part within the county in which the residence is located so long as that school district has been designated by the State Board of Education as a geographical area where there exists a critical shortage of teachers. In the event of this occurrence the teacher shall still be considered as being in compliance with this agreement and the years of service in each of the school districts served shall be added together in determining that three consecutive years have been served.

6. Residence of Teacher. Teacher agrees to reside and occupy the residence acquired with the use of the Loan Amount during the term of this Agreement. Teacher may not lease out or rent to any person the said residence or any part thereof during the term hereof.
7. Tax Liability. Teacher acknowledges that the grant or forgiveness for rendering service as a teacher to the District may result in taxable income to Teacher for federal and/or state income tax purposes, and further acknowledges that liability for any and all taxes due upon such taxable income will be the sole responsibility and liability of Teacher, that the Department will withhold no sums from the amounts forgiven and will pay no withholdings thereon to the appropriate taxing authority. Teacher further acknowledges that the Department may furnish to the Internal Revenue Service and/or to the Mississippi State Tax Commission, such information and upon such forms as are required to give notice to the said Internal Revenue Service and/or to the Mississippi State Tax Commission of the grant or forgiveness to Teacher.
8. Events of Default. Default shall consist of the occurrence of any one or more of the following events: (a) failure of Teacher to render service to the District for three consecutive school years commencing with the Beginning School Year above stated; (b) failure of Teacher to continuously reside in the residence acquired with the use of the Loan Amount for three consecutive school years commencing with the Beginning School Year above stated; (c) any breach of any condition of this Agreement by Teacher; (d) breach of any condition under the Program by the Teacher.
9. Interest upon Default. Upon the occurrence of an Event of Default, interest shall accrue upon the unforgiven and unpaid portion of the Loan Amount as of the date of this Agreement and continuing until paid in full. The interest rate shall be the Stafford Loan rate in effect upon the occurrence of an Event of Default, as said rate is from time to time determined by the United States Department of Education.
10. Actions upon Default. Upon the occurrence of an Event of Default, the unforgiven and unpaid portion of the Loan Amount together with all interest accrued from the date of the Agreement shall be due immediately. The Department shall give notice to Teacher of the sums due as of the date of default and the interest amount thereafter. Such notice shall be made in writing and shall be deemed received by Teacher on the third business day after deposit in the United States mail, postage prepaid, and addressed to Teacher at the address of Teacher upon the records of the Department.
11. Collection Costs. If Teacher does not pay the sums due the Department within three business days after the day Teacher is deemed to have received the notice, the Department may employ an attorney or attorneys for the collection of the sums due, and in addition to the unforgiven and unpaid portion of the Loan Amount together with interest accrued and to accrue thereon, Teacher agrees to pay all costs of collection, including, but not limited to, reasonable attorneys' fees and court costs.
12. Duties of the District. By its execution hereof, the District agrees that this Agreement has been fully approved by order duly entered upon the minutes of its board of trustees, and that it’s President has been duly authorized to execute same. District further agrees to notify Department in writing within three business days of the occurrence of any of the following: (a) Teacher ceases to render service to the

District as a teacher at any time during the term hereof; (b) Teacher ceases to reside in and occupy the actual residence purchased with the use of the Loan Amount.

13. Acts of God. Teacher's performance of any duty herein required to be performed shall not be excused by the occurrence of war, tornado, fire, earthquake, flood, or death or disability of Teacher, regardless of cause, or any other act of God, or by Teacher's termination by the District.
14. Administration by Mississippi Home Corporation. Department may contract with Mississippi Home Corporation, or any other entity that it is permitted to contract with under the Program, to perform all or some of its duties under the Program.
15. Rules and Regulations of the Mississippi State Board of Education. This Agreement is subject to and shall be governed by the statutes of the State of Mississippi in such cases made and provided and by the rules and regulations adopted by the Mississippi State Board of Education pursuant to the Program. In the event of a conflict between the terms of this Agreement and the statutes of the State of Mississippi, the statutes shall control, in the event of a conflict between the terms of this Agreement and the rules and regulations adopted by the Mississippi State Board of Education pursuant to the Program, the rules and regulations shall control.
16. Advancement of Loan Amount. It is agreed that the Loan Amount will not be advanced until the closing of the purchase of a residence aforesaid by Teacher. It is further agreed that the above stated Loan Amount may be decreased due to lesser cash requirements at closing, and that if the Loan Amount is so decreased, this Agreement shall be deemed amended to reflect the amount actually advanced, and in all other respects shall remain in full force and effect. It is further agreed that the Loan Amount shall not be increased after execution hereof unless this Agreement is amended in writing and executed, by all parties hereto.

WITNESS the signatures of Teacher, of the duly authorized officer of the Department and of the President of the Board of Trustees of District as of the date first above mentioned.

TEACHER

_____

Teacher

Date: _____

SWORN TO AND SUBSCRIBED before me, this the _____ day of _____, 20 _____.

_____

NOTARY PUBLIC

My Commission Expires: _____

DEPARTMENT

Mississippi Department of Education

By: _____

Title: _____

Date: _____

SWORN TO AND SUBSCRIBED before me, this the _____ day of _____, 20 _____.

_____
NOTRY PUBLIC

My Commission Expires: _____

DISTRICT

_____
School District

By: _____

Title: _____

Date: _____

SWORN TO AND SUBSCRIBED before me, this the ____ day of _____, 20_____
.

_____
NOTARY PUBLIC

My Commission Expires:_____

Source: *Miss. Code Ann. § 37-1-3 (Revised 12/2003)*

Rule 76.5 Moving Expense. In accordance with Mississippi Code Section 37-159-5, the Department of Education will reimburse the moving expenses for teachers who enter into a contract with a school district situated within a geographical area of the state that is designated by the Mississippi Board of Education as having a critical shortage of teachers. The moving expenses will only be reimbursed if the contract for employment necessitates the relocation. Employment which necessitates the relocation of a teacher is defined as being greater than or equal to a thirty mile radius. It is not required that the actual residence to which the teacher relocates be within the boundaries of the school district which has executed a contract for employment. However, the teacher must relocate within the boundaries of the State of Mississippi. To be eligible for the reimbursement, the teacher must apply to the school district and the school district must obtain prior approval from the Department of Education for reimbursement before the relocation occurs. The school superintendent will request prior

approval by completing and submitting the form Request of Prior Approval from the Department of Education for Reimbursement of Teacher Moving Expenses. The Department of Education will timely notify the school superintendent of its action on the request. Upon approval, the Department of Education will provide funds to the school district to reimburse the teacher an amount not to exceed $1,000 for documented actual expenses incurred for relocation. The school superintendent will request reimbursement by completing and submitting the form Reimbursement for Moving Expenses. Upon receipt of the funds, the school superintendent will reimburse the teacher accordingly.

Eligible moving expenses consist of:

1. Professional moving companies (documented by actual invoice which indicates a zero balance or paid in full.)
2. Persons employed to assist with the move (documented by original receipts or canceled checks (front & back) or notarized statement signed by both the person employed to assist with the move and the individual moving.)
3. Rented moving vehicles or equipment (documented by actual invoice which indicates a zero balance or paid in full.)
4. Mileage in the amount authorized for state employees under Section 25-3-41, Mississippi Code of 1972 (Ann.), if the teacher uses his/her personal vehicle or vehicles for the move, limited to the shortest distance - one trip - one way only
5. Hotel expense incurred during the move not to exceed $75.00, limited to one night. (documented by actual invoice which indicates a zero balance or paid in full.)
6. Meal expense incurred during the move not to exceed $30.00 per day, limited to two days. (documented by actual meal receipts.)

No teacher may be reimbursed for moving expenses on more than one (1) occasion. Two or more teachers who have the same initial address and are moving to the same anticipated address are considered one household, and therefore only one teacher may claim moving expense reimbursement, not to exceed the $1,000 maximum allowable reimbursement.

REIMBURSEMENT FOR MOVING EXPENSES

School District _____ District No. _____

Teacher:

Name _____

Address _____

City, State, Zip _____

Social Security Number _____

Moving Expense

Amount _____

( ) Documentation Attached
Professional Moving Company

( ) Documentation Attached
Employed Persons Assisting with Move

( ) Documentation Attached
Rented Vehicles and Equipment
( ) Documentation Attached
Meals (not to exceed $30 per day - limited to two days)

( ) Documentation Attached
Mileage - based on amount authorized for state employees (MS Code Section 25-3-41. (limited to one trip - one way - shortest distance - one personal vehicle.

Note: Attached documentation must include points of travel. Total (Not to exceed $1,000)

Note: Documentation of moving expenses must accompany this form.

Upon receipt of the reimbursement from the Department of Education, the School District will forward said reimbursement to the teacher identified above.

NOTE: No teacher may be reimbursed for moving expenses on more than one (1) occasion.

_____, Superintendent

_____
(Print)

_____
Date

Submit request to:
Office of Financial Accountability
Mississippi Department of Education
P. O. Box 771
Jackson MS 39205-0771

REQUEST OF PRIOR APPROVAL
FROM THE DEPARTMENT OF EDUCATION FOR REIMBURSEMENT OF TEACHER MOVING EXPENSES

School District _____District No. _____

Teacher Name _____

Social Security Number _____

Teacher's Current Address _____

Teacher's Anticipated Address_____

_____

_____

Note: A copy of the executed teacher's contract must accompany this request.
No teacher may be reimbursed for moving expenses on more than one (1) occasion.

The school district requests that the Department of Education approve the reimbursement of moving expenses not to exceed $1,000 for the teacher indicated above.

_____, Superintendent

_____
(Print)

_____
Date

Submit request to:
Office of Financial Accountability
Mississippi Department of Education
P. O. Box 771
Jackson MS 39205-0771

Source: *Miss. Code Ann. § 37-1-3 (Revised 12/2007)*

Rule 76.6 University Assisted Teacher Recruitment and Retention Grant Program. The goal of the University Assisted Teacher Recruitment and Retention Grant Program, as mandated in House Bill 609 (1998 Legislative Session), shall be to attract qualified teachers to those geographical areas of the state where there exists a critical shortage of teachers by making available scholarships to persons working towards a Master of Education degree or an Educational Specialist degree at an institution of higher learning whose teacher education program is approved by the State Board of Education.

The Mississippi Department of Education is authorized and directed to implement the requirements of House Bill 609, including, but not limited to, the promulgation of rules and regulations necessary for the proper administration of the University Assisted Teacher Recruitment and Retention Grant Program.

1. Rules and Regulations for Administration of the University Assisted Teacher Recruitment and Retention Grant Program
   A single university or college shall be selected by the RFP process and shall be responsible for the administration of the University Assisted Teacher Recruitment and Retention Grant Program. That selected university or college shall be responsible for the implementation of program guidelines and the delivery of services under the grant. The selected university or college shall report directly to the Mississippi Teacher Center to ensure the program meets the overall goal of recruitment and retention of teachers for geographic areas of the state where teacher shortages exist as designated by the State Board of Education. The selected university or college shall comply with rules and regulations as stated below.

2. Institution Requirements for the Selected University or College Are As Follows:

   a. Offer a state approved Master of Education degree and/or Educational Specialist degree.
   b. Comply with HB 609, Section 13 and other appropriate subsections, for program operation.
   c. Have available resources to coordinate recruitment of teachers for critical needs areas as designated by the State Board of Education.
   d. Have available resources to provide professional development and support services necessary for the retention of teachers participating in the program.
   e. Have sufficient staff and a written plan of action for implementing the program.
   f. Develop a plan for ensuring the completion of all requirements for teacher participants to obtain a standard Mississippi teacher's license.
   g. Develop a plan for collaboration with other institutions of higher learning within the state.
   h. Give priority to applicants for the program who are relocating from in-state or out-of-state to teach in a critical shortage area.
   i. Establish accountability or performance measures to measure both student and program success.
   j. Comply with appropriate state and federal laws relating to nondiscriminatory practices in the operation of the program.

3. Teacher Participant Requirements Are As Follows:

    a. Hold a Mississippi teacher's license.
    b. Be employed by a school district located in an area of Mississippi where there exists a critical shortage of teachers as designated by the State Board of Education.
    c. Be enrolled in a state approved Master of Education or Educational Specialist program in the state of Mississippi
    d. Comply with all eligibility requirements as outlined in the Application for the University Assisted Teacher Recruitment and Retention Grant Program.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2000)*

Rule 76.7 Selection (under MAEP (4903. When a certified secondary teacher is assigned to teach in a 5th or 6th grade departmentalized situation and is appropriately endorsed in the subject he/she is teaching, that teacher may be selected as a Minimum Foundation Program teacher in the State Department of Education's process and, if the teacher is selected, the district shall be reimbursed under the Minimum Program for that teacher.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 12/1992)*

Rule 76.8 Teacher Unit Approval Under Section 504 (*Repealed 9/2011)*

Rule 76.9 Process and Performance Review (*Repealed 4/15/2011)*

Rule 76.10 West Tallahatchie Rental Housing. The construction of rental housing units for teachers in the West Tallahatchie School District is a pilot program that will be administered by the Department of Education. The Department of Education will advertise for bids for the purpose of contracting with a public or private entity to assist in implementing and administering the program.

The West Tallahatchie School District will receive proposals from developers, after having advertised for bids, for the construction of the rental housing units and will submit a recommendation to the State Department of Education as to which developer should construct the units. The Department of Education will make the final determination about which developer will construct the units.

After selection of the developer, the Department of Education will loan the developer not more than $200,000 for the construction of the units for a period of time not to exceed fifteen (15) years. The interest rate on the loan will be equal to one percent (1%) below the discount rate established by the Federal Reserve Bank Mississippi Critical Shortage Fund. If a claim against the developer for repayment is placed in the hands of an attorney for collection, the developer will be liable for an additional amount equal to a reasonable attorney's fee.
The developer will operate the rental housing units. For a period of ten (10) years or until such time that the loan is repaid by the developer, whichever is longer, the priority for residence in the

housing units will first be given to teachers employed in the West Tallahatchie School District, then to other licensed school district employees, and then to any other school district employee.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 6/1998)*

Part 3 Chapter 77: Technology Plan (Monitoring)

Rule 77.1 Technology Plan. The State Board of Education is implementing the requirements of Senate Bill 3350: Technology in the Classroom, Mississippi Code 37-151-19(3). The Mississippi Master Plan for Education Technology is a five-year plan specifying what will be done to comply with Senate Bill 3350. The Office of Management Information Systems staff, Mississippi Department of Education, is directed to develop and implement a process of monitoring the implementation of the Mississippi Master Plan for Education Technology and the Local District Technology Plan(s). A current up-to-date copy of the Local District Technology Plan shall be kept on file in the State Department of Education.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 5/1997)*

Part 3 Chapter 78: Testing

Rule 78.1 Assessment of Special Populations. The information contained within the Testing Students with Disabilities Regulations and the Guidelines for English Language Learners and any subsequent updates shall apply to all public school personnel who are responsible for the implementation of the Mississippi Statewide Assessment System. The information shall set forth the rules and procedures required for proper test administration and shall be provided to each school district by the Mississippi Department of Education through the district test coordinator.

The district superintendent shall assure that each school follows the established testing procedures and informs each building level administrator of their responsibilities. Local boards of education shall cooperate with the State Board of Education in implementing the provisions of this said policy.

For a copy, please visit the Mississippi Secretary of State's website at REGULATIONS AND ENFORCEMENT in the Administrative Code, Title 7: Education K-12; Part # 13.

Source: *Miss. Code Ann. § 37-1-3 (Revised 5/2007)*

Rule 78.2 FLE (*Repealed 5/25/2010)*

Rule 78.3 FLE Test Disclosure (*Repealed 5/25/2010)*

Rule 78.4 Grade 3 and 7 Benchmarks for the MCT (*Repealed 5/18/2007)*

Rule 78.5 Graphing Calculators Required (*Repealed 08/2012)*

Rule 78.6 Norm Referenced (*Repealed 5/25/2010)*

Rule 78.7 Schedule. The Mississippi State Department of Education, subject to the approval of the State Board of Education will establish and disseminate a testing schedule for the Mississippi Statewide Assessment System prior to 01 October of each year. An up-to-date copy of the schedule shall be kept on file at the Mississippi Department of Education.

Source: *Miss. Code Ann*. 37-1-3, 37-16-3 (Revised 02/2016)

Rule 78.8 Setting Student-Level Standards for State Assessments. Assessments of the Mississippi Statewide Assessment System shall have five (5) achievement levels, competencies, descriptors, and applicable achievement cut scores—collectively referred to as academic achievement standards, including alternative academic achievement standards for students with the most significant cognitive disabilities. Academic achievement standards shall be established using a technically sound method recognized by national experts extensively grounded in the research literature.

Source: *Miss. Code Ann.* 37-1-3, 37-16-3 (Revised 02/2016)

Rule 78.9 Qualifying Score on FLE (*Repealed 5/25/2010)*

Rule 78.10 Subject Area Testing Program Appeals Process

1. Appeal for Rescoring
   When a student, parent, or district personnel has reason to believe that due to a scoring error, a student did not pass an assessment within the Mississippi Statewide Assessment System, the district may request the MDE manually rescore the assessment. The MDE will outline the process to request manual rescoring in the *Mississippi District Test Coordinator* procedural manual.

Source: *MS Code Ann.* 37-1-3, 37-16-3 (Revised 02/2016)

Part 3 Chapter 79: Textbooks

Rule 79.1 Selection and Adoption Procedures. The document entitled Textbook Administration Handbook Rules and Regulations is revised. As staffs identify areas where amendments to that document are needed, recommendations for change shall be presented to the State Board of Education. Upon approval by the Board, staffs are directed to disseminate those changes to the appropriate members of the educational community. An up-to-date copy of this document shall be kept on file in the State Department of Education.

For a copy of the Textbook Administration Handbook Rules and Regulations, please visit the Mississippi Secretary of State's website at Regulations and Enforcement in the Administrative Code, Title 7: Education K-12; Part # 11.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1997)*

Rule 79.2 Regulations. Pursuant to authority of Mississippi Code Section 37-7-301(o), each school district shall have the authority to determine for what purposes the Education Enhancement Fund allocation for textbooks and other educational materials shall be expended as follows:

1. The local school district may define what constitutes a "textbook" and may purchase said books from any available supplier. Said textbooks shall remain the property of the local school district.
2. The local school district may define what constitutes "other educational materials" and may purchase said materials from any available supplier.
3. The local school district may define what constitutes "technology enhancement projects" and shall limit the expenditures for said purposes to the proportion each district's ADA bears to the statewide total ADA applied to $2,000,000 as determined by the State Department of Education.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1992)*

Part 3 Chapter 80: Title Programs

Rule 80.1 Title I Complaint Procedures

1. Guidelines

When a complaint cannot be resolved at the LEA level, the complaint must be submitted in writing to the Mississippi Department of Education, Office of Federal Programs. Persons issuing verbal complaints will be asked to complete a written complaint form prior to any official investigation, or assisted with the completion of the complaint form.

The complaint must include the name and address of the person submitting the complaint and a description of the complaint. The complaint must also include a statement which assures that to the best of the complainant's knowledge, the agency has violated a requirement of a federal statute or regulation that applies to an applicable program. In addition, the facts on which the statement is based and the specific requirement allegedly violated must be included.

Complaints should be sent to the Bureau Director, Office of Federal Programs. The mailing address is: Mississippi Department of Education, Office of Federal Programs, Suite 111 Central High School, Post Office Box 771, Jackson, Mississippi 39205-0771. The office may also be contacted via telephone at (601) 359-3499.

2. Procedure for Complaints
   a. In the first level of review, a complaint shall be answered by the Bureau Director, with assistance from staff.
   b. The Bureau Director shall determine whether additional information is necessary, if so appropriate program staff will notify the agency involved, and conduct an onsite review investigating the complaint.

c. The Bureau Director shall determine whether additional information is necessary. If there are serious violations, verified after the on-site review, then the information gathered will be forwarded to other appropriate offices or organizations.
d. Once the investigation has been completed, the Office of Federal Programs will issue a letter stating the findings of facts. The letter stating the findings of fact shall be mailed no later than 60 calendar days from the date the Office of Federal Programs receives the complaint in writing.
e. If areas of noncompliance are found, corrective action will be required and timelines for completion indicated. All parties will be informed of the areas of noncompliance and the required corrective actions.
f. The Office of Federal Programs may extend the 60-day timeline, if exceptional circumstances exist. Examples of exceptional circumstances may be, but not limited to:
   i. The complexity of the issues;
   ii. The need for additional information; and/or
   iii. The unavailability of any of the necessary parties.

3. Appeals
   a. An individual may appeal an administrative determination of the Bureau Director. The individual must submit the appeal in writing to the address above. The appeal must be postmarked no later than 25 calendar days after the date the Bureau Director's determination is made.
   b. A final decision on the complaint shall be made after consulting with the State Superintendent of Education or designee.
   c. The State Superintendent of Education shall provide written notification to the individual who submitted the complaint about the disposition of the complaint no later than 30 days after final action.
   d. The complainant has the right to request the U.S. Secretary of Education to review the decision of the Mississippi State Department of Education. This review is at the U.S. Secretary's discretion.
   e. In matters involving violations of section 9503 (participation of private school children), the complainant has the right to request the U.S. Secretary of Education to review the decision of the Mississippi State Department of Education. The U.S. Secretary will follow the procedures in section 9501(b).

Source: *Miss. Code Ann. § 37-1-3*

Rule 80.2 Title I Administrative Limit 20%. School districts shall spend no more than twenty-percent of annual Title I budgets on administrative expenses.

The purpose of this state rule is to ensure that maximum Title I funds be spent directly on students to enable them to achieve high standards. Administrative costs are defined as those costs spent on Title I Administrative activities at the district and school level. These activities include, salaries, benefits, travel, and office costs of Title I coordinators, clerks, bookkeepers, and maintenance personnel, cost of audits, and indirect cost.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 3/1996)*

Rule 80.3 Program Improvement. The Mississippi State Department of Education, subject to approval of the State Board of Education, will develop and disseminate model guidelines for the evaluation of school performance. These guidelines will include a method of determining schools having exemplary performance as well as schools in need of improvement. An up-to-date copy of these guidelines shall be kept on file in the Mississippi State Department of Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/1997)*

Part 3 Chapter 81: Transportation

Rule 81.1 Bids. When advertising and receiving bids for school buses, bus bodies, other school transportation equipment, sale of unneeded school transportation equipment, driver education and training equipment and visual and training aids and devices, the State Board of Education does hereby designate the Director of the Bureau of Administration and Finance, the Director of Pupil Transportation, Office of Safe and Orderly Schools, and a representative from the State Attorney General's Office (appointed by the State Attorney General) as its official agents to receive bids, to tabulate the bids in an open meeting as advertised by law and a recording secretary shall be in attendance to record the bid quotes. They shall file with the State Board of Education a full written report of their actions at the next regularly scheduled Board meeting.

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

Rule 81.2 Drivers. The Instructor's Guide for Training School Bus Drivers provides regulations governing the training program for bus drivers. The purpose of this document is to ensure that the training program is consistent, thorough, and based on best practices. As evaluation data suggests the need for changes in the guide, staff is directed to make those changes and recommend them to the Mississippi Board of Education. Upon approval by the Mississippi Board of Education, those changes should be disseminated to the appropriate individuals in the educational community.

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

Rule 81.3 Driver Training/Motor Vehicle Record Check

SCHOOL BUS DRIVER SAFETY IN-SERVICE TRAINING AND REVIEW OF MOTOR VEHICLE DRIVER RECORD FOR BUS DRIVERS,AS AUTHORIZED BY SECTION 37-41-1, MISSISSIPPI CODE, 1972, AS AMENDED

School districts shall be required to conduct bus driver safety training with every school bus driver employed in the public schools of Mississippi. A minimum of four hours of bus driver safety training shall be conducted each semester. This training shall consist of, but not be limited to, the following:

1. Loading and unloading - at home and on campus
2. Compliance with all traffic laws

3. State/local policies
4. Proper care and use of the school bus
5. Proper discipline procedures
6. Railroad crossings
7. Proper bus evacuation drill procedures
8. Defensive Driving

The State Department of Education shall provide school districts as requested with ongoing technical assistance regarding training for school bus drivers.

In addition, school districts shall annually acquire from the Mississippi Department of Education, Division of Transportation**,** or the Mississippi Department of Public Safety, Driver Services Division**,** a certified copy of the motor vehicle record of all regular, substitute and replacement bus drivers. The school district shall maintain a current file of the motor vehicle record for all bus drivers. An individual driver record review shall be completed prior to any driver being assigned a school bus for the purpose of transporting pupils.

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

Rule 81.4 Basic Job Description and Responsibilities

It is the responsibility of the school bus driver to operate the school bus in a safe and efficient manner and to abide by all state traffic laws, SBE regulations and local school board regulations.

Job functions shall include but not be limited to the following:

1. Conduct a thorough pre-trip inspection of the school bus.

2. Keep exterior mirrors clean and adjusted at all times.

3. Perform a minimum of two school bus evacuation drills each school year utilizing appropriate emergency procedures.

4. Know, recognize and obey road signs and signals by meanings, shapes, sounds and colors.

5. Keep the interior of the bus clean.

6. Maintain routes and schedules as planned by the local school board.

7. Report any hazards along the existing route to appropriate school officials.

8. Exercise the effective defensive driving skills of self-control, alertness, foresight and good judgment at all times while operating the school bus.

9. Maintain discipline on the school bus without jeopardizing safety while driving.

10. Remain alert at all times to hazards, including but not limited to poor weather conditions, other vehicles, road conditions and trains at railroad crossings.

11. Complete all reports on bus discipline, bus maintenance and any other reports required by the local school board.

12. The driver shall not, at any time, permit pupils to stand in the step well or loading area or where the pupil would likely fall out of the bus, if the rear emergency door was opened, or where the driver's view is obscured.

13. Local school boards may supplement the minimum bus driver job description and responsibilities as deemed necessary for safe and efficient student transportation.

Source: *Miss. Code Ann. § 37-1-3 (Revised 5/1993)*

Rule 81.5 Employment Process. EMPLOYMENT OF SCHOOL BUS DRIVERS - DISTRICT RESPONSIBILITY Local school boards have the responsibility of providing safe and efficient transportation services for all entitled students. School districts that operate school bus fleets shall have a system for recruiting, screening and training school bus drivers. It is essential that acceptable school bus driver candidates be recruited as an initial step.

1. School districts shall complete the following procedures for the employment of bus drivers. 1. All candidates for the position of bus driver shall complete an application providing background information. A sample application is provided in Appendix A. All applications used by school districts shall contain, at a minimum, the information included in the sample State Department of Education bus driver application.

2. During the application process, the applicant must be informed of the SDE minimum qualifications and job description.

3. If a vacancy exists, the district may extend an offer of employment contingent upon compliance with the SDE Minimum Qualifications for School Bus Drivers and any additional local school board requirements.

4. The applicant should be informed that prior to employment the school district will acquire a copy of the applicant's driving record from the Mississippi Department of Education, Division of Transportation.

5. The school district shall establish a complete record file on applicants and persons employed as bus drivers.

6. In addition to acquiring the driving record history, school districts may complete a criminal history check on each applicant. Any history of criminal activity should be closely scrutinized prior to employment.

7. Suggested procedures to follow in the bus driver employment process:

a. Review application, previous work history and consult with previous employer(s).

b. Obtain an official copy of the applicant's driving record from the Mississippi Department of Education, Division of Transportation.

c. If the applicant does not possess a CDL, provide training and assistance toward acquiring the CDL.

d. Schedule the applicant for SDE school bus driver certification.

e. Provide the applicant with any additional preparation or training required by the local school board.

f. Employ the applicant as a school bus driver, provided all requirements are met.

APPENDIX A

(SAMPLE FORM)

SCHOOL BUS DRIVER APPLICATION
SCHOOL DISTRICT

Name (First, Middle, Last) Social Security Number Phone Number
_____

_____
Address City State Zip Code

Mark "x" one: Birth Date: License Number: Expiration Date:
Male ( ) ___/___/_____ _____ ___/_____/_____
Female ( )

Restrictions:__

1. Have you previously been employed as a school bus driver? Yes __ No __

If "yes", where? _____

Length of service? From _/ _____/ _____ to ____ / _____ / _____

2. Have you completed a course in school bus driver training conducted by the MS State Department of Education? Yes ____ No ____

If "yes", what district? _____, _____ Date:_____
City State

3. Have you ever been involved in a chargeable motor vehicle accident in which any person was injured or killed? Yes _____ No ____

If "yes", where? _____, _____ Date: _____
City State

4. Have you ever been convicted of a misdemeanor or a felony? Yes _____No _____

If "yes", Where? _____, _____ Date: _____
City State

5. Have you ever been convicted of any sex offense? Yes _____ No _____

If "yes", Where?_____, _____ Date: _____
City State

6. Has your driver's license even been suspended or revoked? Yes_____ No_____
Explain: _____

SCHOOL BUS DRIVER APPLICATION

7. List the name and address of your current and previous employers:

Employer _____
Address _____
Dates _____
Reason for Leaving _____
Job Titles and Duties _____

Employer _____
Address _____
Dates _____
Reason for Leaving _____
Job Titles and Duties _____

Employer _____
Address
_____
Dates _____
Reason for Leaving _____
Job Titles and Duties _____

Employer _____
Address _____
Dates _____
Reason for Leaving _____
Job Titles and Duties _____

If selected as a bus driver, I agree to keep informed at all times of traffic rules and state and district rules; to observe such rules; and to attend any school bus driver training course sponsored by the state of school district. I also understand the school board will conduct a driver record check and may complete a criminal background check on applicants to drive a school bus.

I hereby certify the above answers to be correct.

_____ _____
Signature of Applicant Date of Signature

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

Rule 81.6 Minimum Qualification. Minimum Qualifications For School Bus Drivers.

The school bus driver is the most important element in the safe transportation of students. To ensure the safety of students transported on school buses, bus drivers must meet certain minimum qualifications.

To qualify as a school bus driver a person must:

1. Be at least 18 years of age.
2. Possess a valid Class A, B, or C CDL with a “P” and “S” endorsement.
3. Have at least 20/40 corrected or uncorrected visual acuity in each eye.
4. Demonstrate sufficient strength, agility, hearing and visual acuity to exercise safe control over the school bus and passengers at all times. All bus drivers must pass a pre-employment agility test administered as part of the SDE bus driver certification process. The agility test requirements are as follows:

    a. The student driver did climb and descend the front steps of a passenger bus without pausing.

    b. The student driver did open and close a manually operated full size bus entrance door without difficulty while seated in the driver's seat.

    c. The student driver did activate the brake pedal with the right foot in 3/4 of or less after removing the right foot from the throttle a second or less after removing the right foot from the throttle pedal.

    d. The student driver did move from a seated position in the driver's seat of a full size bus to the rear of the bus, open the emergency door and exit the bus all within 20 seconds.

    e. The student driver did operate the driving controls using both arms simultaneously and quickly. For example, activate master panel switches or shift gears while keeping one hand on the steering wheel of a full size bus traveling twenty-five (25) miles per hour.

    f. The student driver demonstrates ability to perform steering, shifting, maneuvering, braking, use of mirrors and negotiate each of the following:

        i. Ninety degree (90°) left hand turns
        ii. Ninety degree (90°) right hand turns
        iii. Straight ahead
        iv. Irregular surface maneuverability at appropriate speeds
        v. Backing ability using mirrors only
        vi. Spatial awareness

NOTE: Full size bus for ability testing purposes means a 59, 65 or 71 passenger school bus. Activities e. and f. are completed only after a-d. are successfully completed.

5. Have an acceptable driving record with no convictions deemed disqualifying under the MS Commercial Drivers License Law. Sections 63-1-73 through 63-1-90, MS Code as amended.
6. Receive SDE bus driver certification during a one-day training course which includes classroom instruction, agility testing and behind-the-wheel driving.
7. Not currently use illegal controlled substances or engage in the illegal use of prescription drugs.
8. The local school board may require additional qualifications, such as drug testing or a physical examination following an offer of employment.

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

Rule 81.7 Inspection of Buses (Emergency Removal. In the event a school district is found to be operating school buses determined to be in such defective condition as to constitute an emergency safety hazard and posing a threat to the health and safety of the pupils being transported in that district, then appropriate representatives of the Office of Safe and Orderly Schools, Division of Transportation shall be authorized to immediately condemn and remove from service any such school bus(es). Such bus(es) shall be properly repaired by the district and re- inspected and approved by representatives of the Office of Safe and Orderly Schools, Division of Transportation prior to the bus(es) being re-instated to service. The types of defects that may result in the condemnation and removal from service of any school bus are listed below.

Serious defects in the following mechanical and safety components of a school bus may result in that bus being condemned and removed from service:

1. Brake system
2. Steering and suspension systems
3. Fuel and exhaust systems
4. Ignition and electrical systems
5. Lubrication and cooling systems
6. Engine and power train
7. Tires and wheels
8. Body and chassis
9. Seat and mirror systems
10. Other defects posing a hazard to the safety of pupils transported.

Local school district staff must conduct at least four inspections of each school bus annually.

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

Rule 81.8 Transportation Management of Students with Disabilities. In the event a school district cannot meet the transportation needs of students with disabilities on a regular school bus route, the State Department of Education will provide funding to the district for transportation of

students with disabilities within the district or to the nearest adequate facility outside the district in order to provide appropriate educational services. Payment shall be based upon the following formula: (1/2 of school district's annual per pupil transportation allotment x number of students transported) + (round trip mileage transported x total number of actual days transported x 20 cents per mile).

Payment for transporting children enrolled as resident students at the Mississippi School for the Blind or Mississippi School for the Deaf shall be based on the same formula defined above. School districts may reimburse parents, guardians, etc., for the round trip to the Mississippi School for the Blind or Mississippi School for the Deaf and back home at the beginning of the school year and at the close of the school year. Transportation may also be provided on the same basis any time during the school year when the dormitories at these institutions are closed. School districts providing transportation for eligible day students assigned to the Mississippi school for the Blind and Mississippi School for the Deaf shall be eligible for funding based on the formula defined above.

If a child enrolled in either the Mississippi School for the Blind or the Mississippi School for the Deaf resides in a school district where there is an appropriate program for that child or where there is an appropriate program within reasonable driving distance which the district will make available to the child, then the transportation cost will be the responsibility of the Mississippi School for the Blind or the Mississippi School for the Deaf (depending upon which school the child is enrolled).

In the event that a state-supported university or college provides a special education program for children from any school district that is unable to meet the educational needs of those children, then the university based program shall be eligible for funding based on the formula defined above. Any assessment of one-half the per pupil allotment shall be based on the child's resident district.

The maximum distance a student with disabilities may be transported or the maximum length of time for a special education transportation route will depend upon the Individualized Educational Program (IEP) for the respective child.

For the purpose of payment, a student with disabilities is defined as any child properly tested and found eligible for a special education program receiving appropriate educational services as stipulated in the Individualized Educational Program (IEP).

Funding for the transportation of students with disabilities will be determined using prior year transportation data submitted on forms provided by the Mississippi Department of Education and based on the formula defined above. No private contracts or use of vehicles other than school buses shall be submitted to the State Board of Education for approval.

Drivers transporting students other than members of the driver's immediate families must be trained and properly certified.

Source: *Miss. Code Ann. § 37-1-3 (Revised 12/2005)*

Rule 81.9 Inspection of Buses (*Repealed 3/2012)*

Rule 81.10 Leased Buses. The school board of any school district shall have authority to lease school buses as follows:

1. The terms of the lease shall be a mutual agreement between the lessee and lessor and shall conform to all state laws and State Board of Education regulations.

2. All school bus leases must comply with the general purchase laws.

3. Any school bus leases for the purpose of transporting pupils to and from school and related activities shall meet the minimum standards approved by the State Board of Education for the year in which the bus was manufactured.

4. A public school district may lease school buses from another public school district without advertising.

5. All school buses leased by a school district shall be operated according to the policies outlined in the state Department of Education's Pupil Transportation Guide.

6. A copy of the lease agreement shall be filed with the State Department of Education, Office of Safe and Orderly Schools, Division of Transportation.

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

Rule 81.11 Pupil Transportation Guide. State regulations governing the operation of the pupil transportation program are detailed in the document entitled Pupil Transportation Guide for School Superintendents. Staff is directed to review/revise that document as necessary and submit the proposed changes to the State Board of Education for approval. Upon approval by the Board, staff is directed to disseminate it to the appropriate members of the educational community.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2012)*

Rule 81.12 Repair Shops. The school boards of two or more school districts are authorized to jointly establish, maintain and operate a school bus garage or repair shop for the servicing, repair and maintenance of district-owned buses. Prior to establishing a jointly operated school bus garage or repair shop, the respective school boards shall enter into a written agreement which shall include the following:

1. Mississippi Code Section 37-41-35 provides authority for such agreement.

2. Terms of the agreement must be cited by resolution of the board minutes of each school district and/or governing authority which is a party to the agreement.
3. Agreement must specify its purpose(s).

4. Agreement specifies the mechanics of day to day operations to include the following:

a. The manner of financing, purchasing, staffing, supplying and budgeting for the joint operation.
b. The mechanism for processing of receipts and disbursements and accounting for the joint funds of the undertaking.

c. The administrative responsibilities of each party to the joint agreement.

5. Agreement must specify its duration.

6. Agreement includes a mechanism for termination or amendment of the agreement.

7. Agreement provides for the disposition of property upon termination or amendment of the agreement.

8. Agreement is filed with the State Department of Education, Office of Safe and Orderly Schools.

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

Rule 81.13 Seat Belts. THE USE OF SEAT BELTS ON SCHOOL BUSES FOR THE PROTECTION OF PHYSICALLY DISABLED CHILDREN, AS AUTHORIZED BY SECTION 37-41-3, MISSISSIPPI CODE OF 1972, AS AMENDED

Federal Motor Vehicle Safety Standards (FMVSS) currently require that school buses, with a gross vehicle weight rating (GVWR) of 10,000 lbs. or less, be equipped with either lap belts of lap/shoulder belts at all designated seating positions. The larger school buses, those with a GVWR exceeding 10,000 lbs., are not required to be equipped with seat belts.

The determination of the need for a seat belt seating position for a disabled student should be based upon the recommendation of:

1. The Individualized Education Program (IEP) Committee for those disabled students requiring an IEP
2. The District 504 Coordinator and/or ADA Coordinator
3. The District Transportation Director

School bus seats with seat belts must comply with Federal Motor Vehicle Safety Standards (FMVSS) No. 210 - Seat Belt Assembly Anchorages - Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/1987)*

Rule 81.14 Use of Buses/Special Events.

1. School buses are purchased for the specific purpose of providing safe and economical transportation for children entitled to transportation under the law. The school's special

events (activity programs) must not interfere with the regular program of transporting children. School buses are not to compete with common carriers.

a. Before any school bus owned by a school district is used to transport children to or from any school special event as authorized by House Bill 6, Extraordinary Session of 1953, as amended, the local school board of education shall first adopt and record in its minutes an order authorizing the use of such bus or buses. The order shall specify the school events for which the bus or buses may be used, such as:
   i. Future Farmers of America and Future Homemakers of America
   ii. Athletic games or contests and state band contests
   iii. Literary contests
   iv. Local, district or state field trips
   v. other events the local school board may consider *a part of the educational program.*

b. Such order shall limit the use of buses to participating students, teachers, coaches, and sponsors in connection with special events which the local school board may consider *a part of the school district's educational program.* Buses shall be used for no purposes other than those specified in the order of the local school board of education. Pupils transported to or from events specified above must be enrolled in the public schools and be actual participants in such program or programs.

c. The local school board of education shall fix an amount that shall be charged for the use of a publicly owned bus, which amount shall not be less than thirty cents (30¢) per mile, operational cost included. The principal making application for use of the bus shall see that the bus is used only for the purposes authorized and shall be responsible for collecting and turning over to the school the amount charged for each trip. The person making application for the bus shall arrange for payment of the driver.

d. No pupils shall be transported as herein provided unless they are under the direction and supervision of the school superintendent, principal, or a faculty member designated by the superintendent or principal.

e. Before any publicly owned school bus is used for the purpose of transporting participating students to any school event, the principal shall submit written application to the school superintendent stating the specific purpose for which the bus is to be used and giving the name of the faculty member who will be in charge of the trip. The superintendent, upon approval of the request for use of the bus, shall give the driver written instructions for making the authorized trip, specifying date, hour and place of departure, route to be followed, destination, approximate time within which the driver shall complete the trip, and name of the faculty member to be in charge of the trip. The school superintendent shall keep on file the application of the principal for the use of the bus and shall keep a signed copy of the permit authorizing the trip.

f. Only a person holding a valid driver's training certificate issued by the State Department of Education shall be allowed to drive a school bus. The school bus shall not be driven to exceed the maximum speed limit allowed by law for trips (See Section 37-41-47,

Mississippi Code of 1972, as amended), and if the bus is to be used on night trips, it shall be equipped with the proper operating identification lights and flares.

g. It shall be unlawful for any school superintendent to issue a permit for the use of a bus owned by a public school district until all the above provisions have been fully complied with.

h. The State Board of Education reserves the right to revoke, modify, or amend these rules and regulations at such time or times as the majority of the members thereof may deem necessary.

2. EMERGENCIES
   a. Boards of education may permit publicly owned school buses to be used "for the transportation of citizens to evacuation shelters during natural or man-made emergencies, hurricanes, tornadoes, floods, and other acts of God."

   b. Local school boards may permit "the use of publicly owned school buses for the transportation of citizens for grand jury and other jury functions upon order of the court."

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/1987)*

Part 3 Chapter 82: Violence

Rule 82.1 *Violence.* (This policy addresses Certification of Compliance with Unsafe School Choice Option Requirements as required in the *Consolidated Plan for No Child Left Behind*)

1. The following definitions apply to this policy:

   a. A "persistently dangerous school" is a public school other than a charter school in which the conditions during the past two school years continually exposed its students to injury from violent criminal offenses and it is:

      i. an elementary, middle or secondary public school in which a total of 20 or more violent criminal offenses were committed per 1000 students (2.0 or more per 100 students) in two consecutive school years; or
      ii. an elementary, middle or secondary public alternative school in which a total of 75 or more violent criminal offenses were committed per 1000 (7.5 or more per 100 students) in two consecutive school years; and

   b. "Violent criminal offenses" are the following crimes reported in the Mississippi Student Information System:

      i. Simple or Aggravated Assault as defined in Section 97-3-7 of the Mississippi Code Annotated 1972, as amended,

ii. Homicide as defined in Sections 97-3-19, 97-3-27, 97-3-29, 97-3-31, 97-3-35, 97-3-37, and 97-3-47 of the Mississippi Code Annotated 1972, as amended,

iii. Kidnapping as defined in Section 97-3-53 of the Mississippi Code Annotated 1972, as amended,

iv. Rape as defined in Sections 97-3-65 and 97-3-71 of the Mississippi Code Annotated 1972, as amended,

v. Robbery as defined in Sections 97-3-73, 97-3-77 and 97-3-79 of the Mississippi Code Annotated 1972, as amended,

vi. Sexual Battery as defined in Section 97-3-95 of the Mississippi Code Annotated 1972, as amended,

vii. Mayhem as defined in Section 97-3-59 of the Mississippi Code Annotated 1972, as amended,

viii. Poisoning as defined in Section 97-3-61 of the Mississippi Code Annotated 1972, as amended,

ix. Extortion as defined in Section 97-3-82 of the Mississippi Code Annotated 1972, as amended,

x. Stalking as defined in Section 97-3-107 of the Mississippi Code Annotated 1972, as amended, and

xi. Seizure and Forfeiture of Firearms as defined in Section 97-3-110 of the Mississippi Code Annotated 1972, as amended.

c. Whenever the State Board of Education has information that a school meets the criteria described in paragraph 1.a (i) or 1.a (ii), the State Board of Education shall provide the local board of education the opportunity to report on conditions in the school. After consideration of that report and consultation with a representative sample of local educational agencies, the State Board of Education shall determine whether the school is a persistently dangerous school. Once a school has been designated a persistently dangerous school, it retains that designation for at least one school year.

d. Students assigned to a school which the State Board of Education has determined to be persistently dangerous shall be allowed to attend another school in the LEA which is not designated a persistently dangerous school, provided there is such a school in the LEA which offers instruction at the student's grade level.

e. Any student who is the victim of a violent criminal offense committed against him or her while he or she was in or on the grounds of the public school that he or she attends shall be allowed to choose to attend another school in the LEA which is not designated a

persistently dangerous school, provided there is such a school in the LEA which offers instruction at the student's grade level and provided the student requests transfer within 30 days of the violent criminal offense.

f. Local school systems shall establish a process for assuring any student who has the right to transfer from a school under this policy is allowed to transfer to a school in the LEA, which is not persistently dangerous. The process must be included in the system's Safe School Plan.

g. The LEA shall report each student transfer effected pursuant to this policy to the State Board of Education in the Mississippi Student Information System.

2. *NO CHILD LEFT BEHIND (NCLB) - TITLE IX, SEC. 9532. UNSAFE SCHOOL CHOICE OPTION*
   a. UNSAFE SCHOOL CHOICE POLICY - Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school.

   b. CERTIFICATION - As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.

Source: *Miss. Code Ann. § 37-1-3 (Revised 9/2002)*

Rule 82.2 School Violence (*Repealed 3/2012)*

Part 3 Chapter 83: Vocational Achievement (Career and Technical Education)

Rule 83.1 Equity Requirements (*Repealed 10/2011)*

Rule 83.2 Career and Technical Education Ongoing Program Parameters. The State Board of Education shall require the local educational agencies to follow established vocational program priorities in their vocational and technical program offerings to promote a uniform delivery system.

1. Skill programs at the secondary level shall be:
   a. Limited to 9th, 10th, 11th, and 12th grade students;
   b. For a duration of two (2) years, or the equivalent number of Carnegie units;
   c. Eligible for vocational facility housing.

2. Skill Programs at the postsecondary level shall be:
   a. Limited to post-high school students, dual enrollment secondary students, or students 18 years of age or older;

b. Conducted for five (5) or more hours per school day;
c. For a duration sufficient to impart the skill level necessary for the occupation trained;
d. Eligible for vocational facility housing.

3. Career Pathway training programs at the secondary level shall be:
   a. Limited to 11th and 12th grade students;
   b. Depending on scheduling, training programs will be conducted for one (1) or two (2) class periods per school;
   c. Eligible for vocational facility housing;
   d. Conducted under a work-site of training plan, signed by the student, education agency, and training employer.

4. Technical programs at the postsecondary levels shall be:
   a. Limited to postsecondary level with high school graduation, dual enrollment secondary students or GED required; plus other requirements if applicable;
   b. Conducted on a semester hour basis;
   c. For a duration of semester hours sufficient to impart the technical level training required for the technical occupation;
   d. Eligible for vocational facility and academic facility housing.

5. Basic skills programs at the secondary level shall be:
   a. Limited to 9th and 10th grade students;
   b. Conducted for one (1) class period per school day;
   c. For a duration of one (1) year;
   d. Eligible for vocational facility housing on space availability (in addition to the five [5] or more occupational areas).

6. Enrichment programs at the secondary level shall be:
   a. Limited to 6th, 7th, 8th, 9th, and some 10th grade students when skill training is not available;
   b. Conducted for one (1) class period per school day;
   c. For a duration of one-half to one (1) year at each level;
   d. Eligible for vocational facility housing on space availability [in addition to the five (5) or more occupational areas].

7. Supervised Occupational Experienced programs for Occupational Home Economics and Agriculture at the secondary level may be substituted for one (1) period of two (2) period requirements and shall be:
   a. Three hundred and fifty (350) hours or more in an instructional related work experience program that is supervised by the instructor;
   b. Either ownership or job placement and conducted under training agreement signed by the student, instructor, employer/parent, and administrator;
   c. Documented in the SOEP Record Book with the year-end summary of the class to be filed with the appropriate state supervisor on prescribed form by June 30 of current year.

8. Discovery Programs at the secondary level shall be:
   A. Information and Communication Technology (ICT) I
      i. Limited to 6th and 7th grade students
      ii. Conducted for one (1) class period per day
      iii. For a Duration of one (1) year
      iv. Eligible for vocational facility housing on space availability [in addition to the five (5) or more occupational areas]

   B. Information and Communication Technology (ICT) II
      i. Limited to 7th or 8th grade students
      ii. Conducted for one (1) class period per day
      iii. For a duration of one (1) year
      iv. Eligible for vocational facility housing on space availability [in addition to the five (5) or more occupational areas]

   C. Technology Foundations (effective SY2012-13)
      i. Limited to 8th grade students or above
      ii. Conducted for one (1) class period per day
      iii. For a duration of one (1) year
      iv. Eligible for vocational facility housing on space availability [in addition to the five (5) or more occupational areas]

9. Science, Technology, Engineering & Mathematics (STEM)
   a. Limited to 8th grade students and above
   b. Conducted for one (1) class period per day
   c. For a duration of one (1) year
   d. Eligible for vocational facility housing on space availability (in addition to the five (5) or more occupational areas)

10. Work-Based Learning at the postsecondary level shall be:
   a. Limited to students enrolled in an occupational skill program on a part-time or full-time basis;
   b. Conducted for three (3) semesters and minimum of fifteen (15) hours per week of work-site experience;
   c. Eligible for vocational facility housing and equipment;
   d. Conducted under an Educational Training Agreement signed by the student, school representative, occupational instructor, employer, and state coordinator for Work-Based Learning.
   e. Work site experience must be directly related to the student's in-school occupational skill program.

Source: *Miss Code Ann. 37-31-103 (Revised 4/2012)*

Rule 83.3 Mississippi Practical Nursing Programs. The document entitled *Mississippi Board of Nursing Rules and Regulations* describes the regulations under which training programs for licensed practical nurses shall operate and by which they will be evaluated. This document shall

be reviewed on a regular basis and, as revisions are needed, staff shall recommend those changes to the State Board for Community and Junior Colleges. An up-to-date copy of this document shall be kept on file in the State Department of Education.

Source: *Miss Code Ann. 73-15-25. (Revised 10/2011)*

Rule 83.4 Program Definitions for Career and Technical Education. The State Board of Education has adopted the following program definitions for the Office of Career and Technical Education.

1. Skill - Programs that provide occupationally specific or entrepreneurial training for a skill-level occupation.

2. Technical - Programs which provide specific technical training for occupations generally classified as technical and paraprofessional.

3. Business and Industry Specific - Programs which provide training packages tailored to meet the needs of (1) small business, (2) new and expanding business and industry, (3) multiple business and industry, and (4) retraining for new product lines.

4. Adult Career and Technical Education - Programs and courses which train and prepare adults for all aspects of an occupation, in which job openings are projected or available.

5. Basic Vocational - Programs which provide a "common core" of basic skills for entrance into all vocational skill programs or entry into semi- skilled occupations.

6. Discovery - Programs that provide Career Orientation/Knowledge, Computer Skills/Knowledge, Technology Skills/Knowledge in the clusters of Agriculture/Natural Resources, Health/Human Sources Technology, Business/Marketing Technology, and Engineering/Industrial Technology, Arts and Humanities.

Source: *Public Law 105-332, Sec. 2(3), (26), (29)(A), Sec. 114(a), Sec. 122(c)(1)(A).(Revised 10/2011)*

Part 3 Chapter 84: Vocational, General Administration (Career and Technical Education)

Rule 84.1 Appeals Procedures for Career Technical Planning. Districts not satisfied with the planning assignments and distribution of funds are to utilize the following procedure:

1. Write a letter of request to the Associate State Superintendent of Education (career and technical education director) stating the issue and justification for waiver.
2. The Associate State Superintendent of Education is to review and respond within 10 working days of receipt.

3. The district receiving a negative reply from the Associate State Superintendent of Education may, in turn, write a request to the State Superintendent of Education. This

request should contain the original letter of request, the negative reply from the Associate State Superintendent of Education, a restatement of the issue(s) and a request for outcome.

4. The State Department of Education is to review and respond within 10 working days.

5. The district receiving a negative reply from the State Superintendent of Education may, in turn, write to the State Superintendent of Education requesting permission to address the State Board on the Board agenda according to established rules and guidelines. The decision of the Board on this issue would be final.

This does not waive the district's right to use appeal procedures if a local plan is not approved.

Source: *Public Law 101-392, Section 131(c)(2). (Revised 11/2011)*

Rule 84.2 Articulation of Career and Technical Education Programs. The State Board of Education is authorized to promote, encourage, and maintain cooperation and articulation between the secondary and postsecondary levels of career and technical education at all levels. Preparatory career and technical education and training shall be provided in a variety of clusters at the secondary level, and highly specialized occupational training provided at the postsecondary level where applicable. Adult preparatory and supplemental training is permissible to be offered at both secondary and postsecondary institutions.

Source: *Public Law 105-332, Sec. 122 <20USC 2342> State Plan (c)(1)(A). Miss Code Ann. 37-31-205. (Revised 10/2011)*

Rule 84.3 Assurance of Equal Access to Career and Technical Education Programs. Each local educational agency requesting financial assistance from the Office of Career and Technical Education for the conduct of Career and Technical Education programs and services shall provide an Assurance of Compliance with the Vocational Education Program Guidelines for eliminating discrimination and denial of services on the basis of race, color, natural origin, sex and handicap of March 21, 1979. This assurance shall be submitted with the local annual plan for Career and Technical Education and shall indicate that the recipient does not discriminate in providing career programs and services on the basis of race, color, national origin, sex, handicap, age or religion.
The Office of Career and Technical Education shall assist the local educational agencies in determining their compliance status by monitoring a minimum of ten percent (10%) of all local educational agencies annually and by responding to any request for specific assistance. Monitoring activities may include:

1. State-level desk review;
2. On-site review;
3. Review of local annual program plans and other related information; and
4. Follow-up on previously reviewed local educational agencies to determine how well they may be following their remedial plans.

Source: *Federal Register, Vol. 44, No. 56 - Wednesday, March 21, 1979 and embracing Acts: 45 CFR Part 80, 45 CFR Part 84, and 45 CFR Part 86 Public Law 105- 332, Sec. 316 <Note: 20USC 2396>(Revised 11/2011)*

Rule 84.4 Closures of Non-State Plan Programs. Local educational agencies shall be given written notice of closure for Special programs at least thirty (30) days prior to closure. Employment and training funds and programs are planned annually. Programs are funded based on documented need and availability of funds.

Source: *Miss. Code Ann. §37-31-13(1)(Revised 11/2011)*

Rule 84.5 Closures of Career and Technical Ongoing Programs. The State Board of Education shall require the local educational agencies to maintain established minimum standards in order to apply for support for ongoing career and technical programs.

The Office of Career and Technical Education shall be responsible for collecting and monitoring the data for these minimums/maximums and standards to insure that the following requirements are met:

1. Career Program Standards
   The local educational agency shall meet minimum established career program standards to be eligible to receive reimbursement and continuation of other career support. Standards are to include the utilization of state adopted curricula for each career program.

2. Minimum Performance Requirements
   The Office of Career and Technical Education shall annually collect and monitor the enrollments, completers, and placement of all ongoing career program students and review programs for minimum performance requirements. The Office of Career and Technical Education, with the approval of the State Board of Education, shall establish a process to review career-technical programs for minimum performance requirements. Programs in local improvement and/or joint improvement or programs with extremely low enrollment shall be monitored and notified of deobligation prior to March 1 of the following year. Programs that can document improvements in their performance within the first six (6) months of the following year for which the data was collected shall be allowed to continue eligibility for funding pending formal documentation and approval. Local school districts with programs that do not meet minimum performance requirements may be allowed to convert their career resources to more applicable programs to meet the needs of employers and students within the district through the New Program Approval Process.

3. Minimum Enrollments
   Minimum enrollments per teacher are to be evaluated annually; and extremely low enrollments per teacher shall be adjusted by teacher/program reductions. Any on-going teacher/program reductions must be determined prior to March 1.

   Written notification of all deobligations shall be mailed to affected local educational agencies no later than March 1 of each year.

Source: *Miss Code Ann. 37-31-207. (Revised 10/2011)*

Rule 84.6 Post-Secondary Career and Technical Education Course Designations. All postsecondary career and technical courses offered by community/junior colleges reimbursed with career funds shall be identified and defined by the MS Community College Board. A copy of approved post-secondary courses shall be kept on file at the Mississippi Department of Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2011)*

Rule 84.7 Designation of Agents for the Delivery of Career and Technical Education Services. The delivery of all career-technical education programs, projects, services, etc. shall be through the public secondary, community/junior colleges, and special state institutions.

The delivery of professional development, training, and teacher education activities shall be through appropriate delivery systems.

The delivery of research, curricula, industry training materials and specialized professional development services shall be through the Research and Curriculum Unit for Career and Technical Education at Mississippi State University.

Source: *Miss Code Ann. 37-31-103, 37-31-205(1). (Revised 10/2011)*

Rule 84.8 Evaluation and Improvement of Career and Technical Education Programs. The Office of Career and Technical Education shall monitor each local educational agency receiving career education funding to ensure that annual self-evaluations are being conducted.

The Office of Career and Technical Education shall maintain file copies of the local educational agencies' self-evaluation and improvement plan and shall conduct desk audits of each of the plans. The Office of Career and Technical Education is to conduct spot reviews on selected local educational agency programs for compliance and quality as per the local educational agencies' evaluation and self-improvement plan.

The Office of Career and Technical Education shall assist the local educational agencies in a joint planning effort when the local educational agencies are not complying and/or need technical assistance for compliance and program improvement.

The Office of Career and Technical Education shall provide technical assistance to the Office of Educational Accountability for conducting the career component of the accreditation evaluation for secondary schools.

Source: *Public Law 105-332, Sec. 123(b), Sec. 135(b)(5). (Revised 10/2011)*

Rule 84.9 Career and Technical Education Live Work Projects. All live work shall be directly related to the instructional model presently in progress unless prior approval is obtained from the

career administrator. Live work must be scheduled in advance to allow the instructor to incorporate the project into his/her instructional plan. All live work performed in a career lab must be performed by students enrolled in the program and must be related to the instructional program itself.

Under no circumstances shall any work performed or service rendered in a career facility be in direct competition with the commercial market.

Completed projects resulting from lab construction which utilizes supplies and materials purchased with public funds, such as: storage houses, trailers, portable buildings, cabinetry, etc., shall be inventoried and shall become the property of the state or the local school, or shall be disposed of in a manner consistent with state law.

Source: *Miss. Code Ann. §37-31-103(2)(3)(Revised 10/2011)*

Rule 84.10 Local Advisory Councils and Crafts Committees. Each local school district receiving assistance from the Office of Career and Technical Education to operate career and technical education programs shall establish a local advisory council and individual program craft committees. The council and craft committees shall provide the school district with advice on current job needs and on the relevancy of courses being offered by the district in meeting such needs. The local advisory council shall be composed of members of the general public, especially of representatives of business, industry and labor. The program craft committee shall consist of member's representative of the program service area.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2011)*

Rule 84.11 Local Plan for Career and Technical Education. The State Board of Education shall require participating local public schools, public community/junior colleges and special state schools to prepare and submit a local plan/application covering the same period as the state plan for career and technical education in order to be eligible for state and federal support in the funding of local career and technical education programs. Local educational agencies shall be notified in writing of the action taken on their plans. Reasons for disapproval in whole or in part must be specified. A local educational agency shall have the opportunity to submit a revised plan or part of a plan after notification of disapproval.
Reimbursement shall not be made to any local public school or community/junior college until their local plan for career and technical education is in an approvable form.

Source: *Public Law 105-332, Sec. 134 <Note: 20USC 2354> (Revised 10/2011)*

Rule 84.12 New Program Approval for Career and Technical Ongoing Programs. The State Board of Education shall consider requests for new programs when there is a demonstrated need and support by the requesting public local educational agency. The Office of Career and Technical Education shall establish written procedures for approving new programs. The Office of Career and Technical Education shall receive documented requests from the local educational agencies and make program approval determinations based on these criteria:

1. Skill program approval shall require a current needs assessment which documents student supply, training needs, job demands, available labor supply, plan for providing equipment, facilities and instruction, program support, and other pertinent data. The Office of Career and Technical Education shall give high priority to these approvals.

2. Technical program approval shall require a current needs assessment which documents student supply, training needs, job demands, available labor supply, plan for providing equipment facilities and instruction, program support, and other pertinent data. The Office of Career and Technical Education shall give high priority to these approvals.

3. Career and Computer Discovery programs will be discontinued at the end of the 2011-2012 school year. Career Discovery will be replaced by Information and Communication Technology (ICT) I. ICT I (7th grade) introduces students to career opportunities and the skills needed for various career paths. Computer Discovery will be replaced by Technology Foundations and Information and Communication Technology (ICT) II. Technology Foundations and ICT II (8th grade) exposes students to a multimedia environment and fundamental computer skills. Technology Discovery programs will be discontinued at the end of the 2013-2104 school year. Technology Discovery will be replaced by Science, Technology, Engineering, and Mathematics Applications (STEM). STEM (9th grade) enables students to explore technology resources, processes, and systems that lead to enhanced career development and advanced education. ICT 1, ICT II, Technology Foundations, and STEM are designed to be delivered in lower grades with approval from the Office of Career and Technical Education.
4. Enrichment program approval shall require a current needs assessment which documents student supply, plan for equipment, facilities, and instruction, program support, and other pertinent data. The Office of Career and Technical Education shall give minimal priority to these approvals.

5. Administrative support approval for one (1) required career center director per center shall be made on agreed request. Additional career center director approvals shall require current needs assessment which documents an excessive demand for administrative services that cannot be reasonably expected to be performed by one (1) administrator. Non career center director approvals shall require current needs assessment which documents an excessive demand for administrative services that cannot be reasonably expected to be performed by one (1) administrator. The Office of Career and Technical Education shall give minimal priority to additional administrative positions and non-vocational career center position approvals.

6. Guidance support approval for one (1) required career center counselor shall be made on agreed request. Additional career counselor approvals shall require a current needs assessment which documents an excessive demand for guidance services that cannot be reasonably expected to be performed by one (1) counselor. The Office of Career and Technical Education shall give minimal priority to additional counselor position approvals.

7. Career and Technical Education Programs not listed in the preceding categories will be approved and implemented based on the process/criteria established for that program/initiative as approved by the State Board of Education.

Source: *Miss Code Ann. 37-31-103. (Revised 11/2011)*

Rule 84.13 Non-State Plan Programs for Career and Technical Education. Non-State Plan funded programs, not under the Federal Career and Technical Education State Plan, are to be governed by policies, rules and regulations for Career and Technical Education except in instances where special funded programs have been excluded or not allowed by funding regulations. Employment and training funds and/or other non-plan funds are not included in the state career and technical plan.

Source: *Miss Code Ann. §37-31-13(1) (Revised 11/2011)*

Rule 84.14 Career Program Standards. The State Board of Education shall set and publish minimum program standards and outcome Indicators of Performance for each major program category. The Office of Career and Technical Education shall monitor the career programs based on the set Performance Indicators.

Non-State Plan funded programs administered through the Office of Career and Technical Education are to be monitored and evaluated according to requirements of the funding regulations.

Source: *Public Law 105-332, Sec. 113 (Revised 11/2011)*

Rule 84.15 Public Hearings – Career and Technical Education. The State Board Education, during the years in which it formulates a state plan for career and technical education, shall conduct a series of public hearings, after giving sufficient public notice throughout all regions of the state. Sufficient public notice shall consist of the following:

1. Legal notices shall be published beginning at least 30 days prior to the public hearings in the major newspapers serving the area of the state in which the hearing is to be held, and shall be run three times.

2. Organizations or individuals having an interest in career and technical education shall, upon their request, be notified as to the dates and times of the public hearings.

3. Announcements of public hearings on career and technical education shall be sent to major television and radio stations serving the area in which the hearings are to be held. These hearings shall be held in order to permit all segments of the population to give their views on the goals which should be adopted in the state plan, including the courses to be offered and allocations of responsibility for these courses among the various institutions of the state. Also, these public hearings shall give all segments of the population an opportunity to give input to allocations of local, state and federal sources to meet the goals as set forth in the state plan. The views of the public expressed at the hearings shall

be included in the final state plan, with a description of how such views are not reflected then the documents shall set out reasons for rejecting them.

Source: *Public Law 105-332, Sec. 122(a),(1),(2),(3) (Revised 10/2011)*

Rule 84.16 State Plan for Career and Technical Education. The State Board of Education shall develop, in consultation with the Advisory Council or Planning Committee, a state plan for career and technical education which provides for an assessment of current and projected needs for career and technical education, program budgets reflecting annual and long-range fiscal requirements, career education staff development activities, and regulations and procedures for the administration of career and technical education.

Before approving the state plan, the State Board shall conduct public hearings which have been preceded by proper public notification. The State Board shall, when necessary, amend the State Plan in consultation with the Advisory Council or Planning Committee.

Source: *Public Law 105-332, Sec. 122(a)(3), Sec. 122 (b)(1)(2) (Revised 10/2011)*

Rule 84.17 Statistical Data. The State Board of Education shall require the local school districts to collect and maintain a data base on student and financial information and to submit enrollment, follow-up and other pertinent data on reimbursed programs and activities. This data may include, but not be limited to, the following types of date:

1. student data (including information concerning race, sex, and disability)
2. programs
3. program completers and leavers
4. placement and follow-up
5. staff
6. facilities
7. expenditures
8. performance indicators

The Office of Career and Technical Education shall modify the data system and collection items with prior notice to the local educational agencies when necessary to meet federal, state, and/or management needs.

Source: *Public Law 105-332, Title I Part A, Sec. 113(a), Sec. 113(c), Sec.114(b)(2), Sec. 112(a)(3)(C), Sec. 122(c)(b) (Revised 10/2011)*

Part 3 Chapter 85: Vocational, Annual Operating Budget (Career and Technical Education)

Rule 85.1 Allocation of Career and Technical Education Non-State Plan Funds. The State Board of Education shall allocate state training funds on a limited project agreement between the local educational agency and the Office of Career and Technical Education.

Non-State Plan training funds shall be allocated on a project agreement between the local educational agency and the Office of Career and Technical Education contingent upon approval of funds from the funding source.

Source: *Miss. Code Ann. §37-31-205(b) (Revised 11/2011)*

Rule 85.2 Allocation of Career and Technical Education Plan Funds. The State Board of Education shall not allow any vocational plan funds to be distributed to a local educational agency unless that district has an approved or approvable local plan for career and technical education on file with the Office of Career and Technical Education for the fiscal year in which funds are being requested.

The State Board shall use a formula in allocating federal vocational funds (85%Title II- Carl Perkins) to local educational agencies as required by federal statutes. The Office of Career and Technical Education shall be responsible for updating the formula each year to ensure a fair and equitable allocation of funds to the eligible recipient. The State Board shall make a determination at the beginning of each plan period of the counties that are classified as economically depressed based on either of the following two factors:

1. Counties that have over one and half times the national unemployment rate for the past 3 years.
2. Counties that have 20% or more of their families below the poverty level.

The Office of Career and Technical Education shall be responsible for making this determination for the State Board and for the allocation of Title III B-Carl Perkins funds and for targeting Title II-Carl Perkins funds.

Funds (85% Title II-Carl Perkins) allocated to local educational agencies shall be allocated by the distribution formula and will be administered by the local plan/application.

Funds (Title II-Carl Perkins) allocated to local educational agencies for nontraditional services shall be awarded on an RFP project basis with priorities given to depressed areas.
Funds (1% Title II-Carl Perkins) for correctional institutional services shall be awarded to the Department of Corrections for vocational support services and shall be limited to salaries and equipment.

Funds (state and federal) allocated to local educational agencies for vocational adult short-term programs shall be distributed on a class request basis.
Funds (Title III E-Carl Perkins) allocated for Tech Prep shall be awarded on an application basis and shall be administered through the public community/junior colleges.
Funds (state vocational) allocated to local educational agencies for support of ongoing programs shall be continuous unless notification is given prior to March 1st preceding the next fiscal year and shall be distributed through the ongoing program process.

Funds distributed to Mississippi State University/Research and Curriculum Unit shall be allocated by grant agreement.

Source: *Public Law 101-392 (Revised 11/2011)*

Rule 85.3 Hearings on Plans. When a plan submitted by a local educational agency is not approved by the Office of Career and Technical Education, the Office of Career and Technical Education shall notify the local educational agency of the deficiencies in the plan and allow thirty (30) days from the date of the notification letter to correct those deficiencies. However, upon good cause shown, the State Board of Education may extend this thirty (30) day period by written notification.

If at the end of thirty (30) days or the end of the extended period, whichever is applicable, the local educational agency has not corrected the deficiencies, the plan will be denied. The Associate State Superintendent for the Office of Career and Technical Education shall notify the local educational agency of this denial by certified mail and include in that letter the following:

1. The reasons for denial;

2. The right to request a hearing at which time the local educational agency is entitled to:
   a. The right to be represented by legal counsel at its own expense;
   b. The right to cross-examine witnesses from the Office of Career and Technical Education; and
   c. The right to call witnesses in its own behalf (who must appear by agreement with the local educational agency because the State Board has no subpoena power) and to introduce documentary evidence in its own behalf;

3. The names of the witnesses to be called at the hearing by the Office of Career and Technical Education and the nature of their testimony;

4. Copies of any documentary evidence that will be introduced at the hearing by the Office of Career and Technical Education. The local educational agency shall have ten (10) days from receipt of the notification letter to submit a written request for a hearing which shall be scheduled no less than five (5) days nor more than thirty (30) days from the date the request for hearing is received by the Office of Career and Technical Education. The Associate State Superintendent will notify the local educational agency, in writing, of the date, time, and place of the hearing. A court reporter shall be selected by the Office of Career and Technical Education to record all proceedings, and all witnesses shall be placed under oath by such court reporter.

The State Board shall designate an impartial hearing officer to conduct hearings on local plans. The hearing officer, after hearing all the evidence, shall present a written recommendation and a finding of facts to the State Board concerning the plan within fourteen (14) days after the conclusion of the hearing. Upon receipt of the transcript of the hearing, the State Board shall have thirty (30) days within which to make a determination upon the transcript and the recommendations and findings of facts of the hearing officer and to notify the local educational agency by certified mail of its decision. If any local educational agency is dissatisfied with the final action of the State Board, with respect to the approval of the plan, the local educational agency may within sixty (60) days after such final action or notice thereof, whichever is later, file

with the U. S. Fifth Circuit Court of Appeals a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State Board, and the State Board thereupon shall file in the court the record of the proceedings on which the State Board based its action as provided in Title 28 U.S. Code, Section 2112.

The findings of fact by the State Board, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand a case to the State Board to take further evidence, and the State Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. The Fifth Circuit Court of Appeals has jurisdiction to affirm the action of the State Board or to set it aside in whole or in part. The judgment of the Court shall be subject to review by the United States Supreme Court upon certiorari or certification as provided in Title 28 United States Code Section 1254.

Source: *Public Law 98-524, Section 504 (C) (1) (Revised 11/2011)*

Rule 85.4 Maximum Reimbursement Salary Schedule. The Office of Vocational and Technical Education shall establish annually a maximum reimbursement secondary vocational salary schedule and a maximum reimbursement community/junior college vocational salary schedule. The maximum reimbursement secondary vocational salary schedule shall be based on the minimum program salary schedule extended to 10 months. The Office of Vocational and Technical Education may adjust this schedule downward when sufficient funds are not appropriated for this expense item.

The maximum reimbursement community/junior college vocational salary schedule shall be based on the past year's established schedule expanded by appropriations for this purpose for the current year.

Source: *Miss Code Ann. 37-31-13 (Revised 5/2001)*

Rule 85.5 Other State Funds for Career and Technical Education Support. Local public secondary school districts shall receive MS Adequate Education Program (MAEP) support funds through the Office of Educational Accountability. One-half (1/2) teacher unit will be added for each career and technical program approved by the Office of Career and Technical Education. Less than one hundred percent (100%) vocational teachers will receive a prorated amount. MEAP funds are not to be requested when one hundred percent (100%) federal career and technical funds are available through an RFP (Request for Proposal) process to carry out the national career and technical priorities.

MAEP funds are not to be approved when no state or federal career and technical funds are to be expended through the Office of Career and Technical Education.

Source: *Miss Code Ann. 37-19-43; MS Code 37-31-1 to 37-31-15 (Revised 12/2011)*

Rule 85.6 Reimbursement of Local Personnel Career and Technical Education Salaries. The Office of Career and Technical Education, prior to August 1st of each year, shall make an initial

determination as to the estimated total reimbursement to be made to each local school district for approved vocational position salaries.

The Office of Career and Technical Education shall reimburse to each local school district 8% of the approved reimbursed estimated total amount immediately after the close of the months of July, August, and September.

The Office of Career and Technical Education shall, immediately at the close of the months of October, November, December, January, February, March, April, and May, reimburse to the local school districts the calculated approved and cleared budgeted reimbursement amount for the 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 11th months less all previous reimbursements for the year.

The Office of Career and Technical Education shall, at the close of the fiscal year, make final calculations on the total approved reimbursements to the local school districts and reimburse to the districts all approved funds less previous reimbursements for the year.

This cash flow policy does not dissolve the Office of Career and Technical Education's right to hold funds pending until local school districts meet their agreed obligations, nor does it dissolve the Office of Career and Technical Education's right to recover funds that the districts owe the Office of Career and Technical Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2011*)

Rule 85.7 Career and Technical Education Funding Sources. The Office of Career and Technical Education shall subdivide the subsidies, loans, and grants section of the 206 and 201 budgets for Board review and approval.

1. Subdivisions (lines) for 206 budget are:
   a. <u>Lease Purchases/Indirect Cost/Other State Support</u>
      i. Salaries
      ii. Equipment
      iii. Adult Vocational
      iv. Other
   b. Personnel Development/Curriculum/Research and Development
   c. 1% Corrections
   d. Title II - 85% Secondary Title II - 85% Postsecondary Student Services
   e. Tech Prep
   f. Other Projects

2. Subdivisions (lines) for 201 budget are:
   a. State Industrial Project
   b. Other Non-State Funded Projects

The Office of Career and Technical Education shall clear and maintain a file of budgets with the Office of Budget and Planning for budgets 206 and 201, including the above described line items

of the subsidies, loans, and grants section. The Office of Career and Technical Education shall provide the Board with periodic updates as to the current budget status.

Source: *Miss Code Ann. 37-31-1 to 37-31-15 (Revised 11/2011)*

Part 3 Chapter 86: Vocational, Assignment (Career and Technical Education)

Rule 86.1 Local Career Counselor. The local career counselor shall be utilized for specific guidance purposes.

1. This position shall be referred to as career counselor.
2. This position shall be concerned with helping students make the occupational choices, educational choices, and career evaluations that will lead them to meaningful, successful, and rewarding work.

3. Career counselors shall be housed and function within the organizational structure of the Career and Technical Education CTE Center, with the advice and counsel of the Career Dean/Director. In the absence of a CTE Center, the counselor shall function within the appropriate organizational structure of the local educational agency while providing career counseling.

4. Primary responsibilities of this position will be identified by the local educational agency to support career programs and generally include but are not limited to the following:
    a. Provide individual and group vocational CTE of students.

    b. Disseminate information regarding CTE opportunities.

    c. Remain up-to-date on changing job-entry skill requirements and changing technologies in business and industry.

    d. Inform local business and industry of vocational education programs in the schools, and seek information regarding their job requirements.

    e. Arrange for business and industrial representatives to interview graduates/completers as prospective employees.

    f. Select, administer, and interpret aptitude tests to assist students in making appropriate career choices.

    g. Provide a placement program for students completing career and technical programs.

    h. Gather and publicize information from the community regarding jobs available to all students.

i. Prepare follow-up studies of students completing CTE programs for the purpose of improving services and evaluating the effectiveness of career education.

5. Employment: This position shall be approved for one hundred percent (100%) employment for the above stated responsibilities.
6. Reimbursement: This position shall be considered as a career counselor position and shall be reimbursed from CTE funds according to State Board of Education Policy 9205.

7. Approval: The approval of funding for this position shall be made jointly by the Bureau of Instructional Development, the Vocational Administrative Team, and the Associate State Superintendent for Career and Technical Education.

8. Qualifications: The recruitment and selection of career counselors shall be the responsibility of the local educational agency and shall conform to licensure requirements.

Source: *Miss. Code Ann. 37-31-7(Revised 11/2011)*

Rule 86.2 Local Career and Technical Education CTE Administrator. The local career and technical education CTE administrator shall be utilized for specific vocational administrative purposes.

1. This position shall be referred to as CTE Director in secondary educational agencies. In postsecondary institutions, this position may be referred to as CTE District Dean/Director, CTE Dean/Director, or Assistant CTE Dean/Director.

2. This position shall be concerned with planning, organizing, directing, controlling, and coordinating the career and technical programs on a district-wide basis or within the local vocational center. This includes analysis and justification of activities to promote and organize career and technical programs to provide students with education and training.

3. Secondary CTE Directors shall function within the appropriate organizational structure of the local educational agency and shall authority in the administrative chain of command commensurate with principals.
4. Postsecondary CTE District Deans/Directors shall have authority in the administrative chain of command commensurate with academic deans. Other CTE Administrators will function within the appropriate organizational structure of the local educational agency with the advice and counsel of the CTE District Dean/Director.

5. All reimbursed secondary local vocational directors should be employed on a twelve (12) month basis when vocational reimbursement funds are available for the full twelve (12) months. However, state law prohibits the reimbursement of secondary vocational administrators for more than 10 months (200 days). When local boards of education and superintendents choose to employ vocational directors for a period of time longer than ten (10) months, it is encouraged that the local vocational director be employed on a twelve (12) month basis.

6. Generally, all reimbursed postsecondary local vocational deans/directors shall be authorized to be employed on a twelve (12) month basis when vocational reimbursement funds are available for the full twelve (12) months and at the discretion of the local educational agency.

7. Primary responsibilities of these positions will be identified by the local educational agency to administer high quality vocational programs and generally include but are not limited to the following:

    a. Formulate and administer a comprehensive program of career and technical education.
    b. Maintain close working relationships with community and state agencies and area business, industries, and labor organizations, in order to provide training consistent with needs.
    c. Continuously appraise and evaluate the total career and technical program to achieve the established goals of providing the opportunity for people to prepare for gainful employment.
    d. Maintain current knowledge of all pertinent rules and regulations affecting vocational education.
    e. Assume responsibility for the collection, review, and submission of all forms and reports relative to vocational education to state agencies.
    f. Supervise and evaluate all instructional personnel in the vocational education program.
    g. Make recommendations for long-term adjustments, changes, additions, and deletions in the career and technical education program to meet changing job trends and needs.
    h. Assist in the recruitment and screening of vocational teachers.
    i. Maintain and inventory CTE equipment as listed in the Equipment Management Tracking System (EMTS).

8. Employment: This position shall be approved for one hundred percent (100 %) employment for the above stated responsibilities.

9. Reimbursement: This position shall be considered as an administrative position and shall be reimbursed from vocational funds according to State Board of Education Policy 9205

10. Qualifications: The recruitment and selection of CTE administrators shall be the responsibility of the local educational agency and shall conform with licensure requirements and the primary responsibilities in section G.

Source: *Miss. Code Ann. 37-31-7 (Revised 11/2011)*

Rule 86.3 Assignment Schedule of Local CTE Personnel. The Office of Career and Technical Education shall be responsible for collecting and monitoring the assignment schedule of local vocational personnel to insure that the following requirements are met:

1. Minimum Vocational Enrollment

All classes, on a per teacher basis, should have at least an average current year enrollment of ten (10) vocational-technical students. This also applies to multi-teacher departments on a per teacher basis.

2. Teacher Assignment (Secondary Instructors)

A minimum of a full-time teacher assignment for vocational activities shall be required for one hundred percent (100%) vocational employment. Any instructor not carrying a full-time teaching assignment for vocational activities shall have their percent of vocational employment adjusted proportionately.

3. Contact Hours (Community/Junior College Instructors)

A minimum of twenty (20) student-contact (instructional) hours shall be required for the community/junior college instructor to qualify for one hundred percent (100%) vocational employment. Any instructor not carrying a twenty (20) contact-hour workload during the preceding semester, and not carrying a twenty (20) contact-hour load during the current semester, shall have their vocational employment percentage reduced to one twentieth(1/20) of the one hundred percent (100%) vocational time reimbursement scale for each contact hour less than twenty (20).

4. Extended Contracts (Secondary Institutions)

MS Code 37-31-13 authorizes reimbursement to school districts for extended contracts for agricultural education teachers and other career related teachers who contribute to economic development. Administrators and counselors are not eligible. The expenditures are subject to approval by the Mississippi Board of Education with the funding level established by the state legislature.

5. Ten to Twelve Month Employment

CTE instructors and counselors employed on a ten to twelve (10 to 12) month basis and administrators must be engaged in activities directly related to their CTE program during the summer months in order to qualify for reimbursement. Violation of this policy will result in personnel being reimbursed on reduced contracts. An itinerary summary of activities and responsibilities of all CTE personnel employed during the summer months (over 10 months) shall be on file in each school district.

6. Educational Leave

Educational leave time for twelve (12) month reimbursed CTE personnel shall be restricted to six (6) weeks per year for the purpose of securing or maintaining minimum certification and licensing requirements.

7. Conference/Meeting Scheduling

Conference/Meetings which require teachers to be absent from the scheduled lab/classroom activities shall not be held except where activities involve student organizations. Local CTE personnel are expected to attend called CTE conferences and workshops that affect their employment.

Source: *Miss. Code Ann. 37-31-7 (Revised 11/2011)*

Rule 86.4 Work Based Learning Coordinator (*Repealed 10/2011)*

Part 3 Chapter 87: Certification of Basic Skills Training and/or Retraining for Tax Credit

Rule 87.1 Certification of Basic Skills Training and/or Retraining for Tax Credit. The local community or junior college that serves the employer will certify employers as eligible for tax credit if they provide for their employees basic skills training or retraining as prescribed by this law.

Administration procedures for the certification program will be developed by the appropriate community or junior college to ensure proper training is accomplished. These procedures will be in accordance with the requirements of the law and the policies of such community or junior college that serves the employer.

Source: *Miss. Code Ann. §* 57-73-25 *(Revised 11/2011)*

Part 3 Chapter 88: Postsecondary Licensure Guidelines

Rule 88.1 Postsecondary Licensure Guidelines. The regulations governing the licensure of postsecondary educators in Mississippi are specified in the document entitled "Competency Based Licensure for Postsecondary Career and Technical Personnel." An up-to-date copy of that document shall be kept on file in the appropriate office in the Mississippi Department of Education. Upon approval of amendments to that document by the Mississippi Board of Education, staff will disseminate it to the appropriate personnel in the Mississippi educational community.

Source: *Miss. Code Ann. 37-31-205(q) (Revised 11/2011)*

Part 3 Chapter 89: Development of Curriculum Materials and Research Activities

Rule 89.1 Development of Curriculum Materials and Research Activities. The Office of Career and Technical Education shall be responsible for approving and monitoring the use of research activities and curriculum materials that impact on reimbursed programs and activities of career and technical education throughout the state. The development and dissemination of research products and curriculum materials for use in the reimbursed programs and activities in career and technical education throughout the state shall be accomplished through a joint agreement between the Office of Career and Technical Education and the Research and Curriculum Unit for Career and Technical Education at Mississippi State University. Priorities shall be determined through state- wide needs assessments and those identified by the Office of Career and Technical Education.

Technical committees shall be established by the Associate Superintendent for the Office of Career and Technical Education for advising the development and implementation of state curriculum framework for use in reimbursed programs. The Associate Superintendent shall approve the technical committees. All technical committees' appointees' terms of service shall

expire on June 30 of each fiscal year. The Associate Superintendent may reappoint committees or members at its discretion.

Source: *MS Code 37-31-103 (Revised 10/2011)*

Rule 89.2 Career and Technical Education Curriculum Guides. The Mississippi Department of Education will provide curriculum frameworks to set forth expectations of students by specifying course titles and content. A schedule for revision of the frameworks will be established. As subject areas are revised and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the educational community. A schedule for revision shall be kept on file in the Mississippi Department of Education.

1. For copies of the Career and Technical Education Curriculum Guides, Career Pathway, please visit the Mississippi Secretary of State's website at Regulations and Enforcement in the Administrative Code, Title 7: Education K-12; Part # 38 thru Part #70 and Part # 97 thru Part # 102 and Part #117-Part #132.

    a. Part # 46 - Architecture and Construction –Career Pathway - Construction: Carpentry
    b. Concentration - REPEALED 4/2013

    c. Part # 48 – Architecture and Construction –Career Pathway-Installation and Service: HVAC- REPEALED 11/2013

    d. Part 51: Arts Audio-Video Technology and Communications – Career Pathway – Digital
    e. Media Technology –REVISED 3/2014

    f. Part 55: Education and Training – Career Pathway – Teacher Academy REVISED 3/2014

    g. Part 57: Health Science – Career Pathway – Health Sciences REVISED 3/2014

    h. Part # 58 – Hospitality and Tourism – Career Pathway - Culinary Arts
    i. REPEALED 4/2013

    j. Part # 60- Information Technology –Career Pathway-Information Technology
    k. REPEALED 11/2013

    l. Part # 61 – Manufacturing-Career Pathway-Industrial Maintenance –REPEALED
    m. 11/2013

    n. Part # 64 – Manufacturing-Career Pathway-Welding – REPEALED 11/2013

    o. Part # 66 – Science Technology Engineering and Mathematics – Career Pathway - Engineering – REPEALED 11/2013

p. Part # 68 – Transportation Distribution and Logistics – Career Pathway – Automotive
q. Service Technician – REPEALED 11/2013

2. For copies of the Career and Technical Education Curriculum Guides, Secondary, please visit the Mississippi Secretary of State's website at Regulations and Enforcement in the Administrative Code, Title 7: Education K-12; Part # 71 thru Part #87 and Part # 103.

   a. Part # 72 – Agriculture – Secondary – Agriculture Power and Machinery – REPEALED 11/2013

   b. Part # 74 – Agriculture – Secondary – Food Products (Meats) – REPEALED 11/2013

   c. Part # 75 – Agriculture – Secondary – Forestry – REPEALED 11/2013

   d. Part # 76 – Agriculture – Secondary - Introduction to Agriscience - REPEALED 4/2013

   e. Part 77: Family Consumer– Career Pathway – Family and Consumer Sciences REVISED 3/2014
   f. Part # 78 – Marketing – Secondary – Hotel, Restaurant and Tourism Management – REPEALED 11/2013

3. For copies of the Career and Technical Education Curriculum Guides, Middle School Pathway, please visit the Mississippi Secretary of State's website at Regulations and Enforcement in the Administrative Code, Title 7: Education K-12; Part # 88 thru Part # 92

   a. Part # 88 – Middle School – Career Pathway – Information and Communication
   b. Technology I – REPEALED 11/2013

   c. Part # 89 – Middle School – Career Pathway – Information and Communication II – REPEALED 11/2013

   d. Part 137: Health Science– Career Pathway – Healthcare and Clinical Services – ESTABLISHED 3/2014

4. For copies of the Career and Technical Education Curriculum Guides, Enhancement Courses Pathway, please visit the Mississippi Secretary of State's website at Regulations and Enforcement the Administrative Code, Title 7: Education K-12; Part # 93 thru Part # 95.

Source: *Miss. Code Ann. 37-13-9 (Revised 10/2011)*

Rule 89.3 Approved Courses for the Secondary. The Mississippi Department of Education will provide a list of the Approved Courses for the Secondary Schools of Mississippi Career and Technical Education Programs to each school district. This list contains all approved courses that

can be offered in the Mississippi secondary schools. As new courses are revised and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the educational community. A schedule for revision shall be kept on file in the Mississippi Department of Education.

Source: *Sec 122c(2)(A)-(G) (Revised 11/2011)*

Rule 89.4 Development of Curriculum Materials and Research Activities (*Repealed 10/2011)*

Part 3 Chapter 90: Vocational, Equipment (Career and Technical Education)

Rule 90.1 Acquisition and Accountability of CTE Instructional Equipment. The Office of Career and Technical Education shall develop and maintain a management and control system for capitalized equipment that shall include guidelines and procedures in the areas of record maintenance, equipment tracking, acquisition, and warehousing. Equipment purchased with CTE funds shall become the property of the local educational agency. Equipment for CTE education shall be approved for lease, purchase, or transfer to a local educational agency only for a specific training program or support program for career and technical education. All basic equipment necessary to initiate an approved training program may be considered for approval for purchase, lease, or transfer. Any use of CTE equipment for other than its approved intended purposes shall be prohibited. An agreement specifying the responsibilities of both parties must be signed by the local educational agency and the State Board of Education prior to the request for any equipment by the local educational agency. This agreement shall be maintained on a permanent file by both parties. Local educational agencies shall request reimbursement for expenditures of equipment according to established procedures. The local educational agency shall follow procedures for maintaining a correct, current and complete inventory control system for all capitalized equipment, and for any disposition of equipment to include transfer, salvage, and abandonment.

The local educational agency shall be responsible for the equipment as agreed upon in the signed equipment agreement. All items shall be inventoried according to the Mississippi Department of Audit's guidelines. Any removal or diversion to other purposes must have prior approval from the Office of Career and Technical Education. All equipment which is no longer being utilized for its approved purpose shall be approved for transfer or disposal by the Office of Career and Technical Education. The LEAs master inventory shall consist of all items which have a purchase price of $500 or more, and any other items specified by the state auditor. All items will be listed according to the district, school, and approved program. The Office of Career and Technical Education shall maintain a master equipment tracking system of each item. The local educational agency shall replace lost or broken items. The local educational agency shall have the sole responsibility of all items inventoried as per the state auditor. The Office of Career and Technical Education shall assist local educational agencies in replacement of obsolete, stolen, burned, and worn-out equipment according to policies and procedures.

A warehouse for career education equipment not in use shall be operated under the direct supervision and guidelines of the equipment section of the State Department of Education/Office of Career and Technical Education. The major functions within the warehouse shall be for the

purpose of depositing, storing, and releasing appropriate items of instructional equipment to local educational agencies for use in approved career and technical programs.

The Office of Career and Technical Education will coordinate inventory audits with the Mississippi Department of Audit, to annually conduct on-site physical inventories of the local educational agencies where equipment has been purchased with CTE funds. The inventory process shall include identifying, and locating all CTE equipment. Local educational agencies shall have thirty (30) days to respond to the written notification from the Office of Career and Technical Education concerning the findings of the inventory. Missing items shall be handled according to established procedure guidelines. An inventory follow-up will be conducted to finalize negotiations and disposition. Funds shall be recovered for the state on items of equipment for which satisfactory accounting cannot be made.

Source: *Miss. Code Ann. §37-31-205(k) (Revised 11/2011)*

Rule 90.2 Equipment Sales. Districts that have accumulated obsolete equipment purchased with State Funds with a combined value of more than $25,000, may petition the Office of Vocational and Technical Education for permission to sell this equipment at an auction. Prior to such a sale, the district must have an appraisal conducted by a certified organization to determine the fair market value of the equipment. The district must then file proposal with the Office of Vocational and Technical Education detailing how the district will reinvest the monies gained from the auction back into the Vocational Programs. The Director of the Office of Instructional Development must approve this plan.

Once the auction has been completed, the district may deduct any expenses related to the appraisal and auctioning of the equipment. The district shall submit records to the Office of Vocational and Technical Education detailing the amounts of money raised at the auction, minus any related expenses.

Source: Miss. Code Ann. § 37-1-3(Adopted 5/2001)

Part 3 Chapter 91: Vocational, Facilities

Rule 91.1 Construction or Remodeling of Career Technical Centers. Any educational agency desiring to construct, expand, alter, or remodel an area CTE center, facilities housing CTE programs including comprehensive high schools and others, shall develop a local construction plan. The construction plan shall be preceded by a needs assessment study of the area to be served and shall also follow procedures as identified by the Office of Career and Technical Education. The application for approval for building construction and renovation shall be completed with all appropriate and necessary documents and submitted through the Office of Career and Technical Education to the State Board for final approval or disapproval.

The Office of Career and Technical Education shall develop and maintain a management and control system for facilities that shall include guidelines and procedures in the areas of facilities, standards and specifications, remodeling, construction, acquisition, usage, disposition, and inspection.

Source: *Public Law 98-524, Section 251 (a)(10) and (20) (Revised 11/2011)*

Rule 91.2 Use, Transfer of Title & Disposition of Local Physical Facilities

1. Use

All local physical facilities funded through the State Board of Education shall be utilized for the support and conduct of career and technical education programs approved by the State Board of Education. This includes, but is not limited to, the following career and technical education programs: agriculture, trade and industry, family and consumer science , distributive education, business and office, health occupations, guidance services, technical education, cooperative education, customized industrial training and all other specialized occupational and support training not requiring a bachelor's degree, with the exception of programs of nursing education regulated under the provisions of section 37-129-1, Mississippi Code of 1972. Any other use or alteration of the facility other than previously specified shall require prior approval by the State Board of Education.

The facility shall be used for the originally authorized purpose as long as needed for that purpose. When no longer so needed, approval may be requested from the State Board of Education for other purposes. Use for other purposes shall be limited to:

a. Projects or programs supported by other federal grants assistance agreements.

b. Activities not supported by other federal grants or assistance agreements but having purposes consistent with those of the legislation under which the original grant was made.

2. Transfer of Title

Approval may be requested from the State Board of Education to transfer title to an eligible third party for continued use for authorized purposes in accordance with paragraph A. If approval is permissible under federal statutes and is given, the terms of the transfer shall provide that the transferee shall assume all rights and obligations of the transferor.

3. Disposition

When the facility is no longer to be used as provided in paragraphs A. and B., one of the following alternatives shall be followed.

a. The property shall be sold and the federal government's share shall be paid to the State Board of Education. That amount shall be computed by multiplying the federal share of the property times the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sale proceeds). Proper sales procedures shall be used that provide for competition to the extent practicable and result in the highest possible return.

b. The local educational agency shall have the option either of selling the property in accordance with paragraph C. 1. or of retaining title. If title is retained, the federal government's share shall be paid to the State Board of Education. That amount shall be computed by multiplying the market value of the property by the federal share of the property.

c. The State Board of Education shall transfer the title to either the federal government or an eligible non-federal party approved by the federal government. The local educational agency shall be entitled to be paid an amount computed by multiplying the market value of the property by the local educational agency's share of the property.

Source: *Section 37-31-205 Mississippi Code of 1972; Volume 42, No. 191, Section 104.621, Federal Register, Oct. 3, 1977 (Revised 11/2011)*

Part 3 Chapter 92: Career and Technical Education (CTE) Licensure

Rule 92.1 Career and Technical Education (CTE) Licensure. All local career and technical personnel shall be licensed in accordance with established requirements. Secondary CTE licensure shall be established through a secondary licensure process and administered through the Office of Educator Licensure. Postsecondary requirements shall be established through a postsecondary process and administered by the MS Community College Board.

Source: *Miss Code Ann. 37-31-205 (1)(e) (Revised 11/2011)*

Part 3 Chapter 93: Career-Technical Education Professional Development

Rule 93.1 Career-Technical Education Professional Development. Career and Technical personnel shall be encouraged to improve their occupational and teaching competencies. The Office of Career and Technical Education shall implement procedures for improving qualifications for personnel through:

1. Long-term or special (short-term) arrangement with institutions of higher learning for graduate courses, both technical and professional, and non-credit workshops for teacher improvement;

2. Workshops, conferences, individual visits and other means by members of the Office of Career and Technical Education staff;

3. Exchange of teaching personnel with industries, etc.; and

4. Organized and planned tours and visits to various businesses, industries, etc., and by solicitation of the services of occupational people to serve on committees for teacher improvement.

Source: *Sec122c (1)(A)-(G)(Revised 10/2011)*

Part 3 Chapter 94: Vocational Revenues

Rule 94.1 Local Reimbursable Expense Items. The Office of Career and Technical Education shall reimburse local public secondary and community/junior college school districts and certain state institutions for specific approved equipment, supplies, and other expenses necessary for the provisions of career and technical education.

1. Equipment

a. CTE Funds

Local program equipment necessary for the operation of a CTE complex/program may be considered as a 100% reimbursable expense.

b. Other Special Funds

Equipment necessary for the conduct of Special approved instructional programs may be 100% reimbursed subject to the approved project funding limitations.

2. Supplies

a. CTE Funds

The Office of Career and Technical Education shall not reimburse supply expenses for programs approved for reimbursement with CTE funds. Exceptions to this may be negotiated on guidance programs, CTE programs funded from 85% Carl Perkins III, Student Services, Tech Prep, some excessive cost programs where services are rendered to the Office of Career and Technical Education, and some special projects.

b. State Industrial Projects Funds

The cost of supplies not provided by the local educational agency or the industry may be negotiated with the Office of Career and Technical Education for reimbursement when providing industrial start-up training programs, and is included in the project.

c. Other Special Funds

The necessary supply cost for Special Fund programs are considered as a reimbursable expense and may be included in the project.

3. Other Expenses

Special Project funded programs may have other costs in an approved program in addition to the preceding list of items if these are necessary to the project.

Eighty-five percent (85%) Carl Perkins III, Student Services, and Tech Prep funded projects may have limited other costs in an approved program in addition to the preceding list of items if those are excess cost items not provided to other vocational programs by the local educational agency.

Source: *Sec 122c(1)(A)-(L)(Revised 11/2011)*

Rule 94.2 Local Reimbursable Expense Items - Construction

1. CTE Funds

The Office of Career and Technical Education may reimburse up to fifty percent (50%) of the cost from federal funds for construction and/or remodeling under State Board of Education approved plans for a complex designated as a CTE center (a minimum of five 5 programs or more) if funds are available

2. Other Special Funds

The Office of Career and Technical Education may reimburse up to the allowable fund limits for construction and/or remodeling under State Board of Education approved plans for a complex designated as a vocational center. Other facilities may be remodeled or renovated to house special programs provided prior written approval is obtained and not restricted by funding regulation. This funding is limited to availability of funds.

Source: *Miss. Code Ann. §37-31-7 (Revised 5/2001)*

Rule 94.3 Local Reimbursable Expense Items – Travel. The Office of Career and Technical Education shall reimburse local public secondary and community/junior college school districts and certain state institutions for specific approved travel expenses necessary for the provisions of career and technical education.

1. Local Travel

   a. Vocational Project Funds & 85% Funds

      Travel reimbursement for career-technical education (CTE) personnel funded by CTE project funds may be reimbursed for local travel not to exceed the state set mileage rate, provided this expense is approved in the project.

   b. Other Special Funds

      Special project personnel approved and funded by funds administered by the Office of Career and Technical Education may be reimbursed for official travel from the special funds not to exceed the state's maximum rates and the project approved amount.

2. Conference Travel

   a CTE Funds

      Conference travel/subsistence expenses may be reimbursed by the Office of Career and Technical Education directly to the approved local CTE personnel or the local education agency and to others who render a service to CTE education by serving on committees, councils, etc. All expenses shall be approved and authorized in advance by the CTE Office.

      Expenses approved for reimbursement may be limited to less than Mississippi Code of 1972 Annotated 25-3-41, but cannot be for more than allowed under this code.

   b. Adult/Other Special Funds

      Conference travel for special training workshops, etc., may be written into the individual projects for CTE funds. Prior written approval is to be requested for out-of-state travel. Approval or disapproval will be given by the CTE Office.

Source: *Miss. Code Ann. §37-31-7(Revised 10/2011)*

Rule 94.4 Maintenance of Local Effort. The State Board of Education shall not allow any payment to be made to any local educational agency unless the State Board finds the following to exist:

1. In the case of a local educational agency, the combined fiscal effort per student, or the aggregate expenditures of that agency with respect to the provisions of career and technical education for the fiscal year preceding the fiscal year for which the determination is made, shall not be less than such combined fiscal effort per student or the aggregate expenditures for that purpose for the second preceding fiscal year.

2. The Maintenance of Effort for secondary school programs will be collected through the Annual Financial Report submitted to the Mississippi Department of Education. The Office shall notify the local educational agency of its approval or of any noted discrepancies. If any noted discrepancies are not alleviated, funds shall be withheld on the basis of failure to provide/prove maintenance of effort.

3. Postsecondary institutions shall file a Maintenance of Effort of Expenditure Form with the Office of Career and Technical education on or before November 15 of each year. The Office shall notify the local educational agency of its approval or of any noted discrepancies. If any noted discrepancies are alleviated, funds shall be withheld on the basis of failure to provide/prove maintenance of effort.

4. Programs funded with non-plan funds are not required to file a Maintenance of Effort Expenditure form with the Office of Career and Technical Education.

Source: *Public Law 101-392, Section 502 (Revised 10/2011)*

Rule 94.5 CTE Revenues. The Office of Career and Technical Education shall reimburse local public secondary and community/junior college school districts and certain state institutions for specific approved salary expenses necessary for the provisions of career and technical education according to the following, unless limited by law, appropriations language or insufficient funds.

1. <u>Vocational Non-Project Funds</u>
   The Office of Career and Technical Education will participate in the reimbursement of salaries of approved ongoing career and technical instructors, counselors, and administrators who are employed by a local public secondary or community/junior college and special state institutions in a State Board of Education approved program and/or complex.

2. <u>Public Secondary Institutions</u>

   a. Forty-nine percent (49%) of the actual salary or of the secondary CTE salary schedule (whichever is the least) for 9.25 to 10 months' employment (187 to 200 Duty Days) for skill program instructors, diversified technology instructors, and CTE center counselors as approved by the Office of Career and Technical Education.

b. Forty percent (40%) of the actual salary or of the secondary CTE salary schedule (whichever is least) for 9.25 to 10 months' employment (187 to 200 Duty Days) for discovery program instructors, and Family & Consumer Sciences program instructors and Other Programs as approved by the Office of Career and Technical Education.

c. Twenty percent (20%) of the actual salary or of the secondary CTE salary schedule (whichever is the least) for 9.25 to 10 months' employment (187 to 200 Duty Days) for enrichment program instructors as approved by the Office of Career and Technical Education.

d. One hundred percent (100%) of the actual salary or of the secondary CTE salary schedule (whichever is the least) for 10 months' employment (200 Duty Days) for CTE directors and assistant directors that oversee a minimum of five occupational skills program as approved by the Office of Career and Technical Education.

e. Forty-nine percent (49%) of the actual salary or of the secondary CTE salary schedule extended forty (40) days in compliance with MS Code 37-31-13 for secondary CTE programs that contribute to economic development.

3. Public Community/Junior College Institutions

a. Eighty-nine percent (89%) of the actual salary or of the community/junior college CTE salary schedule (whichever is the least) for secondary, postsecondary, and long- term adult instructors and counselors for 9 to 12 months' employment (180 to 240 Duty Days) as approved by the Office of Career and Technical Education.

b. Eighty-nine percent (89%) of the actual salary of the community/junior college CTE salary schedule (whichever is the least) for CTE administrators for 12 months' employment (240 Duty Days) as approved by the Office of Career and Technical Education.

4. Certain State Institutions

a. Department of Corrections - The Office of Career and Technical Education will participate in salary reimbursement of approved CTE instructors, CTE counselors, and CTE administrators on eighty-nine percent (89%) of the actual salary or the community/junior college salary schedule (whichever is the least) for 12 months' employment (240 Duty Days).

b. State School for the Deaf, State School for the Blind, and Youth Detention Schools. The Office of Career and Technical Education will participate in salary reimbursement of approved CTE instructors, CTE counselors, and CTE administrators at one hundred percent (100%) of the actual salary or secondary CTE salary schedule (whichever is the least) extended up to 12 months' employment (240 Duty Days).

5. Public Secondary, Public Community/Junior College, and Certain State Institutions

a. One hundred percent (100%) of the salary for the instructor in an Office of Career and Technical Education approved part-time adult class not to exceed State Board set rates for actual instruction time.

b. Full-time instructional personnel employed in the teaching of short-term adult classes will be funded at the option of the Office of Career and Technical Education under the preceding A.1.a. or A.2.a. with the option of an eighty-nine percent (89%) plus or minus limitation on either.

6. CTE Project Funds

a. Public Secondary Institutions

i. Eighty-five percent (85%) Carl Perkins III funds limited to fifty percent (50%) of the actual salary or of the MS Adequate Education Program (MAEP) salary schedule extended (whichever is the least) for instructors and counselors.

ii. Special funds limited to one hundred percent (100%) of the actual salary or of the MS Adequate Education Program (MAEP) salary schedule extended (whichever is the least) for instructors, special personnel, and counselors.

b. Public Community/Junior College Institutions

i. Eighty-five percent (85%) Carl Perkins III funds limited to one hundred percent (100%) of the actual salary or of the MS Adequate Education Program (MAEP) salary schedule extended (whichever is the least) for instructors and counselors.

ii. Special funds limited to one hundred percent (100%) of the actual salary or of the MS Adequate Education Program (MAEP) salary schedule extended (whichever is the least) for instructors, special personnel, and counselors.

7. Special Funds

Special project personnel approved and funded by funds administered by the Office of Career and Technical Education in all institutions may be reimbursed one hundred percent (100%) not to exceed those of like positions not funded by the special funds for that school district unless restricted by funding regulations.

Source: *MS Code 37-31-11; State Plan for Career and Technical Education (2008-2013) as submitted to USOE under Public Law 105-332 Sec. 122(c)(1-21) (Revised 11/2011)*

Part 3 Chapter 95 CTE Collaborative Efforts

Rule 95.1 *CTE Collaborative Efforts*. The State Board of Education shall approve all career and technical education programs in the public school system and community/junior colleges or other

agencies or institutions which receive state and federal funds for career and technical education programs as prescribed by the Mississippi Code of 1972, Annotated, Section 37-31-205.

The State Board of Education will accept written requests for the use of vocational resources for vocational programs not to be operated through the Office of Career and Technical Education from local school boards which receive state and federal funds under the authority of the State Board of Education.

The State Board of Education will approve or disapprove these written requests and any associated utilization costs of resources and other necessary items pertaining to the utilization of these resources.

Source: *MS Code 37-31-205(Revised 10/2011)*

Part 3 Chapter 96 Career and Technical Education Student Organizations

Rule 96.1 Career and Technical Education Student Organizations. All students enrolled in career programs operated by postsecondary and secondary institutions shall have the opportunity to become members and participate in student organizational activities related to their instructional programs. Student organizations shall be conducted as an integral part of the program offering and shall extend the student activities in the area in which the program is providing training.

Source: *Public Law 105-332, Sec. 3(29)(30)(Revised 10/2011)*

Part 3 Chapter 97: Weapons

Rule 97.1 Weapons. Each local school district shall have a policy concerning weapons on school premises. It shall contain at least the following provisions and may include such additional provisions as the local school district deems appropriate:

The *(Name of District)* Board of Education recognizes that the possession of pistols, firearms, or other weapons on school premises or at school functions by persons other than duly authorized law enforcement officials creates an unreasonable and unwarranted risk of injury or death to District employees, students, visitors, and guests and further creates an unreasonable and unwarranted risk of damage to properties of District employees, students, visitors, and guests. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms, or weapons in any form by any person other than duly authorized law enforcement officials on school premises or at school functions, regardless of whether any such person possesses a valid permit to carry such pistols, firearms, or weapons.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 10/1990)*

Part 3 Chapter 98: Withholding Mississippi Adequate Education Program Funds
(*Repealed 1/21/2011)*

Part 3 Chapter 99: Title IX Grievance Policy

Rule 99.1 Title IX Grievance Policy

1. RIGHT TO EXPRESS CONCERNS, COMPLAINTS OR GRIEVANCES

Complaints alleging discrimination or harassment must be handled in accordance with the procedures set forth in the *Title IX Grievance Policy* and accompanying *Title IX Grievance Forms*. Mississippi schools and school districts under the governance of the Mississippi Department of Education's Board are committed to maintaining a school community which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach his or her own potential.

It is the policy of the Mississippi Board of Education and the Mississippi Department of Education to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, bullying, and discrimination.

2. ADMINISTRATIVE DECISIONS

The following procedures are to be followed when submitting student/parent/guardian grievances regarding administrative decisions. Prior to submitting a formal grievance, a student/parent will express his or her concern to the school level administrator for resolution.

a. Level 1: If the student/parent/guardian deems the resolution unsatisfactory, the student/parent/guardian shall submit his or her initial written grievance to the student's principal. In the event that the grievance is alleged against a school administrator other than the Principal, the Principal shall investigate allegations as soon as circumstances allow, but not later than five (5) work days of submission of the original written grievance. The Principal shall discuss with the student/parent/guardian the nature of the grievance and any action that the Principal believes should be taken to resolve the concern of the student/parent/guardian. The Principal shall provide a written response to the student/parent/guardian no later than ten (10) work days after receipt of the student/parent/guardian's original written grievance. If there is no administrative response to the student/parent/guardian grievance within the ten (10) work days, or if the response is unsatisfactory, the grievance is elevated to Level 2.

   In the event that the grievance is alleged against the Principal or the Principal deems the matters outside the scope of his or her authority, the student/parent/guardian may proceed directly to Level 2.

b. Level 2: If the student/parent/guardian desires further review of his or her grievance, then the student/parent/guardian must submit a copy of the grievance to the Superintendent of the school or the Superintendent's designee, along with a written statement detailing the student/parent/guardian's reasons for

dissatisfaction with the decision of the Principal. The Superintendent or the Superintendent's designee shall investigate and review the matter. The investigation shall include the original written complaint and the Principal's response. After review, the Superintendent or the Superintendent's designee shall provide a written response to the student/parent/guardian postmarked no later than ten (10) work days following receipt of the grievance form.

If there is no response by the Superintendent of the school or the superintendent's designee to the student/parent/guardian grievance within the ten (10) work days, or if the response is unsatisfactory to the student/parent/guardian, the student/parent/guardian may advance the grievance to Level 3.

c. Level 3: The student/parent/guardian, after review of the written response from the Superintendent or the Superintendent's designee, may appeal that response to the State Superintendent or the State Superintendent's designee no later than ten (10) work days after receipt of the written communication at Level 2. The State Superintendent or the State Superintendent's designee shall review the grievance and shall provide the student/parent/guardian a written response postmarked within ten (10) work days following the receipt of the appeal.

d. Level 4: The student/parent/guardian may appeal the response from the State Superintendent to the State Board of Education by submitting a written request for appeal to the State Board of Education along with all documentation from Levels 1-3 no later than ten (10) work days after receipt of the State Superintendent's written response at Level 3. The State Board of Education shall review the grievance and shall provide the student/parent/guardian an opportunity to appear at the next regularly scheduled Board meeting to present his or her grievance in accordance with the Family Education Rights and Privacy Act (FERPA) 20 USC 1232g, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) 20 U.S.C. 1400 *et. seq*. implementing regulations, and other federal and state laws that govern the protection of student information. If the student/parent/guardian elects not to appear personally, the student/parent/guardian may request the Board's review of the written documentation only. The decision of the State Board of Education shall be final.

Source: *Federal 20 U.S.C. § 1681, Miss. Code Ann. § 37-1-3 (Adopted 8/2016)*