

## Title 7: Education K-12

### Part 3: Board Policies

#### Part 3 Chapter 1: Accountability

*Rule 1.1 Educational Accountability.* Pursuant to Miss. Code Ann. § 37-1-3, the State Board of Education is charged with identifying 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.

Mississippi Code Ann. §37-151-9 created the Office of Educational Accountability within the State Department of Education (“MDE”) and enumerates the duties and responsibilities of this office under the direction of a Director, appointed by the State Board of Education. Additionally, the Office of Educational Accountability is tasked with the following:

1. Responsible for the annual application, interview, and selection process for the SBE Student Representative program. Upon appointment of Student Representatives, responsible for orientation, training and support of the students throughout their two-year board term;
2. Serves as a liaison for the Internal Accountability Subcommittee;
3. Fulfilling the duties of the Bureaus of Internal Audit, Public Reporting & Program Evaluation; and,
4. Completing special projects as requested by the State Board of Education, State Superintendent or State Legislature.

The Director of the Office Educational Accountability shall communicate and cooperate with the State Superintendent of Education.

Source: *Miss Code Ann. §§ 37-1-3, 37-151-9 (Rule Revised 11/2023)*

#### *Rule 1.2 School Performance and Accountability Subcommittee and Internal Accountability Subcommittee*

##### 1. PURPOSE

The State Board of Education has established two special subcommittees of the Board; the School Performance and Accountability Subcommittee, and the Internal Accountability Subcommittee.

The School Performance and Accountability Subcommittee shall focus on education initiatives that impact school performance and accountability including the Mississippi Statewide Assessment and Accountability Systems, and Accreditation. The Chief Accountability Officer shall serve as liaison to this subcommittee.

The Internal Accountability Subcommittee shall assist the State Board of Education in fulfilling its oversight responsibility for the integrity of the MDE financial and operational results, compliance with legal and regulatory requirements, performance of internal audits and program evaluations, as well as review of

external audit reports. The Office of Educational Accountability Director shall serve as liaison to this subcommittee.

## 2. COMPOSITION

Each subcommittee shall consist of three voting members of the State Board of Education. The subcommittees will meet at the call of their respective subcommittee Chair. Subcommittee members shall be appointed by the State Board of Education Chair.

## 3. AUTHORITY AND RESPONSIBILITIES OF SCHOOL PERFORMANCE AND ACCOUNTABILITY SUBCOMMITTEE

This subcommittee is authorized to review and recommend matters related to the following program areas:

- a. Accreditation
  - i. Review proposed rules and regulations associated with the *Mississippi Public School Accountability Standards*.
  - ii. Review proposed rules and regulations associated with the *Mississippi Non-Public School Accountability Standards*.
  - iii. Review completed accreditation audit reports.
  - iv. Review and monitor reports for districts in District of Transformation status.
  - v. Review annual accreditation assignments for public and nonpublic schools.
- b. Statewide Accountability System
  - i. Review recommendations from the Accountability Task Force and Technical Advisory Council.
  - ii. Review proposed rules and regulations of the Accountability Business Rules.
  - iii. Review Statewide Accountability results.
- c. Statewide Assessment
  - i. Review proposed student assessment guidelines.
  - ii. Review of Statewide Assessment results, including results on K-Readiness, MAAP, MAAP-A, and ACT.

## 4. AUTHORITY AND RESPONSIBILITIES OF INTERNAL ACCOUNTABILITY SUBCOMMITTEE

This subcommittee is authorized to conduct or authorize program evaluations, internal audits, and reviews of matters within the scope of the State Board of Education's responsibility. It is empowered to:

- a. Approve the Director of Educational Accountability's Internal Audit Plan and Program Evaluation Plan and resolve any problems that occur in the execution of these plans.
- b. Review MDE internal and external audit reports, program evaluation reports, and corrective action plans.
- c. Meet with MDE employees, external auditors, legal counsel, or other individuals as necessary.

- d. Approve and submit to the State Board of Education any changes in the Director of Educational Accountability's duties and the duties of that office.
- e. Report to the State Board of Education on subcommittee meetings held.
- f. Approve internal audit policies that promote an effective system of internal controls. Reporting recommendations for approval of new policies and policy revisions to the State Board of Education.
- g. Ensure adequate budget resources and staffing are provided for the Office of Educational Accountability operations.

Source: *Miss Code Ann. § § 37-1-3, 37-151-9 (Rule Revised 07/2023)*

### *Rule 1.3 Bureaus of Internal Audit and Program Evaluation*

#### 1. PURPOSE

The purpose of the Bureaus of Internal Audit and Program Evaluation is to provide independent, objective evaluations, audits, and consultative services to the State Board of Education and the MDE.

#### 2. REPORTING

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

#### 3. RESPONSIBILITIES

The Bureaus of Internal Audit and Program Evaluation are responsible for carrying out the internal audit and internal program evaluation functions of the Department as follows:

##### Bureau of Internal Audit:

- a. Evaluating the MDE'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 internal audits of MDE 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 internal audit results, including deficiencies and recommendations, to MDE 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, CPA firms, and other state and federal agencies.
- e. Ensuring prompt resolution of audit deficiencies reported by external entities.

- f. Reviewing the Single Audit Reports of public school districts, charter schools, community colleges, Institutions of Higher Learning (IHLs), and other public/non-public entities that receive federal funding directly from MDE and expend a certain amount in federal awards during the entity's fiscal year (as prescribed by 2 C.F.R. § 200.501) to ensure corrective action on audit deficiencies of federal programs is appropriate and timely.
- g. Conducting risk assessments to facilitate audit planning.
- h. Submitting risk-based Internal Audit Plan that covers no more than two years to the Internal Accountability Subcommittee for approval.
- i. Performing special projects in response to requests received from the State Board of Education, State Superintendent of Education, and the State Legislature.

Bureau of Program Evaluation:

- a. Developing Program Evaluation Plan based upon State Board of Education priorities and discussions with State Board members, the State Superintendent and Chiefs regarding program goals and objectives, program requirements and program risks.
- b. Submitting Program Evaluation Plan that covers no more than two years to the Internal Accountability Subcommittee for approval.
- c. Conducting objective and professional evaluations of MDE activities to determine if goals and objectives are efficiently and effectively attained.
- d. Reporting program evaluation results, including deficiencies and recommendations, to MDE management and the Internal Accountability Subcommittee.
- e. Performing special projects in response to requests received from the State Board of Education, State Superintendent of Education, and the State Legislature.
- f. Performing follow-up reviews on the implementation of any recommendations outlined in the evaluation report.

#### 4. AUTHORITY

The Bureaus of Internal Audit and Program Evaluation shall have unrestricted access to all MDE records, personnel, and physical properties relevant to the performance of evaluations, audits, and consultative services. The Bureaus will have full and free access to the Internal Accountability Subcommittee.

For independence purposes, staff in the Bureaus of Internal Audit and Program Evaluation have no authority or responsibility for MDE activities which are audited or evaluated. Further, the Bureaus do not have the authority to require implementation of any recommendations; that authority remains with management.

Source: *Miss Code Ann. §§ 25-65-1 – 25-65-33, 37-1-3, 37-151-9 (Rule Revised 12/2023)*

## **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)*

Title 7: Education

Part 3: Chapter 2, Rule 2.2 Conservatorship.

REPEALED. Effective 06/16/2022

*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 EXPENSES REDUCTION**

### **Rule 3.1 Administrative Expense Reduction.**

In determining the allowance for administration costs for purposes of Miss. Code Ann 37-61-9(4) the amount is limited to an amount not greater One Hundred Fifty Thousand Dollars (\$150,000.00) plus four percent (4%) of the expenditures of all school districts each year.

Administration costs, for purposes of this subsection, shall be defined as expenditures for salaries and fringe benefits paid for central administration costs from all sources of revenue in the following expenditure functions as defined in the MISSISSIPPI PUBLIC SCHOOL DISTRICT FINANCIAL ACCOUNTING MANUAL:

2300 = Support Services – General Administration 2310 =

Board of Education Services

2320 = Executive Administration Services 2330 =

Special Area Administration Services 2500 = Business

Services

2510 = Fiscal Services 2520 =

Purchasing Services

2530 = Warehousing and Distributing Services

2540 = Printing, Publishing and Duplicating Services 2590 =

Other Support Services – Business

Any costs classified as administration costs which can be demonstrated by the local school board to be an expenditure that results in a net cost savings to the district for functions not covered under the definition of administration cost may be excluded from the limitations imposed. The local school board shall make a specific finding of such costs and spread such finding upon its minutes, which shall be subject to the approval of the Office of Educational Accountability of the State Department of Education.

Regulations:

- Any school district required to make expenditure cuts, as a result of application of this subsection, shall not be required to reduce such expenditures more than twenty-five percent (25%) in any year in order to comply with this mandate.
- This section shall not apply to central administration with five (5) or less full-time employees, or to those school districts which can substantiate that comparable reductions have occurred in administrative costs for the five-year period immediately prior to school year 1993-1994.
- In the event the application of this section may jeopardize the fiscal integrity or operations of the school district, have an adverse impact on the ability of the district to deliver educational services, or otherwise restrict the district from achieving or maintaining a quality education program, the State Board of Education shall be authorized to exempt the application of this section to such school district pursuant to rules and regulations of the State Board of Education consistent with the intent of this section.

Source: *Miss. Code Ann. §37-61-9 (Revised 7/2023)*

### **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, Rule 5.1: Agenda, State Board Education**

REPEALED. Effective 11/22/2021

**Part 3 Chapter 6: Administrative Process and Performance Review**

*Rule 6.1 Educator Preparation Provider Process and Performance Guidelines.* The regulation governing the process and performance review for teacher education and administrator preparation programs in Mississippi are specified in the document titled *Educator Preparation Provider Process and Performance Guidelines*. 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 *Educator Preparation Provider Process and Performance Guidelines*, 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, TBD)*

**Rule 6.2 National Accreditation for Mississippi Educator Preparation Providers (EPPs)**  
All Mississippi Educator Preparation Providers (EPPs) shall obtain national accreditation from the national accreditor with whom the Mississippi Department of Education has established a partnership.

Source: *Miss. Code Ann. § 37-1-3, § 37-3-2*

**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 9: Attendance Reporting**

*Rule 9.2 Reporting Attendance for Virtual Learning*

**School Year Attendance Collection Policy Beginning 2020 - 2021 School Year and Thereafter**  
Mississippi Code Ann. § 37-13-91 makes education for any child between the age of 6 and 17 compulsory, requires schools to report daily attendance, and requires referrals to other entities when

attempts to secure enrollment and/or attendance of a compulsory-school-age child are unable to effect the enrollment and/or attendance.

Existing regulations governing the collection of attendance assume physical presence. Beginning with the 2020 – 2021 school year and thereafter, attendance shall be collected as follows:

1. Schools shall report daily attendance using the following types: traditional (in-person) and virtual (i.e., online/distance learning).<sup>1</sup>
  - a. For in-person attendance, consistent with existing regulations, a student will be marked present or absent.<sup>2</sup>
  - b. For virtual (online/distance learning) attendance, the student shall be marked present or absent based on the following:
    - i. For a student to be marked present when attending school through virtual learning, the LEA shall meet one (1) of the following conditions:
      1. If the LEA uses a learning management system (LMS),<sup>3</sup> the student shall be authenticated and engaged in education consistent with the LEA's prescribed policy; or
      2. If the LEA does not use an LMS, the LEA shall make one-on-one contact with a student for the day to authenticate their presence **and** provide daily evidence of engagement consistent with the LEA's policy.<sup>4</sup>
    - ii.

### **Types of Traditional, Hybrid (if applicable), and Virtual Scheduling Based on Restart/Digital Learning Plan/Home Connectivity**

1. In-Person Mode (Traditional)
  - a. Hours at school<sup>5</sup>
  - b. Reporting
    - i. Report attendance in Local SIS<sup>6</sup> **daily**
    - ii. Report attendance to MSIS<sup>7</sup> **monthly**
2. Mixed Mode (Hybrid) (If applicable, based on current State Board of Education Policy.)

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<sup>1</sup> For attendance reporting purposes, in-person is defined as classes where the student accesses instruction within the physical school building or on the school campus. Virtual learning is defined as the student accesses instruction outside of the physical school building such as online or through distance learning mechanisms.

<sup>2</sup> See Miss. Code. Ann. §§ 37-13-91 and 37-151-5(j)

<sup>3</sup> A learning management system (LMS) is a software application that allows schools to create, manage and deliver instructional content, and that includes collaboration and reporting tools (e.g., Google Classroom, Instructure Canvas and Schoology).

<sup>4</sup> LEAs shall describe their local board-approved attendance policies and what constitutes sufficient authentication and engagement to verify attendance in a virtual learning environment.

<sup>5</sup> Based on a waiver granted by the State Board of Education on June 11, 2020, for Miss. Code Ann. § 37-13-67 and Process Standard 13.1 of the *Mississippi Public School Accountability Standards, 2019*, LEAs are required to provide a minimum of 240 instructional minutes per day to students for the 2020 – 2021 school year. Districts are encouraged to schedule in-person instructional days at 330 minutes when possible. However, minutes may be reduced to allow for altered transportation schedules, health screenings, class transitions, modified food service schedules, and other activities to maximize health and safety of staff and students. LEAs shall resume the minimum of 330 instructional minutes as outlined in Miss. Code Ann. § 37-13-67 and Process Standard 13.1 of the *Mississippi Public School Accountability Standards, 2020* immediately upon the conclusion of the 2020 – 2021 school year.

<sup>6</sup> Student Information System

<sup>7</sup> Mississippi Student Information System

- a. Designate in MSIS which days of attendance are counted via which mode (**daily** or **weekly**)
3. Synchronous<sup>8</sup> Online Mode (Digital-Virtual)
  - a. Daily assignment [a minimum of 330 minutes of instruction] completed = hours toward daily attendance
  - b. Attending scheduled daily interactions = hours toward daily attendance
  - c. Reporting
    - i. **Daily** metadata for accessing software, completing assignments, and participating
    - ii. Report engagement in Local SIS **daily** [data integration with LMS]
    - iii. Report attendance to MSIS **monthly**
    - iv. Automated metadata report to MDE via LMS **monthly**
4. Asynchronous<sup>9</sup> Online Mode (Digital-Virtual)
  - a. Daily assignment [a minimum of 330 minutes of instruction] completed = hours toward daily attendance
  - b. Attending scheduled weekly interactions [one-on-one or in groups] = hours toward daily attendance
  - c. Reporting
    - i. **Daily** metadata for accessing software, completing assignments, and participating
    - ii. Report engagement in Local SIS **daily** [data integration with LMS]
    - iii. Report attendance to MSIS **monthly**
    - iv. Automated metadata report to MDE via LMS **monthly**
5. Asynchronous Offline Mode (Digital-Virtual)
  - a. Daily assignment [a minimum of 330 minutes of instruction] completed = hours toward daily attendance
  - b. Attending scheduled weekly interactions [one-on-one or in groups] = hours toward daily attendance
  - c. Reporting
    - i. **Weekly** metadata for accessing software, completing assignments, and participating
    - ii. Report engagement in Local SIS **weekly** [data integration with LMS]
    - iii. Report attendance to MSIS **monthly**
    - iv. Automated metadata report to MDE via LMS **monthly**
6. Asynchronous Offline Mode (Learning Packets)<sup>10</sup>
  - a. Daily assignment [a minimum of 330 minutes of instruction] completed = hours toward daily attendance
  - b. Attending scheduled weekly interactions [one-on-one or in groups] = hours toward daily attendance
  - c. Reporting
    - i. Report attendance in Local SIS<sup>11</sup> **weekly**

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<sup>8</sup> Synchronous instruction: two-way, real-time/live, virtual instruction between teachers and students when students are not on campus.

<sup>9</sup> Asynchronous instruction: instruction that does not require having the instructor and student engaged at the same time.

<sup>10</sup> Asynchronous Offline Mode is typically used for students who do not have access to content via an electronic device and who are present for class off-site, completing assignments via pencil and paper.

<sup>11</sup> Student Information System

ii. Report attendance to MSIS<sup>12</sup> **monthly**

In the LEA's plan required by the MDE for the 2020 – 2021 school year, the LEA shall clearly outline the LEA-defined policies it is using to meet the criteria for reporting students present in a virtual learning environment. Attendance shall be collected daily and reported in accordance with the requirements outlined in Miss. Code Ann. §§ 37-13-91 and 37-151-5(j) and Miss. Admin. Code 7-3: 30.2, State Board of Education Chapter 30, Rule 30.2, and Policy 2.1 of the current edition of the *Mississippi Public School Accountability Standards*.

Based on a waiver granted by the State Board of Education on June 11, 2020, for Miss. Code Ann. § 37-13-67 and Process Standard 13.1 of the *Mississippi Public School Accountability Standards, 2019*, LEAs are required to provide a minimum of 240 instructional minutes per day to students for the 2020 – 2021 school year. The daily instructional minutes need not be consecutive but shall occur within the same day. A program meets the synchronous online method requirements if the minimum daily instructional minutes are met, even if part of the day includes asynchronous activities. LEAs shall resume the minimum of 330 instructional minutes as outlined in Miss. Code Ann. § 37-13-67 and Process Standard 13.1 of the *Mississippi Public School Accountability Standards, 2020* immediately upon the conclusion of the 2020 – 2021 school year.

LEAs are required to maintain daily schedules that document the amount of instruction a student or group of students is scheduled to receive on a given day. The schedule shall detail the amount and type of instruction being provided that the LEA has approved for the purpose of recording attendance in accordance with Miss. Code Ann. §§ 37-13-91 and 37-151-5(j).

**Dual Enrollment** - When dually enrolled, the student may be counted, for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school. (*See* Miss. Code Ann. § 37-15-38(7)) Therefore, during dual credit class periods on days when the college schedule does not align with the LEAs schedule, students should not be counted as absent.

Absences shall be entered as either excused or unexcused consistent with definitions defined in Miss. Code Ann. § 37-13-91 and Miss. Admin. Code 7-3: 30.2, State Board Policy Chapter 30, Rule 30.2. Unexcused absences will result in the same reporting of truancy referrals.

Source: Miss. Code Ann. §§ 37-1-3, 37-13-91, and 37-151-5(j). (Adopted 7/2020, Revised 8/2021)

## **Chapter 9: Attendance Reporting**

### *Rule 9.3 Designated School-Wide/District-Wide Virtual Learning Days*

**Beginning with the 2021 – 2022 school year** all districts shall resume providing face-to-face in-person instruction. Process Standard 13 of the current edition of the *Mississippi Public School Accountability Standards* mandates that both students and teachers are present for scheduled classroom instruction during the minimum of 180 days. Additionally, Process Standard 13.3 provides that no more than two

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<sup>12</sup> Mississippi Student Information System

(2) of the 180 days may be 60% days. Both teachers and pupils must be in attendance for not less than 60% of the normal school day.

In the event of unplanned/unforeseen circumstances, districts may opt to utilize designated school-wide or district-wide virtual learning days throughout the year; however, the districts shall ensure that virtual learning days include the minimum 330 minutes of actual teaching as required by Miss. Code Ann. § 37-13-67 and comply with State Board Policy Chapter 56 Rule 56.2: *Virtual Students*. Teachers shall provide instruction to students during each virtual learning day. Therefore, lesson plans shall include daily synchronous/interactive instruction and dialogue. Districts shall ensure that students who access instruction virtually from off-campus have instruction provided and access to the assigned teacher(s) including any special services teachers/providers during the scheduled time for each course.

State Board Policy Chapter 9, Rule 9.3: *School-Wide and District-Wide Virtual Learning Days* eliminated the hybrid (a combination of virtual and traditional instructional modes) scheduling option for the 2021 – 2022 school year.

However, due to the increased number of diagnosed COVID cases in school-aged children at the beginning of the 2021 – 2022 school year and in consultation with Mississippi State Department of Health officials, a district or school(s) within a district may utilize the hybrid scheduling option effectively August 19, 2021, through October 31, 2021. The use of the hybrid scheduling option is only available for use in response to the COVID pandemic. During this time, a district/school shall adhere to all requirements outlined in this policy and State Board Policy Chapter 56 Rule

56.2: *Virtual Students*.

Districts shall not use virtual learning days for the purpose of allowing students to remain off-campus to provide additional planning time, professional development opportunities, testing, or to attend athletic events.

In the event of any audits conducted by the MDE, all process standards (i.e., student-teacher ratios, instructional practices, planning time, compulsory attendance, teacher evaluations, etc.) for virtual learning will be held to the same standards as in-person learning.

Districts shall ensure students, parents, and staff are notified in advance of any virtual learning days so that students and staff are familiar with equipment, online platforms (learning management systems) and district-wide policies regarding student-issued devices. Districts shall identify and have alternate plans in place *only* for individual students who do not have access to internet services and shall ensure that the instruction is equivalent to his/her peers.

### **Virtual Learning Days vs. Inclement Weather Days**

Districts shall provide sufficient notice (before the close of the prior school day) to staff and students for any weather-related or other unforeseen virtual days. Refer to Miss. Code Ann. § 37-13-64 regarding the authority of local school superintendents/boards to determine if a district will make-up missed days for weather-related school closures. When instances occur, such as wide-spread power outages, that make virtual learning impractical, districts shall either make up any missed days to ensure that teacher-led instruction occurs or use the days as weather days as allowed under Miss. Code Ann. § 37-13-64.

In accordance with State Board Policy Chapter 56, Rule 56.1: *Distance Learning, Blended Learning, and Online Courses*, districts may allow individual students to utilize distance learning for specific courses, or on an as-needed basis (i.e., illnesses) based on local school board policy.

*See also* State Board Policy Chapter 9 Rule 9.2, *Reporting Attendance for Virtual Learning*

*See also* State Board Policy Chapter 56 Rule 56.2, *Virtual Students*

Miss. Code Ann. §§ 37-1-3, 37-13-63, 37-13-64, 37-13-65, 37-13-67. (Adopted 6/2021, Revised 8/2021)

### **Part 3 Chapter 10: Subrecipient Single Audit Resolution**

*Rule 10.1 Subrecipient Single Audit Resolution.*

#### **Oversight of Subrecipient Single Audit Resolution**

The Subrecipient Single Audit Resolution procedure applies to audits of subrecipients of federal funds from the Mississippi Department of Education (MDE). For this policy, subrecipients are public school districts, charter schools, community colleges, Institutions of Higher Learning (IHLs), and other public/non-public entities. Each subrecipient shall obtain an audit that meets the requirements of the Education Department General Administrative Regulations, Cost Principles and Audit Requirements for Federal Awards. The Subrecipient Single Audit Resolution process is designed to ensure that federal grants are used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of federal awards, a requirement given to the MDE in 2 C.F.R. § 200.332.

#### **Single Audit Report Collection**

The Bureau of Internal Audit receives and reviews Single Audit Reports from entities that receive grants from the MDE. Subrecipient entities that receive federal funds directly from MDE shall submit a Single Audit Report if the entity expends federal award funds, during its fiscal year, that meet or exceed the established expenditure threshold as prescribed by 2 C.F.R. § 200.501.

Entities that receive federal funds directly from MDE are notified of the Single Audit requirements by the appropriate federal program offices that administer the grants. The federal programs offices instruct the entities to submit a copy of the annual audit report to the Federal Audit Clearinghouse (FAC) within the earlier of 30 calendar days after receipt of the auditor's report or nine months after the end of the audit period, unless the Office of Management and Budget (OMB) authorizes an extension. The federal programs offices shall provide a listing of entities meeting the threshold to the Bureau of Internal Audit by January 15.

#### **Resolution and Corrective Action Plan**

Upon receipt of the Single Audit Report, the Bureau of Internal Audit shall determine if there are audit findings related to federal programs for which funds were disbursed by MDE. The Bureau of Internal Audit shall work collaboratively with the appropriate federal programs office(s) and the Office of Grants Management to determine if findings are valid. The Corrective Action Plan (CAP) that is included in the audit report, shall include the name(s) of the contact person(s) responsible for the CAP, an anticipated completion date for the corrective action(s), the corrective action steps necessary to resolve the audit finding(s) and specific reasons that support the entity's disagreement with the audit finding(s), if applicable. When the audit report is received, the Bureau of Internal Audit shall forward the related

federal findings and CAP along with supporting documentation to the Office of Grants Management and/or the appropriate federal programs offices for review and written approval for the Bureau of Internal Audit to issue a Management Decision letter.

If an entity receiving U.S. Department of Education funds has been notified by the Bureau of Internal Audit of the need for further information on a finding and/or a corrective action plan in the audit report, and the entity does not respond within 60 days, the Bureau of Internal Audit will consult with the Office of Grants Management and may request the State Superintendent place in escrow, up to 60 days, all or a portion of federal funds payable to the entity until an appropriate response is received. The entity shall initiate and proceed with corrective action as soon as possible, and corrective action shall begin no later than upon receipt of the audit report.

For subrecipients whose audit is not received timely, or subrecipients unwilling or unable to correct a finding, the Bureau of Internal Audit shall notify the Office of Grants Management and/or the appropriate federal programs offices and the respective program offices will take the appropriate action which may include initiating the Seriously Deficient Process. *See* 2 C.F.R § 200.339 “Remedies for Noncompliance.”

If an audit finding results in questioned cost(s), the Bureau of Internal Audit shall work collaboratively with the Office of Grants Management and/or other federal programs offices to determine if return of the funds is warranted. If so, the Bureau shall initiate a collection process as instructed by the Office of Grants Management and/or other federal programs offices. The entity shall submit the repayment of funds from State/Local funds to the Office of Grants Management and/or the appropriate federal programs offices. The offices shall follow the procedures for cash receipts in compliance with the MDE Employee Policies and Procedures Manual (MEPPM). The repayment shall be receipted into the appropriate fund and all supporting documentation related to receipt and deposit of funds will be forwarded to the Bureau of Internal Audit to file in the subrecipient’s audit report folder.

### **Management Decision Letter**

The Bureau of Internal Audit shall issue timely Management Decision Letters no more than six months from the date the audit report is received by the FAC. When the Management Decision Letter is issued it shall include whether the MDE concurred with (sustained) the auditor’s findings and whether the MDE agrees that the entity’s CAP is sufficient to resolve the issues that resulted in the findings.

A copy of the issued Management Decision Letter shall be saved in the subrecipient’s audit report folder. The Bureau of Internal Audit will work with the Office of Grants Management and/or the appropriate federal programs offices as directed to ensure there is appropriate follow-up on the status of CAP implementation for repeated audit findings in subsequent audit reports.

The entity has the right to request a hearing on the decision of the MDE concerning the findings of the audit. A written request for a hearing shall be submitted to the State Superintendent within 30 calendar days of notification that the MDE has sustained the audit finding and seeks to recover questioned costs. If the appeal request provides evidence that suggests the decision was contrary to Federal law, or the rules, regulations, and guidelines governing the applicable program, a hearing officer shall be appointed, and a hearing shall be scheduled within 30 calendar days. The entity shall be notified in writing concerning the hearing’s time and location, and the procedures of the hearing. Upon completion of the hearing, the hearing officer shall make a report to the State Superintendent. No later than 10 days after the hearing,

the State Superintendent shall issue a written ruling, including reasons therefor. If the State Superintendent determines such final action was contrary to Federal or State law, or the rules, regulations, and guidelines governing such applicable program, the State Superintendent shall rescind such final action. All additional rules and timelines regarding the appeals and hearing process will apply based upon the applicable federal agency regulations of the federal program(s) cited in the single audit reports.

The Bureau of Internal Audit shall be responsible for record retention of the documents received by the Bureau during the audit resolution process as related to these procedures in accordance with Uniform Grant Guidance.

Source: 2 C.F.R. §§ 200.331-200.344, 200.501, Miss. Code Ann. § 37-1-3 (Revised 5/2023)

### **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 State Board of Education (SBE) member may request that any item which the member desires to be considered by the full SBE be placed on the agenda.
2. All other requests for items to be placed on the agenda shall be submitted in writing to the Executive Secretary, with sufficient detail to explain the nature of the request and be received by the Executive 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 SBE shall be submitted in writing to the Executive 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 SBE except when two-thirds of the SBE present and voting concur.
5. The Executive Secretary of the SBE shall provide the proposed agenda to each SBE member not later than 7 calendar days prior to a regularly scheduled meeting.
6. The agenda shall be posted on the Mississippi Department of Education (MDE) website by noon the day before the SBE meets.

Source: *Miss. Code Ann. § 37-1-3 (Rule Revised 05/2023)*

#### *Rule 12.2 Compensation for Travel.*

Each SBE member is authorized to accept invitations and to attend meetings, seminars, and similar gatherings concerning the operation of the MDE in connection with their duties as members of this SBE. Members shall be paid per diem and be reimbursed for allowable expenses as authorized by Miss. Code Ann. § 25-3-41 and 25-3-69, upon submission of a claim to the State Superintendent and approval of the SBE at its next regular or special meeting or in advance if conditions allow.

Source: *Miss. Code Ann. § 25-3-41, § 25-3-69, and § 37-1-3 (Rule Revised 05/2023)*

#### *Rule 12.3 Executive Sessions*

1. The SBE may enter executive session for the transaction of public business; however, an executive session shall be limited to matters allowed to be exempted from open meetings as provided in Miss. Code Ann. § 25-41-7 and shall follow the procedure required in Miss. Code Ann. § 25-41-7.
2. The SBE and the Executive Secretary shall designate who is permitted to remain in executive session.

Source: *Miss. Code Ann. § 25-41-7 and § 37-1-3 (Rule Revised 05/2023)*

#### *Rule 12.4 Meetings*

1. The SBE shall meet on the third Thursday of each month in the Senator Grey Ferris Board Room of the Central High School Building, Jackson, Mississippi. No further notice shall be made for regular monthly meetings.
2. The regularly scheduled monthly meeting shall begin at 10:00 o'clock a.m.
3. The SBE may change or alter its meetings time or place by official action, noting the change in the minutes. The SBE Chair may cancel a meeting already scheduled. Notice of cancellation and a reschedule date shall be provided as soon as possible to all SBE members by whatever means of communication is available and practicable and most likely to reach each member under the circumstances.
4. Any member of the SBE may participate in an official meeting of the SBE by teleconference or video means. The public shall have access to the meeting in the Senator Grey Ferris Board Room of the

Central High School Building, Jackson, Mississippi, or shall be afforded another location in the event there are capacity issues.

Source: *Miss. Code Ann. § 25-41-13 and § 25-41-5 (Rule Revised 05/2023)*

#### *Rule 12.5 Minutes*

1. The minutes of the SBE shall be kept in accordance with Miss. Code Ann. § 25-41-11.
2. All proposed minutes shall become the official minutes after adoption by the SBE.
3. All proposed minutes shall be provided with the agenda to each SBE member within seven (7) calendar days prior to any SBE meeting.
4. The minutes shall be prepared by the Executive Secretary; however, the Executive Secretary may secure such assistance as is necessary for the preparation of the minutes.
5. All minutes shall be posted to the MDE website once approved.

Source: *Miss. Code Ann. § 25-41-11 and § 37-1-3 (Rule Revised 05/2023)*

#### *Rule 12.6 Officer's Duties*

1. Officers of the SBE shall consist of a Chairman and a Vice-Chairman and such additional officers as the SBE may designate.
2. Election to the positions of Chairman and Vice-Chairman shall be by nomination and vote unless secret ballot is requested. If more than two individuals are nominated to either such office, a majority of those voting shall be required for election, and the SBE 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. The Chairman and Vice 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. The Chairman, except where the SBE shall otherwise provide, shall appoint all committees required for the transaction of business of the SBE, and shall preside at all meetings at which he/she is present. As a member of the SBE, 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 SBE.
5. 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 (Rule Revised 05/2023)*

#### *Rule 12.7 Rules of Order*

The SBE will adhere to parliamentary procedures for conducting business and will seek guidance from Robert's Rules of Order in conducting its meetings.

Source: *Miss. Code Ann. § 37-1-3 (Rule revised 05/2023)*

#### *Rule 12.8 Voting Procedures*

1. A SBE member present may vote for or against any motion or the SBE member may abstain. Proxy votes are impermissible; an absent member may not vote.
2. The minutes of the SBE shall reflect the vote of each SBE member on each matter.
3. On all matters, if a roll call vote was not taken, the vote of each SBE member shall be reflected as in favor of the motion unless the SBE member specifically indicates otherwise.
4. A member shall recuse himself/herself from discussion and vote in the event of a conflict of interest.

Source: *Miss. Code Ann. § 37-1-3 (Rule Revised 05/2023)*

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

### **Part 3 Chapter 14: Certification**

#### *Rule 14.1 Administrator Preparation REPEALED. 06/21/22*

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 Licensure Commission, Discipline Procedures, 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 Miss. Code Ann. § 37-3-2, may submit a written notice of appeal to the Executive Secretary of the Mississippi Board of Education within ten days of receipt 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. § 37-1-3, 37-3-2*

*Rule 14.6.1 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 Mississippi 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 Mississippi 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 Mississippi 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 Mississippi 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 Mississippi Board of Education when making appointments shall designate a Chairperson. The Chairperson shall serve a two (2) year term and shall continue service thereafter until the Mississippi 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 if the Chairperson is unable to preside.
- b. An appropriate staff member of the Mississippi 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 Mississippi 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 in accordance with Miss. Code Ann. § 25-41-7.
- 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 Chairperson, 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 Mississippi Board of Education shall not be changed, revised, or amended prior to forwarding to the Mississippi Board of Education for approval.
- b. Commission recommendations to the Mississippi 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 Mississippi 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 sub-committee hearings involving controversies in licensure a minimum of six (6) times per calendar year.

Source: Miss. Code Ann. §§ 25-3-41, 25-3-69, 25-41-7, 37-1-3 and 37-3-2

#### *14.6.2 Disciplinary Process Policy*

#### 1.REPORTING AND INVESTIGATIONS

- a. The Office of Educator Misconduct Evaluations is tasked with assisting the Commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of Miss. Code Ann. §§ 37-3-2 (11), (12), (13), (14) and (15), and violations of the Mississippi Educator Code of Ethics and Standards of Conduct.
- b. Upon receipt of a report of misconduct and/or violations as established in Rule 14.10: Reporting Infractions, the Office of Educator Misconduct Evaluations shall immediately institute an investigation into the allegations of the report. The Office of Educator Misconduct Evaluations shall have the discretion to request additional information as needed from the reporting party. In the event the reporting party fails to provide said additional information within thirty (30) days of request, the Office of Educator Misconduct Evaluations shall have the authority to dismiss said report due to insufficient information. The Office of Educator Misconduct Evaluations shall have the discretion to extend such window if deemed necessary.
- c. Upon investigation, the Office of Educator Misconduct Evaluations shall have the

authority to dismiss any report based on either the sufficiency of local school district response, the severity of the alleged violation or misconduct, or offer settlement of any alleged violation or misconduct, said settlement subject to final approval by the Commission. Such authority of the Office of Educator Misconduct Evaluations is subject to the provisions of this Rule.

- d. The Office of Educator Misconduct Evaluations shall submit any report it has not otherwise disposed of to a Review Committee comprised of three (3) employees of the Mississippi Department of Education not assigned to either the Office of Educator Misconduct Evaluations or the Office of Educator Licensure. The Office of Educator Misconduct Evaluations, with the assistance of counsel, shall present the report to the Review Committee. The Review Committee shall be tasked with determining if hearing on a report is warranted by the evidence and information provided by the reporting party and/or collected by the Office of Educator Misconduct Evaluations. Upon such a determination supported by a majority vote of the Review Committee, the Office of Educator Misconduct Evaluations shall immediately cause Complaint on the specific allegations of the violation be sworn by affidavit and filed with the Commission.

## 2.DENIALS/SUSPENSION/REVOCATIONS – FELONY CONVICTIONS

- a. Any report alleging misconduct or violations by a licensee as stated in Miss. Code Ann. §§ 37-3- 2(11)(a),(vi) and/or, (vii) may result in the denial or suspension of licensee's license.
- b. -Any report alleging misconduct or violations by a licensee as stated in Miss. Code Ann. §§ 37-3- 2(11)(b) shall result in the licensee's license being automatically denied or immediately revoked. Upon receipt of such report, supported by appropriate documentation, including by not limited to certified court records and/or criminal history, the Office of Educator Misconduct Evaluations shall inform the Executive Secretary of the Commission. The Executive Secretary shall immediately cause the Educator to be informed of such denial or revocation by way of certified mail.

## 3.PROBATION ORDERS

- a. Probation orders of the Commission may include certain requirements or stipulations including, but not limited to, continuing education courses, counseling, community service or outreach, or drug and/or alcohol testing. Failure to abide by said requirements or stipulations shall result in immediate suspension of the license for one (1) year.
- b. For the purposes of a probation order, allegations of misconduct or violation of the Mississippi Educator Code of Ethics and Standards of Conduct while serving probation shall be considered a violation of the probation, resulting in immediate suspension of the licensee's license.

## 4. Physical and Mental Health Certification

- a.) Educators who breach or abandon their contract with a school district for physical or mental health reasons place their fitness to perform their duties as educators in a classroom at issue. Educator's alleging physical or mental health concerns that caused them to breach or abandon their contracts without first being released by their school board

have the burden of proving their fitness to resume the duties of a licensed educator in Mississippi.

- b.) Educators who breach or abandon their contract with a school district for physical or mental health reasons shall be required to submit certification from a licensed health professional stating that the educator is fit to resume the duties of a licensed educator in Mississippi. Failure to provide acceptable certification will result in the suspension of the educator's license for one (1) academic year for the breach and continue through the date of submission of the acceptable certification.

Source: Miss. Code Ann. §§ 37-1-3, 37-3-2, 37-9-57, and 37-61-1

*Rule 14.6.3 Rules for Procedure for Disciplinary Hearings by the Licensure Commission*

1. All reports of misconduct or violations not previously disposed of by the Office of Educator Misconduct Evaluations and considered by the Review Committee shall be considered a controversy and 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, or by Hearing Officer as assigned by the Mississippi Attorney General's Office. Controversies heard by Hearing Officer shall be limited to those matters involving discipline pursuant to Miss. Code Ann. §§ 37-3-2(11)(a), (12)(a), 12(d), 12(e), 13(a) and (14)(a).
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, whether by the United States Postal Service or other carrier offering an alternative form of delivery providing tracking and/or confirmed receipt, or by any other manner of service authorized by law, a copy of the complaint, if applicable, and notice of the date, time and place for the hearing, which date shall be not less than fifteen (15) days nor more than one hundred twenty (120) days from the confirmed date of the first attempted delivery of such notice, unless otherwise agreed.
4. The Executive Secretary may grant one (1) continuance per party. A written request for the continuance should be sent to the Office of Educator Licensure, no later than five (5) business days prior to the hearing. A request may be granted only for good cause. Any additional continuances are required to be presented by personal appearance before the Commission and may be granted only by the Commission.
5. a. The Office of Educator Misconduct Evaluation may have a representative, in addition to counsel, remain in the hearing room during the entire course of the hearing, even though the representative may testify. The Licensee-party may remain in the hearing room throughout the hearing. The Commission chair, sub-committee chair, or Hearing Officer has authority to control the presence of witnesses in the hearing location.  
  
b. 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 borne by the party responsible for the attendance of the witnesses. Witnesses who are eighteen (18) years of age or younger must be accompanied by a parent or legal guardian to the hearing.

- c. Any request for subpoena to compel attendance of a witness by any party shall be made in writing to the Office of the State Superintendent no less than ten (10) days prior to hearing date and shall include the name of the witness to be compelled and a street address where the witness may be readily found for service of the subpoena. The subpoena may be served in accordance as provided by the Mississippi Rules of Civil Procedure by the requesting party.
6. At least seven (7) days prior to the hearing, the parties shall provide a list containing the name, address, and telephone number of counsel and/or witnesses, and a copy of all exhibits that will be produced at the hearing to the other party or parties. Electronic submission of exhibits is acceptable. All parties are responsible for providing seven copies of all respective exhibits on the date of the hearing. Witness information shall include name, address, phone number, and summary of anticipated testimony.
  7. The Commission, sub-committee or Hearing Officer, to prevent cumulative oral evidence, may require any portion of the evidence to be submitted in the form of transcripts, 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 (Miss. Code Ann. § 25-41-7), enter executive session for purposes of any hearing held under these rules. In matters heard by Hearing Officer, the Hearing Officer may declare executive session pursuant to Miss. Code Ann. § 25-41- 7.
  9. The Commission, sub-committee, or Hearing Officer 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, sub-committee, or Hearing Officer.
  10. In conducting a hearing, the Commission, sub-committee, or Hearing Officer 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, sub-committee, or Hearing Officer. All exhibits submitted seven (7) days prior to the hearing shall be admitted into evidence at the beginning of the hearing and distributed to the Commission, sub-committee, or hearing officer for review. All documents received or generated in the regular course of business by the Office of Educator Misconduct shall be admissible. The Commission, sub-committee, or Hearing Officer shall be the sole decider of the weight and value of documentary evidence submitted by the parties.

11. The Commission, sub-committee, or Hearing Officer shall make its decision based on 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, sub-committee, or Hearing Officer shall be final, unless the aggrieved party appeals to the Mississippi Board of Education pursuant to the procedures of Rule 14.6.4: Appeals.
13. Prior to being scheduled to appear before the Commission, sub-committee, or Hearing Officer, any person who petitions for reinstatement of licensure must file with the Mississippi 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, sub-committee, or Hearing Officer will grant the petition for reinstatement of the educator's license.
14. 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 borne by the party responsible for the attendance of the witnesses. The Commission, subcommittee, or Hearing Officer will consider all evidence presented at the reinstatement hearing.

Source: Miss. Code Ann. §§ 25-41-7, 37-1-3, and 37-3-2 (Revised 7/2017)

#### *Rule 14.6.4 Appeals*

1. 1. The aggrieved party appealing any decision rendered by the Commission on Teacher and Administrator Education, Certification and Licensure and Development, a sub-committee thereof, or Hearing Officer pursuant to Miss. Code Ann. § 37-3-2, may submit a written notice of appeal to the Executive Secretary of the Mississippi Board of Education within ten (10) days of receipt of the subject decision.
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, sub- committee, or Hearing Officer. 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 a regularly scheduled meeting within sixty (60) days following the perfection of the appeal unless an alternative scheduling is agreed to by the parties. Such appeal will be on the record previously made before the Commission, sub-committee, or Hearing Officer, and may be supplemented by a briefing of the issues by the parties. The Board may, at its discretion, afford the parties an opportunity to present oral presentations and respond to questions concerning the appeal. Such presentations shall not exceed fifteen (15) minutes per party. Failure by the appealing party to perfect the appeal within thirty (30) days of the

filing of the notice of the appeal shall be dismissed.

4. The Mississippi Board of Education may affirm, reverse, or remand with instructions, the decision of the Commission, its sub-committee, or Hearing Officer. The Mississippi Board of Education shall not disturb the decision without a finding the decision was not supported by substantial evidence, was arbitrary and capricious, was not within the authority of the Commission, and/or violated a statutory or constitutional right of the Appellant.
5. The decision of the Mississippi Board of Education shall be final. An aggrieved party may appeal to the Chancery Court of the First Judicial District of Hinds County, Mississippi. An appeal from the action of the Mississippi 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 Mississippi Board of Education is mailed or served in accordance with Miss. Code Ann. § 37-3- 2.

Source: Miss. Code Ann. §§ 25-41-7, 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)*

## **Part 3 Chapter 14: Certification**

*Rule 14.10 Reporting Infractions. Procedures for Reporting Infractions Under Section 37-3-2 of the Miss. Code (1972) Ann. (Revised 9/2022)*

### **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 (OEL), 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).

- d. **Educator Preparation Providers (EPPs):** University and/or College Dean of Education shall report to MDE alleged infractions committed under sections of the Mississippi Code cited in Section I of these procedures. Reports shall be completed on pre-service teacher candidates and other educators licensed by the MDE (*The Division of Educator Licensure issues pre-services licenses for EPP teacher candidates*).
- i. EPPs shall adhere to the following procedures:
- a) Upon notification of an alleged infraction to the Mississippi Educator Code of Ethics Standards of Conduct for all pre-service teacher candidates, EPPs shall submit to the Mississippi Department of Education's Office of Educator Misconduct Evaluations a report documenting alleged offenses. Such reports shall be submitted within 10 business days of notification of an alleged offense (Appendix F). Upon submission, the MDE will contact the EPP if additional documentation is needed prior to a hearing. A disciplinary hearing may be scheduled before the Certification Commission to determine if the license of the educator should be revoked, suspended, or receive some other disciplinary action. EPP personnel with first-hand knowledge of the infractions would need to be present at the hearing to testify to the facts of the case.
  - b) Upon notification of an alleged infraction to the Mississippi Educator Code of Ethics Standards of Conduct for all certified/licensed professional educators, EPPs shall submit to the Mississippi Department of Education's Office of Educator Misconduct Evaluations a report documenting alleged offenses. Such reports shall be submitted within 10 working days of notification of an alleged offense (Appendix G). Upon submission, the MDE will contact the EPP 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, suspended, or receive some other disciplinary action. EPP personnel with first-hand knowledge of the infractions would need to be present at the hearing to testify to the facts of the case.

### 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 predicated 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;

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.

- h. 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.

### **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.

**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 Annotated §37-3-51.

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):	

**Attach a certified copy of the indictment and judgment.**

**Mail to:**

Office of Educator Misconduct Evaluations

Mississippi Department of Education  
Post Office Box 771  
Jackson, Mississippi 39205-0771

**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

<p>_____To the best of my knowledge and belief, <u>no</u> educators have committed infractions as delineated in Section 37-3-2 of the Mississippi Code.</p> <p>_____The following educators have committed infractions as delineated in Section 37-3-2 of the Mississippi Code</p>		
<i>Name</i>	<i>Social Security Number/ License Number</i>	<i>Type of Infraction</i>
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 Misconduct Evaluations  
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 ( <i>Indicate suspension, termination, or approved resignation; and specify dates of action.</i> ): _____	
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 Misconduct Evaluations  
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 Misconduct Evaluations\_  
Mississippi Department of Education  
Post Office Box 771  
Jackson, Mississippi 39205-0771

<input type="checkbox"/> 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.		
<input type="checkbox"/> The following certified/licensed vocational and technical education personnel have committed infractions as delineated in Section 37-3-2 of the Mississippi Code		
<i>Name</i>	<i>Social Security Number/ License Number</i>	<i>Type of Infraction</i>

## 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 Misconduct Evaluations

Mississippi Department of Education

Post Office Box 771

Jackson, Mississippi 39205-0771

**APPENDIX F:**

**REPORT FORM FOR EDUCATOR PREPARATION PROVIDERS FOR  
REPORTING CANDIDATE ALLEGED INFRACTIONS UNDER SECTION 37-3-2 OF THE MISSISSIPPI CODE**

**Directions:** All Educator Preparation Providers (EPPs) shall use this form to report the alleged infractions to the Mississippi Educator Code of Ethics Standards of Conduct for all pre-service teacher education candidates to the Department of Education or other infractions as delineated in Section 37-3-2 of the Mississippi Code. **(This form must be notarized.)**

**Candidate's Name:** \_\_\_\_\_

**Candidate's Social Security Number:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

**Candidate's Address:** \_\_\_\_\_

**School where alleged infraction occurred:** \_\_\_\_\_

**Candidate's License Number:** \_\_\_\_\_

**Date and Place (within school) of Infraction:** \_\_\_\_\_

**Type of Infraction:** \_\_\_\_\_

**Dean's Name:** \_\_\_\_\_ **Signature of EPP Dean:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

**Mail to:**

Office of Educator Misconduct Evaluations  
Mississippi Department of Education  
Post Office Box 771  
Jackson, Mississippi 39205-0771

**MISSISSIPPI NOTARIAL CERTIFICATE**

State of Mississippi

County of \_\_\_\_\_

Signed and sworn (or affirmed) before me on \_\_\_\_\_ [date] by \_\_\_\_\_

[name(s) of person(s) making statement].

[Seal]

\_\_\_\_\_

[Notary Public]

My Commission Expires: \_\_\_\_\_

**APPENDIX G:**

**REPORT FORM FOR EDUCATOR PREPARATION PROVIDERS FOR  
REPORTING EDUCATOR ALLEGED INFRACTIONS UNDER SECTION 37-3-2 OF THE MISSISSIPPI CODE**

**Directions:** All Educator Preparation Providers (EPPs) shall use this form to report the alleged infractions to the Mississippi Educator Code of Ethics Standards of Conduct for all certified/licensed professional educators to the Department of Education or other infractions as delineated in Section 37-3-2 of the Mississippi Code. **(This form must be notarized.)**

**Educator's Name:** \_\_\_\_\_

**School where alleged infraction occurred:** \_\_\_\_\_

**District where alleged infraction occurred:** \_\_\_\_\_

**Principal's Name:** \_\_\_\_\_

**Superintendent's Name:** \_\_\_\_\_

**Date and Place (within school) of Infraction:** \_\_\_\_\_

**Type of Infraction:** \_\_\_\_\_

**Dean's Name:** \_\_\_\_\_ **Signature of EPP Dean:**  
\_\_\_\_\_

**Date:** \_\_\_\_\_

**Mail to:**

Office of Educator Misconduct Evaluations  
Mississippi Department of Education  
Post Office Box 771  
Jackson, Mississippi 39205-0771

**MISSISSIPPI NOTARIAL CERTIFICATE**

State of Mississippi

County of \_\_\_\_\_

Signed and sworn (or affirmed) before me on \_\_\_\_\_ [date] by \_\_\_\_\_

[name(s) of person(s) making statement].

[Seal]

\_\_\_\_\_  
[Notary Public]

My Commission Expires: \_\_\_\_\_

*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

1. 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 14, Rule 14.20 National Accreditation for Mississippi Educator Preparation Providers (EPPs).

REPEALED. Effective 06/16/2022

### **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**

Title 7: Education

Part 3: Chapter 16, Rule 16.1 Charter Schools

REPEALED. Effective 7/11/22

### **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 MDE shall 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 MDE, 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 MDE shall promulgate rules and regulations necessary to implement this policy.

Source: *Miss. Code Ann. § 37-1-3 (Revised 09/2022)*

*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. Except for 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 may develop more comprehensive restrictions.

Source: *Miss. Code Ann. § 37-1-3 (Revised 09/2022)*

*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. SECTION I

In the event of noncompliance with any of the required conditions listed below, a provider will be allowed 90 days from the date of the inspection report to provide proof that the conditions ~~that~~ not in compliance have been corrected. Required 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

In the event of noncompliance with five or more of the required conditions listed below, the inspection report will be immediately declared unsatisfactory. Required 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 09/2022)*

**Rule 17.4 Day Care Homes Management Plans.** In the evaluation of management plans submitted by sponsors of family day care homes, the MDE shall 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 09/2022)*

*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 MDE prior to the service of any meals under the program.

MDE staff shall have authority to grant a 30-day extension.

Source: *Miss. Code Ann. § 37-1-3 (Revised 09/2022)*

*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 and supper) shall be monitored a minimum of six times a program year.
- f. 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.
- g. Homes claiming reimbursement for meals served on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day shall be monitored during meal service on each named holiday.
- h. 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, childcare 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.

MDE staff shall have the authority to develop procedures as necessary to implement these requirements.

*Source: Miss. Code Ann. § 37-1-3 (Revised 09/2022) Rule*

### 17.7 Family Day Care

- 1. The MDE 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 MDE 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 childcare 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 childcare 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 09/2022)*

*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 MDE 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 startup, 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 startup 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 09/2022)*

## *Rule 17.9 Termination, Day Care Sponsors (NO REVISIONS NECESSARY)*

- 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 following USDA

process and procedures.

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  $\frac{1}{4}$  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:

<b>Beverage</b>	<b>Elementary School (K-5)</b>	<b>Middle School (6-8)</b>	<b>High School (9-12)</b>
<b>Plain Water, Carbonated or not</b>	<b>No Size Limit</b>	<b>No Size Limit</b>	<b>No Size Limit</b>
<b>Low-Fat Milk, Unflavored</b>	<b>≤ 8oz.</b>	<b>≤ 12oz.</b>	<b>≤ 12oz.</b>
<b>Non-Fat Milk, Unflavored or Flavored</b>	<b>≤ 8oz.</b>	<b>≤ 12oz.</b>	<b>≤ 12oz.</b>

<b>100% fruit/vegetable juice</b>	<b>≤ 8oz.</b>	<b>≤ 12oz.</b>	<b>≤ 12oz.</b>
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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 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 MDE 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 (Revised 09/2022)*

**Part 3 Chapter 18: Children First Act of 2009**

REPEALED. Effective 6/28/2022

**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 MDE Contracts Policy set forth herein applies to the procurement of all personal and professional services and other purchasing for which the State Board of Education is statutorily authorized to promulgate rules and regulations for use by the MDE. 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 Public Procurement Review Board (PPRB), Department of Finance and Administration, Mississippi Department of Information Technology Services Board, State Personnel Board, 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. Competitive Sealed Qualifications
4. Competitive Sealed Applications
5. Quotes
6. Sole-Source Procurement
7. Emergency Procurement

Contracts totaling \$50,000 or greater must be approved by the Mississippi Board of Education prior to awarding the contracts. Contracts requiring approval by a purview entity shall be submitted to the appropriate purview entity for review and approval before or after final approval by the Mississippi Board of Education. The jurisdiction to approve the contract first will be determined by considering the timeline for approval, aiming to prioritize the jurisdiction with the earliest deadline to ensure timely contract award and execution.

Source: *Miss. Code Ann. § 37-1-3; 31-7-401 through 31-7-423 (Revised 04/2024)*

**Part 3 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
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(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 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 accordance with applicable state and federal law and the Constitution of the State of Mississippi, 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 any overpayment, 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 an Interim Superintendent appointed by the State Board of Education in a District of Transformation established pursuant to Miss. Code Ann. §§ 37-17-6 and/or 37-17-13.

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 State Board of Education that the teaching license of the employee be suspended for a period of one (1) scholastic year.

NOTE: This contract shall only be used for school district personnel whose positions require certification by the Mississippi Department of Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 09/2022)*

*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 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 accordance with applicable state and federal law and the Constitution of the State of Mississippi, 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 any overpayment, 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 an Interim Superintendent appointed by the State Board of Education in a District of Transformation established pursuant to Miss. Code Ann. §§ 37-17-6 and/or 37-17-13.

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 State Board of Education that the teaching license of the employee be suspended for a period of one (1) scholastic year.

NOTE: This contract shall only be used for school district personnel whose positions require certification by the Mississippi Department of Education.

### **Part 3 Chapter 25: Conversion Charter Schools**

Title 7: Education

Part 3: Chapter 25, Rule 25.1 Conversion Charter Schools

REPEALED. Effective 7/11/22

### **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**

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.

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 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 reimburse 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; § 37-19-7* Revised 09/202

## Part 3 Chapter 27: Criminal Background Checks

**Rule 27.1 CRIMINAL RECORDS BACKGROUND CHECKS ON APPLICANTS FOR EMPLOYMENT.** Upon State Board of Education approval, any applicant 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 MDE, hereafter referred to as "schools and/or departments" shall submit to criminal records background checks.

The applicant shall be fingerprinted 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 applicant may be required to pay fee for such fingerprinting and criminal history records checks.

If such fingerprinting or criminal record checks disclose a felony conviction, guilty plea or plea of nolo contendere to any of the felonies listed in Miss. Code Ann. § 25-1-113, felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offenses listed in Miss. Code Ann. §45-33-23(h), 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 new hire shall not be eligible for employment.

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 7/2023)*

## **Part 3 Chapter 28: Curriculum**

### **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.

Source: *Miss. Code Ann. § 37-1-3 (Revised 12/2023)*

**Rule 28.2 Approved Courses for the Secondary Schools.** The MDE will provide through MSIS 2.0 a list of the approved courses for use by secondary schools to each school district. This list contains all approved courses that be offered in the Mississippi secondary schools. The MDE shall update the list This list may vary for districts implementing innovative programs authorized by the State Board of Education.

Source: *Miss. Code Ann. § 37-1-3 (Revision 12/2012, Revised 01/2024)*

### *Rule 28.3 Access to a Substantive and Rigorous Curriculum Policy*

In accordance with Miss. Code Ann. § 37-15-39, 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. This policy is intended 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.

All students shall have access to enroll and participate in either Advanced Placement (AP), Cambridge International (AICE) or International Baccalaureate (IB) courses. All high schools will offer and ensure students enroll in these aforementioned courses in each of the four (4) core areas (English Language Arts, Mathematics, Science, and Social Studies), as specified in Appendix B of the current version of the *Mississippi Public School Accountability Standards*. Distance Learning or Mississippi Online Course Application (MOCA) courses may be used to ensure students' enrollment at each school.

Advanced Placement teachers shall submit their course syllabi to the College Board® for approval (see [www.CollegeBoard.org](http://www.CollegeBoard.org)). Teachers in districts implementing programs authorized by the State Board of Education (i.e., IB, AICE) shall have completed a district- or program-specific professional development.

Source: Miss. Code Ann. §§ 37-1-3 and 37-15-39 (Revised 3/2022)

*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. To be eligible for credit recovery, a student shall 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 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, LEA's 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 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.
    - vii. Beginning in school year 2024-2025 LEAs shall only make credit recovery available to students within a calendar year from which the student fails the course.
  - b. Instruction:
    - i. LEAs shall determine the instructional methodology used for the credit recovery program (e.g., online program, 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 (Revise 10/2015 02/2024)*

*Rule 28.6 Essentials for College Math and Essentials for College Literacy Requirements*

The purpose of the Essentials for College Math and Essentials for College Literacy is to provide the Local Education Agencies (LEAs) with the policies needed at the school level to teach either course and for students to earn the necessary scores for non-postsecondary remediation.

1. In an effort to better prepare high school students for the transition to postsecondary study, Mississippi in conjunction with Southern Region Educational Board and seventeen other states have developed two courses that align with college and career readiness standards. Based on Mississippi Institutions of Higher Learning (IHL) Policy 608, students who complete one or both of these courses with an 80 or above will not be required to take the corresponding remedial courses for College Algebra or English Composition I at any of the eight public Mississippi Universities.
2. Beginning with the 2017-2018 school year, any LEA that offers either of the Essentials for College Literacy and Essentials for College Math classes must meet the following requirements:
  - a. Teacher must have a valid 7-12 mathematics endorsement (154) or English Language Arts/Literacy (119) endorsement before participating in this training.
  - b. Teacher must attend certification training as offered or approved by the Mississippi Department of Education.
  - c. Teacher must apply for and request an add the 930 supplemental endorsement for the Essentials for College Literacy or the 929 supplemental endorsement for the Essentials for College Math to be added to his/her teaching license with the Mississippi Department of Education Office of Teacher Licensure.
  - d. Students eligible for this class must enter with an ACT sub-score of 15-18 in the respective content area (English or mathematics).
  - e. Students must be classified as a senior for enrollment. An exception to this requirement may include students classified as a junior planning to graduation prior to the spring of their senior year.
3. Beginning with the 2018-2019 school year, all LEAs must offer Essentials for College Math and Essentials for College Literacy.
4. LEA failure to adhere to the set forth requirements in Section 2 will be a violation of the *Mississippi Public School Accountability Standards*, Process Standard 2 and 26.

*Source: Miss. Code Ann. §§ 37-1-3 and 37-9-7*

*Rule 28.7: Districts of Innovation and Schools of Innovation*

In order to participate in the District of Innovation and School of Innovation program established by Miss. Code Ann. § 37-179-1, et seq., local education agencies shall apply through the procedures established by the Mississippi Department of Education. Districts and schools selected through that process and approved by the State Board of Education shall be designated District of Innovation or School of Innovation status for five (5) years, which will be available for renewal according to the rules and guidelines. Each renewal shall not exceed five (5) years.

Because there are no funds associated or granted with District of Innovation or School of Innovation designation, local education agencies must plan carefully for inclusion of at-risk students and may use their local and Federal funding to support programs.

1. Purpose of a District of Innovation or School of Innovation

Innovative programs are intended to better prepare students for success in life and work. Innovative programs shall focus on reducing achievement gaps by expanding learning experiences for students; increasing participation of subgroups of students in innovative instructional components to enhance student achievement; increasing the number of students who are college- and career-ready; reducing the number of students that exit high school in need of remediation; and motivating students by expanding curriculum choices and learning opportunities for students.

2. Definitions

a. District of Innovation: A District of Innovation is a district that has developed a plan of innovation in compliance with this policy and has been approved by the State Board of Education to be exempted from certain administrative regulations and statutory provisions to improve the educational performance of students within the district.

b. School of Innovation:

1. A School of Innovation is a school that voluntarily participates in a district of innovation plan to improve instruction, including waivers and exemptions from local school board policies, selected provisions of rules and regulations promulgated by the State Board of Education, and selected sections of Miss. Code Ann. §§ 37-179-1 and 37-179-3.

2. A School of Innovation, independent of a designated District of Innovation, is also defined as a school that voluntarily participates in a School of Innovation plan to improve instruction, including waivers and exemptions from local school board policies, selected provisions of rules and regulations promulgated by the State Board of Education, and selected sections of Miss. Code Ann. §§ 37-179-1 and 37-179-3 for only one school in the district. Current models are high schools participating in an Early College High School program (ECHSP) or high schools with a Middle College Program (MCP) approved by the district superintendent and the State Board of Education. Both models are designed to target underserved public-school student populations that are at-risk of dropping out of high school or of

not continuing in postsecondary school. Underserved students are students that come from households in poverty, students that are first-generation college-goers, or students of color.

- c. An ECHSP is a small high school program located on a partnering college campus or a location other than a traditional high school campus with a dedicated principal, counselor, and four (4) to six (6) certified teaching staff in core subjects only. The students must complete an application process to enter as freshmen and continue through the ECHSP as a cohort. All eligible students are selected by random lottery if the application pool is larger than the defined cohort. The goal of an ECHSP is for students to graduate with both a high school diploma and an associate degree from a partnering postsecondary institution. At a minimum, all members of the cohort should graduate from high school meeting the ACT or SAT Mississippi benchmarks for admission to college without remediation and earn college credits while in high school.

Beginning in July 2019, new students participating in an ECHS program will not be considered transfer students and are not prohibited by the MDE from participating in after-school activities at their high school of residence. Students must meet full academic day requirements at the ECHS program to be eligible to participate in activities.

For accountability purposes, student academic performance results shall be included in the students' high school of residence beginning in academic year 2018-2019 (results reported in the fall of 2019). Additionally, unofficial accountability results for the ECHSPs shall be reported on the MDE District and School Report Card webpage, and other annual performance measures shall be publicly reported each year in the Superintendent's report. ECHSPs must adhere to all applicable *Mississippi Public School Accountability Standards*.

- 1. For regional, multi-district ECHS models, one district or the partnering postsecondary institution shall serve as the fiscal agent and other districts shall participate through a Memorandum of Understanding. The lead district shall represent the secondary agency considerations to the partnering postsecondary institution. All MOUs must include the lead secondary, the postsecondary, and the participating secondary agencies. The MOU shall include financial considerations such as transportation, child nutrition, and the mutually agreed upon cost for students enrolling from another district to attend the program. The MOU shall also include a data sharing agreement, fixed asset management, and revocation procedures.
- d. An MCP is a dual credit/dual enrollment (DCDE) program run by a school district (or an individual high school) and a partnering postsecondary institution that offers high school students a wide range of dual credit and dual enrollment classes. The 11<sup>th</sup> and 12<sup>th</sup> grade students in the cohort spend a portion of the academic day at the high school and a portion at the partnering postsecondary institution where the classes are taught. Participating students are encouraged to take as many DCDE classes at the postsecondary partner institution as possible, specifically in courses

articulated in the Mississippi Articulation Transfer Tool (MATT) or a career-oriented program of study. These students should be supported by a high school/transitional counselor and are monitored closely to ensure that they are meeting college academic expectations. The goal of an MCP is for students to earn an associate degree or advanced national certification, as well as a diploma from their traditional high school. These programs are set up in a cohort model with student entry at the end of the 10<sup>th</sup> grade year. No waivers are granted for MCPs; however, high schools with MCPs must apply through the School of Innovation application to ensure they meet the approved definition.

### 3. Waivers and Exemptions

Miss. Code Ann. § 37-179-1 provides for exemptions from certain administrative regulations and statutory provisions as approved by the MDE to allow flexibility for Districts of Innovation and Schools of Innovation. Miss. Code Ann. § 37-179-3(4) includes areas of innovation which the State Board of Education may consider for exemptions. Districts or schools may request additional waivers if the waiver is needed to support innovative practices and does not violate state or federal regulations. Districts or schools are not allowed to request a waiver from state assessment requirements required by state or federal regulation. Absent any waivers, districts shall meet the requirements of the current *Mississippi Public School Accountability Standards*.

### 4. Application Plan – Approval, Amendment, and Revocation Process

An Innovation Committee (hereafter referred to as the Committee) shall review all approval, amendment, and revocation processes involving Districts of Innovation and Schools of Innovation. The Committee shall be comprised of four (4) MDE employees across offices within the MDE and one (1) postsecondary representative.

The application plan is a collaborative process between the district, school, and/or partners, and the MDE prior to approval. If waivers from *Mississippi Public School Accountability Standards*, State Board policies, or state regulations are needed to implement innovative programs, districts or schools may seek innovative status under Miss. Code Ann. §§ 37-179-1 and 37-179-3. Through collaboration with the MDE, a determination may be made as to whether application for District of Innovation or School of Innovation under Miss. Code Ann. §§ 37-179-1 and 37-179-3 is required. Innovative schools, such as ECHS and MCP models, shall apply through the School of Innovation application process and timeline.

#### a. Plan Details

1. An application may be from a single district or a consortium of districts collaborating on an innovative school and/or program. In the case of a consortium, one of the districts shall be the lead agency and act as the “district” responsible for meeting all the guidelines outlined in this policy.
2. The MDE shall collaborate with districts and schools to review plans to approve innovative status to eligible districts.

3. Plans are approved for five (5) years. All districts and schools approved shall be monitored by MDE for progress and continued support during the five-year term.

b. Amendments to the Plan

A District of Innovation or School of Innovation seeking an amendment to an approved five-year plan shall submit written justification for the amendment to the designated MDE office. Requests may be submitted as needed. Requests shall be reviewed and approved by the MDE and a recommendation shall be submitted to the State Board of Education for approval. If the amendment is approved, the innovated district may implement the changes to their current five-year plan. No amendments shall be considered that increase the number of years the district is considered a District of Innovation.

c. Renewals

1. Requests for renewals shall be submitted no later than November 1 in the fifth year of the initial term. Any renewal shall be for no more than an additional five (5) years.
2. Renewals shall be based on the ability of the District of Innovation or School of Innovation to meet the goals and objectives of Miss. Code Ann. §§ 37-179-1 and 37-179-3 and the performance measures set forth by the MDE.

d. Reporting Requirements

1. For Districts of Innovation and Schools of Innovation, an end-of-year report shall be submitted to the MDE that includes, at a minimum, proficiency on 3-8 and high school Statewide Accountability assessments, ACT/SAT scores for seniors, graduation rate, and growth in the lowest 25%, student dropout rate, chronic absenteeism, and discipline referrals.

The committee shall review the data for sustained increase in performance and decrease in dropout, chronic absenteeism, and discipline referrals and shall consider the data of the district or school prior to the District of Innovation plan implementation for comparison.

2. Additionally, an end-of-year report for ECHSPs and MCPs shall be submitted to the MDE that includes, at a minimum, the percentage of senior cohort earning academic, distinguished academic, or CTE endorsement; the percentage of senior cohort meeting ACT/SAT benchmarks for college and career-readiness; the graduation rate; retention of cohort; the number of college credits earned per cohort; and percentage of cohort earning an Associate Degree.

The committee shall review the data for sustained increase in performance and shall consider the data of the school of residence for comparison. Because of

the model of the ECHSP, it is recommended that all students meet the College and Career Readiness benchmarks for entering Mississippi IHLs by graduation.

e. Revocation of Plan

When an innovative model is not meeting the required performance measurements listed in section d. reporting requirements; contrary to changes in state or federal laws; or not meeting the purpose of Miss. Code Ann. §§ 37-179-1 and 37-179-3, the MDE's Office of Secondary Education shall notify the school and/or district of deficiencies and concerns related to the success and sustainability of the model and its intent to recommend to the State Board of Education that the plan be revoked.

1. The district or school shall have 30 calendar days to provide a written response to support its position.
2. Following review of the written response from the district or school and the Office of Secondary Education's recommendation for revocation of the plan, the Committee shall, if requested, schedule a date and time for oral presentation by the district or school, and the Office of Secondary Education. Oral presentations shall be limited to 15 minutes per side.
3. Following oral presentations, the Committee shall issue a written decision either affirming the Office of Secondary Education's recommendation to revoke the innovative status, or permitting the innovative status to remain, or ordering the district or school to modify their program to comply with specified corrective actions and timelines for compliance.
4. If the district or school disagrees with the Committee's decision, the district and/or school may appeal in writing to the State Board of Education within five (5) calendar days of receipt of the Committee's written decision, otherwise the Committee's decision is final.
5. If the district or school appeals the Committee's decision, the appeal shall be considered for action by the State Board of Education at a regularly scheduled board meeting. The appeal shall be on the record before the Committee.
6. The district or school shall be entitled to appear in person at the board meeting for oral presentation. The Office of Secondary Education shall also appear at the board meeting. Oral presentation shall be limited to ten (10) minutes per side.
7. Following presentation, the State Board of Education may ask questions to either the district or school or the Office of Secondary Education. The State Board of Education shall not consider any new factual evidence. The State Board of Education makes the final determination of the appeal's disposition.
8. If a district or school is provided the opportunity to comply with specified

corrective actions, and fails to comply with the corrective actions within the timelines specified, the district or school's innovative status shall be automatically revoked and the school or district shall transition to "regular" status for implementation in the following school year to minimize academic disruptions.

9. Should a district or school that has been awarded innovative status decide to voluntarily terminate their approved innovations, they shall submit a plan to the MDE outlining the reasons for the decision and actions necessary to return to "regular" status. Districts or schools may submit termination plans at any time during the school year, but changes shall go into effect the following school year and shall be designed to minimize all academic disruptions.

#### 5. District of Innovation or School of Innovation Plan Components

By July 1 of each year, the MDE shall release guidance on the application process, the application requirements, selection procedures, and criteria. At a minimum, the plan application shall be organized with the following sections:

- a. Innovative Program Design
- b. Annual Reporting of Performance Measures
- c. Students
- d. Funding
- e. Staffing
- f. Stakeholder Collaboration
- g. Governance
- h. Waivers and Exemptions
- i. Timeline of Activities
- j. Data Sharing agreement
- k. Assurances

An up-to-date copy of the rules, procedures, guidelines, and current application shall be kept on file at the Mississippi Department of Education.

Source: *Miss. Code Ann. §§ 37-179-1 and 37-179-3 (Adopted July 1, 2015)*

#### *Rule 28.8 Mississippi Seal of Biliteracy*

##### **1. Purpose**

The purpose of this policy is to establish minimum criteria for Local Education Agencies (LEAs) in awarding Seals of Biliteracy. The Seal of Biliteracy recognizes and awards students who have attained proficiency in one or more world languages and English by high school graduation. The Seal of Biliteracy demonstrates attainment of biliteracy for students, employers, and postsecondary institutions. It also signals a student's readiness for college and career and for engagement as a global citizen. Participation in the Mississippi Department of Education's (MDE) Seal of Biliteracy shall be determined by LEAs.

Beginning school year 2019-2020 the MDE shall require participating school districts to follow the award process as defined in the Mississippi Seal of Biliteracy Guidance Document. LEAs are also required to report Seal of Biliteracy award data to the MDE.

## **2. District Requirements when Awarding the Seal of Biliteracy**

Each district shall adopt local school board policy which adheres to the basic standards set forth by the MDE.

## **3. Standards:**

- a. The Seal shall be completed by an eligible student's high school graduation date.
- b. The Seal shall be noted on the high school transcript as a credential that can be viewed by colleges, universities, and future employers.
- c. LEAs shall set up their own process for collecting, recording, and maintaining the data for students receiving the Seal of Biliteracy. This shall include the evidence verifying criteria for Seal had been met upon which attaining the Seal is based, the number of Silver Seals of Biliteracy and Gold Seals of Biliteracy awarded, and the languages other than English in which students earned the Seal. The data shall also be divided into subgroups specifying the number of students earning the Seal who are former English learners and the number of students who are native English speakers.

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

## **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 per pupil to be determined by the State Board of Education, but in no case to exceed the actual cost 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. All such funds 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. Requirements**

- 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.

<b>Graduation Benchmarks</b>	<b>School Years</b>	<b>Graduation Rates</b>
<b>Benchmark 1</b>	<b>2008-2009</b>	<b>63%</b>
<b>Benchmark 2</b>	<b>2010-2011</b>	<b>66 %</b>
<b>Benchmark 3</b>	<b>2012-2013</b>	<b>71%</b>
<b>Benchmark 4</b>	<b>2014-2015</b>	<b>77%</b>
<b>Benchmark 5</b>	<b>2016-2017</b>	<b>81%</b>

<b>Benchmark 6</b>	<b>2018-2019</b>	<b>85%</b>
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Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2012)*

*Rule 30.6 Youth Detention Center Educational Provisions*

In accordance with Miss. Code Ann. § 43-21-321, educational provisions are required for youth detainees in a juvenile detention center facility at a minimum during the sponsoring school district's academic school year.

1. 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 (JDC).
2. A certified teacher will provide educational services to detainees.
3. Teacher selection shall be in consultation with the youth court judge.
4. The sponsoring school district will pay the salary of the teacher, based upon actual certification, state (teacher) salary schedule and number of employment days.
5. 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.
6. After forty-eight (48) hours of detention during the calendar year, as determined by the sponsoring school district, 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.
7. 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 during the sponsoring school district's academic school calendar. The sponsoring school district shall adhere to Child Find regulations throughout the calendar year.
8. Student assignments shall be provided to a juvenile detention center by the home school for completion during detainment if need by the Juvenile Detention Center (JDC). Student's records, including grades and attendance, shall be part of the student's transition process and submitted to the receiving school district for review, upon release. Grades received from the JDC's education program shall be incorporated into academic performance grades.
9. 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.

10. School districts shall work collaboratively to develop a documented process for the continuation of related services. The school district of residence remains responsible for the student's access to related services while the student is in a juvenile detention center.
11. The sponsoring school districts shall maintain and update the computer labs.
12. Students in the youth detention center shall not be classified as absent by the student's home school and attendance data shall be reported to home district daily.
13. 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.
14. The sponsoring school district shall provide 330 minutes of instruction per school day.
15. The sponsoring school district shall identify students with limited English proficiency and provide appropriate instruction to ensure meaningful access to the curriculum.
16. An Individualized Academic Plan (IAP) shall be written by the sponsoring school district for each student that has been detained for 10 days or more, during the sponsoring school district's academic calendar, and forwarded to the student's home school and shall be used as a transition component. An IAP does not need to be developed if the student has an existing IEP. The JDC educational staff shall follow all state and federal laws for revisions and modifications of an existing IEP to ensure appropriate services.
17. Student detainees who have received a High School Equivalency diploma shall be provided educational services, which may be computer-based on an academic screener. Instruction shall include an integrated career counseling component, and access to career and technical opportunities.
18. The sponsoring school district shall be responsible for providing educational and/or special educational services as required by state and federal law for youth detainees. At a minimum, educational services shall be provided during the sponsoring school districts academic school year and must include a six-week enrichment program. The enrichment program shall focus on mathematics and English language arts instruction, and may include other primary core subject areas, including character education. The sponsoring school district shall ensure compliance with all guidelines set forth by the IDEA. The summer enrichment program shall be at least four (4) hours per day and may be computer-based.
19. The non-sponsoring school districts 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 need's 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.

20. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding educational programming.
21. The MDE shall monitor each detention center's educational program in accordance with state law. Each sponsoring school districts shall be responsible for conducting a self-assessment of educational programs offered to student detainees. On-site monitoring may be conducted if specified risk factors are identified including, but not limited to:
  - a. Complaints by the Department of Public Safety Facility Monitoring Unit
  - b. Notification of non-compliance by the Office of Special Education
  - c. Sponsoring school district's self-assessment irregularities

Source: Miss. Code Ann. §§ 43-21-321, 37-1-3 (Revised 3/2022)

*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)*

## Rule 30.8 – Educational Stability for Students in Foster Care

The Mississippi Department of Education (MDE) State Board of Education recognizes the importance of educational stability for students in foster care to promote high level achievement similar to peers. Therefore, the MDE will collaborate, as appropriate, with Mississippi’s Child Welfare agency, the State agency responsible for administering the State plans under parts B and E of Title IV of the Social Security Act (42 U.S.C. §§ 621 *et seq.* and 670 *et seq.*, the Mississippi Department of Child Protection Services (MDCPS), to ensure school stability and success for youth in foster care.

### **I. Written District Policy**

- A. Each Local Education Agency (LEA) shall develop a local, written, district policy to address educational services for students in foster care in accordance with Federal and State laws and regulations.
- B. The policy shall, at a minimum, include provisions regarding:
  - 1. The process for deciding the Best Interest Determination (BID);
  - 2. The development of written procedures governing how transportation for children in foster care will be provided, arranged and funded for the duration of time; and,
  - 3. Awarding credit for full or partial coursework satisfactorily completed while attending prior schools, and consideration of credits partially completed in a prior school, awarding partial credits, and offering credit recovery courses.

### **II. Foster Care Points of Contact**

Foster Care Points of Contact (POC) shall be designated at both the MDE (State POC) and in local school districts (LEA POC) to carry out various responsibilities that ensure the educational stability and rights of students in foster care.

#### **A. Mississippi Department of Education Foster Care State Point of Contact**

The MDE shall establish or designate an employee in the MDE as State POC. The MDE State POC shall:

- 1. Collaborate with the Mississippi Department of Child Protection Services (MDCPS) to agency to develop and disseminate uniform guidelines for implementing the Title I educational stability provisions;

2. Ensure the MDE State POC designee's contact information is made publicly available on MDE's website and in relevant publications;
3. NOT be the State's Coordinator for Education of Homeless Children and Youths required under the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11432(d)(3));
4. Oversee implementation of the MDE's responsibilities required under 20 U.S.C. §6311(g)(1)(E) (educational stability, school of origin, Best Interest Determination (BID), records, and enrollment); and, ensure:

- a. a list of LEAs POCs is maintained and updated at least annually;
- b. each LEA submits its local POC designee to the State POC; and,

as outlined in 20 U.S.C. §6312(c)(5)(A), if the corresponding child welfare agency (MDCPS) notifies an LEA, in writing, that the MDCS has designated an employee to serve as POC for the LEA, and the LEA has not designated an LEA POC, the MDE State POC shall designate an LEA POC, the MDE State POC shall designate an LEA POC.

#### **B. Local Education Agency Foster Care Point of Contact**

1. Each LEA shall designate a staff person to act as the LEA's POC for students in foster care. The LEA POC shall, at a minimum:
  - a. Coordinate implementation of the Title I, Part A provisions, as it relates to the Foster Care provisions outlined in the ESSA and State laws and regulations;
  - b. Document the BID decision;
  - c. Initiate a school-to-school transfer of records with the school of origin for immediate enrollment (as defined in subsection [(III)(C)(II)(b)], and ensure the student is attending school while the records are being transferred;
  - d. Document data sharing with the MDCPS consistent with Federal and State laws and other privacy protocols;
  - e. Ensure children in foster care are enrolled in school as outlined in the State's compulsory attendance laws and regulations;
  - f. Compile school and service-related documents (to include a student's Special Education records, if applicable), and ensure no delay or interruption in services (services begin on the first day of enrollment); and,
  - g. Initiate collaboration with MDCPS POC and contact the designated MDCPS POC with concerns, such as, but not limited to:
    - i. Resolving issues relating to services for students with special needs;
    - ii. Clarifying which children are currently in foster care;
    - iii. Obtaining records;

- iv. Maintaining current documentation and contact information for the child's Social Worker, foster parent or care provider, and person designated to make education decisions by confirming the status of the education rights of the birth parent and, if applicable, seeking information on who holds educational decision rights; and,
  - v. Ensuring the individual designated to make educational decisions can access student records.
2. The LEA shall ensure that the name and contact information for the LEA POC is provided to the MDE at the beginning of each academic school year and placed on the District's website, and otherwise publicly posted, so the designee may be easily reached when required.
  3. LEAs shall provide, any changes during the year, to the MDE State POC.

### **III. School District and School**

#### **A. Definitions**

1. *Best Interest Determination (BID)* refers the collaborative process between MDCPS and local school districts based on the individual student's unique best interests. The determination involves input from multiple parties to make decisions about whether a student placed in foster care should continue to attend his or her school of origin.
2. *School of Origin* refers to the school that a student was attending at the time of placement in foster care or the last school the student attended, despite a change in home. To ensure continuity in education, remaining in the school of origin is preferred.
3. *School District of Origin* refers to the Mississippi school district in which a school of origin is physically located.
4. *Single-school Districts/Education Authorities* refer to situations in which an individual school operates as an individual school district (for example, charter schools). The school is considered both the school of origin and the district of origin.

#### **B. Designation of School District and School**

The LEA, in consultation with the MDCPS, shall determine whether placement in the school district of origin or the school district of foster care placement residence is in the best interest of a student in foster care (*see*, subsection IV. Best Interest Determination) to ensure educational continuity for the student.

#### **C. LEA Responsibilities Upon School Designation**

1. When the LEA, in consultation with the MDCPS, has determined in the BID that it is in a student's best interest to remain in the school of origin, the LEA shall document in writing the individualized student's plan regarding how transportation shall be provided, arranged, and funded for the student.
  - a. The LEA shall document in writing the Transportation Plan, developed in collaboration with the MDCPS, that supports the District's obligations under federal and state law to ensure any student in foster care who requires transportation in order to attend his or her school of origin shall receive transportation services on the first day of the student's attendance.
  - b. The Transportation Plan shall outline:
    - i. How transportation will be provided, arranged, and funded, as well as the costs for transportation, which shall be provided and allocated pursuant to applicable laws and regulations.
    - ii. The cost-effective manner as defined in 42 U.S.C. § 675(4)(A) to ensure each student in foster care receives transportation promptly to attend their school of origin.
    - iii. If applicable, the amount of "additional costs." Additional transportation costs incurred in providing transportation to maintain children in foster care in their school of origin reflect the difference between what an LEA would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin. If additional transportation costs are identified, the LEA shall enter into a written agreement with the MDCPS describing to how excess transportation costs will be funded, consistent with applicable Federal and State laws and regulations.
    - iv. An LEA should also consider whether transportation can be provided for minimal or no additional costs.
    - v. If there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin if—
      - (I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;
      - (II) the local educational agency agrees to pay for the cost of such transportation;
      - or
      - (III) the local educational agency and the local child welfare agency agree to share the cost of such transportation.

- c. In the event a dispute arises between the LEA and MDCPS concerning the cost of transportation to ensure the child in foster care remains in his or her school of origin, the LEA shall forward the dispute to the MDE State POC in accordance with the Dispute Resolution Process (see subsection V).
  - d. Title 1, Part A may be utilized to provide transportation for foster youth; however, Title 1, Part A funds set aside to serve homeless children **cannot** be used for children in foster care [42 U.S.C. § 675(1)(G); 20 U.S.C. § 6311(g)(1)(E)(i); 20 U.S.C. § 6312(c)(5)(B)].
2. When the LEA, in consultation with the MDCPS, has determined in the BID it is in a student's best interest to leave the school of origin, the enrolling LEA shall:
- a. ensure enrollment in the new school takes place on the same day the MDCPS representative (i.e. case worker, educational liaison) enrolls the student, even if the child is unable to provide records normally required for enrollment, to prevent disruption of the student's education.
    - i. A student in foster care must be enrolled by a MDCPS representative (i.e., case worker, educational liaison or an individual with MDCPS foster parent verification).
    - ii. The LEA shall confirm, in writing, the person responsible for making educational decisions. If a student is removed, from the school, by anyone other than a MDCPS employee (social worker, educational liaison or an individual with MDCPS foster parent verification), the LEA will notify MDE immediately, unless a court order states otherwise.
    - iii. Contact the school last attended (school of origin), within one (1) school day of enrollment, to obtain relevant academic and other records.
  - b. update the student database and contact information for the student within one (1) school day of notification of enrollment from the custodial agency (MDCPS).
  - c. ensure the student is assigned to a school in the district in the same manner and according to the same process used for all other students in the district.
  - d. follow its local, written policy concerning transfer of coursework.
  - e. ensure each student in foster care shall be provided services comparable to other students in the school of attendance, including but not limited to: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted students; and school nutrition programs.

- f. ensure that it is documented, on the BID, that a student was withdrawn prior to the BID, if applicable.

### 3. Student's Records

- a. Upon receipt of a written request for school records from a new school, the school district of origin shall forward, in a manner consistent with Federal and State law and in compliance with all privacy and confidentiality laws, a complete copy of the records of the student in foster care. Information needed by the receiving school district shall include, but is not limited to:
  - i. Proof of age;
  - ii. Immunization records;
  - iii. Cumulative education file, if the child is attending a public school.
  - iv. Copy of the current IEP, if the child is eligible for special education services;
  - v. Copy of the current Section 504 Plan, if the child has a Section 504;
  - vi. Copy of health records kept by the school; and,
  - vii. Any other pertinent information needed to assist the enrolling school in providing appropriate educational services.
- b. The inability to receive records shall not delay student enrollment.

## IV. Best Interest Determination

The Best Interest Determination (BID) is the collaborative process between MDCPS and local school districts based on the individual student's unique best interests.

- A. The LEA shall coordinate with MDCPS, educational liaison or social worker, to finalize a BID within seven (7) school days **from the date the LEA is notified, by MDCPS,** of child's placement in foster care or change in the child's living arrangement, except in emergency removal situations. During the BID determination period, the LEA shall ensure the child is permitted to remain in his or her school of origin and the LEA shall document how transportation shall be provided, arranged, and funded during the pendency of the BID decision.

### B. BID Participants

The LEA shall ensure the BID decision shall involve input from multiple, relevant parties who have the authority to make decisions regarding the child in foster care, and who have the knowledge and expertise about the child and the child's circumstances to determine whether a student in foster care should continue to attend his or her school of origin.. These parties may include:

- 1. MDCPS representative;
- 2. Student, if applicable;

3. Child's foster family;
4. Individual from receiving school district;
5. Counselor;
6. Guardian Ad Litem; and,
7. Biological Parent, if determined by MDCPS or Court Order.

If there is disagreement regarding school placement for a student in foster care, MDCPS is the final decision maker. Under ESSA, to promote educational stability, students should continue to attend their schools of origin while BIDs are determined.

#### C. Factors for BID Decision

The LEA shall consider all factors relating to a child's best interest. Although there is flexibility in determining which factors should be considered as part of evaluating the appropriateness of the current educational setting, the LEA shall, at minimum:

1. Appropriateness of the current educational setting (the school of origin),
2. Proximity to the school in which the child is enrolled (the school of origin) at the time of placement in foster care,
3. Preferences of the child's parent(s) or education decision maker(s) (individual legally authorized by the court to make educational decisions for a child in foster care);
4. Holistic and well-informed determination, utilizing a variety of student-centered factors including, but not limited to –
  - a. Student's age and grade level;
  - b. Student's preference, when age appropriate;
  - c. Student's attachment to the school, including meaningful relationships with staff and peers;
  - d. Placement of the student's sibling(s);
  - e. Distance/length of time to travel to/from school;
  - f. Time of academic year, academic performance, and skills;
  - g. Current educational goals and services; anticipated length of time in placement, and whether reunification is the family goal;
  - h. Number of placements to date;
  - i. Child's participation in specialized instruction (e.g., gifted programming, career technical education program, College Credit Plus, Advanced Placement classes);
  - j. Availability of required special education and/or related services in a school other than the school of origin when the student has an identified disability under IDEA or Section 504;
  - k. Availability of language services in a school other than the school of origin when the student has been identified as an English learner;

- l. Child's ability to earn full academic credit, the ability to proceed to the next grade, or the ability to graduate on time;
  - m. School climate, peer support, supportive adults, and involvement in extracurricular activities;
  - n. Availability and quality of the services in the school to meet the child's educational and socioemotional needs;
  - o. Impact the commute to and from school would have on the child, based on developmental functioning. For children with disabilities, consider the IDEA's federal requirements when determining best interest;
5. Whether the student needs to remain in the school of origin for a limited time (e.g., until the end of the school year, the end of a testing or grading period).
6. Determine if it is appropriate to revisit the question of whether it is in the student's best to remain in the school of origin or enroll locally, and if so, document a specific time to reassess; and,
7. NOT consider the cost of transportation when determining a child's best interest.

## **V. Dispute Resolution Process**

- A. The LEA shall permit a student in foster care to remain in his or her school of origin while any dispute is pending in order to minimize educational disruptions and reduce the number of moves between schools.
- B. Once all avenues to resolve a foster care dispute at the local level have been exhausted, the LEA may forward the dispute to the MDE.
- C. In the event of a dispute, the dispute resolution request shall include:
  1. A complete explanation of the basis of the dispute, with all pertinent facts.
  2. The name and contact information of the individuals who have been addressing the dispute thus far on behalf of both the LEA and the MDCPS (phone, email, and mailing address).
  3. Details of previous attempts to resolve the dispute at the local level prior to requesting assistance from the State POC.

Source(s): 20 U.S.C. §§ 6311(g)(1)(E); 6312(c)(5); (h)(2)(C)(ii). U.S. Departments of Education and Health and Human Services (2016) (Adopted 3/2020)

## Part 3 Chapter 31: Drug Testing, State Department of Education Staff

*Rule 31.1 Drug Testing, State Department of Education Staff.* The State Board of Education has developed drug and alcohol policies and procedures in compliance with Drug-Free Workplace Act of 1988 and Omnibus Transportation Employee Testing Act. The policies and procedures shall be implemented and enforced as outlined in the MS State Personnel Board Employee Handbook and the MDE Employee Policies and Procedures Manual.

Source Code: *Miss. Code Ann. §37-1-3 (Revised 7/2023)*

## 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 Miss. Code Ann. § 37-61-33(3)(a)(iii), 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. To determine eligibility, consult the statute for the definition of the term “teacher.” 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)(a)(iii)* (Revised 09/2022)

### **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 documents 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 32.1 Education Enhancement Funds.* Rules and Regulations Regarding the Administration of Funds Appropriated for Education Enhancement Funds for Classroom Supplies and Materials.

#### **6. Authorization and Dissemination**

Pursuant to Miss. Code Ann. § 37-61-33(3)(a)(iii), 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.

7. 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. To determine eligibility, consult the statute for the definition of the term “teacher.” 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.

8. 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.

9. 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.

10. 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)(a)(iii) (Revised 09/2022)*

*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/nonpublic 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 Chapter 36, Rule 36.4 (former State Board Policy 3803).
5. Once a student earns a Carnegie Unit in any course, the course may not be retaken to earn a new or additional course grade. This policy includes any Carnegie Unit credit that may be awarded at a private or non-public school after the student has earned an initial Carnegie Unit credit in a course.

*Rule 36.4 Assessments Required for Graduation*

1. All students enrolled in one of the four (4) 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*** (1) of the following options:
  - Passing the applicable end-of-course Subject Area Test, or
  - Using options outlined in Chapter 36, Rule 36.5, 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 (4) 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. Any Mississippi public school student who fails to pass a required end-of-course Subject Area Test, prior to school year 2016-2017, will be offered opportunities to retake the test.

**Archived Information Regarding Chapter 36, Rule 36.4 for Students Graduating Prior to School Year 2014-2015:**

Academic end-of-course tests were phased in during the 2001-2002 school year to replace the Functional Literacy Examination (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 9<sup>th</sup> 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 9<sup>th</sup> 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.

**Rule 36.5 Additional Assessment Options for Meeting End-of-Course (EOC) Assessment Requirements.**

*Rule 36.5 Additional Assessment Options for Meeting End-of-Course (EOC) Assessment Requirements.* Rule 36.4, Assessments Required for Graduation, outlines the EOC assessment graduation requirements. State Board Policy Rule 36.5 provides approved options for students to meet these high school EOC assessment graduation requirements through approved alternate measures. State Board Policy Rule 36.5 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 EOC assessment one (1) time. Specifically, students may meet the graduation requirements outlined in State Board Policy Rule 36.4 by attaining any one (1) of the measures outlined below for each of the EOC assessments listed.

1. Algebra I

- a. Obtain a score of **17** or higher on the Math subject sub score of the ACT.
- b. Earn a C or higher in a dual enrollment/dual credit/College Algebra.
- c. Obtain an ASVAB AFQT score of 36 (PICAT prescreen scores are not allowable) **plus one (1)** 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 on the ACT Work Keys 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 sub score of the ACT.
- b. Earn a C or higher in a dual enrollment/dual credit/College-Biology I and the corresponding Biology lab.

- c. Obtain an ASVAB AFQT score of 36 (PICAT prescreen scores are not allowable) **plus one (1)** 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 Work Keys **plus one (1)** 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 sub score of the ACT.
- b. Earn a C or higher in a dual enrollment/dual credit/College English Composition I.
- c. Obtain an ASVAB AFQT score of 36 (PICAT prescreen scores are not allowable) **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 Work Keys **plus one (1)** 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 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 sub score of the ACT.
- b. Earn a C or higher in a dual enrollment/dual credit/College American History II.
- c. Obtain an ASVAB AFQT score of 36 (PICAT prescreen scores are not allowable) **plus one (1)** 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 Work Keys **plus one (1)** 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: *Miss. Code Ann. §37-1-3, 37-17-6, and 37-16-7* (Revised 7/2017, 7/2019)

*Rule 36.6 Optional Graduation Requirement for Students Displaced by a Federally or Nationally Declared Natural Disaster*

The State Board of Education encourages Mississippi school districts to make every effort to assist displaced students in meeting Mississippi graduation requirements.

In situations where students are displaced from other states, territories, or countries due to a federally or nationally declared natural disaster and have been unsuccessful in meeting the Mississippi graduation requirements, the State Superintendent of Public Education shall have the authority to allow these displaced students to graduate from a Mississippi public school if certain criteria are met as described below.

The State Superintendent of Public Education may grant the Mississippi school district in which the student is enrolled as a senior the authority to collaborate with school officials from the student's home state, territory, or country to determine the procedures and requirements (i.e., assessment and course requirements) for awarding a diploma to eligible students.

This policy shall be limited to students who were last enrolled as a junior or senior in their home school in another state, territory, or country.

Source: *42 U.S.C. § 11432 and Miss. Code Ann. §§ 37-1-3, 37-16-7, and 37-17-6* (Adopted TBD)

### **Part 3 Chapter 37: Grants/Subgrants**

*Rule 37.1 Grants/Subgrants.* This MDE Grants/Subgrants Policy applies to the awarding of all grants and subgrants by the MDE. 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 State 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 based upon a competitive review process. Discretionary grants are awarded to eligible grantees based upon the requirements of the grantor and a competitive process.

Prior to the awarding of any grant, the State 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 09/2022)*

### **Part 3 Chapter 38: Healthy and Safe Schools**

*Rule 38.1 School Violence Reporting.* Miss. Code Ann. § 37-11-29, requires the development of a form to report school violence. 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 Safe and Orderly Schools.

Source: *Miss Code Ann. 37-11-29 (Revised 09/2022)*

*Rule 38.2 Behavior Modifications Programs.* Miss. Code Ann. § 37-13-92 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 (Revised 09/2022)*

**REPEALED**

**REPEALED**

*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. The MDE Office of Healthy Schools shall revise the Procedures and Standards of Care as needed to reflect updated guidance and practices.

Source: *Miss. Code Ann. § 37-1-3 (Revised 09/2022)*

*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
- g. Attend annual training meetings 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.

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.

h. HEALTH SERVICES

- i. Provide health assessments
  - b) Obtain a health history
  - c) Screen and evaluate vision, hearing, scoliosis, dental and others as directed
  - d) Observe students as required for development and health patterns/concerns.
  - e) 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

i. 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 Health Science 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
- i. Serve as a resource person in health education
  - a) Participate in health curriculum planning and evaluation.

- b) Promote drop-out prevention programs
- j. 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
- k. PHYSICAL EDUCATION
  - i. Promote healthy physical education, sports policies and practices
  - ii. Serve as a health resource to the physical education staff
- l. NUTRITION SERVICES
  - i. Support healthy food service programs.
  - ii. Serve as a health resource to school food service staff
- m. COUNSELING, PSYCHOLOGICAL & SOCIAL SERVICES
  - i. Provide crisis intervention for emotional/physical disturbances.
  - ii. Counsel students as needed
- n. 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
- o. FAMILY/COMMUNITY INVOLVEMENT
  - i. Work with agencies and civic clubs in providing assistance to indigent children
  - ii. Make home visits as necessary

- p. 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.)

Source: Miss. Code Ann. § 37-1-3 and 37-14-3(Revised 09/2022)

*Rule 38.10 Recommended Non-Binding Mississippi School Nurse Salary Schedule.* Pursuant to Miss. Ann. Code Section 37-14-3, 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

Yrs. Exp.	Doctorate	2007-2008		
		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 to the extent that funds are available.

Source: *Miss. Code Ann. § 37-1-3 and §37-61-33 (Revised 09/2022)*

**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 shall follow all current and future requirements and recommendations of the USDA National School Lunch and School Breakfast Programs Meal Patterns and Nutrient Standards.
  - c. The Dietary Guidelines for Americans and USDA's My Plate ( [MyPlate | U.S. Department of Agriculture](#)) provide nutritional guidance for school meals.
  - d. Schools shall 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 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 variety of fruits and vegetables weekly in compliance with the NSLP Meal Pattern. Schools must also meet weekly minimums for dark green and red/orange vegetables.
    - 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. (USDA Food and Nutrition Services or [Nutrition Standards for School Meals | USDA-FNS](#))
- 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, Section 15. 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.
- 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. Community organizations can provide physical and financial support.
    - 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 in accordance with USDA Meal Pattern requirements.
- j. Minimum and maximum time allotment for students and staff lunch and breakfast periods
  - i. Schools shall schedule 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.  
Recommended guidelines:
  - 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 in compliance with the Competitive Food Rule and Smart Snacks policies.
- 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
- I. 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:
    - a. Define your business.
    - b. Define your customers.
    - c. Evaluate your plan and budget.
    - d. Define your objectives.
  - m. 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.
  - n. Schools will promote healthful eating and healthy lifestyles to students, parents, teachers, administrators and the community at school events.

- o. Methods to award incentives to schools who have achieved USDA recognition through USDA's Healthier US School Challenge Program.

Source: *Miss. Code Ann. § 37-1-3 (Revised 09/2022)*

*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 Miss. Code Ann. § 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 shall 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 28 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 meeting the highest two levels of performance 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 shall 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 shall 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 shall 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 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 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  $\frac{1}{2}$  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 and §37-13-34 (Revised 09/2022) 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 5<sup>th</sup> and 14<sup>th</sup> 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 (Revised 09/2022)*

### **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*

##### **1. INTRODUCTION**

The *McKinney-Vento Homeless Assistance Act (Act)* acknowledges that disputes may arise between a local educational agency (LEA) and the parent or guardian of a homeless child or youth, or unaccompanied youth, when the LEA seeks to place him or her in a school other than the school of origin or the one requested by the parent, guardian, or unaccompanied youth. Guidance regarding the definition of homeless, the responsibilities of the LEA in serving homeless children and youth, school selection, eligibility and enrollment is provided in the Act. The Act includes dispute resolution among the required duties of the LEA liaison and the State Educational Agency (SEA).

The following procedures are specified in the Act:

- a. **Enrollment:** Immediately enroll the homeless child or youth in the school preferred by the parent, guardian or unaccompanied youth until the dispute is settled and all available appeals have been exhausted. The statutory definition of “enroll” includes attending classes and participating fully in school activities.
- b. **Written explanation:** Written explanations provided by the LEA shall be in a manner and form understandable to the parent, guardian, or unaccompanied youth of any decisions related to school selection, eligibility or enrollment made by the school or LEA, including the

rights of the parent, guardian, or unaccompanied youth to appeal such decisions.

- c. **Parent/Guardian/Unaccompanied Youth Rights:** It is the responsibility of the LEA to inform the parent or guardian, or unaccompanied youth of the McKinney-Vento rights and the dispute resolution process.

While the dispute is being resolved, the child or children in question must be enrolled in school and receive all services for which they are eligible, including transportation services. 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.

## 2. ADMINISTRATIVE PROCEDURE

The Mississippi Department of Education (MDE), Office of Federal Programs, has adopted a dispute resolution process at the local and state levels. If a dispute arises regarding the eligibility, school selection, or school enrollment of a homeless child or youth, or unaccompanied youth, the following procedures are to be followed:

**Local Educational Agency Level:** If the LEA makes a determination regarding school selection or enrollment that would result in the child or youth attending a school other than the one requested by the parent, guardian, or unaccompanied youth, a written explanation shall be provided in a manner and form understandable to the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the written decision shall include a statement of the right to appeal to the LEA superintendent. The dispute resolution process shall be initiated at the local level by the parent/guardian or unaccompanied youth who wishes to appeal the school district’s decision. The LEAs shall develop written policies and procedures with timelines that govern the dispute resolution process and shall include, at a minimum, the following:

- a. Each LEA is required to have a designated McKinney-Vento liaison. In addition, each school should have a contact who has been trained on the McKinney-Vento Act.
- b. If the parent, guardian or unaccompanied youth disagrees with the LEA’s decision and wishes to appeal to the LEA superintendent or his/her designee, the parent, guardian, or unaccompanied youth shall file a request for dispute resolution with the LEA liaison by completing a dispute resolution form or submitting a written request after receiving notification of the LEA’s decision. The LEA superintendent’s designee shall be someone other than the LEA liaison. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the LEA superintendent’s written decision shall include a statement of the right to appeal to the local school board of education.

- c. If the parent, guardian, or unaccompanied youth disagrees with the LEA superintendent's decision and wishes to appeal to the local board of education, the parent, guardian, or unaccompanied youth shall inform the LEA liaison of the intent to appeal. The LEA liaison shall ensure an appointment is made for the next, regularly scheduled board meeting to address the dispute. The LEA liaison shall also provide the parent, guardian, or unaccompanied youth with the documentation collected up to that point, including the parent, guardian or unaccompanied youth's request for dispute resolution, the LEA liaison's and local superintendent's written decisions and any other additional information submitted by the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the local school board of education's written decision shall include a statement of the right to appeal to the MDE if aggrieved.

**State Educational Agency Level:** Appeals made to the MDE shall be submitted in writing, signed by the complainant, and forwarded by the LEA. The following steps are to be taken:

- a. Address the complaint to:

Mississippi Department of Education  
Office of Federal Programs  
State Homeless Education Coordinator  
359 North West Street, Suite 111  
Jackson, MS 39205

- b. The complaint shall include the following:

- 1. A description of the situation that prompted the dispute
- 2. The name(s) and age(s) of the homeless child or youth
- 3. The name(s) of the LEA and personnel involved
- 4. A description of the attempts that were made to resolve the issue at the local level, including copies of any documentation used in making the decisions.

- c. The State Homeless Coordinator will gather needed information from statements of the parties involved and forward the information to the Executive Director of the Office of Federal Programs, along with a recommendation for resolution or for further investigation.
- d. Within ten (10) business days after receiving a complaint, the

Executive Director of the Office of Federal Programs will recommend a resolution and will inform interested parties, in writing, of the decision.

- e. If the parent, guardian, or unaccompanied youth disagrees with the decision, that party may, within ten (10) business days, appeal to the State Superintendent. This appeal shall be made in writing and state why the party disagrees with the decision of the Executive Director of the Office of Federal Programs.
- f. Within ten (10) business days after receiving an appeal, the State Superintendent or his/her designee will render a final administrative decision and notify all parties in writing.

If the parent, guardian, or unaccompanied youth disagrees with the decision of the State 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*.

Visit the Mississippi Department of Education website, Office of Federal Programs, Title IX, Part A Education for the Homeless Children and Youth Program (McKinney-Vento) for more information.

Sources:

*42 U.S. Code* § 11432(g)(1)(C) (Rev. 2017);

*42 U.S. Code* § 11432(g)(3)(E)(i)-(iv) (Rev. 2017);

*Miss. Code Ann.* § 37-3-11(c) (Rev. 2017);

*Miss. Code Ann.* § 37-1-3 (Rev. 2017)

### **Part 3 Chapter 41: Intervention**

#### *Rule 41.1 Intervention*

Adoption Date: January 21, 2005

Revisions: August 18, 2016; December 20, 2018

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. EXCEPTION: Students in grade 3 who are not identified for intervention on mid-year screeners are not required to be screened again at the end of the school year. 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;

- d. A student scores at the lowest level on any part of the Grade 3 or Grade 7 statewide accountability assessment; or
  - 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., (Revised 12/2018)

### **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*)

*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 MDE.

2. State Licensed Facility

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. Teacher Units Approved for a State Licensed Facility

- 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 purpose, nonpublic school and be approved by the SBE 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 purpose, nonpublic 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. Adequate Education 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 a minimum salary for class of license and years of experience based on the salary scale and salary schedule requirements in Miss. Code Ann. §37-19-7.
- 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; § 37-19-7 (Revised 09/2022); (Revised 04/2023)*

### **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 (beginning July 1, 2002)	_____	_____ x _____	_____
			(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 with 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 district transformation status.

**1. District Transformation Status**

Whenever the governor declares a state of emergency in a school district, the State Board of Education may assign an interim superintendent to the local school district. For states of emergency declared under Miss. Code Ann. § 37-17-6(12)(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 an interim superintendent. The reasons for declaring 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 Miss. Code Ann. § 37-17-6(21), the interim superintendent 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 transformation status. A copy of the interim superintendent'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 interim superintendent's 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 (Transformation), 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. Miss Code Ann. §37-9-103(2)(a)

Source: *Miss Code Ann. §37-17-6 (Adopted 12/2011, Revised 4/21/22)*

## **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**

REPEALED. Effective 6/28/2022

### **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: Information and Operational Technology**

#### *Rule 55.1 Office of Technology and Strategic Services*

The Office of Technology and Strategic Services (OTSS) is to support the strategic mission and vision of the State Board of Education (SBE). To accomplish the support of the strategic mission and vision, OTSS will implement and support sound governance, a secure and stable infrastructure, reliable systems and applications, and quality data controlled within the Mississippi Department of Education (MDE). The MDE is committed to compliance with federal and state laws regarding data security and privacy.

1. The OTSS's broad, operational responsibilities, the SBE charges OTSS with:
  - a. Validating and managing data, documenting and managing data definitions, establishing and supporting workflow processes, and implementing and managing business rules established by Program Offices, state, and federal law for all data that is submitted to or collected by the MDE;
  - b. Managing all information technology resources, including physical, virtual, and cloud;
  - c. Ensuring the availability and integrity of systems and applications managed by the MDE;
  - d. Securing networks, systems, and data, including monitoring and mitigating against threats;
  - e. Granting access to information technology systems, applications, data, and reports to appropriate users;
  - f. Managing database and data flows, analyzing data, and generating reports;
  - g. Adhering to information technology best practices, and state and/or federal mandates and guidelines regarding the collection, storage, and disclosure of personally identifiable information (PII) of students, educators, parents, and MDE personnel.
2. The OTSS's specific responsibilities related to security, privacy, and governance, the SBE charges OTSS with:

- a. Staffing OTSS leadership positions with specific security, privacy and governance responsibilities;
  - b. Establishing and supporting an agency-wide data governance program;
  - c. Developing and administering internal policies and procedures necessary to ensure security and privacy;
  - d. Providing mandatory security, privacy and governance training to all MDE personnel
  - e. Developing and ensuring compliance with policies and procedures necessary to monitor, manage and mitigate security and privacy risks;
  - f. Regularly reporting on the security and privacy posture and status of the MDE to the State Superintendent of Public Education;
  - g. Sharing with public school districts information technology best practices, and state and/or federal mandates and guidelines regarding the collection, storage, and disclosure of personally identifiable information (PII) of students, educators, parents, and MDE personnel.
3. The following terms shall have the meanings ascribed to them in this section unless the context otherwise requires:
- a. “Authorized User” is a consumer of information technology and data that has been entrusted access based on the principal of least privilege to perform a function for the MDE.
  - b. “Building consensus” is the mediation of a conflict involving many parties.
  - c. “Business Analyst” is a person who performs analysis of an information system’s requirements, functions, and interdependencies used to characterize system contingency requirements and priorities in the event of significant disruption.
  - d. “Change Management” is the process of regulating and approving changes to hardware, firmware, software, and documentation throughout the development and operational life cycle of an information system.
  - e. “Data” is the raw un-synthesized facts and statistics collected for reference or analysis.
  - f. “Data Steward” is the program office designee who is responsible for determining how data are defined, collected, audited, and reported to meet the program office and agency requirements.
  - g. “Escalating issues” is the act of bringing an item that has stalled in the resolution process to the attention of the person(s) who have the ability to direct a resolution path.
  - h. “Executive Leadership Team (ELT)” is the leadership team composed of the State Superintendent of Public Education and his/her division chiefs and designated leaders.
  - i. “Governance” is the agency-wide structure and processes for collaborative decision-making and management of the MDE data assets to improve quality and use, while enhancing security and privacy protections.
  - j. “Incident” is an occurrence that potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information the system

- processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.
- k. “Information” is the synthesized data that is a representation of knowledge useful for analysis.
  - l. “Information Technology” are systems for creating, consuming, transmitting, or storing information or data.
  - m. “Local Education Agency (LEA)” are districts within the state that are governed by the MDE.
  - n. “Mitigation” is the action of reducing the severity, seriousness, or damaging effects of risk or incident.
  - o. “The Principal of Least Privilege (POLP)” is providing access limited to the minimum rights and permissions an authorized user requires to perform their assigned function.
  - p. “Personally, Identifiable Information (PII)” is the information or data that could be combined to positively identify an individual (i.e. name, address, SSN)
  - q. “Risk” is a measure of the extent to which an entity is threatened by a potential circumstance or event.
  - r. “Systems” are a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information.
  - s. “Threat” is any circumstance or event with the potential to adversely impact the MDE.
4. The OTSS leadership positions with specific security, privacy, and governance responsibilities:
- a. The MDE Chief Information Officer (CIO) will have leadership responsibility for – and shall be dedicated to – the daily management and long-range vision and strategies of OTSS. This employee shall be charged with the following responsibilities, including but not limited to:
    - i. Ensuring OTSS’ goals and strategies support and further the Goals of the SBE Strategic Plan;
    - ii. Providing strategic leadership to the MDE’s information technology and data endeavors;
    - iii. Ensuring that OTSS is appropriately staffed with dedicated and qualified professionals to achieve the Goals of the SBE Strategic Plan;
    - iv. Establishing and maintaining project management and change management over the information technology and data of the MDE ;
    - v. Establishing and supporting data governance within the MDE;
    - vi. Serving as the signatory for all the MDE’s purchases and contracts in relation to information technology, operational technology, and data;
  - b. The OTSS Information Security and Data Privacy Officer (ISO) shall be charged with the following responsibilities, including, but not limited to:

- i. Ensuring the security, privacy, and governance of all data and information within the MDE, by establishing agency-wide policies for sustaining, enhancing, and protecting the privacy and confidentiality of the data;
    - ii. Working with the Data Governance Committee to improve and support data security and privacy through the Data Governance Policy;
    - iii. Investigating and reporting any complaints of privacy violations, data breaches and/or cyber-attacks under MDE's jurisdiction – as well as coordinating with the appropriate authorities
    - iv. Identifying risks and threats to the MDE's information systems and assist in remediation of these risks in coordination with OTSS;
    - v. Investigating and reporting issues of compliance – with this rule and with other applicable data security and privacy laws – by the MDE;
    - vi. Monitoring and reporting on data privacy, security, and governance training and compliance to the CIO and State Superintendent of Public Education;
  - c. The OTSS Data Governance Manager shall be charged with the following responsibilities, including, but not limited to:
    - i. Facilitating and coordinating the development, implementation, and maintenance of the MDE Data Governance Program to promote data quality, availability, usability, security, and privacy;
    - ii. Supporting the Data Governance Committee chair, providing facilitation for and coordination among data governance members and workgroups;
    - iii. Communicating with internal and external data governance stakeholders – including building consensus, mediating disputes, escalating issues, implementing resolutions, and anticipating agency data issues and needs;
    - iv. Coordinating with data stewards and business analysts to document and analyze data processes and business rules – including engaging with various stakeholders to ensure awareness, buy-in, and compliance with data quality, security and privacy processes, and rules;
    - v. Coordinating the development and adoption of key data governance artifacts - including data governance charter, guidelines, and a data dictionary;
    - vi. Coordinating the development and adoption of key data policies (*See* Section 6);
    - vii. Coordinating with the OTSS project managers to ensure that the prioritized agenda and project plans for key data governance artifacts and data policies are included in an agency-wide project portfolio.
5. The OTSS shall establish and support the agency-wide Data Governance program. This program shall be charged with the following responsibilities:
- a. The MDE Data Governance program shall be implemented through the Data Governance Committee (DGC) comprised of members representing program offices across the MDE. The work of the DGC shall be authorized through the Data Governance Charter, as approved by the State Superintendent of Public

Education. The DGC shall develop and promulgate processes, as well as rules and regulations governing the data that shall apply to all program offices within the MDE.

- b. The DGC shall establish policies and processes to ensure that data collected by the MDE are stored, maintained, and disseminated in a manner that protects the data integrity and security, as well as the privacy of individuals involved. This includes specifying which data may or may not be collected by the MDE, as well as oversight and responsibility for ensuring the accuracy and validity of the Data Dictionary.
    - i. The MDE program offices shall provide proposed changes to data collection no later than 30 days after SINE DIE. Change requests submitted after the 30-day mark will be held over for the future change request season unless otherwise approved by the State Superintendent of Public Education or his/her designee.
    - ii. The DGC shall review and vote on all proposed changes by or before the September committee meeting.
    - iii. The DGC shall publish the Data Dictionary by December 1<sup>st</sup> in preparation for the upcoming school year.
    - iv. The DGC shall establish policies and processes to ensure that these annual deadlines are met.
  - c. The DGC shall prioritize and approve a set of internal policies, procedures, standards, and guidelines – as well as a schedule for their development and implementation – necessary to meet the security and privacy obligations of the MDE.
6. OTSS shall develop and maintain internal policies, procedures, standards, and guidelines – approved by the DGC in accordance with the agency’s data governance process – that are consistent with pertinent industry standards.
- a. Pertinent industry standards include
    - i. The National Institute of Standards and Technology’s (NIST) current Privacy Framework.
    - ii. NIST’s current Cybersecurity Framework
    - iii. NIST’s current SP 800-171 Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations
    - iv. NIST’s current FIPS- 200 Minimum Security Requirements for Federal Information and Information Systems
    - v. FedRAMP’s current standards
  - b. OTSS shall review on at least a biennial basis its internal policies, procedures, standards, and guidelines to ensure consistent alignment with current industry standards.

- c. To support LEAs, OTSS shall make available guidance, best practices, and pertinent industry standards on the Information Security and Data Privacy section of the MDE's website
  - d. OTSS shall encourage LEAs to develop and implement internal policies, procedures, standards, and guidelines consistent with pertinent industry standards.
7. In the event that an LEA becomes aware of a cybersecurity risk or threat that may potentially impact the MDE, the State Network Consortium, or other LEAs, the impacted LEA shall notify the MDE ISO within 24 hours to ensure that the MDE is able to properly mitigate and coordinate a response to the emerging risk or threat, including notifying other LEAs.
  8. The OTSS shall develop and support MDE staff compliance with all policies and procedures necessary to monitor, manage, and mitigate security and privacy risks.

The CIO and ISO shall provide mandatory annual security and privacy training, including, but not limited to, security awareness and FERPA Compliance to all MDE employees.

MDE employee access to the MDE information technology and data shall be dependent upon their compliance with training completion and adherence to security and privacy policies, procedures, standards, and guidelines. Those who fail to complete this training or to adhere to the security and awareness program may be referred to ELT for termination of systems and network access and may be subject to disciplinary action.

The OTSS shall develop and ensure compliance with policies and procedures necessary to monitor, manage and mitigate security and privacy risks.

9. The CIO shall provide a quarterly report to the State Superintendent of Public Education regarding the security and privacy posture and status of the MDE. This quarterly report shall include at a minimum the following status on:
  - a. Audits and Mitigation
  - b. Incidents
  - c. Training
  - d. Upgrades and Enhancements

Source: Miss. Code Ann. §§ 25-53-1 through 25-53-25, § 25-53-201, § 25-61-1 *et seq.*, § 37-1-3, § 37-3-5, § 37-151-9, § 75-24-29 *et seq.*, MS ITS Enterprise Security Policy Miss. Admin. Code 36: 1 *et seq.*, Every Student Succeeds Act (ESSA), Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA), Richard B. Russell National School Lunch Act (NSLA), Children's Online Privacy Protection Act (COPPA), Protection of Pupil Rights Amendment (PPRA), Children's Internet Protection Act (CIPA), Federal

### **Part 3 Chapter 56: Distance Learning, Blended Learning, and Online Courses**

#### *Rule 56.1 Distance Learning, Blended Learning, and Online Courses.*

This policy provides guidance to Local Education Agencies (LEAs) regarding the use of distance learning, blended learning, and online courses through the Digital Education Network (DEN) and courses approved through the Mississippi Online Course Application (MOCA) process, and other distance learning/online course providers not already approved by the Mississippi Department of Education (MDE). The MDE does not accredit online programs or schools, but rather approves individual online courses for use in Mississippi schools.

For the purposes of this policy, distance learning is defined as a technological delivery model in which regularly scheduled real-time instructions occurs during school where students and instructors are not in the same place 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. An online course is defined as a course delivered through an interactive computer-based and internet-connected learning environment by a vendor/provider 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 instructions. These courses must be approved through the MOCA process. Currently approved courses in which the content is adapted into a learning management system, delivered by a district employee/classroom teacher, and used with their students virtually or in a blended model do not require approval through the MOCA process. These online courses would be subject to local district review and would qualify for use of the face-to-face course codes found in MSIS and the Approved Courses for Secondary Schools of Mississippi.

1. The Digital Education Network (DEN) 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 Mississippi Student Information System.
2. For blended learning courses in which an LEA provides a face-to-face instruction with a 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. For all online courses other than the delivery methods listed in Section 1 and 2 above, secondary courses (grades 6-12) must go through the MOCA process for approval. 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. Courses that are reviewed and denied MOCA approval may not be resubmitted to the MDE for review for three years. LEAs are responsible for determining course funding structure. To count as a credit toward graduation, course codes must be listed in the Mississippi Student Information System. Additionally, online courses

can only be listed upon MOCA approval. There is no limit to the number of courses a student may take. Enrollment in such courses must have prior approval by the principal.

4. Any LEA that provides a distance learning/online program other than the delivery methods listed in Section 1 and 2 above shall develop and implement a distance learning and online course policy
5. 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 shall ensure the following through local boards policy:
    - i. Teachers are licensed by the MDE 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 course 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 (Adopted 10/2006, Revised 6/21/2018; Revised 7/2020, Revised 01/2024)

### *Rule 56.2 Virtual Students*

**Beginning with the 2021 – 2022 school year** all districts shall resume providing face-to-face in-person instruction as the primary mode of instructional delivery. Mississippi Code Ann. § 37-13-63 mandates that Mississippi public schools have a minimum of 180 days of teaching. Process Standard 13 of the current edition of the *Mississippi Public School Accountability Standards* mandates that both students and teachers are present for scheduled classroom instruction during the minimum of 180 days. Therefore, districts that opt to offer a virtual learning<sup>13</sup> option to students shall ensure that students who access instruction virtually from off-campus have instruction provided and access to the assigned teacher(s) including any special services teachers/providers during a scheduled time for each course each of the 180 days.

Districts that opt to offer a virtual learning option to individual students shall ensure that the virtual learning day includes the minimum 330 minutes of actual teaching as required by Miss. Code Ann. § 37-13-67. Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only. Virtual learners shall receive the equivalent amount of synchronous and asynchronous instruction as in-person students.

Districts that opt to offer virtual learning shall adopt, publish, and make publicly available, local board-approved policies that include, at a minimum:

1. a requirement for parents and students (if age-appropriate) to sign a commitment that acknowledges receipt and acceptance of, and commitment to, the local board policy pertaining to virtual learning;
2. criteria for students to participate and remain in virtual learning;
3. reliable connectivity requirements;
4. the use of student-issued devices and personal devices;
5. attendance requirements;
6. discipline/Code of Conduct;
7. assurance of equal access/nondiscrimination;
8. assurance of the delivery of Free Appropriate Public Education (FAPE) for students with disabilities:
  - a. process for conducting meetings pertaining to the evaluation and eligibility of students with disabilities;
  - b. process for monitoring and documenting student progress and services delivered to students with disabilities;
  - c. process for ongoing communication with families, teachers, and related service providers;
9. criteria for attendance on campus to meet course requirements and/or district interim assessments; and

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<sup>13</sup> Virtual learning is defined as the student accesses instruction outside of the physical school building such as online or through distance learning mechanisms. (See also State Board Policy Chapter 9, Rule 9.2)

## 10. assurance of compliance with Family Educational Rights and Privacy Act (FERPA)

All virtual students will be required to participate in the required statewide assessments on campus.

Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion. Further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or for participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students.

In the event of any audits conducted by the MDE, all process standards (i.e., student-teacher ratios, instructional practices, planning time, compulsory attendance, teacher evaluations, etc.) for virtual learning will be held to the same standards as in-person learning. Lessons plans shall include details for virtual learning and denote synchronous vs. asynchronous learning as applicable.

*See also* Mississippi High School Activities Association (MHSAA) handbook regarding participation of virtual students in MHSAA sanctioned activities

*See also* State Board Policy Chapter 7 *Alternative Education Programs*

*See also* State Board Policy Chapter 9 Rule 9.2, *Reporting Attendance for Virtual Learning*

*See also* State Board Policy Chapter 9 Rule 9.3, *Designated School-Wide/District-Wide Virtual Learning Days*

*See also* State Board Policy Chapter 56 Rule 56.1, *Distance Learning, Blended Learning, and Online Courses*

Miss. Code Ann. §§ 37-1-3, 37-13-63, 37-13-64, 37-13-67, 37-13-92

(Adopted TBD)

## 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, Rule 59.1 Paperwork Reduction**

REPEALED. Effective 11/22/2021

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 1/4 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](http://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](mailto: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. REQUIREMENTS FOR LOAN/SCHOLARSHIP APPLICANT

To qualify, first time applicants must:

- a. Complete an application on-line at [www.mississippi.edu](http://www.mississippi.edu) 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](http://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](http://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.

### **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, breach 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 REPEALED.*

#### *Rule 71.2 Licensure of School Business Administrator.*

##### 1. Purpose

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 Educator Licensure and the license holder shall be bound by the MS Educator Code of Ethics, Standards of Conduct.

##### 2. Accreditation Standard

Per the Commission on School Accreditation process standard 2.5, the school district shall employ a school business officer/administrator whose qualifications meet the criteria established by the Mississippi Department of Education and whose primary job responsibilities are conducting, supervising, and/or directing the financial affairs and operations of the school district. 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. The individual

designated as the Licensed School Business Administrator shall hold the School Business Administrator License. Individuals in a school district holding the School Business Administrator license, but who are not the designated Licensed School Business Administrator and are not employed in a position in the district requiring any other license issued by the Mississippi Department of Education Office of Educator Licensure shall not be considered a licensed employee as that term is used in Mississippi Code, Annotated.

Any School Business Administrator or Officer who was satisfactorily performing in that position on or before June 30, 2012 and did not meet the minimum requirements for obtaining a School Business Administrator License is required to maintain the School Business Administrator/Officer certificate issued by the Mississippi Department of Education, Office of School Financial Services by completing 20 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 approved 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 are considered to be in compliance with the accreditation standard requiring a Licensed School Business Administrator. However, these individuals are not 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, shall meet the minimum requirements of the Licensed School Business Administrator, and obtain the license from the Mississippi Department of Education, Office of Educator Licensure prior to being named as the school district's Licensed School Business Administrator.

### 3. Initial Licensure

The following minimum qualifications shall be met for initial licensing:

A baccalaureate degree or higher from an accredited four-year college or university in Accounting or a baccalaureate degree or higher from an accredited four-year college or university in Finance, Business Administration, or other business-related curriculum will be considered but shall include a minimum of fifteen (15) specified semester hours successfully completed in accounting from the following course 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. Cost Accounting (3 semester hours)
- h. Business Law (3 semester hours)

i. Financial Management (3 semester hours)

j. School Finance or School Law (3 hours)

The State Department of Education, Office of School Financial Services, shall approve all courses titled differently than those listed.

4. Administration

This process shall be administered jointly through the State Department of Education Office of School Financial Services and Office of Educator Licensure.

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 12/2022)

*Rule 71.3 Required Monthly Reports to be furnished to Local School Board.*

1. The State Board of Education is directed by Miss. Code Ann. §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 should present the board with a current listing of budgeted annual amounts for revenue and expenditures for all funds. The report should present cumulative revenue and expenditures in comparison 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 should 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

In lieu of the Combined Balance Sheet the school district may 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 along with board minutes as evidence of compliance.

Failure to comply with any of the rules and regulations established by the State Board of Education regarding financial reporting requirements shall constitute a violation resulting in a letter of warning issued by the Office of Accreditation. The deficient will remain on the district record until a successful demonstration of compliance of the Mississippi Public School Accountability Standards.

Source: *Miss. Code Ann. § 37-9-18 (Revised 09/2022)*

### **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

REPEALED. Effective 6/27/2022

### **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.

<i>Educational Placement</i>	<i>Levels of Support</i>
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	<b><i>Minimal</i></b> <i>&lt;5 hrs/wk</i>	<b><i>Targeted</i></b> <i>5-12.5 hrs/wk</i>	<b><i>Sustained</i></b> <i>&gt;12.5-24 hrs/wk</i>	<b><i>Intensive</i></b> <i>24+ hrs/wk</i>
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:  $(1/2 \text{ of school district's annual per pupil transportation allotment} \times \text{number of students transported}) + (\text{round trip mileage transported} \times \text{total number of actual days transported} \times 20 \text{ cents per mile})$ .

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)*

*Rule 74.21 Education Scholarship Account*

**1. ESAs awarded annually are determined based on State legislative appropriations**

- a. Until program participation reaches 50% of annual enrollment as established in Miss. Code Ann. § 37-181-7(2)(b), students are approved on a first-come, first-served basis, with applications being reviewed throughout the year. An ongoing waitlist will be maintained based on the applicant's original control number. As ESAs become available, applicants will be awarded in chronological order from the waitlist. After program participation reaches 50% of the annual enrollment, the MDE OSE will randomly select students from its waitlist (i.e., conduct a lottery).
- b. In accordance with the Miss. Code. Ann. § 37-181-9(4), the department will retain six percent (6%) from appropriations used to fund Education Scholarship Accounts to cover the costs of overseeing the funds and administering the ESA program, even in the event the annual legislative appropriations is insufficient to fund all established ESA's rolling over from the previous year.

- c. In the event the annual legislative appropriations are insufficient to fund all established ESA's rolling over from the previous year:
  - i. the amount appropriated (minus the allowable administrative costs provided in Miss. Code. Ann. § 37-181-9(4) will be divided equally among the eligible ESAs to fund all ESAs to the maximum of the appropriated; and,
  - ii. a lottery will not be conducted as established ESAs have a claim on funds appropriated and must be funded first.

## **2. Eligibility**

- a. To be eligible for the Education Scholarship Account (ESA) the student must have had an active Individualized Education Program (IEP) within the past three (3) years. In accordance with Miss. Code Ann. § 37-181-9(1), the Mississippi Department of Education (MDE) Office of Special Education (OSE) has created a standard form for parents to submit to establish the student's eligibility. The application is available online at <https://mdek12.org/OSE/ESA> or by contacting the OSE.
- b. Along with the application form, parents must provide the following documentation:
  - i. copy of parent/legal guardian's driver's license or state-issued identification;
  - ii. copy of student's birth certificate;
  - iii. legal paperwork to act on behalf of student, if applicable;
  - iv. proof of residency (e.g., copy of utility bill);
  - v. copy of student's most recent IEP that was developed by a public school and was active within the past three (3) years;
  - vi. copy of student's most recent eligibility and/or evaluation; and
  - vii. original, signed "*Responsibilities of Parents*" document with all boxes properly initialed.
- c. The MDE OSE considers ESA recipients with the following eligibility rulings as having a permanent disability and, therefore, in accordance with Miss. Code. Ann. § 37-181-5(8), will be exempt from submitting updated eligibility every three (3) years:
  - i. Autism
  - ii. Deaf-Blindness
  - iii. Emotional Disturbance
  - iv. Intellectual Disability
  - v. Multiple Disability
  - vi. Visual Impairment

## **3. Program Administration**

- a. Miss. Code Ann. § 37-181-5(2) requires the MDE adopt rules and policies necessary for the administration of the program to ensure that funds are spent appropriately. Therefore, the school the ESA recipient is attending shall submit the *Participating*

*School Assurance Form* to ensure compliance with Miss. Code. Ann. § 37-181-1, *et. seq.*

- b. Signed applications must be submitted via the United States Postal Service to:

Mississippi Department of Education  
Attention: Educational Scholarship Account  
P. O. Box 771  
Jackson, MS 39205

- i. Upon receipt, each ESA application is time and date stamped. Information is entered into the ESA database and a control number is assigned. Applicants are notified by email or telephone of receipt of the application. Incomplete applications will not be processed. If the application contains missing or incorrect information, the parents will be notified and provided 21 days to submit complete and accurate documentation. After 21 days, the applicant's place in line will be forfeited.
- ii. The MDE OSE shall notify the applicant by the third Monday in July of intent to award an ESA pending the receipt of a letter verifying the student's acceptance and enrollment. The letter must be on school letterhead and signed by a school official and must be submitted by U.S. Postal Service by the third Monday in September. Failure to submit this required documentation will result in termination of the ESA award.

- c. Reimbursement

- i. Parents are notified via the award letter of the various ways they may receive funds.
  1. They may register as a vendor to receive quarterly reimbursement for eligible expenditures and choose to receive electronic reimbursement based on the MDE's receipt of qualified invoices; or submit receipts and receive a paper check mailed; or
  2. Choose for the school to be a direct recipient of funds. The school must register as a vendor by setting up a PayMode account, or by completing a W9. In addition, the parents must have a signed agreement on file with the MDE OSE indicating that the school is to be directly reimbursed.
  3. If the parent chooses to register as a vendor to receive quarterly reimbursements, the MDE will reimburse the parent who applied on behalf of the child.
- ii. The MDE shall reimburse properly submitted expenses quarterly. Each

quarter in the fiscal year, parents must submit a completed *Educational Scholarship Account (ESA) Reimbursement Request Form* along with required documentation (e.g., receipts) to the MDE OSE by mail.

1. Reimbursement request that are not received by the date established for each quarter, will be disbursed the next quarter if all required documents have been submitted.
  2. If there are no reimbursement request received by the third Monday in November, the student account will not remain active and eligible for the disbursement of funds and the student's ESA will be cancelled for the current school year. The student will not be permitted to reapply for ESA reimbursement for the remainder of the current school year and will lose the presumption of continuance of the scholarship moving forward.
- d. The MDE OSE shall mail out *Recertification Forms* in April requesting an affirmation of the participant's intent for continued participation in the ESA program. Forms are due back to the MDE OSE by the second Friday in May. If the *Recertification Form* is not received by the aforementioned date, the MDE will use the contact information provided by the applicant to make 2 additional attempts (phone, via-e-mail) to contact the applicant. If no response is received by the last working day of May, the ESA account associated with the participant name will be cancelled due to lack of response.
4. **Allowable Expenses.** Mississippi Code Ann. § 37-181-5(2) lists the types of expenses eligible for reimbursement (i.e., allowable expenses).
- a. Payment to a tutor. Parents may not be reimbursed as a tutor for their own child.
  - b. Tuition, fees, and textbooks at a postsecondary institution expenses are allowable for a high school student taking a class or classes at a postsecondary institution, but they are not allowable for a student who has graduated from high school and is enrolled at a postsecondary institution.
  - c. Computer hardware and software and other technological devices: Parents are responsible for submitting documentation from the organization receiving the donation.
5. **Assurances.**
- a. Mississippi Code Ann. § 37-181-5(2) requires that the MDE adopt rules and policies necessary for the administration of the program to ensure that funds are spent appropriately. The MDE OSE shall conduct or contract for random audits annually.
6. **Appeals Process.** Parents/guardians or a school may request an appeal to the MDE OSE Executive Director if they disagree with the final written decision of the ESA OSE Coordinator concerning eligibility or reimbursement.

- a. The parent/guardian shall submit a written explanation of the alleged inequity or disputed action within ten (10) calendar days from the date of the notice concerning eligibility or reimbursement to the MDE OSE Executive Director. Any pertinent information to the appeal should be attached.
- b. Upon receipt of the written request for an appeal, the MDE OSE Executive Director shall investigate the alleged inequity or disputed action to determine its merit.
- c. The MDE OSE Executive Director shall notify the State Superintendent or his/her designee and a final review of the appeal shall be conducted. One of the following determinations shall be made:
  - i. The MDE OSE Executive Director will send a letter to the parent/guardian or school denying the appeal.
  - ii. The MDE OSE Executive Director will send a letter to the parent/guardian or school approving the appeal and the action that shall be taken.
  - iii. The MDE OSE Executive may request additional information needed to make a final determination.

## **7. Reporting Fraud.**

- a) Mississippi Code Ann. § 37-181-11(3) requires the department to adopt a process for removing educational service providers that defraud parents and for referring cases of fraud to law enforcement. In the event that fraudulent activity is reported or suspected by an educational service provider the OSE shall:
  - i. Provide written notification to the educational service provider of the suspected fraud. The provider has 30 calendar days to provide to the MDE OSE Executive Director a written response to the allegation.
  - ii. Upon receipt of the written response the MDE OSE Executive Director shall notify the State Superintendent or his/her designee and a final review of the response to the allegation appeal shall be conducted. One of the following determinations shall be made:
    - 1. The MDE OSE Executive Director will send a letter to the educational service provider that they are immediately removed from the program and will be referred to law enforcement.
    - 2. The MDE OSE Executive Director will send a letter to the educational service provider suspected of fraudulent activity that they have been cleared from a suspicion of fraudulent activity.
- b) Mississippi Code Ann. § 37-181-11(4) (5) requires the department to establish an online anonymous fraud reporting service and to establish a telephone hotline for fraud. In the event that an individual suspects fraudulent activity they may report the suspected activity to the MDE OSE via:
  - i. e-mail at [esa fraud@mdek12.org](mailto:esa fraud@mdek12.org)
  - ii. phone at 601-359-2586 (OSE Office)
  - iii. phone 1-866-993-7335 (Fraud Hotline)

- c) The MDE ESA Coordinator shall notify the MDE OSE Executive Director and the MDE OSE Executive Director shall notify the State Superintendent or his/her designee.
  - i. The ESA Coordinator, the OSE Executive Director, and the State Superintendent or his/her designee will schedule a meeting with the individual that reported the fraudulent activity to conduct an investigation. One of the following determinations will be made:
    - 1. The OSE Executive Director will send a letter to the individual suspected of fraudulent activity that they are immediately removed from the program and that they will be referred to the appropriate law enforcement.
    - 2. The OSE Executive Director will send a letter to the to the individual suspected of fraudulent activity that they have been cleared from a suspicion of fraudulent activity.

Source: Miss. Code Ann. § 37-1-3 and § 37-181-1 (Adopted 01/2020; Revised 2/2021)

### **Part 3 Chapter 75: Students**

#### *Rule 75.1 Residency Verification*

REPEALED

*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), Miss. Code Ann. §37-151-11 Rule*

*76.2 Contracts (Repealed 1/21/2011)*

*Rule 76.3 Experience*

*Review Miss. Code Ann. §37-151-5 for details on this rule.*

Source: *Miss. Code Ann. § 37-1-3 Miss. Code Ann. § 37-151-5 (Revised 9/2022)*

*Rule 76.4 Housing.* The Mississippi Employer-Assisted Housing Teacher Program is a special home loan program available to licensed teachers who render services in geographical areas of the state that are designated by the State Board of Education as having a critical shortage of teachers. The program is authorized by Miss. Code Ann. 37-159-11 and will be administered by the Department of Education. The Department of Education will advertise for the purpose of contracting with one or more public or private entities to assist with the implementation and administration of the program.

Eligible teachers shall include any state required licensed teacher of a local school district who serves in the role of teacher providing direct instruction to students, the equivalent of a minimum of three (3) normal periods per school day. The program is available to eligible teachers of any income level.

A maximum loan amount of \$6,000.00 will be available to eligible teachers to assist in paying closing costs associated with the purchase of a house located in the county in which the school district, or any portion of the school district, is located. The loan is not limited to first-time home buyers.

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 amount loaned to any teacher will be converted to an interest-free grant if the teacher completed three (3) years of employment in a critical shortage area. Any teacher who fails to render three (3) years of service in a geographical area of the state that is designated by the State Board of Education as having a critical shortage of teachers will be liable to the Department of Education for one-third ( $\frac{1}{3}$ ) of the amount of the loan for each year that the teacher fails to 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

1. The teacher shall contact the program administrator to confirm whether they are eligible for the program.

2. The teacher shall execute a contract for the purchase of a house in the county in which the school district, or any portion of the school district, is located.
3. The teacher shall make a loan application with any participating lender.
4. The lender shall approve the loan and submit a copy of the loan approval to the program administrator with the anticipated closing date.
5. Closing attorney shall send the program administrator a copy of HUD-1 Form forty-eight (48) hours prior to closing. The program administrator shall wire the funds for the loan and mail a promissory note to be executed by the teacher at closing.
6. After closing, the lender shall send the program administrator the signed promissory note.

MISSISSIPPI EMPLOYER-ASSISTED HOUSING TEACHER PROGRAM LOAN AGREEMENT

Date of Agreement:\_\_\_\_\_

Teacher:\_\_\_\_\_

School District:\_\_\_\_\_

Loan Amount upto \$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:

- a. **Purpose.** Teacher has applied to the Department for a loan for the purpose of purchasing a residence pursuant to the Mississippi Employer-Assisted Housing Teacher Program (Program). *See* Miss. Code Ann. § 37-159-11. The Department agrees 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.

- b. **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.
- c. **Term of Agreement.** The term of this Agreement shall commence upon the Beginning School Year or the date of this Agreement above stated, whichever is later.
- d. **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.
- e. **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. 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 a critical shortage of teachers exist. In the event of this occurrence Teacher shall still be considered compliant 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.
- f. **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 or rent to any person the said residence or any part thereof during the term of this Agreement.
- g. **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.
- h. **Events of Default.** Default shall consist of the occurrence of any one or more of the following events: (1.) failure of Teacher to render service to the District for three consecutive school years commencing with the Beginning School Year above stated; (2.) 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; (3.) any breach of any condition of this Agreement by Teacher; or (4.) breach of any condition under the Program by the Teacher.
- i. **Interest upon Default.** Upon the occurrence of any event specified in Section (h) of this Agreement, 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.

- j. **Actions upon Default.** Upon the occurrence of any event specified in Section (h) of the Agreement, the unforgiven and unpaid portion of the Loan Amount together, with all interest accrued from the date of the Agreement, shall be due. The Department shall give written notice to Teacher of the sums due as of the date of default and the interest amount thereafter. Such notice shall be sent via certified mail, return receipt request to Teacher at the address of Teacher upon the records of the Department. Teacher shall have 30 days from the time he or she received written notice to pay the sums due the Department. The Department may consider a repayment plan with the Teacher.
- k. **Collection Costs.** If Teacher fails to pay the sum due the Department by the deadline or in accordance with the repayment plan, if applicable, the Department may employ an attorney(s) for the collection of sums due, and shall be liable for an additional amount equal to reasonable attorneys' fees and court costs.
- l. **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 local school board, and that its President/Chair 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: (1.) Teacher ceases to render service to the District as a teacher at any time during the term hereof; (2.) Teacher ceases to reside in and occupy the actual residence purchased with the use of the Loan Amount.
- m. **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.
- n. **Administration.** Department may contract with one or more public or private entities that it is permitted to contract with under the Program, to perform all or some of its duties under the Program.
- o. **Applicable Laws and Rules and Regulations.** This Agreement is subject to and shall be governed by and construed in accordance with the laws of the State of Mississippi in such cases made and provided and by the rules and regulations adopted by the State Board of Education pursuant to the Program. In the event of a conflict between the terms of this Agreement and the laws of the State of Mississippi, the laws shall control; in the event of a conflict between the terms of this Agreement and the rules and regulations adopted by the State Board of Education pursuant to the Program, the rules and regulations shall control.
- p. **Advancement of Loan Amount.** It is agreed that the Loan Amount shall 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: \_\_\_\_\_

DISTRICT

\_\_\_\_\_  
School District

By: \_\_\_\_\_

Title: \_\_\_\_\_

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\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:\_\_\_\_\_

Source: *Miss. Code Ann. §§ 37-1-3; 37-159-11 (Revised 09/2022)*

*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 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 employing school district is greater than or equal to a thirty mile radius and must be within the boundaries of the State of Mississippi. 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. To be eligible for the reimbursement, the teacher must apply to the school district and the school district must obtain prior approval for reimbursement from the Department of Education before the relocation occurs. The school superintendent must request prior approval by completing and submitting the form Request of Prior Approval from the Department of Education. 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 should request reimbursement by completing and submitting the form Reimbursement for Moving Expenses. Upon receipt of the funds, the school superintendent should 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 School Financial Services 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 School Financial Services Mississippi  
Department of Education  
P. O. Box 771  
Jackson MS 39205-0771

Source: *Miss. Code Ann. § 37-1-3 Miss. Code Ann. §37-159-5 (Revised 09/2022)*

*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.* Repealed. Effective 11/23/2021

Source: *Miss. Code Ann. § 37-1-3 (Revised 09/2022)*

### **Part 3: Chapter 77, Rule 77.1: Technology Plan (Monitoring)**

REPEALED. Effective 11/23/2021

### **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* **REPEALED. Effective 04/21/2022.**

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)*

*Rule 78.11 Guidelines for Mississippi's Implementation of the Locally Selected, Nationally Recognized, High School Assessment Provision of ESSA.* The Mississippi Department of Education (MDE) procedures to evaluate requests under the Locally Selected Nationally

Recognized High School Assessment (LSNRHSA) provisions of the Every Student Succeeds Act (ESSA) are outlined in the *Guidelines for Mississippi's Implementation of the Locally Selected, Nationally Recognized, High School Assessment Provision of ESSA*.

Under 34 C.F.R §200.3 (d), a “nationally recognized high school assessment” is a “an assessment of high school students’ knowledge and skills that is administered in multiple States and is recognized by institutions of higher education in those or other States for the purposes of entrance or placement into courses in postsecondary education or training program.” (See USDE LSNRHSA Guidance, May 17, 2017). [ <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-II/part-200/subpart-A/subject-group-ECFR3da56646dfe7570/section-200.3> ]

The requesting District shall also produce clear guidance about how the assessment fits into Mississippi graduation options and requirements in addition to policies and practices governing participation.

Source: Miss Code Ann. § 37-1-3; 20 U.S.C § 6311(b)(2)(h); 34 C.F.R. §200 (January 2023)

### **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)*

**Chapter 80 – Rule 80.4**

**Every Student Succeeds Act: Equitable Services Dispute Resolution Policy**

Cite as: *Miss. Admin. Code 7-3:80.4*, State Board Policy Chapter 80, Rule 80.4.

**1. INTRODUCTION**

The *Elementary and Secondary Education Act of 1965*, as amended by the *Every Student Succeeds Act of 2015 (ESSA)*, acknowledges that disputes may arise between a private school and the local educational agency (LEA) responsible for administering equitable services to the private school under the provisions of *ESSA*. The Mississippi Department of Education's (MDE's) *ESSA* State Equitable Services Ombudsman and *ESSA* title-program specialists are available to assist LEAs and private schools with all equitable services concerns. However, in the event of unresolved disputes, the Mississippi State Board of Education hereby enacts the following Equitable Services Dispute Resolution Policy to facilitate the Ombudsman's statutory duty to "monitor and enforce" the equitable services provisions of *ESSA*.

## **2. ADMINISTRATIVE POLICY**

The Mississippi State Board of Education hereby authorizes the Mississippi Department of Education's Office of Federal Programs to devise detailed procedures for the resolution of equitable services disputes between LEAs and private schools. These procedures shall include, at a minimum:

**A. Moderated Settlement Conference:** When an unresolved dispute is announced via the *ESSA*-mandated "Private School Written Affirmation" filed with the State Ombudsman, representatives of the LEA and private school will attend a settlement conference moderated by Office of Federal Programs title-program specialists, to assure that no misunderstanding, misapplication of law or procedure, or other mistake has caused the dispute, and to attempt to reach an amicable resolution. Due to the impending possibility of the Ombudsman's adjudication of the matter, the Ombudsman shall not participate in the settlement conference.

**B. Complaint and Response:** If settlement is unsuccessful, the private school may elect to continue the dispute by filing a Complaint to the Ombudsman in writing, including all supplemental materials. The LEA may file a written Response, including all supplemental materials.

**C. Decision and Enforcement by Ombudsman:** After considering the evidence, the Ombudsman shall decide and resolve the dispute by enforcing the equitable services requirements of *ESSA*.

i. An in-person hearing may be requested by either party, or the parties may elect for the Ombudsman to decide the dispute based on the Complaint and Response materials alone. If an in-person hearing is requested, the Ombudsman shall preside and is hereby empowered to administer oaths and take witness testimony. A transcript of the proceeding shall be made.

ii. A detailed written decision will be subsequently issued, indicating whether the private school has met its burden of proof to demonstrate, by a preponderance of the evidence, that the LEA is noncompliant with the equitable services provisions of *ESSA*.

iii. If the Ombudsman finds the private school has met its burden of proof, the Ombudsman shall also issue an Order to Remediate, requiring the LEA to take the actions necessary to comply with *ESSA*'s equitable services requirements.

**D. Appeal:** In compliance with *ESSA*'s appeal provisions, the Ombudsman's Decision and/or Order may be appealed by either party as follows:

- i. Within the three (3) business days following the Ombudsman's issuance of the Decision, either party may file notice of appeal to the Mississippi State Superintendent of Education, or designee, who shall, within the ten (10) business days following the filing of said notice, review all materials considered in the case, including the transcript if applicable, and affirm, modify or reverse the Ombudsman's Decision and Order in a written decision issued to the parties.
- ii. Either party may appeal the decision of the Mississippi State Superintendent of Education to the Secretary of Education at the United States Department of Education no later than 30 calendar days after the parties' receipt of the State Superintendent's decision, or if no decision is issued within 45 calendar days after the filing of the initial private school Complaint.

Sources:

*ESSA* § 1117 [20 U.S.C. 6320 (Rev. 2017)] (a)(3)(B) and  
 § 8501 [20 U.S.C. 7881 (Rev. 2017)] (a)(3)(B)  
*ESSA* § 1117 [20 U.S.C. 6320 (Rev. 2017)] (b)(6) and  
 § 8501 [20 U.S.C. 7881 (Rev. 2017)] (c)(6)  
 34 C.F.R. § 76.671(b)(3)(ii) et seq. (Rev. 2017)  
 34 C.F.R. § 76.674(a)(2)(ii) (Rev. 2017)  
*ESSA* § 8503 [20 U.S.C. 7883] (b) (Rev. 2017)  
*Miss. Code Ann.* § 37-3-11(c) (Rev. 2017)  
*Miss. Code Ann.* § 37-1-3 (Rev. 2017)

### **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.



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 21 years of age, as referenced in Mississippi Code § 63-1-208: <https://law.justia.com/codes/mississippi/2013/title-63/chapter-1/article-5/section-63-1-208>.
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. REPEALED. Effective 04/21/2022.*

*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)*

### Rule 81. 15 MINIMUM STANDARDS AND BUS SPECIFICATIONS

The Mississippi Minimum School Bus Standards and Specifications provides state and federal regulations governing school bus body and chassis specifications, specially equipped school bus specifications, pupil transportation service vehicles specifications, multifunction school activity bus specifications, alternative power specifications, and equipment for the transportation of Pre-K Children.

All school buses and multifunction school activity buses sold by approved vendors and purchased or leased by a local education agency or private contractor shall meet the Mississippi Minimum School Bus Standards and Specifications approved by the State Board of Education and all applicable federal motor vehicle safety standards.

All used school buses purchased by a local education agency or private contractor shall meet the Mississippi Minimum Standards for School Buses for the year in which the bus was manufactured.

As evaluation suggests the need for changes in the minimum standards on the state or federal level, staff in the Office of Safe and Orderly Schools, Division of Pupil Transportation is authorized 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 education community.

Source: *Miss. Code Ann. § 37-41-1 (April 2023)*

## 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 as reauthorized by the Every Student Succeeds Act*)

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 Miss. Code Ann § 97-3-7,  
,  
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  - ii. Homicide as defined in Miss. Code Ann. §§ 97-3-19, 97-3-27, 97-3-29, 97-3-31, 97-3-35, 97-3-37, and 97-3-47,
  - iii. Kidnapping as defined in Miss. Code Ann § 97-3-53,
  - iv. Rape as defined in Miss. Code Ann §§ 97-3-65 and 97-3-71,
  - v. Robbery as defined in Miss. Code Ann §§ 97-3-73, 97-3-77 and 97-3-79,
  - vi. Sexual Battery as defined in Miss. Code Ann § 97-3-95,
  - vii. Mayhem as defined in Miss. Code Ann § 97-3-59,
  - viii. Poisoning as defined in Miss. Code Ann § 97-3-61,

- ix. Extortion as defined in Miss. Code Ann § 97-3-82,
  - x. Stalking as defined in Miss. Code Ann § 97-3-107, and
  - xi. Seizure and Forfeiture of Firearms as defined Miss. Code Ann § 97-3-110.
- 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) as reauthorized by the Every Student Succeeds Act - 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 compliant with this section.

Source: *Miss. Code Ann. § 37-1-3 (Revised 9.2022)*

*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 schools and facilities, community/junior colleges, and other state institutions.

The delivery of research, curricula, industry training materials, teacher education activities, and specialized professional development services shall be through an appropriate regional vocational-technical facility, defined as exhibiting an emphasis in and proven record of vocational and/or career and technical education expertise in curriculum development, assessment, teacher training, and continued professional development.

Source: *Miss. Code Ann. §§ 37-31-103, 37-31-205(1). (Revised 2/2019)*

*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 education 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 request 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 perinate, 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 data. The Office of Career and Technical Education shall give high priority to these approvals.
3. Information and Communication Technology was discontinued at the end of the 2021-2022 school year. Career Discovery programs were replaced by Cyber Foundations I and Cyber Foundations II. Cyber Foundations I (6<sup>th</sup>-7<sup>th</sup> grade) introduce students to career opportunities and the skills needed for various career paths. Cyber Foundations II (7<sup>th</sup>-8<sup>th</sup> grade) exposes students to a multimedia environment and fundamental computer skills. Science, Technology, Engineering, and Mathematics (STEM) will be replaced by Computer Science and Engineering at the end of the school year 2020-2021. CSE (offered 7-12, recommended, 8<sup>th</sup> or 9<sup>th</sup> grade) enables students to explore technology resources, processes, and systems that lead to enhanced career development and advanced education. Cyber Foundations I and II and Computer Science and Engineering 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 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. 367-31-103. (Revised 12/2023)*

*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 limited to, the following:

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 116-16, Sec. 113 (Revised 12/2023)*

*Rule 84.18 Appeals Procedures for Career Technical Education Data Reporting.*

## **1. INTRODUCTION**

Districts are encouraged to promote continuous improvement in academic achievement and technical skill attainment. State Board Policy Rule 84.18 outlines the state procedure for disputes that may arise between a local education agency and the Office of Career and Technical Education (OCTAE) in relation to student performance data as required by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V). The policy provides a dispute resolution procedure for local school districts who aggrieve student performance data housed in the District Summary Reports received annually prior to state Perkins V reporting.

## **2. ADMINISTRATIVE PROCEDURE**

If Districts are aggrieved with data provided by the OCTE related to Carl Perkins reporting, Districts shall utilize the following dispute resolution procedure:

- A. Within ten (10) business days after receiving the data summary report, submit a letter to the State Career and Technical Education Director stating the issue and justification for the dispute along with a copy of the data summary report with the disputed numbers identified. The letter shall be submitted in writing, dated, and signed by the District CTE Director/Contact Person and District Superintendent and sent to the following address:

Mississippi Department of Education  
Office of Career & Technical Education  
Attn: State CTE Director  
P.O. Box 771  
Jackson, MS 39205

- B. Within ten (10) business days after receiving the letter, the State Career and Technical Education Director shall review and respond in writing with his/her decision.

- C. If the District disagrees with the decision from the State Career and Technical Education Director, the District may, within five (5) business days, appeal to the Associate State Superintendent of Secondary Education. This request shall contain the original letter of request, the response from the State Career and Technical Education Director, a restatement of the issue(s) and a request for outcome.
- D. Within five (5) business days of receiving the appeal, the Associate State Superintendent shall review and respond in writing with his/her decision.
- E. If the district disagrees with the decision from the Associate State Superintendent, the District may, within five (5) business days, appeal to the State Chief Academic Officer. The request shall contain the original letter of request, the responses from the State Career and Technical Education Director and the Associate State Superintendent of Secondary Education, a restatement of the issue(s) and a request for outcome.
- F. Within five (5) business days of receiving the appeal, the State Chief Academic Officer shall review and respond in writing with his/her decision. The decision of the State Chief Academic Officer on this issue will be final.

Source: Public Law 116-6, Sec. 113

### **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% 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 determine 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 three (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 Carl Perkins funds and for targeting Carl Perkins funds.

Funds (85% Carl Perkins) allocated to local educational agencies shall be allocated by the distribution formula and will be administered by the local plan/application.

Funds (Carl Perkins) allocated to local educational agencies for nontraditional services shall be awarded on an RFP project basis.

Funds (1% 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 (state vocational) allocated to local educational agencies for support of ongoing programs shall be continuous unless notification is given prior to the start of 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 116-6, Sec. 112, Sec134 (Revised 12/2023)*

*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 Career 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 Career 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 12/2023)*

*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. Lease Purchases/Indirect Cost/Other State Support
    - 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 IV, Student Services, 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 Projects 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 IV, Student 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 program by the local educational agency.

Source: *Public Law 116-6, Sec 122, 135 (Revised 12/2023)*

*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. Vocational Non-Project Funds

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. Public Secondary Institutions

- 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)*

Rule 95.2 *Mississippi Learn to Earn Act*.

1. The State Board of Education authorizes local school boards, in their discretion, to develop an Extended Learning Opportunity policy that provides alternative learning opportunities to students in grades 9 through 12 for elective course credit. These alternative learning opportunities may include pre-apprenticeships, apprenticeships, internships, or other experiences approved by the Office of Career and Technical Education.

2. The Mississippi Department of Education and The Office of Career and Technical Education shall provide oversight to the alternative learning opportunities through the secondary Work-Based Learning program that is available to all districts and is maintained through partnership with The Mississippi Community College Board, The State Workforce Investment Board, and The Mississippi Department of Employment Security. These entities shall collaborate to establish procedures for apprenticeships and internships that may be exempt from federal state and labor laws.

3. If the local school board approves an application, it shall submit the application to The Office of Career and Technical Education prior to implementation for review and final approval by February 1. The Office of Career and Technical Education shall have 90 days to review and respond to all applications submitted. Once a local district receives final approval, the alternative learning opportunities may be implemented the following school year through the Work-Based Learning program. High-school-to-work programs aligned to The Mississippi Learn to Act and the Work-Based Learning curriculum will be evaluated through the consolidated monitoring audit performed by the Office of Career and Technical Education.

Source: *Miss. Code Ann. § 37-1-3 and § 37-71-1, et seq.* (Adopted 2/2021)

### **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**

Chapter 97: Weapons Rule 97.1 Weapons. Each local school district shall have a policy concerning weapons on school premises. Source: *Miss. Code Ann.*

§ 37-1-3; 45-9-101 Revised 9/2022)

**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*

*Rule 99.1 Title IX Grievance Policy*

**1. RIGHT TO EXPRESS CONCERNS, COMPLAINTS OR GRIEVANCES**

It is the policy of the SBE and the MDE to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, bullying, and discrimination.

MDE is a conduit for federal money to the local school districts and ensures the local school districts' compliance with federal financial grants. As such, MDE requires each local school district and each state school to have a grievance policy in place to address any complaints alleging discrimination under the Age Discrimination Act of 1975, Title II of the American Disability Act, Title IV of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and Title IX of the Education Amendments of 1972. Complaints alleging discrimination by the local school district, its staff, or students should be first directed to the local school level and handled pursuant to local policy.

As specifically related to Title IX, this policy sets out the minimum steps that each state school (i.e., special school and/or district under the purview of the SBE) shall take in response to a notice of alleged discrimination based on sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, such as dating violence, domestic violence, and cyberstalking. The SBE forbids unwelcomed sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature amounting to or constituting harassment and/or discrimination against any student under its purview.

**2. DEFINITIONS**

**A. Sex Discrimination**

The practice of treating a person differently, or less favorably, than other people or groups based on sex.

**B. Allegation**

An assertion that someone has engaged in discrimination based on sex.

**C. Sexual Harassment**

Unwanted conduct based on sex. Examples of such behavior include:

- Direct or indirect threats or bribes for unwanted sexual activity
- Sexual innuendos and comments
- Asking or commenting about a person's sexual activities
- Humor or jokes about sex or females/males in general

- Making sexually suggestive remarks, gestures, or jokes, or remarks of a sexual nature about a person's appearance
- Repeated unsuccessful attempts at gaining dates or sexual behavior
- Sexual touching, pinching, brushing, or patting
- Displaying offensive sexual illustrations in the school/work place
- Insulting and belittling a person-sexual ridicule
- Letters, notes, telephone calls, or materials of a sexual nature
- Stalking a person either inside or outside the institution
- Attempt or actual sexual assault

#### D. Complainant

The person who has experienced the alleged discrimination based on sex. This person is considered a complainant regardless of whether they choose to file a formal complaint under Title IX.

#### E. Respondent

The person accused of the alleged discrimination. This person may be a student or a school employee. If the person is an employee, the school shall adhere to the process found in Miss. Code Ann. § 37-9-59.

#### F. Title IX Coordinator

The individual responsible for overseeing the school's efforts to comply with its obligations under Title IX and Title IX regulations, including, but not limited to, coordinating any investigations of complaints of sex discrimination, implementation of supportive measures, and remedies where appropriate.

### 3. ADMINISTRATIVE PROCESS

Each state school shall have a grievance policy adopted by the governing board and accessible in both the student handbook and employee handbook. The grievance policy shall include the following:

#### A. Receiving and Responding to Reports

Employees who believe or have been made aware that a student has been subject to Title IX Discrimination, shall report it to the Title IX Coordinator. Failure to make such a report may result in disciplinary action up to and including termination.

The school shall respond whenever any school employee has been put on actual notice of improper behavior as defined in the school's policy. Such notice may be from an oral report of sexual harassment by a complainant or anyone else, a written report, through personal observation, through an anonymous report, or through various other means. When a complaint or report is made under the policy, the Title IX Coordinator shall: (1) confidentially contact the complainant to offer supportive measures, consider the complainant's wishes with respect to supportive measures, and inform them of the availability of supportive measures with or without

filing a formal complaint; (2) explain the process for how to file a formal complaint; (3) inform the complainant that any report made in good faith will not result in discipline; and (4) respect the complainant's wishes with respect to whether to investigate unless the designated staff member determines it is necessary to pursue the complaint in light of a health or safety concern for the community.

#### B. Confidentiality

The school must keep confidential the identity of any individual who has made a report or complaint of any form of prohibited sex discrimination, including any reporter, complainant, respondent, or witness, except:

1. As may be permitted by FERPA;
2. Or as required by law; or
3. To carry out the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

The confidentiality of the reporting party will be observed providing it does not interfere with the school's ability to investigate or take corrective action. If the complainant reports rape, sexual assault, child sexual abuse, or other behaviors which constitute criminal activity, school officials shall contact appropriate law enforcement agencies and the superintendent/executive director.

#### C. Supportive Measures

Supportive measures are short-term measures that are designed to restore or preserve access to the school's education program or activity. Supportive measures are available regardless of whether the complainant chooses to pursue any action under the school's policy, including before and after the filing of a formal complaint or where no formal complaint has been filed. They are meant to restore access to education, protect student and employee safety, and/or deter future acts.

Supportive measures are available to the complainant, respondent, and as appropriate, witnesses or other impacted individuals, and these measures should be provided based on an individualized assessment of the needs of the individual. These supports are non-disciplinary and non-punitive individualized services designed to offer support without being unreasonable burdensome.

Examples of supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

#### D. Formal Complaint

A "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging discrimination or sexual harassment against a respondent and request that the school investigate the allegation(s). A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided

by the school district. The complaint document, whether physical or electronic, shall contain the complainant's physical or digital signature. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not "the complainant" or otherwise considered a party but shall comply with applicable procedures.

#### E. Investigations

Once a formal complaint is filed, an investigator will be assigned and the parties will be treated equitably, including in the provision of supportive measures and remedies. Each party will receive notice of the specifics of the allegations as known, and as any arise during the investigation. The investigator will attempt to collect all relevant information and evidence. While the investigator will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the investigator so that they may be considered during the investigation.

The principal of the school, so long as the principal is neither the Title IX Coordinator, the investigator, or any other individual who may have a conflict of interest, shall serve as the decision-maker, and will facilitate a written question and answer period between the parties. Each party may submit written questions for the other party and witnesses to the decision-maker for review. The questions must be relevant to the case, and the decision-maker will determine if the questions submitted are relevant and will then forward the relevant questions to the other party or witnesses for a response. The decision-maker can then review all the responses, determine what is relevant or not relevant, and issue a decision as to whether the respondent is responsible for the alleged act.

#### F. Presumptions about Complainants, Respondents, and Witnesses

The school presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this school's policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made by the decision-maker.

#### G. Determination Regarding Responsibility

The decision-maker shall review the evidence provided by all parties and will make a final determination of responsibility after the investigation based on a preponderance of the evidence. "Preponderance of the evidence" means evidence that is of greater weight or more convincing than as asserted fact or facts occurred than evidence in opposition to such facts. It is evidence which as a whole shows that an assertion to be proven is more likely than not.

The decision-maker shall provide a final determination to the parties at the same time, with appeal rights provided. It will explain if any policies were violated, the steps and methods taken to investigate, the findings of the investigation, conclusions about the findings, the ultimate determination and the reasons for it, any disciplinary sanctions that will be imposed on the respondent, and any remedies available to the complainant to restore or preserve equal access.

#### H. Sanctions and Remedies

The school will take reasonable steps to address any violations of the policy and to restore or preserve equal access to the school's education programs or activities. Sanctions for finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for similar violations, or both.

When a respondent is found responsible for the prohibited behavior as alleged, remedies shall be provided to the complainant. Remedies are designed to maintain the complainant's equal access to education and may include supportive measures or remedies that are punitive or would pose a burden to the respondent.

Whatever the outcome of the investigation or appeal, the complainant and respondent may request ongoing or additional supportive measures. Ongoing supportive measures that do not unreasonably burden a party may be considered and provided even if the respondent is found not responsible.

#### I. Informal Resolution

Informal resolution is available only after a formal complaint has been filed involving parties of the same status (e.g., student-student or employee-employee), prior to a determination of responsibility, and if the complainant and respondent voluntarily consent to the process in writing. Informal resolution is not available in cases which an employee is alleged to have sexually harassed a student.

#### J. Parent and Guardian Rights

Consistent with the applicable laws of the State of Mississippi and absent a court order or other legal requirement to the contrary, a student's parent or guardian shall be permitted to exercise the rights granted to their child under the school's policy, whether such rights involve requesting supportive measures, filing a formal complaint, or participating in a grievance process. A student's parent or guardian shall also be permitted to accompany the student to meetings, interviews, and hearings, if applicable, during a grievance process to exercise rights on behalf of the student. The student may have an advisor of choice who is a different person from the parent or guardian.

### 4. APPEALS

Appeals are available after a complaint dismissal or after a final determination is made. Appeals may be made due to procedural irregularities in the investigation affecting the outcome, new evidence becoming available, or due to bias or a conflict of interest by the personnel that may have affected the outcome. The school should set a reasonable time frame to submit an appeal, but not less than 10 days nor more than 30 days. Or, if there is no administrative response to the student/parent/guardian grievance by the school, the grievance should be made to the superintendent of the school or the superintendent's designee.

Parties shall be given an opportunity to submit a written statement in support of or in opposition to the final determination. A new decision-maker shall issue a final decision at the same time to each party.

The following procedures shall be followed when submitted student/parent/guardian grievances regarding administrative decisions:

Level 1: An aggrieved party should express his or her concern to the school level administration for resolution or file a formal grievance with the school superintendent/executive director. The superintendent/executive director shall investigate allegations as soon as circumstances allow, but not later than five (5) business days from submission of the original written grievance. The administrator shall provide a written response to the aggrieved party no later than ten (10) business days after receipt of the original written grievance. If there is no administrative response to the aggrieved party within the ten (10) business days, or if the response is unsatisfactory, the aggrieved party may elevate to Level 2.

Level 2: If any party deems the resolution unsatisfactory, the party may appeal the decision by submitting a copy of the grievance and decision to the Mississippi Department of Education's Associate Superintendent responsible for oversight of the state school, along with a written statement detailing the reasons for the dissatisfaction. The Associate Superintendent shall investigate and review the matter. After review, the Associate Superintendent shall provide a written response to the parties postmarked no later than ten (10) business days following receipt of the appeal.

If there is no response by the Associate Superintendent to the appealing party within the ten (10) business days, or if the response is unsatisfactory to either party, the aggrieved party may advance the grievance to Level 3.

Level 3: The aggrieved party, after review of the written response from the Associate Superintendent, may appeal that response to the State Superintendent or the State's Superintendent's designee no later than ten (10) business days after receipt of the written communication at Level 2. The State Superintendent or his/her designee shall review the grievance and shall provide the parties a written response postmarked within ten (10) business days following the receipt of the appeal.

Level 4: The aggrieved party 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) business 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 parties an opportunity to appear at the next regularly scheduled Board meeting to present his or her grievance and response in accordance with the Family Education Right and Privacy Act (FERPA) 20 U.S.C. 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 party or parties elect not to appear personally, the parties may request the Board's review of the written documentation only. The decision of the State Board of Education shall be final.

Source: Title IX of the Education Amendments of 1972; 34 C.F.R. § 106; Miss. Code Ann. § 37-1-3 (Revised 3/2022)

*Rule 99.2 School Calendar Approval and Modification*

The State Board of Education shall approve the academic calendars for state schools.

In order to facilitate response to natural disasters or other emergencies, adjustments to SBE-approved calendars may be made with the approval of the State Superintendent of Education or his/her designee, with subsequent ratification by the State Board of Education at its next regularly scheduled meeting.

Source: *Miss. Code Ann. § 37-1-3* (Adopted 8/2020)