



# **Mississippi Compilation of School Discipline Laws and Regulations**

Prepared: January 31, 2020

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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The State of Mississippi contracts with LexisNexis to provide free public access to the Mississippi Code (<http://www.lexisnexis.com/hottopics/mscode/>). Users must agree to terms and conditions prior to use of the site. All listed statutes are searchable by title and chapter number or by using key search terms.

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**Chapter 38: Healthy and Safe Schools**

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Rule 82.1. Violence

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Rule 97.1. Weapons



## **General Provisions**

### **Authority to develop and establish rules of conduct**

#### **LAWS**

##### **§ 37-7-301. General powers and duties.**

The school boards of all school districts shall have the following powers, authority and duties in addition to all others imposed or granted by law, to wit:

(e) To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or homebound program for misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, or for conduct occurring on property other than school property or other than at a school-related activity or event when such conduct by a pupil, in the determination of the school superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, and to delegate such authority to the appropriate officials of the school district;

(g) To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school;

##### **§ 37-11-55. Code of student conduct.**

The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(a) Specific grounds for disciplinary action under the school district's discipline plan;

(b) Procedures to be followed for acts requiring discipline, including suspensions and expulsion, which comply with due process requirements;

(c) An explanation of the responsibilities and rights of students with regard to: attendance; respect for persons and property; knowledge and observation of rules of conduct; free speech and student publications; assembly; privacy; and participation in school programs and activities;

(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval;

(e) Policies and procedures for dealing with a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities;

- (f) Procedures for the development of behavior modification plans by the school principal, reporting teacher and student's parent for a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities for a second time during the school year; and
- (g) Policies and procedures specifically concerning gang-related activities in the school, on school property or vehicles, or at school-related activities.

**§ 37-11-69. Anti-bullying personnel and discipline policies and code of student conduct.**

(1) Each local school district shall include in its personnel policies, discipline policies and code of student conduct a prohibition against bullying or harassing behavior and adopt procedures for reporting, investigating and addressing such behavior, that:

- (a) Prohibit the bullying of a student;
- (b) Prohibit retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
- (c) Establish a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;
- (d) Establish the actions a student should take to obtain assistance and intervention in response to bullying;
- (e) Set out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
- (f) Establish procedures for reporting an incident of bullying, investigating a reported incident of bullying and determining whether the reported incident of bullying occurred;
- (g) Prohibit the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and
- (h) Require that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 USCS Section 1400 et seq.).

(2) The policies must recognize the fundamental right of every student to take reasonable actions as may be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing.

(3) The procedure for reporting bullying established under subsection (1) of this section must be posted on the district's Internet website.

**§ 45-6-7. Powers of board.**

In addition to the powers conferred upon the board elsewhere in this chapter, the board shall have power to:

- (a) Promulgate rules and regulations for the administration of this chapter, including the authority to require the submission of reports and information by law enforcement agencies of the state and its political subdivisions.
- (b) Establish minimum educational and training standards for admission to employment or appointment as a law enforcement officer or a part-time law enforcement officer: (i) in a permanent position; and (ii) in a probationary status. The minimum educational and training standards for any law enforcement officer assigned to field or investigative duties shall include at least two (2) hours of training related to handling complaints of human trafficking and commercial sexual exploitation of children as defined in Section 43-21-105, communicating with such victims, and requiring the officer to contact the

Department of Child Protection Services when human trafficking or commercial sexual exploitation is suspected.

(c) Certify persons as being qualified under the provisions of this chapter to be law enforcement officers or part-time law enforcement officers.

(d) Revoke certification for cause and in the manner provided in this chapter. The board is authorized to subpoena documents regarding revocations. The board shall maintain a current list of all persons certified under this chapter who have been placed on probation, suspended, subjected to revocation of certification, or any combination of these.

(e) Establish minimum curriculum requirements for basic and advanced courses and programs for schools operated by or for the state or any political subdivision thereof for the specific purpose of training police and other law enforcement officers, both full- and part-time, which shall include a minimum of two (2) hours of training in a course or courses related to the identification of and support for victims of human trafficking and commercial sexual exploitation.

(f) Consult and cooperate with counties, municipalities, state agencies, other governmental agencies, and with universities, colleges, community and junior colleges and other institutions concerning the development of training schools, programs or courses of instruction for personnel defined in this chapter.

(g) Make recommendations concerning any matter within its purview pursuant to this chapter.

(h) Make such inspection and evaluation as may be necessary to determine if governmental units are complying with the provisions of this chapter.

(i) Approve law enforcement officer training schools for operation by or for the state or any political subdivision thereof for the specific purpose of training personnel defined in this chapter.

(j) Upon the request of agencies employing personnel defined in this chapter, conduct surveys or aid municipalities and counties to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(k) Upon request of agencies within the purview of this chapter, conduct general and specific management surveys and studies of the operations of the requesting agencies at no cost to those agencies. The role of the board under this subsection shall be that of management consultant.

(l) Adopt and amend regulations consistent with law, for its internal management and control of board programs.

(m) Enter into contracts or do such things as may be necessary and incidental to the administration of this chapter.

(n) Establish jointly with the State Board of Education the minimum level of basic law enforcement training required of persons employed by school districts as school security guards, or school resource officers or in other positions that have the powers of a peace officer.

## **REGULATIONS**

### **Rule 97.1. Weapons.**

Each local school district shall have a policy concerning weapons on school premises. It shall contain at least the following provisions and may include such additional provisions as the local school district deems appropriate:

The (Name of District) Board of Education recognizes that the possession of pistols, firearms, or other weapons on school premises or at school functions by persons other than duly authorized law enforcement officials creates an unreasonable and unwarranted risk of injury or death to District employees, students, visitors, and guests and further creates an unreasonable and unwarranted risk of

damage to properties of District employees, students, visitors, and guests. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms, or weapons in any form by any person other than duly authorized law enforcement officials on school premises or at school functions, regardless of whether any such person possesses a valid permit to carry such pistols, firearms, or weapons.

## Scope

### LAWS

#### **§ 37-9-69. General duties of superintendents, principals and teachers.**

It shall be the duty of each superintendent, principal and teacher in the public schools of this state to enforce in the schools the courses of study prescribed by law or by the state board of education, to comply with the law in distribution and use of free textbooks, and to observe and enforce the statutes, rules and regulations prescribed for the operation of schools. Such superintendents, principals and teachers shall hold the pupils to strict account for disorderly conduct at school, on the way to and from school, on the playgrounds, and during recess.

#### **§ 37-11-55. Code of student conduct.**

The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

- (e) **Policies and procedures for dealing with a student who causes a disruption** in the classroom, on school property or vehicles, or at school-related activities;
- (f) **Procedures for the development of behavior modification plans** by the school principal, reporting teacher and student's parent for a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities for a second time during the school year; and
- (g) Policies and procedures specifically concerning gang-related activities in the school, on school property or vehicles, or at school-related activities.

#### **§ 97-37-17. Possession of weapons by students; aiding or encouraging.**

(1) The following definitions apply to this section:

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

### REGULATIONS

No relevant regulations found.

# Communication of Policy

## LAWS

### **§ 37-11-53. School district discipline plans; appearance by parents, guardians or custodians at discipline conferences; recovery from parents for damage or destruction of school property; parent allowed to accompany child to school as alternative to child's suspension.**

(1) A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 37-11-18.1, shall be fully incorporated into the school district's discipline plan and code of student conduct.

### **§ 37-11-55. Code of student conduct.**

The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

- (a) Specific grounds for disciplinary action under the school district's discipline plan;
- (b) Procedures to be followed for acts requiring discipline, including suspensions and expulsion, which comply with due process requirements;
- (c) An explanation of the responsibilities and rights of students with regard to: attendance; respect for persons and property; knowledge and observation of rules of conduct; free speech and student publications; assembly; privacy; and participation in school programs and activities;
- (d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval;
- (e) Policies and procedures for dealing with a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities;
- (f) Procedures for the development of behavior modification plans by the school principal, reporting teacher and student's parent for a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities for a second time during the school year; and
- (g) Policies and procedures specifically concerning gang-related activities in the school, on school property or vehicles, or at school-related activities.

## **REGULATIONS**

No relevant regulations found.

## **In-School Discipline**

### **Use of multi-tiered discipline approaches**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Teacher authority to remove students from classrooms**

#### **LAWS**

##### **§ 37-11-55. Code of student conduct.**

The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated. If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval;

#### **REGULATIONS**

No relevant regulations found.

### **Alternatives to suspension**

#### **LAWS**

##### **§ 37-11-53. School district discipline plans: appearance by parents, guardians or custodians at discipline conferences; recovery from parents for damage or destruction of school property; parent allowed to accompany child to school as alternative to child's suspension.**

(5) A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the

student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district.

## REGULATIONS

No relevant regulations found.

## Use of corporal punishment

### LAWS

#### **§ 37-11-57. Immunity of school personnel from liability for carrying out action in enforcing rules regarding control, discipline, suspension and expulsion of students.**

(2) Corporal punishment administered in a reasonable manner, or any reasonable action to maintain control and discipline of students taken by a teacher, assistant teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board, does not constitute negligence or child abuse. No teacher, assistant teacher, principal or assistant principal so acting shall be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, or the taking of action to maintain control and discipline of a student, unless the court determines that the teacher, assistant teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety. For the purposes of this subsection, "corporal punishment" means the reasonable use of physical force or physical contact by a teacher, assistant teacher, principal or assistant principal, as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students.

(3) Notwithstanding subsection (2) of this section a public school teacher, assistant teacher, principal, assistant principal or other school personnel is prohibited from using corporal punishment, as defined in subsection (2) of this section, on any student with a disability. No school personnel shall be granted immunity from liability under subsection (2) of this section for the use of corporal punishment on a student with a disability. For purposes of this subsection, the term "student with a disability" means a student who has an individualized education plan (IEP) under the Individuals with Disabilities Education Act (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973. The term "school personnel" includes all individuals employed on a full-time or part-time basis by a public school.

## REGULATIONS

No relevant regulations found.

## Use of student and locker searches

### LAWS

No relevant laws found.

## REGULATIONS

No relevant regulations found.



## **Other in-school disciplinary approaches**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements**

### **Grounds for possible suspension or expulsion**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Grounds for mandatory suspension or expulsion**

#### **LAWS**

#### **§ 37-11-18. Expulsion of student possessing controlled substance or weapon or committing violent act on school property.**

Any student in any school who possesses any controlled substance in violation of the Uniform Controlled Substances Law, a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on educational property as defined in Section 97-37-17, Mississippi Code of 1972, shall be subject to automatic expulsion for a calendar year by the superintendent or principal of the school in which the student is enrolled; provided, however, that the superintendent of the school shall be authorized to modify the period of time for such expulsion on a case by case basis. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board.

#### **§ 37-11-19. Suspension or expulsion of student damaging school property; liability of parent or custodian.**

If any pupil shall willfully destroy, cut, deface, damage, or injure any school building, equipment or other school property he shall be liable to suspension or expulsion and his parents or person or persons in loco parentis shall be liable for all damages

#### **§ 37-11-43. Public high school fraternity, sorority or secret society; duties of boards of trustees.**

All boards of trustees of public high schools shall prohibit fraternities, sororities, or secret societies in all high schools under their respective jurisdiction. It shall be the duty of said boards of trustees to suspend or expel from said high schools under their control, any pupil or pupils who shall be or remain a member of, or shall join or promise to join, or who shall become pledged to become a member, or who shall solicit or encourage any other person to join, promise to join, or be pledged to become a member of, any such public high school fraternity, sorority or secret society, as defined in Section 37-11-37.

#### **REGULATIONS**

No relevant regulations found.

## Limitations, conditions, or exclusions for use of suspension and expulsion

### LAWS

No relevant laws found.

### REGULATIONS

#### **Rule 7.1. Guidelines.**

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.

## Administrative procedures related to suspensions and expulsion

### LAWS

#### **§ 37-9-71. Suspension or expulsion of pupils.**

The superintendent of schools and the principal of a school shall have the power to suspend or expel a pupil for good cause, including misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event when such conduct by a pupil, in the determination of the superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, or for any reason for which such pupil might be suspended, dismissed or expelled by the school board under state or federal law or any rule, regulation or policy of the local school district. For any suspension of more than ten (10) days or expulsions, a student shall have the right to a due process hearing, be represented by legal counsel, to

present evidence and cross-examine witnesses presented by the district. The student and the student's parent, legal guardian or person in custody of the student may appeal suspension of more than ten (10) days and expulsions to the school board. The standard of proof in all disciplinary proceedings shall be substantial evidence. The parent or guardian of the child shall be advised of this right to a hearing by the appropriate superintendent or principal and the proper form shall be provided for requesting such a hearing.

**§ 37-11-53. School district discipline plans; appearance by parents, guardians or custodians at discipline conferences; recovery from parents for damage or destruction of school property; parent allowed to accompany child to school as alternative to child's suspension.**

(1) A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 37-11-18.1, shall be fully incorporated into the school district's discipline plan and code of student conduct.

(2) All discipline plans of school districts shall include, but not be limited to, the following:

(a) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible financially for his or her minor child's destructive acts against school property or persons;

(b) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district may be requested to appear at school by the school attendance officer or an appropriate school official for a conference regarding acts of the child specified in paragraph (a) of this subsection, or for any other discipline conference regarding the acts of the child;

(c) Any parent, guardian or custodian of a compulsory-school-age child enrolled in a school district who refuses or willfully fails to attend such discipline conference specified in paragraph (b) of this section may be summoned by proper notification by the superintendent of schools or the school attendance officer and be required to attend such discipline conference; and

(d) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible for any criminal fines brought against such student for unlawful activity occurring on school grounds or buses.

(3) Any parent, guardian or custodian of a compulsory-school-age child who (a) fails to attend a discipline conference to which such parent, guardian or custodian has been summoned under the provisions of this section, or (b) refuses or willfully fails to perform any other duties imposed upon him or her under the provisions of this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not to exceed Two Hundred Fifty Dollars (\$ 250.00).

(4) Any public school district shall be entitled to recover damages in an amount not to exceed Twenty Thousand Dollars (\$ 20,000.00), plus necessary court costs, from the parents of any minor under the age of eighteen (18) years and over the age of six (6) years, who maliciously and willfully damages or destroys property belonging to such school district. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree. The action authorized in this section shall be in addition to all other actions which the school district is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents, for damages to which such minor or other person would otherwise be liable.

(5) A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district.

## REGULATIONS

No relevant regulations found.

## In-school suspension

### LAWS

No relevant laws found.

### REGULATIONS

No relevant regulations found.

## Return to school following removal

### LAWS

#### § 37-11-55. Code of student conduct.

The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. **The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated.** If the principal does not approve of the determination of the teacher to remove the student from the classroom, the student may not be removed from the classroom, and the principal, upon request from the teacher, must provide justification for his disapproval;

### REGULATIONS

No relevant regulations found.

# Use of restraint and seclusion

## LAWS

No relevant laws found.

## REGULATIONS

### Rule 38.13. Restraint and seclusion

#### 1. Introduction

The Mississippi Department of Education and the State Board of Education supports a positive approach to behavior that uses proactive strategies to create a safe school climate that promotes dignity, creates authentic student engagement, and improves student achievement for all students. When teachers and administrators implement evidence-based positive behavior supports with fidelity, a safe and orderly school environment is created that is conducive to learning and students are able to achieve without the constant interruptions that occur when teachers are required to address discipline in the classroom.

Research indicates that the most effective response to school violence is to establish a school culture that emphasizes prevention, early identification, teaching, reinforcement of appropriate behavior and continuous data-based problem solving. One primary method is to structure the environment using a non-aversive effective behavioral system, such as Positive Behavior Interventions and Supports (PBIS). Effective positive behavioral systems are comprehensive, in that they are comprised of a framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavioral outcomes for all students. The PBIS prevention oriented framework or approach applies to all students, all staff, and all settings. When integrated with effective academic instruction, such systems can help provide the supports children need to become actively engaged in their own learning and academic success. Schools successfully implementing comprehensive behavioral systems create school-wide environments that reinforce appropriate behaviors while reducing instances of dangerous behaviors that may lead to the need to use restraint or seclusion. In schools implementing comprehensive behavioral systems, trained school staff use preventive assessments to identify where, under what conditions, with whom, and why specific inappropriate behavior may occur, as well as implement de-escalation techniques to defuse potentially violent dangerous behavior. Preventive assessments should include (1) a review of existing records; (2) interviews with parents, family members, and students; and (3) examination of previous and existing behavioral intervention plans. Using these data from such assessments helps schools identify the conditions when inappropriate behavior is likely to occur and the factors that lead to the occurrence of these behaviors; and develop and implement preventive behavioral interventions that teach appropriate behavior and modify the environmental factors that escalate the inappropriate behavior. The use of comprehensive behavioral systems significantly decreases the likelihood that restraint or seclusion would be used, supports the attainment of more appropriate behavior, and, when implemented as described, can help to improve academic achievement and behavior. In order to reduce the use of aversive techniques in response to student behavior, restraint and seclusion, school wide behavior systems should include a comprehensive behavior management system that includes: (a) socially valued and measurable outcomes, (b) empirically validated and practical practices (c) systems that efficiently and effectively support the implementation of these practices, and (d) continuous collection and use of data for decision making.

However, at times, some students exhibit behaviors which place themselves and others in imminent danger. Schools shall implement proactive strategies and interventions to reduce the likelihood of these situations, and they shall have clearly identified responses to address such situations when they occur.

Additionally, schools shall have policies in place that address the responses needed to ensure the safety of all students and staff.

## 2. Restraint and Seclusion Policy

A Restraint and Seclusion Policy is defined through written local school board-approved policies and procedures that define appropriate means of restraint and seclusion to provide for a safe and orderly education. These policies and procedures shall apply to all students in the local school district and shall not focus on one or more subgroups of students.

In accordance with Miss. Code Ann. §§ 37-9-69 and 37-11-57, it is recognized that staff may intercede in situations wherein students are displaying physically violent behavior or are deemed to be a danger to themselves or others. State Board policy positively prohibits the use of excessive force, or cruel and unusual punishment regarding student management. Restraint and/or seclusion shall not be utilized as a punitive measure.

This policy in no way shall inhibit the right of staff to reasonable self-defense in accordance with the provisions of the 5th and 14th amendments to the Constitution of the United States, or the Constitution of Mississippi, nor negate the obligation of the district to provide a safe work environment.

## 3. Definitions

- a. **Aversive behavioral interventions** is defined as a physical or sensory intervention program intended to modify behavior that the implementer knows would cause physical trauma, emotional trauma, or both, to a student even when the substance or stimulus appears to be pleasant or neutral to others and may include hitting, pinching, slapping, water spray, noxious fumes, extreme physical exercise, loud auditory stimuli, withholding of meals, or denial of reasonable access to toileting facilities.
- b. **Aversive procedure** is defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to: infliction of bodily pain, (e.g., hitting, pinching, slapping), water spray, noxious fumes, extreme physical exercise, costumes, or signs.
- c. **Aversive technique** is defined as physical, emotional or mental distress as a method of redirecting or controlling behavior.
- d. **Behavioral intervention** is defined as the implementation of strategies to address behavior that is dangerous, inappropriate, detrimental, or otherwise impedes the learning of the students.
- e. **Behavior Intervention Plan (BIP)** is defined as a plan of action for managing a student's behavior. The BIP includes a set of strategies and supports intended to increase the occurrence of behaviors that school personnel encourage and to decrease behaviors that school personnel want to lessen or eliminate. The BIP shall include:
  - i. Observable and measurable description of the problem behavior;
  - ii. Identified purpose of the problem behavior as a result of the FBA;
  - iii. General strategy or combination of strategies for changing the problem behavior;
  - iv. Written description of when, where, and how often the strategy will be implemented; and
  - v. Consistent system of monitoring and evaluating the effectiveness of the plan.
- f. **Chemical restraint** is defined as "the administration of medication for the purpose of restraint." Chemical restraint does not apply to medication prescribed by and administered in accordance with the directions of a licensed physician. The use of chemical restraint is prohibited in Mississippi Public Schools.

g. Dangerous behavior is defined as behavior that presents an imminent danger of physical harm to self or others but does not include inappropriate behaviors such as disrespect, noncompliance, insubordination, or out-of-seat behaviors.

h. De-escalation techniques are defined as strategically employed verbal or non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.

i. Emergency situation is defined as spontaneous unpredictable events posing an imminent threat of serious bodily injury.

j. Functional Behavioral Assessment (FBA) is defined as a school-based, collaborative process that includes the parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment.

i. The term includes direct assessments, indirect assessments and data analysis designed to assist the team to identify and define the problem behavior in concrete terms.

ii. Contextual factors (including affective and cognitive factors) are identified that contribute to the behavior, and a hypothesis is formulated regarding the general conditions under which a behavior usually occurs and the probable consequences that maintain the behavior.

iii. Formal documentation of the assessment by appropriately qualified individuals become part of the child's educational record.

iv. The FBA must include all of the following:

a. Clear description of the problematic behavior;

b. Identification of the antecedent events, times, and situations that predict when the problem behavior will and will not occur;

c. Identification of the consequences of the problem behavior;

d. Development of hypotheses and summary statements that describes the problem behavior and its functions; and

e. Collection of data from a variety of sources: interviews, direct observation data, etc.

k. Imminent danger is defined as a danger which is impending, close at hand, threatening, or about to happen.

l. Individualized Education Plan (IEP) is defined as a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§ 300.320- 300.324.

m. Mechanical restraint is defined as "any device that attaches to a student's body that restricts movement and cannot be removed by the student." Examples include: straps, tie downs, boards, and harnesses. Handcuffs are also considered mechanical restraints, but may only be used by certified school resource officers, as defined in Miss. Code Ann. §§ 37-7-321 and 37-7-323. The use of mechanical restraints is prohibited in Mississippi Public Schools, except as provided in §§ 37-7-321 and 37-7-323.

Devices not considered mechanical restraints include: adaptive equipment, protective devices, or assistive technology devices documented in a student's individualized education plan (IEP), Section 504 plan, behavior intervention plan, or otherwise prescribed for the student by a medical or related service provider, seatbelts, and other safety equipment when used to secure students during transportation.

n. Physical escort is defined as the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out (with minimal resistance) and able to respond to such physical prompt, to move to a safe location.



o. Physical prompt is defined as a teaching technique that involves physical contact with the student and that enable the student to learn or model the physical movement necessary for the development of the desired competency.

p. Physical Restraint is defined as “the use of physical force, without the use of any device or material that restricts the free movement of all or a portion of a student’s body.” Physical restraint does not include briefly holding a student’s hand or arm to calm them or escort them to another area. A physical restraint shall be removed as soon as the student is no longer a danger to himself/herself or others. The term physical restraint does not include:

i. Physical restraint that restricts the flow of air to the student’s lungs.

ii. Prone restraint in which a student is placed face down on the floor or other surface, and physical pressure is applied to the student’s body to keep the student in the prone position.

q. Positive Behavior Interventions and Supports (PBIS) is defined as a proactive approach to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional and academic success. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all youth by making targeted misbehavior less effective, efficient, and relevant, and desired behavior more functional.

r. Positive Behavior Support Plan is defined as the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.

s. Seclusion is defined as “the confinement of a student in an enclosure from which the student’s egress is restricted.” Seclusion does not include in-school suspension, detention, or alternative school.

t. Section 504 Plan is defined as an individualized plan of accommodations and modifications to provide a free appropriate public education to a student who has a disability that substantially limits a major life activity. A 504 plan spells out the modifications and accommodations that will be needed for a student to have the opportunity to perform at the same level as their peers.

u. Written report is defined as a printed paper filings and electronic filings that can be printed.

#### 4. General Procedures

##### Restraint

a. Physical restraint is considered to be an emergency response after all other verbal and non-verbal de-escalation measures have failed in effectiveness based on the following criteria:

i. The student or other person is engaged in actions that would constitute a danger to themselves or others;

ii. The student or other person is engaged in actions that would constitute potential or actual destruction of property;

iii. To remove a non-compliant student or person from the scene of an incident;

iv. The restraint should be removed as soon as the student is no longer a danger to themselves or others.

b. When using physical restraint for students who are a danger to themselves or others, staff should take precautions necessary to ensure the safety of the student and the staff members engaged in restraining the student. Physical restraints that restrict the flow of air are prohibited in all situations. When deemed it is necessary to restrain a student who is a danger to themselves or others, the following procedures shall be used:

- i. Restraint shall be conducted by staff who are trained in the restraint procedures adopted by the school district;
- ii. Staff shall carefully observe the student throughout the restraint to observe the student's physical and emotional status;
- iii. Restraint shall be immediately terminated if the student appears to be, or claims to be, in severe stress;
- iv. The restraint shall be removed as soon as the staff determines the student is no longer a danger to himself/herself or others;
- v. When the student is able, he/she should be returned to the instructional activity, or to a less restrictive environment;
- vi. Parents must be notified on the same school day of the incident. At the time the parent is notified, the school shall schedule a debriefing with the parent to discuss the incident. In the event a parent cannot be reached by telephone, a letter shall be sent informing the parent of the incident and the person who can be contacted at the school to address any questions the parent may have.
- vii. Within two school days after the restraint incident occurs, the staff shall conduct a debriefing of the circumstances leading to the restraint and discuss any alternative behaviors that could have been utilized;
- viii. The school shall report the restraint and/or seclusion incident to the local school district and the Mississippi Department of Education.

c. School districts that permit restraint and seclusion shall ensure that staff members are trained in the use of restraint. This training shall be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, crisis intervention, and de-escalation techniques.

Absent an imminent danger to health or safety, physical restraint shall only be practiced by staff trained in the physical restraint approach adopted by the local school district. The Mississippi Department of Education does not endorse a particular training program. The local school district shall select programs which are approved by the MDE and those that are founded on evidence-based techniques which focus on:

- i. Certification for school personnel and recertification as required by the training program;
- ii. Preventing the need for restraint;
- iii. Training in first aid;
- iv. Identification of antecedent behaviors;
- v. Use of positive behavior supports, de-escalation, and conflict management;
- vi. Keeping staff and students safe during required restraints.

Local school district administrators shall monitor the use of physical restraint to ensure fidelity of implementation. Additional and follow-up training shall be provided on an ongoing basis and any situations in which procedures are not followed shall be addressed immediately.

- d. The use of mechanical restraints is prohibited in Mississippi Public Schools, except by law enforcement.
- e. The use of chemical restraints is prohibited in Mississippi Public Schools.

#### Behavioral Interventions

- a. Behavioral intervention must be consistent with the child's right to be treated as an individual. Schools shall implement an evidence-based system of positive behavioral intervention strategies and support. Elements of the system of support shall include universal screening to identify potential

students, teaching school-wide expected behaviors and social skills, and a system to monitor the effectiveness of the interventions and supports.

b. Behavioral strategies, in conjunction with the school-wide system of positive behavioral interventions shall be used to help identify the causes of dangerous behavior and reduce the need for restraint or seclusion. Information about a student through interviews, observation, and records help identify the causes of the dangerous behavior and shall guide the development of a behavioral plan for the student. A complete plan shall include:

- i. Addressing the characteristics of the setting and the event;
- ii. If possible, removing the antecedents that triggered the event;
- iii. Adding antecedents that promote appropriate behavior;
- iv. Teaching appropriate behaviors to replace the dangerous behaviors.

#### Seclusion.

a. The use of seclusion occurs in a specially designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. The room or space used for seclusion may not be locked and staff shall be present to monitor the student. Seclusion shall cease once the student regains control of his or her behavior.

Only school personnel trained in the use of restraint and seclusion should be used to observe and monitor these students. Staff engaged in monitoring students shall have knowledge of effective restraint and seclusion procedures, emergency procedures, and knowledge of how to effectively debrief students after the use of restraint or seclusion.

b. The room or space used for seclusion shall not contain any objects or fixtures with which a student could reasonably be harmed. Additionally, the room shall provide adequate lighting and ventilation.

c. School personnel may use seclusion to address a student's behavior:

- i. If the student's behavior constitutes an emergency and seclusion is necessary to protect a student or other person from imminent, serious physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;
- ii. After less restrictive or alternative approaches have failed or have been determined to be inappropriate.

**d. Each time a student is placed in restraint or seclusion, the incident shall be documented in the student's educational record or cumulative folder.** The documentation shall be available to the parent or guardian, and the parent or guardian shall be notified verbally or in writing on the day of the restraint or seclusion or no later than 48 hours following the incident in the event a parent cannot be reached by telephone, a letter shall be sent informing the parent of the incident and the person who can be contacted at the school to address any questions the parent may have. **This documentation shall be provided using an incident report that is completed for each student in each instance in which the student is restrained or placed in seclusion. This report shall include the following:**

- i. Date of incident and date submitted in MSIS;**
- ii. Student's name, age and grade level;**
- iii. Ethnicity, sex, and non-disabled/disabled status;**
- iv. Location of restraint;**
- v. Precipitating behavior/antecedent;**
- vi. De-escalation efforts tried;**
- vii. Type of restraint used;**
- viii. The student's behavior and physical status during the restraint/seclusion;**

ix. Total time spent in restraint or seclusion. The student shall not be kept in seclusion for more than 20 minutes. If additional time is needed, school personnel shall reassess the student and document why the extra time is needed, or after this time, if the physical behavior is still manifested, the student shall be assessed for transport to a medical facility for evaluation by a physician and the parent notified;

x. Injuries to student or staff;

xi. Staff participating in the restraint/seclusion;

xii. Staff signatures, including the principal/administrator;

xiii. Name of school employee who the parent can contact; and

xiv. Date and time parent was contacted.

After an incident of restraint and/or seclusion, all school personnel involved in the incident and appropriate administrative staff shall participate in a debriefing session for the purpose of planning to prevent or at least reduce the reoccurrence of the event. The debriefing session shall occur no later than two school days following the imposition of physical restraint or seclusion.

e. If restraint and/or seclusion is used on a student who is not identified with a disability, the student shall be referred to the school's intervention team within 10 days of the incident. The team shall determine if the student shows a pattern of behavior that would indicate the need for an intervention plan.

#### 5. Administrative Procedures

a. Local school districts that utilize physical restraint and seclusion for all students shall develop written policies and procedures that govern the use of restraint and/or seclusion and shall periodically review and update them as appropriate. The written policies and procedures shall be designed to ensure the safety of all students, school personnel, and visitors and include the following provisions:

i. Staff and faculty training on the use of physical restraint;

ii. Parental notification when physical restraint is used to restrain their student not to exceed one school day from the use of the restraint;

iii. Documentation of the use of physical restraint or seclusion by staff or faculty participating in or supervising the restraint or seclusion event;

iv. Procedures for the periodic review of the use of restraint and seclusion policies;

v. Procedures by which a parent may submit a complaint regarding the physical restraint or seclusion of their child;

vi. Procedures for reporting the use of restraint or seclusion to the local board of education and to the Mississippi Department of Education.

b. The policies and procedures shall be reviewed with all staff on an annual basis.

c. Teachers and other district personnel shall be trained on how to collect and analyze student data to determine the effectiveness of these procedures in increasing appropriate behavior.

d. All parents shall receive, at least annually, written information about the policies and procedures for restraint and seclusion issued by the local school district or school. The written policies are to be included in each local education agencies code of conduct, student handbook, or other appropriate school publication.

e. A review of the use of a restraint and seclusion process shall be conducted by the school to determine if a revision of behavioral strategies are in place to address dangerous behavior or if positive behavioral strategies were not in place at the time of the restraint or seclusion.

f. School districts shall not only establish and disseminate policies and procedures on the use of seclusion and restraint, but also shall periodically review and update them as appropriate. The school district or school shall maintain records of its review of seclusion and restraint data and any resulting decisions or actions regarding the use of seclusion and restraint.

g. In any situation in which a student is a danger to themselves or others, and it becomes necessary to contact law enforcement or emergency medical personnel, nothing in this policy guidance shall be construed to interfere with the duties of law enforcement or emergency medical personnel.

h. The school district shall report the restraint and/or seclusion incident to the local school district and the Mississippi Department of Education annually.

#### 6. Parental Notification

a. All parents shall receive, at least annually, written information about the policies for restraint and seclusion issued by the local school district or school. 162

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.

### **Alternative Placements**

#### **LAWS**

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

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

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

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

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

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

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

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

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

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

1. A strength needs assessment.
2. A determination of the child's academic strengths and deficiencies.
3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date.

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

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

(b) The duration of alternative placement; and

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

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

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

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

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

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

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

- (a) Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and general educational development (GED) placement;
  - (b) Clear and consistent goals for students and parents;
  - (c) Curricula addressing cultural and learning style differences;
  - (d) Direct supervision of all activities on a closed campus;
  - (e) Attendance requirements that allow for educational and workforce development opportunities;
  - (f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;
  - (g) Continual monitoring and evaluation and formalized passage from one (1) step or program to another;
  - (h) A motivated and culturally diverse staff;
  - (i) Counseling for parents and students;
  - (j) Administrative and community support for the program; and
  - (k) Clear procedures for annual alternative school program review and evaluation.
- (8) On request of a school district, the State Department of Education shall provide the district informational material on developing an alternative school program that takes into consideration size, wealth and existing facilities in determining a program best suited to a district.
- (9) Any compulsory-school-age child who becomes involved in any criminal or violent behavior shall be removed from such alternative school program and, if probable cause exists, a case shall be referred to the youth court.
- (10) The State Board of Education shall promulgate guidelines for alternative school programs which provide broad authority to school boards of local school districts to establish alternative education programs to meet the specific needs of the school district.

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

[From and after July 1, 2015, this section shall read as follows:]

- (1) Beginning with the school year 2004-2005, the school boards of all school districts shall establish, maintain and operate, in connection with the regular programs of the school district, an alternative school program or behavior modification program as defined by the State Board of Education for, but not limited to, the following categories of compulsory-school-age students:
  - (a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;
  - (b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems.

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

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

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

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

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

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

1. A strength needs assessment.
2. A determination of the child's academic strengths and deficiencies.
3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date.

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

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

(b) The duration of alternative placement; and

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

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

(4) A school district, in its discretion, may provide a program of High School Equivalency Diploma preparatory instruction in the alternative school program. However, any High School Equivalency Diploma preparation program offered in an alternative school program must be administered in compliance with the rules and regulations established for such programs under Sections 37-35-1 through 37-35-11 and by the Mississippi Community College Board. The school district may administer the High School



Equivalency Diploma Testing Program under the policies and guidelines of the Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.

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

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

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative school program and, upon a determination that it is in a student's best interest for that student to receive High School Equivalency Diploma preparatory instruction, that the local school board assign the student to a High School Equivalency Diploma preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

- (a) Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and High School Equivalency Diploma placement;
- (b) Clear and consistent goals for students and parents;
- (c) Curricula addressing cultural and learning style differences;
- (d) Direct supervision of all activities on a closed campus;
- (e) Attendance requirements that allow for educational and workforce development opportunities;
- (f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;
- (g) Continual monitoring and evaluation and formalized passage from one (1) step or program to another;
- (h) A motivated and culturally diverse staff;
- (i) Counseling for parents and students;
- (j) Administrative and community support for the program; and
- (k) Clear procedures for annual alternative school program review and evaluation.

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

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

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

(11) Each school district having an alternative school program shall submit a report by July 31 of each calendar year to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under subsection (7) (a) through (j). In the report to be implemented under this section, the State Department of Education shall prescribe the appropriate measures on school districts that fail to file the annual report. The report should be made available online via the department's website to ensure transparency, accountability and efficiency.

## REGULATIONS

### **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 multidistricts will participate in the Mississippi Assessment System at sites

determined by school officials and in accordance with established guidelines regarding student grade levels and eligibility. Test results for these students will be reported in the home school district.

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

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

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

18. Alternative programs will provide:

- a) A motivated and culturally diverse staff
- b) Counseling for parents and students
- c) Administrative and community support for the program.

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

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

- (i) Five (5) days for a child transitioning from a group home, mental health care system, and/or the custody of the Department of Human Services, Division of Youth and Family Services custody;
- (ii) Ten (10) days for a child transitioning from a dispositional placement order by a youth court pursuant to Section 43-21-605; and
- (iii) An individualized assessment for youth transitioning from out-of-home placement to the alternative school shall include:
  1. A strength needs assessment.
  2. A determination of the child's academic strengths and deficiencies.
  3. A proposed plan for transitioning the child to a regular education placement at the earliest possible date (37-13-92).

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

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

- (a) Whose presence in the classroom is a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and teacher;
- (b) Who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious acts;
- (c) Who are referred by the dispositive order of a chancellor or youth court judge, with the consent of the school district's superintendent; and
- (d) Who has been referred by the parent, legal guardian or custodian of such child due to disciplinary problems (37-13-92).

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

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

25. School districts are without discretion to establish categories or classes of offenses for which the penalty is total removal from the school setting. Thus, unless a child has been suspended or expelled from school for possession of a weapon or other felonious conduct, the student must be assigned to the alternative school for that school district. The district is cautioned not to have policies that remove students from the traditional school setting to an alternative school setting for minor infractions. If the acts of a student, although not rising to the level of a felony, are such that the student poses a threat to the safety of himself or others or will disrupt the educational process at the alternative school, the school district is not required to admit the student into the alternative school.

#### **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:

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;

#### **Rule 83.1. Violence.**

(This policy addresses Certification of Compliance with Unsafe School Choice Option Requirements as required in the Consolidated Plan for No Child Left Behind)

1. The following definitions apply to this policy:

- a. A "persistently dangerous school" is a public school other than a charter school in which the conditions during the past two school years continually exposed its students to injury from violent criminal offenses and it is:

- (i) An elementary, middle or secondary public school in which a total of 20 or more violent criminal offenses were committed per 1000 students (2.0 or more per 100 students) in two consecutive school years; or

- (ii) An elementary, middle or secondary public alternative school in which a total of 75 or more violent criminal offenses were committed per 1000 (7.5 or more per 100 students) in two consecutive school years; and

- b. "Violent criminal offenses" are the following crimes reported in the Mississippi Student Information System:

Simple or Aggravated Assault as defined in Section 97-3-7 of the Mississippi Code Annotated 1972, as amended,

Homicide as defined in Sections 97-3-19, 97-3-27, 97-3-29, 97-3-31, 97-3-35, 97-3-37, and 97-3-47 of the Mississippi Code Annotated 1972, as amended,

Kidnapping as defined in Section 97-3-53 of the Mississippi Code Annotated 1972, as amended,

Rape as defined in Sections 97-3-65 and 97-3-71 of the Mississippi Code Annotated 1972, as amended,

Robbery as defined in Sections 97-3-73, 97-3-77 and 97-3-79 of the Mississippi Code Annotated 1972, as amended,

Sexual Battery as defined in Section 97-3-95 of the Mississippi Code Annotated 1972, as amended,

Mayhem as defined in Section 97-3-59 of the Mississippi Code Annotated 1972, as amended,

Poisoning as defined in Section 97-3-61 of the Mississippi Code Annotated 1972, as amended,  
Extortion as defined in Section 97-3-82 of the Mississippi Code Annotated 1972, as amended,  
Stalking as defined in Section 97-3-107 of the Mississippi Code Annotated 1972, as amended, and  
Seizure and Forfeiture of Firearms as defined in Section 97-3-110 of the Mississippi Code Annotated 1972, as amended.

2. 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.
3. 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.
4. 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.
5. 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.
6. The LEA shall report each student transfer effected pursuant to this policy to the State Board of Education in the Mississippi Student Information System.

No Child Left Behind (NCLB) - Title IX, Sec. 9532. Unsafe School Choice Option

(a) Unsafe School Choice Policy - Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school.

(b) Certification - As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.

## ***Disciplinary Approaches Addressing Specific Infractions and Conditions***

### **Firearms (as required by the Gun-Free Schools Act)**

#### **LAWS**

#### **§ 37-11-18. Expulsion of student possessing controlled substance or weapon or committing violent act on school property.**

Any student in any school who possesses any controlled substance in violation of the Uniform Controlled Substances Law, a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on educational property as defined in Section 97-37-17, Mississippi Code of 1972, shall be subject to automatic expulsion for a calendar year by the superintendent or principal of the school in which the student is enrolled; provided, however, that the superintendent of the school shall be authorized to modify the period of time for such expulsion on a case by case basis. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board.

#### **§ 97-37-17. Possession of weapons by students; aiding or encouraging.**

(1) The following definitions apply to this section:

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

(b) "Student" shall mean a person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five (5) years from a public or private school, college or university, whether the person is an adult or a minor.

(c) "Switchblade knife" shall mean a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance.

(d) "Weapon" shall mean any device enumerated in subsection (2) or (4) of this section.

(2) It shall be a felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.

(3) It shall be a felony for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.

(4) It shall be a misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, Bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.

(5) It shall be a misdemeanor for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, Bowie knife, dirk, dagger, slingshot, leaded cane, switchblade, knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving) and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.

(6) It shall not be a violation of this section for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind on educational property if:

- (a) The person is not a student attending school on any educational property; (b) The firearm is within a motor vehicle; and
- (b) The firearm is within a motor vehicle; and
- (c) The person does not brandish, exhibit or display the firearm in any careless, angry or threatening manner.

(7) This section shall not apply to:

- (a) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;
- (b) Armed forces personnel of the United States, officers and soldiers of the militia and National Guard, law enforcement personnel, any private police employed by an educational institution, State Militia or Emergency Management Corps and any guard or patrolman in a state or municipal institution, when acting in the discharge of their official duties;
- (c) Home schools as defined in the compulsory school attendance law, Section 37-13-91;
- (d) Competitors while participating in organized shooting events;
- (e) Any person as authorized in Section 97-37-7 while in the performance of his official duties;
- (f) Any mail carrier while in the performance of his official duties; or
- (g) Any weapon not prescribed by Section 97-37-1 which is in a motor vehicle under the control of a parent, guardian or custodian, as defined in Section 43-21-105, which is used to bring or pick up a student at a school building, school property or school function.

(8) All schools shall post in public view a copy of the provisions of this section.

## **REGULATIONS**

### **Rule 97.1. Weapons.**

Each local school district shall have a policy concerning weapons on school premises. It shall contain at least the following provisions and may include such additional provisions as the local school district deems appropriate:

The (Name of District) Board of Education recognizes that the possession of pistols, firearms, or other weapons on school premises or at school functions by persons other than duly authorized law enforcement officials creates an unreasonable and unwarranted risk of injury or death to District employees, students, visitors, and guests and further creates an unreasonable and unwarranted risk of damage to properties of District employees, students, visitors, and guests. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms, or weapons in any form by any person other than duly authorized law enforcement officials on school premises or at school functions, regardless of whether any such person possesses a valid permit to carry such pistols, firearms, or weapons.

## Other weapons

### LAWS

#### **§ 97-37-17. Possession of weapons by students; aiding or encouraging.**

(1) The following definitions apply to this section:

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

(b) "Student" shall mean a person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five (5) years from a public or private school, college or university, whether the person is an adult or a minor.

(c) "Switchblade knife" shall mean a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance.

(d) "Weapon" shall mean any device enumerated in subsection (2) or (4) of this section.

(2) It shall be a felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.

(3) It shall be a felony for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.

(4) It shall be a misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, Bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this



subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.

(5) It shall be a misdemeanor for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, Bowie knife, dirk, dagger, slingshot, leaded cane, switchblade, knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving) and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.

(6) It shall not be a violation of this section for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind on educational property if:

- (a) The person is not a student attending school on any educational property;
- (b) The firearm is within a motor vehicle; and
- (c) The person does not brandish, exhibit or display the firearm in any careless, angry or threatening manner.

(7) This section shall not apply to:

- (a) A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;
- (b) Armed forces personnel of the United States, officers and soldiers of the militia and National Guard, law enforcement personnel, any private police employed by an educational institution, State Militia or Emergency Management Corps and any guard or patrolman in a state or municipal institution, when acting in the discharge of their official duties;
- (c) Home schools as defined in the compulsory school attendance law, Section 37-13-91;
- (d) Competitors while participating in organized shooting events;
- (e) Any person as authorized in Section 97-37-7 while in the performance of his official duties;
- (f) Any mail carrier while in the performance of his official duties; or
- (g) Any weapon not prescribed by Section 97-37-1 which is in a motor vehicle under the control of a parent, guardian or custodian, as defined in Section 43-21-105, which is used to bring or pick up a student at a school building, school property or school function.

(8) All schools shall post in public view a copy of the provisions of this section.

## **REGULATIONS**

### **Rule 7.1. Guidelines.**

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.

### **Rule 97.1. Weapons.**

Each local school district shall have a policy concerning weapons on school premises. It shall contain at least the following provisions and may include such additional provisions as the local school district deems appropriate:

The (Name of District) Board of Education recognizes that the possession of pistols, firearms, or other weapons on school premises or at school functions by persons other than duly authorized law enforcement officials creates an unreasonable and unwarranted risk of injury or death to District employees, students, visitors, and guests and further creates an unreasonable and unwarranted risk of damage to properties of District employees, students, visitors, and guests. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms, or weapons in any form by any person other than duly authorized law enforcement officials on school premises or at school functions, regardless of whether any such person possesses a valid permit to carry such pistols, firearms, or weapons.

## **Students with chronic disciplinary issues**

### **LAWS**

#### **§ 37-11-18.1. Expulsion of habitually disruptive students aged 13 years or older upon third occurrence of disruptive behavior within school year.**

(1) For the purposes of this section:

(a) The term "disruptive behavior" means conduct of a student that is so unruly, disruptive or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or school-related activity, and which is not covered by other laws related to violence or possession of weapons or controlled substances on school property, school vehicles or at school-related activities. Such behaviors include, but are not limited to: foul, profane, obscene, threatening, defiant or abusive language or action toward teachers or other school employees; defiance, ridicule or verbal attack of a teacher; and willful, deliberate and overt acts of disobedience of the directions of a teacher; and

(b) The term "habitually disruptive" refers to such actions of a student which cause disruption in a classroom, on school property or vehicles or at a school-related activity on more than two (2) occasions during a school year, and to disruptive behavior that was initiated, willful and overt on the part of the student and which required the attention of school personnel to deal with the disruption. However, no student shall be considered to be habitually disruptive before the development of a behavior modification plan for the student in accordance with the code of student conduct and discipline plans of the school district.

(2) Every behavior modification plan written pursuant to this section must be developed by utilizing evidence-based practices and positive behavioral intervention supports. The plan must be implemented no later than two (2) weeks after the occurrence of the disruptive behavior.

(3) Any student who is thirteen (13) years of age or older for whom a behavior modification plan is developed by the school principal, reporting teacher and student's parent and which student does not comply with the plan shall be deemed habitually disruptive and subject to expulsion on the occurrence of the third act of disruptive behavior during a school year. After the second act of disruptive behavior during a school year by a student, a psychological evaluation shall be performed upon the child.

### **REGULATIONS**

No relevant regulations found.

## Attendance and truancy

### LAWS

#### **§ 37-13-91. Compulsory school attendance requirements generally; enforcement of law.**

(1) This section shall be referred to as the "Mississippi Compulsory School Attendance Law."

(2) The following terms as used in this section are defined as follows:

(a) "Parent" means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.

(b) "Guardian" means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.

(c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.

(d) "School day" means not less than five and one-half (5-1/2) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.

(e) "School" means any public school, including a charter school, in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic" school term shall be the number of days that each school shall require for promotion from grade to grade.

(f) "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.

(g) "School attendance officer" means a person employed by the State Department of Education pursuant to Section 37-13-89.

(h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.

(i) "Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial and home instruction programs.

(3) 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.

The parent, guardian or custodian of a compulsory-school-age child described in this subsection, or the parent, guardian or custodian of a compulsory-school-age child attending any charter school or nonpublic school, or the appropriate school official for any or all children attending a charter school or nonpublic school shall complete a "certificate of enrollment" in order to facilitate the administration of this section.

The form of the certificate of enrollment shall be prepared by the Office of Compulsory School Attendance Enforcement of the State Department of Education and shall be designed to obtain the following information only:

- (i) The name, address, telephone number and date of birth of the compulsory-school-age child;
- (ii) The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;
- (iii) 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
- (iv) 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 charter school or nonpublic school, the signature of the appropriate school official and the date signed.

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 subsection (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.

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.

(4) An "unlawful absence" is an absence for an entire school day or during part of a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. For purposes of reporting absenteeism under subsection (6) of this section, if a compulsory-school-age child has an absence that is more than thirty-seven percent (37%) of the instructional day, as fixed by the school board for the school at which the compulsory-school-age child is enrolled, the child must be considered absent the entire school day. Days missed from school due to disciplinary suspension shall not be considered an "excused" absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a noncharter 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 the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may include field trips, athletic contests, student conventions, musical festivals and any similar activity.
- (b) 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.
- (c) 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.
- (d) 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.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) An absence is excused when it results from the attendance of a compulsory-school-age child participating in official organized events sponsored by the 4-H or Future Farmers of America (FFA). The excuse for the 4-H or FFA event must be provided in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor.

(k) An absence is excused when it results from the compulsory-school-age child officially being employed to serve as a page at the State Capitol for the Mississippi House of Representatives or Senate.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or

within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

(8) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.

## **REGULATIONS**

### **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.

### **Rule 30.1. Compulsory school attendance.**

1. Employment of all School Attendance Officers, qualifications and duties, shall be in compliance with MS Code §37-13-89.
2. Pursuant to MS Code §43-21-321 and §37-13-80 School Attendance Officers shall:

- (a) Serve on transition teams to assist youth in detention centers to transition successfully back into the home school district once released from detention; and
- (b) Gather accurate data on youth in juvenile detention centers to properly track students.

3. 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.

### **Rule 30.2. Reporting unexcused absences.**

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.

1. 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.
2. 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.

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.

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.

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:

1. 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.
2. 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.
3. 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.
4. An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

5. 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.
6. 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.
7. 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.
8. 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.

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

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

If a district superintendent fails to comply with the above guidelines, the following may occur:

1. 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.
2. If no action is warranted, the Director of the Office of Compulsory School Attendance Enforcement will notify the School Attendance Officer in writing of the determination.
3. 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.



4. 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.
5. 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.
6. 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.

#### **Rule 30.4. Truancy rate definition, calculation and rate.**

##### 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.

##### Definitions.

Cumulative Enrollment - sum of all entering students within a school year.

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).

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.

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.

Truant - a student that has accumulated five (5) or more unlawful absences in a school year, excluding suspension and expulsion days.

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).

#### Requirements.

- (1) Truancy shall only apply to students of compulsory-school-age.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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:
  - (a) 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
  - (b) 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
  - (c) 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
  - (d) 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
  - (e) 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

## Substance use

### LAWS

#### **§ 37-11-18. Expulsion of student possessing controlled substance or weapon or committing violent act on school property.**

Any student in any school who possesses any controlled substance in violation of the Uniform Controlled Substances Law, a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on educational property as defined in Section 97-37-17, Mississippi Code of 1972, shall be subject to automatic expulsion for a calendar year by the superintendent or principal of the school in which the student is enrolled; provided, however, that the superintendent of the school shall be authorized to modify the period of time for such expulsion on a case by case basis. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board.

#### **§ 37-14-3. Office of Healthy Schools of state department of education to administer school nurse program; transfer of School Nurse Intervention Program to Office of Healthy Schools; responsibilities of program nurses; duties of Office of Healthy Schools.**

(4) The nurses in the Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse Program shall have the following specific responsibilities:

- (c) Implement activities to promote health and prevent tobacco, alcohol and substance use and abuse;

### REGULATIONS

No relevant regulations found.

## Bullying, harassment, or hazing

### LAWS

#### **§ 37-11-20. Intimidation, threatening or coercion of students for purpose of interfering with attendance of classes.**

It shall be unlawful for any person to intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, whether by illegal force, threats of force or by the distribution of intimidating, threatening or coercive material, any person enrolled in any school for the purpose of interfering with the right of that person to attend school classes or of causing him not to attend such classes.

Upon conviction of violation of any provision of this section, such individual shall be guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars (\$500.00), imprisonment in jail for a period not to exceed six (6) months, or both. Any person under the age of seventeen (17) years who violates any provision of this section shall be treated as a delinquent within the jurisdiction of the youth court.

#### **§ 37-11-54. State Board of Education to develop list of conflict resolution and peer mediation materials, models, and curricula from evidence-based practices and positive behavioral intervention supports.**

The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models and curricula that are developed from evidence-based practices and positive behavioral intervention supports to address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict,

including peer mediation, and shall make the list available to local school administrative units and school buildings before the beginning of the 2007-2008 school year. In addition, local school boards shall incorporate evidence-based practices and positive behavioral intervention supports into individual school district policies and Codes of Conduct. In developing this list, the board shall emphasize materials, models and curricula that currently are being used in Mississippi and that the board determines to be effective. The board shall include at least one (1) model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one (1) model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum.

**§ 37-11-67. Bullying or harassing behavior in public schools prohibited.**

(1) As used in this section, "bullying or harassing behavior" is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

- (a) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- (b) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

(2) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(3) No person shall engage in any act of reprisal or retaliation against a victim, witness or a person with reliable information about an act of bullying or harassing behavior.

(4) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(5) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.

(6) Conduct described in subsection (1) of this section is considered bullying if that conduct interferes with a student's education or substantially disrupts the operation of a school.

**§ 37-11-69. Anti-bullying personnel and discipline policies and code of student conduct.**

(1) Each local school district shall include in its personnel policies, discipline policies and code of student conduct a prohibition against bullying or harassing behavior and adopt procedures for reporting, investigating and addressing such behavior, that:

- (a) Prohibit the bullying of a student;
- (b) Prohibit retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
- (c) Establish a procedure for providing notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident;
- (d) Establish the actions a student should take to obtain assistance and intervention in response to bullying;

- (e) Set out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
  - (f) Establish procedures for reporting an incident of bullying, investigating a reported incident of bullying and determining whether the reported incident of bullying occurred;
  - (g) Prohibit the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and
  - (h) Require that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 USCS Section 1400 et seq.).
- (2) The policies must recognize the fundamental right of every student to take reasonable actions as may be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing.
- (3) The procedure for reporting bullying established under subsection (1) of this section must be posted on the district's Internet website.

**§ 97-3-105. Hazing; initiation into organization.**

- (1) A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.
- (2) Any person violating the provisions of subsection (1) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) or imprisonment in the county jail for not more than six (6) months, or both.
- (3) A person is guilty of hazing in the second degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.
- (4) Any person violating the provisions of subsection (3) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00).
- (5) The provisions of this section shall be in addition to other criminal laws, and actions taken pursuant to this section shall not bar prosecutions for other violations of criminal law.

**REGULATIONS**

No relevant regulations found.

**Other special infractions or conditions**

**LAWS**

**§ 37-11-37. Public high school fraternity, sorority or secret society; definition.**

A public high school fraternity, sorority or secret society, as contemplated by Sections 37-11-37 through 37-11-45, is hereby defined to be any organization composed wholly, or in part, of public high school pupils, which seeks to perpetuate itself by taking in additional members from the pupils enrolled in such high school on the basis of the decision of the membership of such fraternity, sorority or secret society, rather than upon the free choice of any pupil in the school. However, this does not apply to the Order of

DeMolay or a similar organization sponsored by any branch of the Masonic Orders or like adult fraternal organization.

**§ 37-11-39. Public high school fraternity, sorority or secret society; illegality.**

Any public high school fraternity, sorority, or secret society organization as defined in Section 37-11-37 is hereby declared to be inimical to public free schools and therefore unlawful.

**§ 37-11-41. Public high school fraternity, sorority or secret society; membership or participation in activities.**

It shall be unlawful for any pupil attending the public schools of this state to become a member of or to belong to or participate in the activities of any high school fraternity, sorority, or secret society as defined in Section 37-11-37.

**§ 37-11-43. Public high school fraternity, sorority or secret society; duties of boards of trustees.**

All boards of trustees of public high schools shall prohibit fraternities, sororities, or secret societies in all high schools under their respective jurisdiction. It shall be the duty of said boards of trustees to suspend or expel from said high schools under their control, any pupil or pupils who shall be or remain a member of, or shall join or promise to join, or who shall become pledged to become a member, or who shall solicit or encourage any other person to join, promise to join, or be pledged to become a member of, any such public high school fraternity, sorority or secret society, as defined in Section 37-11-37.

**§ 37-11-45. Public high school fraternity, sorority or secret society; solicitation of pupils.**

It shall be unlawful for any person not enrolled in any such public high school to solicit any pupil enrolled in any such public high school, to join or pledge himself or herself to become a member of any such public high school fraternity, sorority, or secret society, or to solicit any such pupil to attend a meeting thereof or any meeting where the joining of any such public high school fraternity, sorority, or secret organization shall be encouraged.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$ 25.00) nor more than One Hundred Dollars (\$ 100.00) for each and every offense.

**REGULATIONS**

No relevant regulations found.

## ***Prevention and Behavioral Interventions (Non-Punitive)***

### **Prevention**

#### **LAWS**

##### **§ 37-3-101. Local school districts to adopt policy on student suicide prevention and provide in-service training on suicide prevention education for all school district employees.**

(1) Each local school district shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professions, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention and postvention. To assist districts in developing policies for student suicide prevention, the State Department of Education shall establish a model policy in consultation with the Mississippi Department of Mental Health for use by local school districts in accordance with this section.

(2) In the 2017-2018 school year, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials.

##### **§ 37-3-103. In-service training on suicide prevention education for newly employed school district employees.**

Beginning with the 2017-2018 school year and annually thereafter, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all newly employed school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials. SOURCES: Laws, 2009, ch. 529, § 2; Laws, 2017, ch. 365, § 4, eff from and after July 1, 2017.

##### **§ 37-11-54. State Board of Education to develop list of conflict resolution and peer mediation materials, models, and curricula from evidence-based practices and positive behavioral intervention supports.**

The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models and curricula that are developed from evidence-based practices and positive behavioral intervention supports to address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation, and shall make the list available to local school administrative units and school buildings before the beginning of the 2007-2008 school year. In addition, local school boards shall incorporate evidence-based practices and positive behavioral intervention supports into individual school district policies and Codes of Conduct. In developing this list, the board shall emphasize materials, models and curricula that currently are being used in Mississippi and that the board determines to be effective. The board shall include at least one (1) model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one (1) model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum.

**§ 37-14-3. Office of Healthy Schools of state department of education to administer school nurse program; transfer of School Nurse Intervention Program to Office of Healthy Schools; responsibilities of program nurses; duties of Office of Healthy Schools.**

(4) The nurses in the Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse Program shall have the following specific responsibilities:

- (c) Implement activities to promote health and prevent tobacco, alcohol and substance use and abuse;

**REGULATIONS**

No relevant regulations found.

## **Behavioral interventions and student support services**

**LAWS**

**§ 37-11-18.1. Expulsion of habitually disruptive students aged 13 years or older upon third occurrence of disruptive behavior within school year.**

(1) For the purposes of this section:

(a) The term "disruptive behavior" means conduct of a student that is so unruly, disruptive or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or school-related activity, and which is not covered by other laws related to violence or possession of weapons or controlled substances on school property, school vehicles or at school-related activities. Such behaviors include, but are not limited to: foul, profane, obscene, threatening, defiant or abusive language or action toward teachers or other school employees; defiance, ridicule or verbal attack of a teacher; and willful, deliberate and overt acts of disobedience of the directions of a teacher; and

(b) The term "habitually disruptive" refers to such actions of a student which cause disruption in a classroom, on school property or vehicles or at a school-related activity on more than two (2) occasions during a school year, and to disruptive behavior that was initiated, willful and overt on the part of the student and which required the attention of school personnel to deal with the disruption. However, no student shall be considered to be habitually disruptive before the development of a behavior modification plan for the student in accordance with the code of student conduct and discipline plans of the school district.

(2) Every behavior modification plan written pursuant to this section must be developed by utilizing evidence-based practices and positive behavioral intervention supports. The plan must be implemented no later than two (2) weeks after the occurrence of the disruptive behavior.

(3) Any student who is thirteen (13) years of age or older for whom a behavior modification plan is developed by the school principal, reporting teacher and student's parent and which student does not comply with the plan shall be deemed habitually disruptive and subject to expulsion on the occurrence of the third act of disruptive behavior during a school year. After the second act of disruptive behavior during a school year by a student, a psychological evaluation shall be performed upon the child.

**§ 37-11-54. State Board of Education to develop list of conflict resolution and peer mediation materials, models, and curricula from evidence-based practices and positive behavioral intervention supports.**

The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models and curricula that are developed from evidence-based practices and positive behavioral intervention supports to address responsible decision making, the causes and effects of



school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation, and shall make the list available to local school administrative units and school buildings before the beginning of the 2007-2008 school year. In addition, local school boards shall incorporate evidence-based practices and positive behavioral intervention supports into individual school district policies and Codes of Conduct. In developing this list, the board shall emphasize materials, models and curricula that currently are being used in Mississippi and that the board determines to be effective. The board shall include at least one (1) model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one (1) model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum.

**§ 37-13-80. Office of Dropout Prevention created; qualifications and responsibilities of director; date for implementation of dropout prevention program; local school district responsibilities; dropout prevention plan to address student transition to home school districts; legislative intent.**

(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. However, if for any reason within the two-year period beginning July 1, 2014, a new director for the Office of Dropout Prevention is employed by the department, the employment of such individual shall not be subject to the rules and regulations of the State Personnel Board, except as otherwise provided in Section 25-9-127(4).

(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.

(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 are measurable;
- (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.

(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.

(6) Each school district's dropout prevention plan shall address how students will transition to the home school district from the juvenile detention centers.

(7) It is the intent of the Legislature that, through the statewide dropout prevention program and the dropout prevention programs implemented by each school district, the graduation rate for cohort classes will be increased to not less than eighty-five percent (85%) by the 2018-2019 school year. 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.

**§ 37-13-80.1. Middle school dropout prevention and recovery pilot program; minimum necessary requirements of pilot program; development and implementation of alternative student performance accountability method to evaluate pilot program school districts.**

(1) The State Board of Education shall implement a Middle School Dropout Prevention and Recovery Pilot Program in select "D" and "F" rated school districts selected by the State Board of Education. The purpose of the pilot program is to reengage students and increase the graduation rates in Mississippi through an educational program that provides vocational technology, flexible scheduling and a blended learning environment with individualized and self-paced learning options.

(2) Under the pilot program, the educational services and programming shall be provided by an education partner that is a nonprofit or for-profit entity approved by the State Board of Education. The local school board of the districts selected to participate in the pilot program shall be responsible for reporting enrollment to the State Department of Education, working with the education partner to align graduation requirements. The participating schools district shall be accredited by the Southern Association of Colleges and Schools as an indicator of quality instructional programming.

(3) The pilot program shall provide at least the following:

- (a) Facilities that are easily accessible to the students being served;
- (b) Flexible scheduling, including at least two (2) different program schedules;
- (c) Differentiated instruction that shall include individualized, group and online instructional components;
- (d) The capacity for assessing, recording and responding to the students' academic progress on a daily basis using assessments that are aligned with state and local standards and requirements;
- (e) A focus on serving a defined population of at-risk students who have dropped out or are likely to drop out of school in the foreseeable future without some type of intervention;
- (f) Support services, including social workers and crisis intervention professionals who are trained to assist students in removing barriers to attending school and graduating;
- (g) Vocational technology and other instructional models that are self-paced and mastery-based; and
- (h) Individualized graduation plans to guide students to graduation with a standard high school diploma.

(4) Before the State Board of Education approves an applicant as an education partner, the applicant must demonstrate the following:

- (a) A history providing dropout recovery services to high school students in public schools;
- (b) At least two (2) years of relevant experience operating and providing services to brick-and-mortar public schools;
- (c) At least two (2) years of relevant experience providing comprehensive online learning or vocational technology programs;
- (d) Relevant experience serving diverse student populations, including socioeconomically disadvantaged students;
- (e) An explanation of the steps taken by the applicant to ensure that its proposed instructional content is aligned with state standards;
- (f) A plan for the recruitment and hiring of state-certified teachers, including hiring criteria;
- (g) A plan for the recruitment and hiring of qualified administrators, including hiring criteria;

(h) A detailed description of the applicant's plan to work with the participating local school districts and the State Board of Education to identify students who need to be served, to reengage those students, and to provide alternative education options for students at risk of dropping out. Students at risk of dropping out from their current schools may be transferred into the pilot program; and

(i) An operational plan that includes the following:

(i) The number and physical location of proposed sites and a list of the equipment required;

(ii) A proposed program calendar and daily schedule and an explanation of how the calendar and schedule meet the needs of prospective students. The schedule must include at least four (4) hours per school day of on-site learning at a physical location;

(iii) The student-to-teacher ratio;

(iv) A description of each of the instructional methods to be used and number of hours per day for each method;

(v) A plan for differentiated instruction that must include individualized, group, and online instructional components;

(vi) Capacity for assessing, recording, and responding to students' academic progress on a daily basis using standard assessments;

(vii) A detailed one-year budget;

(viii) A system of competency-based credit; and

(ix) A plan for aggregation and reporting of student performance data and reporting of financial activity.

(5)(a) The State Board of Education shall develop and implement an alternative student performance accountability method to evaluate the performance and effectiveness of pilot program school districts that solely provide dropout prevention services and dropout recovery programs to at-risk students who have dropped out of or are likely to drop out of their base high school. Data and student results collected and compiled from the pilot program districts shall inform the State Board of Education in developing an alternative accountability method to apply statewide and in evaluating the success of the pilot program as a whole.

(b) The alternative accountability method shall only measure academic growth of students who have been continuously enrolled for a period of one hundred twenty (120) days. Students shall be assessed by pre-testing and post-testing at the beginning and end of the one hundred twenty-day enrollment period to measure student growth and shall apply beginning with the 2014-2015 school year.

## **REGULATIONS**

### **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;

### **Rule 38.2. Behavior modifications.**

Section 37-13-92, Mississippi Code of 1972, requires the State Board of Education to establish the definition and components of a behavior modification program.

Definition:

Policies, procedures and research-based strategies that teach students the skills needed to make positive decisions concerning behavior and learning.

Components:

The program will contain procedures and research-based strategies that:

Include a (proactive) prevention component for all students;

Include interventions designed to deal with common disciplinary problems;

Provide an intensive intervention program for low-incidence behavior problems;

Provide professional development for all team members and parents;

Provide a safe and disciplined environment where teaching and learning can take place; and

Permit implementation of the School Safety Plan.

## Professional development

### LAWS

#### **§ 37-3-89. School discipline and classroom management courses; requirement; approval.**

The State Board of Education, acting through the Commission on Teacher and Administrator Education, Certification and Licensure and Development, shall require each educator preparation program in the state, as a condition for approval, to include a course or courses on school discipline or classroom management as a required part of the teacher education program. All school discipline or classroom management courses offered by a teacher education program shall be approved by the Educator License Commission.

#### **§ 37-3-91. Regional behavioral institutes; discipline and classroom management strategies; participation.**

(1) Subject to the availability of funds appropriated for such purpose, the State Department of Education may establish regional behavioral institutes for the purpose of providing state-of-the-art training to teachers and administrators in discipline and classroom management strategies and behavioral health screenings for students.

(2) Any school district may volunteer to participate in a regional behavioral institute. However, the State Department of Education may require a school district to participate in a regional behavioral institute if the department determines that such participation is in the best interest of the school district based upon:

(a) Complaints received and determined by the department to be valid which relate to disciplinary problems in the school district;

(b) Any visit to the school by representatives of the department which indicates disciplinary problems in the school district; or

(c) A review of reports submitted by a school district to the department which indicates disciplinary problems in the school district.

(3) Effective with the 2019-2020 school year, the Mississippi Department of Mental Health shall develop a standardized Memorandum of Understanding ("MOU") to be utilized by the Mississippi Department of Mental Health certified mental health providers and mental health facilities in providing mental health services to local school districts. The MOU shall include standardized behavioral health screening and referral protocols, procedures and forms to be utilized by the local school districts. Any standardized behavioral health screening and referral protocols shall only be performed on students with the approval

of the student's parent or legal guardian. The Mississippi Department of Mental Health shall provide online training for appropriate school personnel to conduct initial behavioral health screenings of students experiencing or exhibiting behavioral stress or at risk of harming themselves or others.

**§ 37-3-101. Local school districts to adopt policy on student suicide prevention and provide in-service training on suicide prevention education for all school district employees.**

(1) Each local school district shall adopt a policy on student suicide prevention. The policies shall be developed in consultation with school and community stakeholders, school-employed mental health professions, and suicide prevention experts, and shall, at a minimum, address procedures relating to suicide prevention, intervention and postvention. To assist districts in developing policies for student suicide prevention, the State Department of Education shall establish a model policy in consultation with the Mississippi Department of Mental Health for use by local school districts in accordance with this section.

(2) In the 2017-2018 school year, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials.

**§ 37-3-103. In-service training on suicide prevention education for newly employed school district employees.**

Beginning with the 2017-2018 school year and annually thereafter, the State Department of Education shall require that local school districts conduct in-service training on suicide prevention education for all newly employed school district employees. The Mississippi Department of Mental Health will be responsible for development of the content of the training. This education may be accomplished through self-review of suitable suicide prevention materials. SOURCES: Laws, 2009, ch. 529, § 2; Laws, 2017, ch. 365, § 4, eff from and after July 1, 2017.

**REGULATIONS**

**Rule 38.13. Restraint and seclusion.**

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;
- 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.

## ***Monitoring and Accountability***

### **Formal incident reporting of conduct violations**

#### **LAWS**

#### **§ 37-11-29. Reporting of unlawful activity or violent act on educational property or during school related activity; authority of law enforcement officers; reporting of disposition of charges against student; liability of school personnel participating in reporting.**

(1) Any principal, teacher or other school employee who has knowledge of any unlawful activity which occurred on educational property or during a school related activity or which may have occurred shall report such activity to the superintendent of the school district or his designee who shall notify the appropriate law enforcement officials as required by this section. In the event of an emergency or if the superintendent or his designee is unavailable, any principal may make a report required under this subsection.

#### **§ 37-11-67. Bullying or harassing behavior in public schools prohibited.**

(4) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(5) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official. § 37-13-91. Compulsory school attendance requirements generally; enforcement of law.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent or his designee shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

#### **§ 37-15-6. Central reporting system for information concerning expulsions from public schools; access to information.**

For the purpose of providing notice to public and private school officials, both within and outside the boundaries of the state, of the expulsion of any public school student, the State Department of Education may develop a central reporting system for maintaining information concerning each expulsion from a public school. In establishing and maintaining the reporting system, the department may require each school district to report, within a certain period of time after an expulsion, as established by the department, information such as the following:

- (a) The name of the student expelled;
- (b) The date the student was expelled;
- (c) The age of the student at the time of the expulsion;
- (d) The school from which the student was expelled;
- (e) The reason for the expulsion, including a detailed description of the student's act or acts;

- (f) The duration of the period of expulsion, if not indefinite; and
- (g) Any other information that the department deems necessary for school officials in a public or private school, where a student is seeking enrollment, to determine whether or not a student should be denied enrollment based upon a previous expulsion.

Any information maintained by the department under the authority of this section shall be strictly confidential. The information shall be available to school officials at a public or private school only upon their request and only when a student seeks enrollment or admission to that school. In no case shall the information be available to the general public.

## **REGULATIONS**

### **Rule 38.1. School violence reporting.**

The State Board of Education is implementing the requirements of Section 37-11-29, Mississippi Code of 1972, as amended 1994, which requires the development of a form to report school violence; the required form is attached. State Department of Education staff shall develop guidance materials to assist school districts in reporting school violence. To obtain a Report of Unlawful Activity and Violent Act Form go to [https://www.mdek12.org/sites/default/files/Page\\_Docs/unlawful-activity-form.pdf](https://www.mdek12.org/sites/default/files/Page_Docs/unlawful-activity-form.pdf).

## **Parental notification**

## **LAWS**

### **§ 37-13-89. School attendance officers; qualifications; duties; salaries.**

(4) It shall be the duty of each school attendance officer to:

- (f) Contact the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child when the child is absent from school during school hours without a valid written excuse from school officials, and when the child is found, the officer shall notify the parents and school officials as to where the child was physically located;
- (g) Contact promptly the home of each compulsory-school-age child in the school district within the officer's jurisdiction who is not enrolled in school or is not in attendance at public school and is without a valid written excuse from school officials; if no valid reason is found for the nonenrollment or absence from the school, the school attendance officer shall give written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance;

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

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

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

## REGULATIONS

### **Rule 38.13. Restraint and seclusion.**

#### 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:

ii. Parental notification when physical restraint is used to restrain their student not to exceed one school day from the use of the restraint;

#### 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. 162

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.

## Reporting and referrals between schools and law enforcement

### LAWS

#### **§ 37-9-14. General duties and powers of superintendent of school district.**

(1) It shall be the duty of the superintendent of schools to administer the schools within his district and to implement the decisions of the school board.

(2) In addition to all other powers, authority and duties imposed or granted by law, the superintendent of schools shall have the following powers, authority and duties:

(w) To notify, in writing, the parent, guardian or custodian, the youth court and local law enforcement of any expulsion of a student for criminal activity as defined in Section 37-11-29.

(x) To notify the youth court and local law enforcement agencies, by affidavit, of the occurrence of any crime committed by a student or students upon school property or during any school-related activity, regardless of location and the identity of the student or students committing the crime.

#### **§ 37-11-29. Reporting of unlawful activity or violent act on educational property or during school related activity; authority of law enforcement officers; reporting of disposition of charges against student; liability of school personnel participating in reporting.**

(1) Any principal, teacher or other school employee who has knowledge of any unlawful activity which occurred on educational property or during a school related activity or which may have occurred shall report such activity to the superintendent of the school district or his designee who shall notify the appropriate law enforcement officials as required by this section. In the event of an emergency or if the superintendent or his designee is unavailable, any principal may make a report required under this subsection.

(2) Whenever any person who shall be an enrolled student in any school or educational institution in this state supported in whole or in part by public funds, or who shall be an enrolled student in any private school or educational institution, is arrested for, and lawfully charged with, the commission of any crime and convicted upon the charge for which he was arrested, or convicted of any crime charged against him after his arrest and before trial, the office or law enforcement department of which the arresting officer is a member, and the justice court judge and any circuit judge or court before whom such student is tried upon



said charge or charges, shall make or cause to be made a report thereof to the superintendent or the president or chancellor, as the case may be, of the school district or other educational institution in which such student is enrolled.

If the charge upon which such student was arrested, or any other charges preferred against him are dismissed or nol prossed, or if upon trial he is either convicted or acquitted of such charge or charges, same shall be reported to said respective superintendent or president, or chancellor, as the case may be. A copy of said report shall be sent to the Secretary of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, at Jackson, Mississippi.

Said report shall be made within one (1) week after the arrest of such student and within one (1) week after any charge placed against him is dismissed or nol prossed, and within one (1) week after he shall have pled guilty, been convicted, or have been acquitted by trial upon any charge placed against him. This section shall not apply to ordinary traffic violations involving a penalty of less than Fifty Dollars (\$ 50.00) and costs.

The State Superintendent of Public Education shall gather annually all of the reports provided under this section and prepare a report on the number of students arrested as a result of any unlawful activity which occurred on educational property or during a school related activity. All data must be disaggregated by race, ethnicity, gender, school, offense and law enforcement agency involved. However, the report prepared by the State Superintendent of Public Education shall not include the identity of any student who was arrested.

On or before January 1 of each year, the State Superintendent of Public Education shall report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Joint PEER Committee on this section. The report must include data regarding arrests as a result of any unlawful activity which occurred on educational property or during a school related activity.

(3) When the superintendent or his designee has a reasonable belief that an act has occurred on educational property or during a school related activity involving any of the offenses set forth in subsection (6) of this section, the superintendent or his designee shall immediately report the act to the appropriate local law enforcement agency. For purposes of this subsection, "school property" shall include any public school building, bus, public school campus, grounds, recreational area or athletic field in the charge of the superintendent. The State Board of Education shall prescribe a form for making reports required under this subsection. Any superintendent or his designee who fails to make a report required by this section shall be subject to the penalties provided in Section 37-11-35.

(4) The law enforcement authority shall immediately dispatch an officer to the educational institution and with probable cause the officer is authorized to make an arrest if necessary as provided in Section 99-3-7.

(5) Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed.

(6) For purposes of this section, "unlawful activity" means any of the following:

- (a) Possession or use of a deadly weapon, as defined in Section 97-37-1;
- (b) Possession, sale or use of any controlled substance;
- (c) Aggravated assault, as defined in Section 97-3-7;
- (d) Simple assault, as defined in Section 97-3-7, upon any school employee;
- (e) Rape, as defined under Mississippi law;
- (f) Sexual battery, as defined under Mississippi law;
- (g) Murder, as defined under Mississippi law;

- (h) Kidnapping, as defined under Mississippi law; or
- (i) Fondling, touching, handling, etc., a child for lustful purposes, as defined in Section 97-5-23.

**§ 37-13-91. Compulsory school attendance requirements generally; enforcement of law.**

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

**REGULATIONS**

**Rule 7.1. Guidelines.**

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

**Disclosure of school records**

**LAWS**

**§ 37-11-51. Documents exempt from Public Records Act.**

(1) Test questions and answers in the possession of a public body, as defined by paragraph (a) of Section 25-61-3, which are to be used in future academic examinations, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(2) Letters of recommendation in the possession of a public body, as defined by paragraph (a) of Section 25-61-3, respecting admission to any educational agency or institution, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(3) (a) Except as provided in paragraph (b) of this subsection, documents, records, papers, data, protocols, information or materials in the possession of a community college or state institution of higher learning that are created, collected, developed, generated, ascertained or discovered during the course of academic research, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(b) The exemption under paragraph (a) of this subsection shall not apply to a public record that has been published, copyrighted, trademarked or patented.

(4) Unpublished manuscripts, preliminary analyses, drafts of scientific or academic papers, plans or proposals for future research and prepublication peer reviews in the possession of a community college or state institution of higher learning, or submitted and accepted for publication by publishers shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

(5) Nothing in this section shall otherwise create a public record right over, or shall impede or infringe upon, the copyright in any work.

(6) School safety plan documents containing preventive services listed in Section 37-3-83 shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

**§ 37-15-6. Central reporting system for information concerning expulsions from public schools; access to information.**

For the purpose of providing notice to public and private school officials, both within and outside the boundaries of the state, of the expulsion of any public school student, the State Department of Education may develop a central reporting system for maintaining information concerning each expulsion from a public school. In establishing and maintaining the reporting system, the department may require each school district to report, within a certain period of time after an expulsion, as established by the department, information such as the following:

- (a) The name of the student expelled;
- (b) The date the student was expelled;
- (c) The age of the student at the time of the expulsion;
- (d) The school from which the student was expelled;
- (e) The reason for the expulsion, including a detailed description of the student's act or acts;
- (f) The duration of the period of expulsion, if not indefinite; and
- (g) Any other information that the department deems necessary for school officials in a public or private school, where a student is seeking enrollment, to determine whether or not a student should be denied enrollment based upon a previous expulsion.

Any information maintained by the department under the authority of this section shall be strictly confidential. The information shall be available to school officials at a public or private school only upon their request and only when a student seeks enrollment or admission to that school. In no case shall the information be available to the general public.

**REGULATIONS**

**Rule 73.1. School records.**

The following procedures are adopted as provided under the Mississippi Public Records Act of 1983, Chapter 424, Laws of 1983 (hereinafter referred to as the Public Records Act).

I. Definitions

- a. Public body: A public body is defined as "any department, bureau, division, council, commission, committee, subcommittee, board, agency and any other entity of the state or a political subdivision thereof, and any municipal corporation and any other entity created by the Constitution or by law, executive order, ordinance or resolution. Within the meaning of this act, the term 'entity' shall not be construed to include individuals employed by a public body or any appointed or elected public official."
- b. Public records: Public records are defined as "all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body."
- c. Exempt records: Those records exempt from disclosure under the Public Records Act.
- d. Nonexempt records: Those records which are not exempt from disclosure under the Public Records Act.
- e. Working day: A working day is any day other than a weekend, State holiday, or a day which by executive order an agency is authorized to be absent.

## II. Fees

a. By statute, charges are made on a cost-recovery basis. Any person who desires copies of a public record as defined herein but does not officially represent a public body shall be charged the actual cost per page of mechanically reproduced copy. Copies of pages printed on both sides (front and back) shall be considered as two pages. This fee is for the cost of searching, reviewing, and duplicating the public record. However, if the searching, reviewing, or duplicating of documents or the separating of nonexempt material from documents, etc., containing exempt material requires more than one-quarter hour of work, then the requesting party shall be charged for the work time above one-quarter hour in addition to the actual cost per page of mechanical reproduction for any copies desired. The charge for the hours shall be based upon the hourly salary of the lowest paid qualified employee of the State Department of Education (hereinafter referred to as the Department) available to do the job.

In the event the public record is available in computer files and can be obtained through computer use, then the requesting party must pay the charge for the computer use, including programming time and actual computer time as well as any other costs incurred. This charge will be determined by the Department.

b. Mailing costs calculated at the applicable United States Postal Service rates shall be charged where appropriate. The cost of mailing a notice to third parties via certified mail, return receipt requested, shall be charged to persons requesting the public records. Actual costs for shipment by other than United States Postal Service shall be charged to the person requesting the special shipment.

## III. Procedures

a. All requests for access to or copies of a public record shall be in writing and shall specify what record is being sought as well as the name and address of the individual and/or organization requesting the record. Requests shall be addressed to the State Superintendent of Education. Request forms are available in the State Superintendent of Education's office.

b. The Department shall respond in writing within fourteen (14) working days from the date of the request. Denials shall contain the specific reasons for the denial. Copies of all denials shall be maintained on file by the Department for not less than three years from the date denial is made.

c. Access to nonexempt records will be allowed during regular business hours.

d. If any public record which is held to be exempt from disclosure contains material which is not exempt, the Department shall separate the exempt material and make the nonexempt material available for examination and/or copying.

e. When fees are appropriate as specified in Section II of this regulation, the fees must be paid prior to the Department's compliance with the request. Cash, money orders, cashier's checks, personal or company checks will be accepted in payment for fees under Section II. Payment by personal or company check will be accepted subject to clearance within fourteen working (14) days.

f. Records furnished to the Department by third parties, which are not public bodies as defined in the Public Records Act, will not be released until notice to the third parties has been given. The records shall be released in fourteen days unless the third party obtains a court order protecting the records as confidential.

g. The State Superintendent of Education or his designee has the authority to specify the mode, manner, time and place of access.

## **Data collection, review, and reporting of disciplinary policies and actions**

### **LAWS**

#### **§ 37-3-91. Regional behavioral institutes; discipline and classroom management strategies; participation.**

(2) Any school district may volunteer to participate in a regional behavioral institute. However, the State Department of Education may require a school district to participate in a regional behavioral institute if the department determines that such participation is in the best interest of the school district based upon:

- (c) A review of reports submitted by a school district to the department which indicates disciplinary problems in the school district.

#### **§ 37-9-14. General duties and powers of superintendent of school district.**

(1) It shall be the duty of the superintendent of schools to administer the schools within his district and to implement the decisions of the school board.

(2) In addition to all other powers, authority and duties imposed or granted by law, the superintendent of schools shall have the following powers, authority and duties:

- (o) To make such reports as are required by the State Board of Education.
- (p) To make an enumeration of educable children in his school district as prescribed by law.
- (q) To keep in his office and carefully preserve the public school record provided, to enter therein the proceedings of the school board and his decision upon cases and his other official acts, to record therein the data required from the monthly and term reports of principals and teachers, and from the summaries of records thus kept.

#### **§ 37-11-53. School district discipline plans; appearance by parents, guardians or custodians at discipline conferences; recovery from parents for damage or destruction of school property; parent allowed to accompany child to school as alternative to child's suspension.**

(1) [...] The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 37-11-18.1, shall be fully incorporated into the school district's discipline plan and code of student conduct.

#### **§ 37-13-80.1. Middle school dropout prevention and recovery pilot program; minimum necessary requirements of pilot program; development and implementation of alternative student performance accountability method to evaluate pilot program school districts.**

(1) The State Board of Education shall implement a Middle School Dropout Prevention and Recovery Pilot Program in select "D" and "F" rated school districts selected by the State Board of Education. The purpose of the pilot program is to reengage students and increase the graduation rates in Mississippi through an educational program that provides vocational technology, flexible scheduling and a blended learning environment with individualized and self-paced learning options.

(2) Under the pilot program, the educational services and programming shall be provided by an education partner that is a nonprofit or for-profit entity approved by the State Board of Education. The local school board of the districts selected to participate in the pilot program shall be responsible for reporting enrollment to the State Department of Education, working with the education partner to align graduation

requirements. The participating schools district shall be accredited by the Southern Association of Colleges and Schools as an indicator of quality instructional programming.

(3) The pilot program shall provide at least the following:

- (a) Facilities that are easily accessible to the students being served;
- (b) Flexible scheduling, including at least two (2) different program schedules;
- (c) Differentiated instruction that shall include individualized, group and online instructional components;
- (d) The capacity for assessing, recording and responding to the students' academic progress on a daily basis using assessments that are aligned with state and local standards and requirements;
- (e) A focus on serving a defined population of at-risk students who have dropped out or are likely to drop out of school in the foreseeable future without some type of intervention;
- (f) Support services, including social workers and crisis intervention professionals who are trained to assist students in removing barriers to attending school and graduating;
- (g) Vocational technology and other instructional models that are self-paced and mastery-based; and
- (h) Individualized graduation plans to guide students to graduation with a standard high school diploma.

(4) Before the State Board of Education approves an applicant as an education partner, the applicant must demonstrate the following:

- (a) A history providing dropout recovery services to high school students in public schools;
- (b) At least two (2) years of relevant experience operating and providing services to brick-and-mortar public schools;
- (c) At least two (2) years of relevant experience providing comprehensive online learning or vocational technology programs;
- (d) Relevant experience serving diverse student populations, including socioeconomically disadvantaged students;
- (e) An explanation of the steps taken by the applicant to ensure that its proposed instructional content is aligned with state standards;
- (f) A plan for the recruitment and hiring of state-certified teachers, including hiring criteria;
- (g) A plan for the recruitment and hiring of qualified administrators, including hiring criteria;
- (h) A detailed description of the applicant's plan to work with the participating local school districts and the State Board of Education to identify students who need to be served, to reengage those students, and to provide alternative education options for students at risk of dropping out. Students at risk of dropping out from their current schools may be transferred into the pilot program; and
- (i) An operational plan that includes the following:
  - (i) The number and physical location of proposed sites and a list of the equipment required;
  - (ii) A proposed program calendar and daily schedule and an explanation of how the calendar and schedule meet the needs of prospective students. The schedule must include at least four (4) hours per school day of on-site learning at a physical location;
  - (iii) The student-to-teacher ratio;
  - (iv) A description of each of the instructional methods to be used and number of hours per day for each method;
  - (v) A plan for differentiated instruction that must include individualized, group, and online instructional components;
  - (vi) Capacity for assessing, recording, and responding to students' academic progress on a daily basis using standard assessments;

- (vii) A detailed one-year budget;
- (viii) A system of competency-based credit; and
- (ix) A plan for aggregation and reporting of student performance data and reporting of financial activity.

(5)(a) The State Board of Education shall develop and implement an alternative student performance accountability method to evaluate the performance and effectiveness of pilot program school districts that solely provide dropout prevention services and dropout recovery programs to at-risk students who have dropped out of or are likely to drop out of their base high school. Data and student results collected and compiled from the pilot program districts shall inform the State Board of Education in developing an alternative accountability method to apply statewide and in evaluating the success of the pilot program as a whole.

(b) The alternative accountability method shall only measure academic growth of students who have been continuously enrolled for a period of one hundred twenty (120) days. Students shall be assessed by pre-testing and post-testing at the beginning and end of the one hundred twenty-day enrollment period to measure student growth and shall apply beginning with the 2014-2015 school year.

**§ 37-13-89. School attendance officers; qualifications; duties; salaries.**

(4) It shall be the duty of each school attendance officer to:

(h) Collect and maintain information concerning absenteeism, dropouts and other attendance-related problems, as may be required by law or the Office of Compulsory School Attendance Enforcement;

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

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

[From and after July 1, 2015, this section shall read as follows:]

(11) Each school district having an alternative school program shall submit a report by July 31 of each calendar year to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to subsection (7)(k). The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under subsection (7) (a) through (j). In the report to be implemented under this section, the State Department of Education shall prescribe the appropriate measures on school districts that fail to file the annual report. The report should be made available online via the department's website to ensure transparency, accountability and efficiency.

**REGULATIONS**

**Rule 18.1 Annual Report.**

**1. Children First Act Annual Report Guidelines**

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

## 2. Publication in the Newspaper

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

### a. District Profile

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

### b. Academic Achievement Information

- i. Accreditation status
- ii. Percentage of students receiving a high school diploma
- iii. Percentage of students receiving special education services receiving a high school diploma
- iv. Percentage of students receiving an occupational diploma
- v. Percentage of students receiving special education services receiving an occupational diploma
- vi. Percentage of students receiving a certificate of completion
- vii. Percentage of students receiving special education services receiving a certificate of completion
- viii. Dropout rate for all students
- ix. Dropout rate for students receiving special education services
- x. Percent of Graduates Taking the ACT
- xi. District rating level
- xii. Number of schools by rating level
- xiii. ACT information (% taking the test and the average score)

### c. Financial Data

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



- ii. Millage Rate (Operations and Debt Service broken out separately)
- iii. State average of millage rates
- iv. Total millage dollars
- v. Assessed Valuation
- vi. Total Expenditures: Instructional, Operations & Maintenance, Other Instructional, General Administration, School Administration (Percentage of total expenditures)
- vii. Per Pupil Expenditures: Local, State and Federal dollar amounts broken out separately

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

### 3. Publication on the Web

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

- a. District Profile
  - i. Number of teachers with advanced degrees
  - ii. Percent in Pre-K
  - iii. Number of students in gifted programs
  - iv. Number of students in special education
  - v. Number of Title I schools
  - vi. Quality of the Distribution Index
  - vii. High School Completer Index
- b. Academic Achievement Information
  - i. Percent of students with dual enrollment
  - ii. Number enrolled in AP courses
  - iii. Percent of students at each achievement level (Minimal, Basic, Proficient, Advanced)
  - iv. Drop-out rate
- c. Financial Data
  - i. Average teacher salary
  - ii. Amount of debt
  - iii. Any audit findings or a statement showing there were no audit findings (letter from state auditor and a link to the state auditor's website)
  - iv. Federal dollars by funding category

#### **Rule 30.4. Truancy rate definition, calculation and rate.**

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.

#### Definitions.

Cumulative Enrollment - sum of all entering students within a school year.

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).

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.

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.

Truant - a student that has accumulated five (5) or more unlawful absences in a school year, excluding suspension and expulsion days.

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).

#### Requirements.

- (1) Truancy shall only apply to students of compulsory-school-age.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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:

(a) 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

(b) 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

(c) 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

(d) 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

(e) 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

#### **Rule 38.1. School violence reporting.**

The State Board of Education is implementing the requirements of Section 37-11-29, Mississippi Code of 1972, as amended 1994, which requires the development of a form to report school violence; the required form is attached. State Department of Education staff shall develop guidance materials to assist school districts in reporting school violence. To obtain a Report of Unlawful Activity and Violent Act Form go to <http://www.mde.k12.ms.us/docs/healthy-schools-environment-services/unlawful-activity-form.pdf?sfvrsn=4>.

#### **Rule 38.13. Restraint and seclusion.**

##### 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.

**Rule 83.1. Violence.**

(This policy addresses Certification of Compliance with Unsafe School Choice Option Requirements as required in the Consolidated Plan for No Child Left Behind)

1. The following definitions apply to this policy:

- a. A "persistently dangerous school" is a public school other than a charter school in which the conditions during the past two school years continually exposed its students to injury from violent criminal offenses and it is:
  - (i) an elementary, middle or secondary public school in which a total of 20 or more violent criminal offenses were committed per 1000 students (2.0 or more per 100 students) in two consecutive school years; or
  - (ii) an elementary, middle or secondary public alternative school in which a total of 75 or more violent criminal offenses were committed per 1000 (7.5 or more per 100 students) in two consecutive school years; and
- b. "Violent criminal offenses" are the following crimes reported in the Mississippi Student Information System:
  - Simple or Aggravated Assault as defined in Section 97-3-7 of the Mississippi Code Annotated 1972, as amended,
  - Homicide as defined in Sections 97-3-19, 97-3-27, 97-3-29, 97-3-31, 97-3-35, 97-3-37, and 97-3-47 of the Mississippi Code Annotated 1972, as amended,
  - Kidnapping as defined in Section 97-3-53 of the Mississippi Code Annotated 1972, as amended,
  - Rape as defined in Sections 97-3-65 and 97-3-71 of the Mississippi Code Annotated 1972, as amended,
  - Robbery as defined in Sections 97-3-73, 97-3-77 and 97-3-79 of the Mississippi Code Annotated 1972, as amended,
  - Sexual Battery as defined in Section 97-3-95 of the Mississippi Code Annotated 1972, as amended,
  - Mayhem as defined in Section 97-3-59 of the Mississippi Code Annotated 1972, as amended,

Poisoning as defined in Section 97-3-61 of the Mississippi Code Annotated 1972, as amended,  
Extortion as defined in Section 97-3-82 of the Mississippi Code Annotated 1972, as amended,  
Stalking as defined in Section 97-3-107 of the Mississippi Code Annotated 1972, as amended, and  
Seizure and Forfeiture of Firearms as defined in Section 97-3-110 of the Mississippi Code Annotated 1972, as amended.

2. 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.
3. 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.
4. 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.
5. 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.
6. The LEA shall report each student transfer effected pursuant to this policy to the State Board of Education in the Mississippi Student Information System.

No Child Left Behind (NCLB) - Title IX, SEC. 9532. Unsafe School Choice Option

(a) Unsafe School Choice Option - Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school.

(b) Certification - As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.

## ***School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers***

### **Authority and power to implement school arrest**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Certification or training**

#### **LAWS**

#### **§ 37-3-82. Mississippi Community Oriented Policing Services in Schools grant program established; purpose; use of funds.**

(2) The MCOPS program shall meet the following requirements and standards:

(e) All agencies receiving awards through the MCOPS in Schools program are required to send the School Resource Officer position(s) funded by this grant, to the Mississippi Law Enforcement Officers' Training Academy where they shall be required to participate in training through the Advanced Law Enforcement Rapid Response Training Program at the academy, with the cost to be defrayed from the MCOPS program. The MCOPS Office of the State Department of Education will reimburse grantees for training, per diem, travel, and lodging costs for attendance of required participants up to a maximum of One Thousand Two Hundred Dollars (\$ 1,200.00) per person attending. Applicants receiving an MCOPS in Schools grant, will receive additional training information following notification of the grant award. The MCOPS in Schools training requirement must be completed prior to the end of twelve-month grant funding for officer positions.

#### **§ 37-7-321. Employment and designation of peace officers; minimum level of basic law enforcement training required; operation of radio broadcasting and transmission station; interlocal agreements with other law enforcement entities for provision of certain equipment or services.**

(2) Any person employed by a school board as a security guard or school resource officer or in any other position that has the powers of a peace officer must receive a minimum level of basic law enforcement training, as jointly determined and prescribed by the Board on Law Enforcement Officer Standards and Training and the State Board of Education, within two (2) years of the person's initial employment in such position. Upon the failure of any person employed in such position to receive the required training within the designated time, the person may not exercise the powers of a peace officer in or on the property of the school district.

#### **§ 37-13-85. Powers and duties.**

The Office of Compulsory School Attendance Enforcement shall have the following powers and duties, in addition to all others imposed or granted by law:

(j) To provide for a course of training and education for school attendance officers, and to require successful completion of the course as a prerequisite to certification by the office as school attendance officers;

**§ 37-13-89. School attendance officers; qualifications; duties; salaries.**

(3) Each school attendance officer shall possess a college degree with a major in a behavioral science or a related field or shall have no less than three (3) years combined actual experience as a school teacher, school administrator, law enforcement officer possessing such degree, and/or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers also shall satisfy any additional requirements that may be established by the State Personnel Board for the position of school attendance officer.

(9) The State Department of Education shall provide all continuing education and training courses that school attendance officers are required to complete under state law or rules and regulations of the department.

**§ 37-13-107. Training and education course for school attendance officers; effect of failure to receive certificate.**

(1) Every school attendance officer shall be required annually to attend and complete a comprehensive course of training and education which is provided or approved by the Office of Compulsory School Attendance Enforcement of the State Department of Education. Attendance shall be required beginning with the first training seminar conducted after the school attendance officer is employed as a school attendance officer.

(2) The Office of Compulsory School Attendance Enforcement shall provide or approve a course of training and education for school attendance officers of the state. The course shall consist of at least twelve (12) hours of training per year. The content of the course of training and when and where it is to be conducted shall be approved by the office. A certificate of completion shall be furnished by the State Department of Education to those school attendance officers who complete the course. Each certificate shall be made a permanent record of the school attendance officer supervisor's office where the school attendance officer is employed.

(3) Upon the failure of any person employed as a school attendance officer to receive the certificate of completion from the State Department of Education within the first year of his employment, the person shall not be allowed to carry out any of the duties of a school attendance officer and shall not be entitled to compensation for the period of time during which the certificate has not been obtained.

**§ 45-6-7. Powers of board.**

In addition to the powers conferred upon the board elsewhere in this chapter, the board shall have power to:

(a) Promulgate rules and regulations for the administration of this chapter, including the authority to require the submission of reports and information by law enforcement agencies of the state and its political subdivisions.

(b) Establish minimum educational and training standards for admission to employment or appointment as a law enforcement officer or a part-time law enforcement officer: (i) in a permanent position; and (ii) in a probationary status. The minimum educational and training standards for any law enforcement officer assigned to field or investigative duties shall include at least two (2) hours of training related to handling complaints of human trafficking and commercial sexual exploitation of children as defined in Section 43-21-105, communicating with such victims, and requiring the officer to contact the Department of Child Protection Services when human trafficking or commercial sexual exploitation is suspected.

(c) Certify persons as being qualified under the provisions of this chapter to be law enforcement officers or part-time law enforcement officers.

(d) Revoke certification for cause and in the manner provided in this chapter. The board is authorized to subpoena documents regarding revocations. The board shall maintain a current list of all persons certified under this chapter who have been placed on probation, suspended, subjected to revocation of certification, or any combination of these.

(e) Establish minimum curriculum requirements for basic and advanced courses and programs for schools operated by or for the state or any political subdivision thereof for the specific purpose of training police and other law enforcement officers, both full- and part-time, which shall include a minimum of two (2) hours of training in a course or courses related to the identification of and support for victims of human trafficking and commercial sexual exploitation.

(f) Consult and cooperate with counties, municipalities, state agencies, other governmental agencies, and with universities, colleges, community and junior colleges and other institutions concerning the development of training schools, programs or courses of instruction for personnel defined in this chapter.

(g) Make recommendations concerning any matter within its purview pursuant to this chapter.

(h) Make such inspection and evaluation as may be necessary to determine if governmental units are complying with the provisions of this chapter.

(i) Approve law enforcement officer training schools for operation by or for the state or any political subdivision thereof for the specific purpose of training personnel defined in this chapter.

(j) Upon the request of agencies employing personnel defined in this chapter, conduct surveys or aid municipalities and counties to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(k) Upon request of agencies within the purview of this chapter, conduct general and specific management surveys and studies of the operations of the requesting agencies at no cost to those agencies. The role of the board under this subsection shall be that of management consultant.

(l) Adopt and amend regulations consistent with law, for its internal management and control of board programs.

(m) Enter into contracts or do such things as may be necessary and incidental to the administration of this chapter.

(n) Establish jointly with the State Board of Education the minimum level of basic law enforcement training required of persons employed by school districts as school security guards, or school resource officers or in other positions that have the powers of a peace officer.

## **REGULATIONS**

No relevant regulations found.

## **MOUs, authorization and/or funding**

## **LAWS**

### **§ 37-3-82. Mississippi Community Oriented Policing Services in Schools grant program established; purpose; use of funds.**

(1) There is hereby established the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program in the State Department of Education to provide funding, pursuant to specific appropriation by the Legislature therefor, to assist law enforcement agencies in providing additional School Resource Officers to engage in community policing in and around primary and secondary schools. The MCOPS program shall authorize the State Department of Education to make grants to increase



deployment of law enforcement officers in order (a) to increase or enhance community policing in this state, (b) that trained, sworn enforcement officers assigned to schools play an integral part in the development and/or enhancement of a comprehensive school safety plan, and (c) that the presence of these officers shall provide schools with a direct link to local law enforcement agencies.

(2) The MCOPS program shall meet the following requirements and standards:

(a) This program shall provide an incentive for law enforcement agencies to build collaborative partnerships with the school community and to use community policing efforts to combat school violence and implement educational programs to improve student and school safety.

(b) The additional School Resource Officers must devote at least seventy-five percent (75%) of their time to work in and around primary and secondary schools, in addition to the time that School Resource Officers are devoting in the absence of the MCOPS in Schools grant.

(c) Beginning with the 2019-2020 school year, the MCOPS in Schools program shall provide a minimum state contribution of up to Ten Thousand Dollars (\$10,000.00) per officer position over the one-year grant period, to be matched from local funds on a 50/50 matching basis. Officers paid with MCOPS funds may be employed by the local law enforcement agency or by the local school district. MCOPS funds may be used to pay for entry-level salaries and benefits of newly trained additional School Resource Officers and may be used to pay the salaries and benefits of School Resource Officers employed prior to July 1, 2013. All jurisdictions that apply must demonstrate that they have primary law enforcement authority over the school(s) identified in their application and demonstrate their inability to implement this project without state assistance. Schools or law enforcement agencies may not reduce its overall federal, state, locally funded level of sworn officers (including other School Resource Officers or other sworn officers assigned to the schools) as a result of applying for or receiving MCOPS in Schools grant funding. MCOPS in Schools funding may be used to rehire sworn officers previously employed who have been laid off for financial reasons unrelated to the availability of the MCOPS in Schools grant, but must obtain prior written approval from the State Department of Education. MCOPS in Schools funding may be used to train school resource officers. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department. The State Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for School Resource Officer funding.

(d) School Resource Officers (SROs) may serve in a variety of roles, including, but not limited to, that of a law enforcement officer/safety specialist, law-related educator, and problem-solver/community liaison. These officers may teach programs such as crime prevention, substance abuse prevention, and gang resistance as well as monitor and assist troubled students through mentoring programs. The School Resource Officer(s) may also identify physical changes in the environment that may reduce crime in and around the schools, as well as assist in developing school policies which address criminal activity and school safety. The application must also include a Memorandum of Understanding (MOU), signed by the law enforcement executive and the appropriate school official(s), to document the roles and responsibilities to be undertaken by the law enforcement agency and the educational school partner(s) through this collaborative effort. The application must also include a Narrative Addendum to document that the School Resource Officer(s) will be assigned to work in and around primary or secondary schools and provide supporting documentation in the following areas: problem identification and justification, community policing strategies to be used by the officers, quality and level of commitment to the effort, and the link to community policing.

(e) All agencies receiving awards through the MCOPS in Schools program are required to send the School Resource Officer position(s) funded by this grant, to the Mississippi Law Enforcement Officers' Training Academy where they shall be required to participate in training through the Advanced Law

Enforcement Rapid Response Training Program at the academy, with the cost to be defrayed from the MCOPS program. The MCOPS Office of the State Department of Education will reimburse grantees for training, per diem, travel, and lodging costs for attendance of required participants up to a maximum of One Thousand Two Hundred Dollars (\$1,200.00) per person attending. Applicants receiving an MCOPS in Schools grant, will receive additional training information following notification of the grant award. The MCOPS in Schools training requirement must be completed prior to the end of twelve-month grant funding for officer positions.

(3) The State Department of Education shall promulgate rules and regulations prescribing procedures for the application, expenditure requirements and the administration of the Mississippi Community Oriented Policing Services in Schools (MCOPS) program established in this section, and shall make a report on the implementation of the MCOPS program with any recommendations to the 2020 Regular Session of the Legislature.

**§ 37-3-82.1. Schools unable to meet financial requirements for participation in MCOPS program authorized to develop alternative plans for student security.**

In the event that a public school district is unable to participate in the MCOPS program due to the district's inability to meet the necessary financial requirements of the local fund match, the local school board of that school district may develop a plan for the security of its students, faculty and administration, which must be approved by the State Board of Education and the Mississippi Department of Public Safety prior to its implementation. The local school board may still apply for grants under the MCOPS program for training of security personnel employed by the school district.

**§ 37-7-321. Employment and designation of peace officers; minimum level of basic law enforcement training required; operation of radio broadcasting and transmission station; interlocal agreements with other law enforcement entities for provision of certain equipment or services.**

(1) The school board of any school district within the State of Mississippi, in its discretion, may employ one or more persons as security personnel and may designate such persons as peace officers in or on any property operated for school purposes by such board upon their taking such oath and making such bond as required of a constable of the county in which the school district is situated.

(4) If a law enforcement officer is duly appointed to be a peace officer by a school district under this section, the local school board may enter into an interlocal agreement with other law enforcement entities for the provision of equipment or traffic control duties, however, the duty to enforce traffic regulations and to enforce the laws of the state or municipality off of school property lies with the local police or sheriff's department which cannot withhold its services solely because of the lack of such an agreement.

**§ 37-7-323. Application and enforcement of general criminal laws of state.**

Any act which, if committed within the limits of a city, town or village, or in any public place, would be a violation of the general laws of this state, shall be criminal and punishable if done on the campus, grounds or roads of any of the public schools of this state. The peace officers duly appointed by the school board of any school district are vested with the powers and subjected to the duties of a constable for the purpose of preventing all violations of law on school property within the district, and for preserving order and decorum thereon. The peace officers duly appointed by the school board of any school district are also vested with the powers and subjected to the duties of a constable for the purpose of preventing all violations of law that occur within five hundred (500) feet of any property owned by the school district, if reasonably determined to have a possible impact on the safety of students, faculty or staff of the school district while on said property. Provided, however, that nothing in this section shall be interpreted to require action by any such peace officer appointed by a school district to events occurring outside the

boundaries of school property, nor shall any such school district or its employees be liable for any failure to act to any event occurring outside the boundaries of property owned by the school district.

**§ 37-13-85. Powers and duties.**

The Office of Compulsory School Attendance Enforcement shall have the following powers and duties, in addition to all others imposed or granted by law:

- (a) To establish any policies or guidelines concerning the employment of school attendance officers which serve to effectuate a uniform system of enforcement under the Mississippi Compulsory School Attendance Law throughout the state, and to designate the number of school attendance officers which shall be employed to serve in each school district area;
- (b) To supervise and assist school attendance officer supervisors in the performance of their duties;
- (c) To establish minimum standards for enrollment and attendance for the state and each individual school district, and to monitor the success of the state and districts in achieving the required levels of performance;
- (d) To provide to school districts failing to meet the established standards for enrollment and attendance assistance in reducing absenteeism or the dropout rates in those districts;
- (e) To establish any qualifications, in addition to those required under Section 37-13-89, for school attendance officers as the office deems necessary to further the purposes of the Mississippi Compulsory School Attendance Law;
- (f) To develop and implement a system under which school districts are required to maintain accurate records that document enrollment and attendance in such a manner that the records reflect all changes in enrollment and attendance, and to require school attendance officers to submit information concerning public school attendance on a monthly basis to the office;
- (g) To prepare the form of the certificate of enrollment required under the Mississippi Compulsory School Attendance Law and to furnish a sufficient number of the certificates of enrollment to each school attendance officer in the state;
- (h) To provide to the State Board of Education statistical information concerning absenteeism, dropouts and other attendance-related problems as requested by the State Board of Education;
- (i) To provide for the certification of school attendance officers;
- (j) To provide for a course of training and education for school attendance officers, and to require successful completion of the course as a prerequisite to certification by the office as school attendance officers;
- (k) To adopt any guidelines or policies the office deems necessary to effectuate an orderly transition from the supervision of school attendance officers by district attorneys to the supervision by the school attendance officer supervisors;
- (l) Beginning on July 1, 1998, to require school attendance officer supervisors to employ persons employed by district attorneys before July 1, 1998, as school attendance officers without requiring such persons to submit an application or interview for employment with the State Department of Education;
- (m) To adopt policies or guidelines linking the duties of school attendance officers to the appropriate courts, law enforcement agencies and community service providers; and
- (n) To adopt any other policies or guidelines that the office deems necessary for the enforcement of the Mississippi Compulsory School Attendance Law; however, the policies or guidelines shall not add to or contradict with the requirements of Section 37-13-91.

**§ 37-13-87. District office supervisors; powers and duties; qualifications; salaries.**

(1) The Director of the Office of Compulsory School Attendance Enforcement shall employ three (3) school attendance officer supervisors, each to maintain an office within a different Supreme Court district. Each supervisor shall be responsible for the enforcement of the Mississippi Compulsory School Attendance Law within his district and shall exercise direct supervision over the school attendance officers in the district. The supervisors, who shall report to the director of the office, shall assist the school attendance officers in the performance of their duties as established by law or otherwise.

(2) No person having less than eight (8) years combined actual experience as a school attendance officer, school teacher, school administrator, law enforcement officer possessing a college degree with a major in a behavioral science or a related field, and/or social worker in the state shall be employed as a school attendance officer supervisor. Further, a school attendance officer supervisor shall possess a college degree with a major in a behavioral science or a related field or shall have actual experience as a school teacher, school administrator, law enforcement officer possessing such degree or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers shall meet any additional qualifications established by the State Personnel Board for school attendance officers or school attendance officer supervisors. The school attendance officer supervisors shall receive an annual salary to be set by the State Superintendent of Public Education, subject to the approval of the State Personnel Board.

**§ 37-13-89. School attendance officers; qualifications; duties; salaries.**

(1) In each school district within the state, there shall be employed the number of school attendance officers determined by the Office of Compulsory School Attendance Enforcement to be necessary to adequately enforce the provisions of the Mississippi Compulsory School Attendance Law; however, this number shall not exceed one hundred fifty-three (153) school attendance officers at any time. From and after July 1, 1998, all school attendance officers employed pursuant to this section shall be employees of the State Department of Education. The State Department of Education shall employ all persons employed as school attendance officers by district attorneys before July 1, 1998, and shall assign them to school attendance responsibilities in the school district in which they were employed before July 1, 1998. The first twelve (12) months of employment for each school attendance officer shall be the probationary period of state service.

(2)(a) The State Department of Education shall obtain current criminal records background checks and current child abuse registry checks on all persons applying for the position of school attendance officer after July 2, 2002. The criminal records information and registry checks must be kept on file for any new hires. In order to determine an applicant's suitability for employment as a school attendance officer, the applicant must be fingerprinted. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check. The applicant shall pay the fee, not to exceed Fifty Dollars (\$ 50.00), for the fingerprinting and criminal records background check; however, the State Department of Education, in its discretion, may pay the fee for the fingerprinting and criminal records background check on behalf of any applicant. Under no circumstances may a member of the State Board of Education, employee of the State Department of Education or any person other than the subject of the criminal records background check disseminate information received through any such checks except insofar as required to fulfill the purposes of this subsection.

(b) If the fingerprinting or criminal records check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 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 applicant is not eligible to be employed as a school attendance officer. Any

employment of an applicant pending the results of the fingerprinting and criminal records check is voidable if the new hire receives a disqualifying criminal records check. However, the State Board of Education, in its discretion, may allow an applicant aggrieved by an employment decision under this subsection to appear before the board, or before a hearing officer designated for that purpose, to show mitigating circumstances that may exist and allow the new hire to be employed as a school attendance officer. The State Board of Education may grant waivers for mitigating circumstances, which may include, but are not necessarily limited to: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence demonstrating the ability of the person to perform the responsibilities of a school attendance officer competently and that the person does not pose a threat to the health or safety of children.

(c) A member of the State Board of Education or employee of the State Department of Education may not be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this section.

(3) Each school attendance officer shall possess a college degree with a major in a behavioral science or a related field or shall have no less than three (3) years combined actual experience as a school teacher, school administrator, law enforcement officer possessing such degree, and/or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers also shall satisfy any additional requirements that may be established by the State Personnel Board for the position of school attendance officer.

(4) It shall be the duty of each school attendance officer to:

- (a) Cooperate with any public agency to locate and identify all compulsory-school-age children who are not attending school;
- (b) Cooperate with all courts of competent jurisdiction;
- (c) Investigate all cases of nonattendance and unlawful absences by compulsory-school-age children not enrolled in a nonpublic school;
- (d) Provide appropriate counseling to encourage all school-age children to attend school until they have completed high school;
- (e) Attempt to secure the provision of social or welfare services that may be required to enable any child to attend school;
- (f) Contact the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child when the child is absent from school during school hours without a valid written excuse from school officials, and when the child is found, the officer shall notify the parents and school officials as to where the child was physically located;
- (g) Contact promptly the home of each compulsory-school-age child in the school district within the officer's jurisdiction who is not enrolled in school or is not in attendance at public school and is without a valid written excuse from school officials; if no valid reason is found for the nonenrollment or absence from the school, the school attendance officer shall give written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance;
- (h) Collect and maintain information concerning absenteeism, dropouts and other attendance-related problems, as may be required by law or the Office of Compulsory School Attendance Enforcement; and
- (i) Perform all other duties relating to compulsory school attendance established by the State Department of Education or district school attendance supervisor, or both.

(5) While engaged in the performance of his duties, each school attendance officer shall carry on his person a badge identifying him as a school attendance officer under the Office of Compulsory School Attendance Enforcement of the State Department of Education and an identification card designed by the

State Superintendent of Public Education and issued by the school attendance officer supervisor. Neither the badge nor the identification card shall bear the name of any elected public official.

(6) The State Personnel Board shall develop a salary scale for school attendance officers as part of the variable compensation plan. The various pay ranges of the salary scale shall be based upon factors including, but not limited to, education, professional certification and licensure, and number of years of experience. School attendance officers shall be paid in accordance with this salary scale. The minimum salaries under the scale shall be no less than the following:

(a) For school attendance officers holding a bachelor's degree or any other attendance officer who does not hold such a degree, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

Years of Experience: 0-4 years, Salary: \$ 19,650.00

Years of Experience: 5-8 years, Salary: \$ 21,550.00

Years of Experience: 9-12 years, Salary: \$ 23,070.00

Years of Experience: 13-16 years, Salary: \$ 24,590.00

Years of Experience: Over 17 years, Salary: \$ 26,110.00

(b) For school attendance officers holding a license as a social worker, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

Years of Experience: 0-4 years, Salary: \$ 20,650.00

Years of Experience: 5-8 years, Salary: \$ 22,950.00

Years of Experience: 9-12 years, Salary: \$ 24,790.00

Years of Experience: 13-16 years, Salary: \$ 26,630.00

Years of Experience: 17-20 years, Salary: \$ 28,470.00

Years of Experience: Over 21 years, Salary: \$ 30,310.00

(c) For school attendance officers holding a master's degree in a behavioral science or a related field, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

Years of Experience: 0-4 years, Salary: \$ \$ 21,450.00

Years of Experience: 5-8 years, Salary: \$ 24,000.00

Years of Experience: 9-12 years, Salary: \$ 26,040.00

Years of Experience: 13-16 years, Salary: \$ 28,080.00

Years of Experience: 17-20 years, Salary: \$ 30,120.00

Years of Experience: Over 21 years, Salary: \$ 32,160.00

(7)(a) Each school attendance officer employed by a district attorney on June 30, 1998, who became an employee of the State Department of Education on July 1, 1998, shall be awarded credit for personal leave and major medical leave for his continuous service as a school attendance officer under the district attorney, and if applicable, the youth or family court or a state agency. The credit for personal leave shall be in an amount equal to one-third (1/3) of the maximum personal leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-93 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. The credit for major medical leave shall be in an amount equal to one-half (1/2) of the maximum major medical leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-95 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. However, if a district attorney who employed a school attendance officer on June

30, 1998, certifies, in writing, to the State Department of Education that the school attendance officer had accumulated, pursuant to a personal leave policy or major medical leave policy lawfully adopted by the district attorney, a number of days of unused personal leave or major medical leave, or both, which is greater than the number of days to which the school attendance officer is entitled under this paragraph, the State Department of Education shall authorize the school attendance officer to retain the actual unused personal leave or major medical leave, or both, certified by the district attorney, subject to the maximum amount of personal leave and major medical leave the school attendance officer could have accumulated had he been credited with such leave under Sections 25-3-93 and 25-3-95.

(b) For the purpose of determining the accrual rate for personal leave under Section 25-3-93 and major medical leave under Section 25-3-95, the State Department of Education shall give consideration to all continuous service rendered by a school attendance officer before July 1, 1998, in addition to the service rendered by the school attendance officer as an employee of the department.

(c) In order for a school attendance officer to be awarded credit for personal leave and major medical leave or to retain the actual unused personal leave and major medical leave accumulated by him before July 1, 1998, the district attorney who employed the school attendance officer must certify, in writing, to the State Department of Education the hire date of the school attendance officer. For each school attendance officer employed by the youth or family court or a state agency before being designated an employee of the district attorney who has not had a break in continuous service, the hire date shall be the date that the school attendance officer was hired by the youth or family court or state agency. The department shall prescribe the date by which the certification must be received by the department and shall provide written notice to all district attorneys of the certification requirement and the date by which the certification must be received.

(8)(a) School attendance officers shall maintain regular office hours on a year-round basis; however, during the school term, on those days that teachers in all of the school districts served by a school attendance officer are not required to report to work, the school attendance officer also shall not be required to report to work. (For purposes of this subsection, a school district's school term is that period of time identified as the school term in contracts entered into by the district with licensed personnel.) A school attendance officer shall be required to report to work on any day recognized as an official state holiday if teachers in any school district served by that school attendance officer are required to report to work on that day, regardless of the school attendance officer's status as an employee of the State Department of Education, and compensatory leave may not be awarded to the school attendance officer for working during that day. However, a school attendance officer may be allowed by the school attendance officer's supervisor to use earned leave on such days.

(b) The State Department of Education annually shall designate a period of six (6) consecutive weeks in the summer between school years during which school attendance officers shall not be required to report to work. A school attendance officer who elects to work at any time during that period may not be awarded compensatory leave for such work and may not opt to be absent from work at any time other than during the six (6) weeks designated by the department unless the school attendance officer uses personal leave or major medical leave accrued under Section 25-3-93 or 25-3-95 for such absence.

(9) The State Department of Education shall provide all continuing education and training courses that school attendance officers are required to complete under state law or rules and regulations of the department.

## **REGULATIONS**

### **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:

4. The appropriate School Attendance Officer will be notified.

**Rule 30.1. Compulsory school attendance.**

1. Employment of all School Attendance Officers, qualifications and duties, shall be in compliance with MS Code §37-13-89.
2. Pursuant to MS Code §43-21-321 and §37-13-80 School Attendance Officers shall:
  - (a) Serve on transition teams to assist youth in detention centers to transition successfully back into the home school district once released from detention; and
  - (b) Gather accurate data on youth in juvenile detention centers to properly track students.
3. 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.

**Rule 30.2. Reporting unexcused absences.**

[...] If a district superintendent fails to comply with the above guidelines, the following may occur:

1. 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.



## ***State Education Agency Support***

### **State model policies and implementation support**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Funding appropriations**

#### **LAWS**

#### **§ 37-3-83. School Safety Grant Program; implementation of "Erin's Law Awareness" policy addressing sexual abuse of children.**

(4) Each local school district of this state may annually apply for school safety grant funds subject to appropriations by the Legislature. School safety grants shall include a base grant amount plus an additional amount per student in average daily attendance in the school or school district. The base grant amount and amount per student shall be determined by the State Board of Education, subject to specific appropriation therefor by the Legislature. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department, and shall be required to establish a local School Safety Task Force to involve members of the community in the school safety effort. The State Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for school safety grants.

#### **REGULATIONS**

No relevant regulations found.

## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **LAWS**

##### **§ 37-11-57. Immunity of school personnel from liability for carrying out action in enforcing rules regarding control, discipline, suspension and expulsion of students.**

(1) Except in the case of excessive force or cruel and unusual punishment, a teacher, assistant teacher, principal, or an assistant principal acting within the course and scope of his employment shall not be liable for any action carried out in conformity with state or federal law or rules or regulations of the State Board of Education or the local school board regarding the control, discipline, suspension and expulsion of students. The local school board shall provide any necessary legal defense to a teacher, assistant teacher, principal, or assistant principal acting within the course and scope of his employment in any action which may be filed against such school personnel. A school district shall be entitled to reimbursement for legal fees and expenses from its employee if a court finds that the act of the employee was outside the course and scope of his employment, or that the employee was acting with criminal intent. Any action by a school district against its employee and any action by the employee against the school district for necessary legal fees and expenses shall be tried to the court in the same suit brought against the school employee.

(2) Corporal punishment administered in a reasonable manner, or any reasonable action to maintain control and discipline of students taken by a teacher, assistant teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board does not constitute negligence or child abuse. No teacher, assistant teacher, principal or assistant principal so acting shall be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, or the taking of action to maintain control and discipline of a student, unless the court determines that the teacher, assistant teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety. For the purposes of this subsection, "corporal punishment" means the reasonable use of physical force or physical contact by a teacher, assistant teacher, principal or assistant principal, as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students.

(3) Notwithstanding subsection (2) of this section a public school teacher, assistant teacher, principal, assistant principal or other school personnel is prohibited from using corporal punishment, as defined in subsection (2) of this section, on any student with a disability. No school personnel shall be granted immunity from liability under subsection (2) of this section for the use of corporal punishment on a student with a disability. For purposes of this subsection, the term "student with a disability" means a student who has an individualized education plan (IEP) under the Individuals with Disabilities Education Act (IDEA) or a Section 504 plan under the Rehabilitation Act of 1973. The term "school personnel" includes all individuals employed on a full-time or part-time basis by a public school.

##### **§ 37-18-5. School improvement plan; assistance team; community-based prekindergarten through higher education council.**

(1) Based on the findings of the evaluation report and the results of the public meeting, the State Department of Education and the evaluation team leader shall assist the school principal and other local school officials in the development of a school improvement plan to improve its deficiencies.

(2) The school improvement plan shall be developed and approved by the principal of the School At-Risk, the superintendent of the local school district, the local school board and a majority of the teachers of the school, within a time period to be determined by the evaluation team. If the plan is not approved, the State Board of Education may approve and implement the plan in the school.

(3) The State Department of Education shall provide technical assistance and shall assist in identifying funding to the School At-Risk in the implementation of the school improvement plan, including the implementation of any recommended professional development plan, and the department may contract with the institutions of higher learning to provide such technical assistance. The assistance team shall collaborate with school and school district employees in the implementation and monitoring of the school improvement plan and the State Department of Education shall ensure that a report is issued monthly to the local school board and the local community-based advisory council.

(4) A school district that has been designated as failing as defined by the State Board of Education or a district with a School At-Risk shall also establish a community-based prekindergarten through higher education council comprised of a broad spectrum of the community, including economic developers, elected officials, civic leaders, business leaders, faith-based leaders, social services, nonprofit organizations, school attendance officers, law enforcement officials, health department officials, day care providers, librarians, parents and others with the knowledge and resources that can be leveraged to build strong communities. The State Board of Education shall develop procedures for appointments to the council, which shall not be appointed solely by the school board. The council will serve as a community-led group that is inclusive, accountable and required to publicly report progress to the community as a whole.

#### **§ 95-15-1. Limitation of liability for report of suspicious activity or behavior.**

(1) The School Safety Center within the State Department of Education shall develop and implement a statewide media campaign to prioritize and raise awareness for the “See Something, Say Something Act” established under this section, as well as the national campaign established by the United States Department of Homeland Security, as a measure to encourage good faith reporting of suspicious activity to law enforcement agencies. The media campaign shall inform the public of the protections provided by the law in addition to useful tools, resources, appropriate local law enforcement agencies and emergency services contact information, and partnering entities, including, the Mississippi Office of Homeland Security, the Mississippi Department of Public Safety and the Mississippi Department of Mental Health. In addition to the media campaign, the School Safety Center shall also make this information available on the Internet website of the State Department of Education.

(2) A person who in good faith makes a report of suspicious activity or behavior shall be immune from civil and criminal liability for the making of the report if the report is based on objectively reasonable suspicion.

(3) For purposes of this section, “report of suspicious activity or behavior” means any communication to a law enforcement officer or agency or other appropriate authority of the behavior or activity of another person if the report is made with the reasonable belief that the behavior or activity constitutes or is in furtherance of an act of terrorism.

(4) This section does not apply to the intentional making of a report known to be false, including a violation of Section 97-35-47, or to a report made with reckless disregard for the truth of the report.

#### **§ 99-3-28. Teachers or sworn law enforcement officers charged with committing crime while in the performance of duties; certain procedural requirements to be met prior to issuance of arrest warrant.**

(1)(a) Except as provided in subsection (2) of this section, before an arrest warrant shall be issued against any teacher who is a licensed public school employee as defined in Section 37-9-1, a certified jail officer as defined in Section 45-4-9, a counselor at an adolescent opportunity program created under

Section 43-27-201 et seq., or a sworn law enforcement officer within this state as defined in Section 45-6-3 for a criminal act, whether misdemeanor or felony, which is alleged to have occurred while the teacher, jail officer, counselor at an adolescent opportunity program or law enforcement officer was in the performance of official duties, a probable cause hearing shall be held before a circuit court judge. The purpose of the hearing shall be to determine if adequate probable cause exists for the issuance of a warrant. All parties testifying in these proceedings shall do so under oath. The accused shall have the right to enter an appearance at the hearing, represented by legal counsel at his own expense, to hear the accusations and evidence against him; he may present evidence or testify in his own behalf.

(b) The authority receiving any such charge or complaint against a teacher, jail officer, counselor at an adolescent offender program or law enforcement officer shall immediately present same to the county prosecuting attorney having jurisdiction who shall immediately present the charge or complaint to a circuit judge in the judicial district where the action arose for disposition pursuant to this section.

(2) Nothing in this section shall prohibit the issuance of an arrest warrant by a circuit court judge upon presentation of probable cause, without the holding of a probable cause hearing, if adequate evidence is presented to satisfy the court that there is a significant risk that the accused will flee the court's jurisdiction or that the accused poses a threat to the safety or wellbeing of the public.

## **REGULATIONS**

No relevant regulations found.

## **Community input or involvement**

### **LAWS**

#### **§ 37-18-5. School improvement plan; assistance team; community-based prekindergarten through higher education council.**

(1) Based on the findings of the evaluation report and the results of the public meeting, the State Department of Education and the evaluation team leader shall assist the school principal and other local school officials in the development of a school improvement plan to improve its deficiencies.

(2) The school improvement plan shall be developed and approved by the principal of the School At-Risk, the superintendent of the local school district, the local school board and a majority of the teachers of the school, within a time period to be determined by the evaluation team. If the plan is not approved, the State Board of Education may approve and implement the plan in the school.

(3) The State Department of Education shall provide technical assistance and shall assist in identifying funding to the School At-Risk in the implementation of the school improvement plan, including the implementation of any recommended professional development plan, and the department may contract with the institutions of higher learning to provide such technical assistance. The assistance team shall collaborate with school and school district employees in the implementation and monitoring of the school improvement plan and the State Department of Education shall ensure that a report is issued monthly to the local school board and the local community-based advisory council.

(4) A school district that has been designated as failing as defined by the State Board of Education or a district with a School At-Risk shall also establish a community-based prekindergarten through higher education council comprised of a broad spectrum of the community, including economic developers, elected officials, civic leaders, business leaders, faith-based leaders, social services, nonprofit organizations, school attendance officers, law enforcement officials, health department officials, day care providers, librarians, parents and others with the knowledge and resources that can be leveraged to build strong communities. The State Board of Education shall develop procedures for appointments to the

council, which shall not be appointed solely by the school board. The council will serve as a community-led group that is inclusive, accountable and required to publicly report progress to the community as a whole.

## REGULATIONS

No relevant regulations found.

## Other or Uncategorized

## LAWS

### **§ 37-3-83. School Safety Grant Program; implementation of "Erin's Law Awareness" policy addressing sexual abuse of children.**

(1) There is established within the State Department of Education, using only existing staff and resources, a School Safety Grant Program, available to all eligible public school districts, to assist in financing programs to provide school safety. However, no monies from the Temporary Assistance for Needy Families grant may be used for the School Safety Grant Program.

(2) The school board of each school district, with the assistance of the State Department of Education School Safety Center, shall adopt a comprehensive local school district school safety plan and shall update the plan on an annual basis.

(3) Subject to the extent of appropriations available, the School Safety Grant Program shall offer any of the following specific preventive services, and other additional services appropriate to the most current school district school safety plan:

- (a) Metal detectors;
- (b) Video surveillance cameras, communications equipment and monitoring equipment for classrooms, school buildings, school grounds and school buses;
- (c) Crisis management/action teams responding to school violence;
- (d) Violence prevention training, conflict resolution training, behavioral stress training and other appropriate training designated by the State Department of Education for faculty and staff; and
- (e) School safety personnel.

(4) Each local school district of this state may annually apply for school safety grant funds subject to appropriations by the Legislature. School safety grants shall include a base grant amount plus an additional amount per student in average daily attendance in the school or school district. The base grant amount and amount per student shall be determined by the State Board of Education, subject to specific appropriation therefor by the Legislature. In order to be eligible for such program, each local school board desiring to participate shall apply to the State Department of Education by May 31 before the beginning of the applicable fiscal year on forms provided by the department, and shall be required to establish a local School Safety Task Force to involve members of the community in the school safety effort. The State Department of Education shall determine by July 1 of each succeeding year which local school districts have submitted approved applications for school safety grants.

(5) As part of the School Safety Grant Program, the State Department of Education may conduct a pilot program to research the feasibility of using video camera equipment in the classroom to address the following:

- (a) Determine if video cameras in the classroom reduce student disciplinary problems;
- (b) Enable teachers to present clear and convincing evidence of a student's disruptive behavior to the student, the principal, the superintendent and the student's parents; and

(c) Enable teachers to review teaching performance and receive diagnostic feedback for developmental purposes.

(6) Any local school district may use audio/visual-monitoring equipment in classrooms, hallways, buildings, grounds and buses for the purpose of monitoring school disciplinary problems.

(7) As a component of the comprehensive local school district school safety plan required under subsection (2) of this section, the school board of a school district may adopt and implement a policy addressing sexual abuse of children, to be known as “Erin’s Law Awareness.” Any policy adopted under this subsection may include or address, but need not be limited to, the following:

(a) Methods for increasing teacher, student and parental awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;

(b) Educational information for parents or guardians, which may be included in the school handbook, on the warning signs of a child being abused, along with any needed assistance, referral or resource information;

(c) Training for school personnel on child sexual abuse;

(d) Age-appropriate curriculum for students in prekindergarten through fifth grade;

(e) Actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention;

(f) Counseling and resources available for students affected by sexual abuse; and

(g) Emotional and educational support for a child who has been abused to enable the child to be successful in school.

(8) As part of the school safety grant program, the State Department of Education shall establish three (3) pilot programs in six (6) school districts utilizing an evidence-based curriculum to provide students in Grades K-5 with skills to manage stress and anxiety in order for them to be better equipped to handle challenges in a healthy way and build resiliency. The Mississippi Department of Mental Health shall be responsible for the selection of the content of the evidence-based curriculum. The results of this pilot program shall be measured and reported, and such results shall be used in consideration of the implementation of this curriculum statewide.

(9) As a component of the comprehensive local school district safety plan required under subsection (2) of this section, beginning in the 2019-2020 school year, the State Department of Education shall require local school districts to conduct, every two (2) years, refresher training on mental health and suicide prevention for all school employees and personnel, including all cafeteria workers, custodians, teachers and administrators. The Mississippi Department of Mental Health shall be responsible for the development and/or selection of the content of the training, which training shall be provided at no cost to school employees. School districts shall report completion of the training to the State Department of Education.

#### **§ 37-3-84. Confiscation of illegal firearms; reward.**

(1) Each school district in the state may pay a reward not exceeding Five Hundred Dollars (\$ 500.00) to any person who provides information that leads to the confiscation by the school district or a law enforcement agency of any illegal firearm on public school property.

(2) Each school district shall establish a policy necessary to protect the confidentiality of any person who provides such information leading to the confiscation of an illegal firearm under this section.

#### **REGULATIONS**

No relevant regulations found.

## State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Mississippi provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
School Safety, Mississippi Department of Education (MDE)	Provides an overview of school safety in Mississippi schools and links teacher resources, online courses and training, and other related school safety websites.	<a href="https://www.mdek12.org/OSOS/SS">https://www.mdek12.org/OSOS/SS</a>
Suicide - Bullying Prevention Resources, MDE	Presents information on bullying prevention in Mississippi schools and provides links to tools and supports such as training and sample bullying policy.	<a href="https://www.mdek12.org/SBR">https://www.mdek12.org/SBR</a>
<i>Documents</i>		
Sample Bullying Policy (July 2017), MDE	Sample policy addressing the prohibition of bullying or harassing behavior in Mississippi schools.	<a href="https://www.mdek12.org/sites/default/files/sample-bullying-policy.pdf">https://www.mdek12.org/sites/default/files/sample-bullying-policy.pdf</a>
<i>Other Resources</i>		
Quick Reference to School Related Statutes (March 2017), Mississippi Department of Education	Reference guide includes many of the criminal, educational and juvenile statutes of the Mississippi Code of 1972, Annotated. Information is meant to provide quick reference to many used statutes by school safety personnel, however it is not all inclusive of all Mississippi statutes related to Mississippi schools.	<a href="https://www.mdek12.org/sites/default/files/Page_Docs/quick-reference-guide-to-school-related-statutes-%28new%29.pdf">https://www.mdek12.org/sites/default/files/Page_Docs/quick-reference-guide-to-school-related-statutes-%28new%29.pdf</a>