

DESCRIPTOR TERM: Bulletin	CODE: 401
ADOPTION DATE:	REVISION: June 15, 2001

STATE BOARD POLICY

Bulletin 171 is renamed Mississippi Public School Accountability Standards.

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

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DESCRIPTOR TERM: Conservatorship	CODE: 402
ADOPTION DATE: February 18, 1994	REVISION: May 21, 1999

STATE BOARD POLICY

PROCESS FOR DEVELOPING AND IMPLEMENTING CORRECTIVE ACTION PLANS BY ACCREDITED -I- PROBATION SCHOOL DISTRICTS

Procedures for developing and implementing a Corrective Action Plan as required in Section 2.8.2 of Bulletin 171 Accreditation Requirements of the State Board of Education are contained in this document. These procedures shall be implemented by the Office of Instructional Development and other assigned Mississippi Department of Education (MDE) staff.

I. Performance Deficiencies

The Office of Instructional Development (OID) will work with Level I school districts to develop Corrective Action Plans (CAPS) designed to address deficiencies identified in the district's *Accreditation Performance Report*. OID staff will provide technical assistance to ensure districts' CAPS (1) address specific deficiencies identified in the district's *Accreditation Performance Report* and (2) focus on plans of action to improve instruction; curriculum; professional development; reporting to the local board, parents and community; and to make changes in personnel and classroom organization.

Strategies included in the CAP must be based on a thorough analysis of available data including test data, grades, attendance report, dropout data, and other available information. Additionally, the CAP must include specific goals, objectives, implementation timelines, person(s) responsible for carrying out each plan of action, and an evaluation component.

Specific steps for the development and implementation of the CAP are outlined below:

1. OID staff will meet with district representatives to discuss and outline the format for writing the CAP. Staff will apprise the local superintendent and board of the probationary process, including the conservatorship component.
2. OID staff will provide technical assistance during the development of the CAP in each district.

3. Each superintendent will provide assurance in writing that the development of the CAP includes school administrators, teachers, parents and community involvement.
4. When the district CAP is finalized, it must be adopted by the local school board and signed by the superintendent and school board president.
5. All CAPS will be submitted to the State Board of Education by the July State Board of Education meeting.
6. The district superintendent and/or his/her designee will, at a minimum, report to the local school board every other month progress made in implementing the CAP. This report will be included as an item on the agenda identified as "Progress Report on Implementation of the District's Corrective Action Plan."
7. The local superintendent will submit a written progress report on the implementation of the CAP to the director of OID at least quarterly during the current school year.

II. Process Deficiencies

The Office of Instructional Development (OID) staff and/or MDE staff with expertise in the area of the deficiency(ies) will work with the Level I school districts to develop Corrective Action Plans (CAPS) designed to address deficiency(ies) identified in the district's *Accreditation Process Report*. Technical assistance will be provided by OID staff to ensure districts' CAPS address the deficiency(ies) identified.

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DESCRIPTOR TERM: Administrative Expense Reduction	CODE: 500
ADOPTION DATE: October 16, 1992	REVISION:

STATE BOARD POLICY

A local school district may be exempt from the required reduction in Expenditure Functions [Mississippi Code, Section 37-61-9(4)] 2210, Improvement of Instruction Services; 2300, General Administration; 2400, School Administration; and/or 2500, Business Services; by one percent (1%) in the 1992-93 school year and two percent (2%) for any of the four (4) years beginning with the 1993-94 school year if the school district can demonstrate and document that the application of the reduction would result in extraordinary hardship or impair the fiscal integrity or operations of the school district. Extraordinary hardship is defined as:

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

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

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

PROCEDURE

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

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DESCRIPTOR TERM: Administrative Procedures Act	CODE: 601
ADOPTION DATE: July 2, 1984	REVISION: November 19, 1993

STATE BOARD POLICY

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

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

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

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

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

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DESCRIPTOR TERM: Hearing Procedures & Declaratory Opinions	CODE: 602
ADOPTION DATE: September 8, 2006	REVISION:

STATE BOARD POLICY

HEARING PROCEDURES

Pursuant to Section 25-43-3.104 of the Mississippi Administrative Procedures Law, the Mississippi Board of Education must afford persons the opportunity to submit, in writing, argument, data, and views on a proposed rule. The Board may, in its discretion, schedule an oral proceeding on any proposed rule. However, the Board must schedule an oral proceeding on a proposed rule if, within twenty (20) days after the proper filing of the notice of proposed rule adoption, a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons.

Pursuant to Section 25-43-3.104, an agency may issue rules for the conduct of oral rule-making proceedings or prepare reasonable guidelines or procedures for the conduct of any such proceedings. If a written request for an oral proceeding is received from an eligible party as described above, the Board prescribes the following procedures for the conduct of oral hearings.

1. An oral proceeding will be scheduled no earlier than twenty (20) days after notice of the proceeding's location and time is properly filed with the Secretary of State for publication in the administrative bulletin.
2. Within three (3) days after filing with the Secretary of State, notice of the location and time for the proceeding shall be mailed to each person who has made a timely request to the Department to be placed on the mailing list maintained by the Department of persons who have requested notices of proposed rule adoptions.
3. Within three (3) days after filing with the Secretary of State, notice of the location and time for the proceeding shall be published in newspapers with general circulation throughout the state.
4. The Board designates the State Superintendent of Education or another presiding officer designated by the State Superintendent to preside at a required oral proceeding on a proposed rule.
5. Oral proceedings shall be open to the public.
6. A record, to include all documents submitted at the proceeding, shall be made by stenographic or other means of all oral proceedings. The record shall be available for cost upon the written request of

an applicant.

7. Oral proceedings shall not be conducted pursuant to statutory or formal rules of evidence or procedure. The presiding officer's authority to limit oral testimony includes, but is not limited to, those situation necessary to keep the hearing focused on the proposed rule or to prevent undue repetition in the proceeding.

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

DECLARATORY OPINIONS

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

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

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

4. Circumstances In which Declaratory Opinions Will Not Be Issued. The Department may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

(a) lack of clarity concerning the question presented;

(b) there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer

unnecessary;

(c) the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;

(d) the facts presented in the request are not sufficient to answer the question presented;

(e) the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;

(f) the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;

(g) no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;

(h) the question presented by the request concerns the legal validity of a statute or rule;

(i) the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;

(j) no clear answer is determinable;

(k) the question presented by the request involves the application of a criminal statute or a sets of facts which may constitute a crime;

(l) the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;

(m) The question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;

(n) A similar request is pending before this agency or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such a opinion would constitute the unauthorized practice of law.

(o) Where issuance of a declaratory opinion may adversely affect the interests of the State, the Board, the Commissions appointed by the Board, Department or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;

(p) The question involves eligibility for a license, permit, certificate or other approval by the Department or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

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

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

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

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

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

8. Question Presented. Each request shall contain the following:

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

9. Time for Department's Response. Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Department shall, in writing:

- (a) issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;

(b) decline to issue a declaratory opinion, stating the reasons for its action; or

(c) agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request.

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

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

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

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

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

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DESCRIPTOR TERM: Agenda, State Board of Education	CODE: 700
ADOPTION DATE: July 2, 1984	REVISION: November 19, 1993

STATE BOARD POLICY

1. A board member may request that any item which the member desires to be considered by the full Board be placed on the agenda.
2. All other requests for items to be placed on the agenda shall be submitted in writing, with sufficient detail to explain the nature of the request, and be received by the secretary no less than 10 calendar days prior to the scheduled monthly meeting. Requests will be acknowledged in writing and, if the request is granted, an approximate time and length for the presentation will be assigned.
3. Requests to address the Board shall be submitted in writing to the Secretary no less than 10 calendar days prior to the monthly meeting. The request shall provide sufficient information to explain the nature of the requested address. Requests will be acknowledged in writing and, if the request is granted, an approximate time and length for the presentation will be assigned.
4. Matters not on the agenda will not generally be considered by the Board except when two-thirds of the Board present and voting concur.
5. The Secretary of the Board shall mail the proposed agenda to each Board member not later than 7 calendar days prior to a regularly scheduled meeting.
6. Further distribution of the agenda shall be made as follows:
 - (a) Two copies to the Attorney General's Office,
 - (b) To all affected parties,
 - (c) To all parties who shall appear before the Board, and
 - (d) To any person whom any Board member requests to be furnished a copy.

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DESCRIPTOR TERM: Administrative Process and Performance Review	CODE: 800
ADOPTION DATE: December 19, 1997	REVISION:

STATE BOARD POLICY

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

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DESCRIPTOR TERM: Guidelines	CODE: 901
ADOPTION DATE: October 20, 1995	REVISION: June 21, 1996

STATE BOARD POLICY

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 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.
10. Rules and regulations which address the unique needs of alternative program students have been

developed and disseminated to parents and students.

11. The alternative school facilities are clean, safe and functional, and commensurate with facilities provided to other students by the local school district.

12. The school district is in compliance with applicable laws and State Department of Education guidelines for reporting information relating to the alternative program.

13. Cumulative records on each student placed in an alternative program remain at and are maintained by the sending school.

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

15. 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.

16. 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.

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

18. 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.

19. 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.

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

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DESCRIPTOR TERM: GED Standards	CODE: 902
ADOPTION DATE: May 19, 1995	REVISION: October 23, 1998

STATE BOARD POLICY

Guidelines for Alternative Education/GED Programs

Introduction

The 1997 Mississippi Legislature enacted Senate Bill #2855 authorizing school districts in Mississippi to provide a program of GED preparatory instruction as a part of the Alternative Education Program. The legislation mandates that students who are enrolled in an approved GED program shall not be classified as dropouts and that the school district will continue to receive Minimum Program funding for the students while they are enrolled in the GED Program. Students placed in the GED Program shall not be eligible to participate in regular academic courses or other programmatic activities within the school district, including athletics, choir, band, or any other extra curricular activities, except that a GED student may participate in existing job and skill development programs or in programs developed in conjunction with the GED Program and the Vocational Education Director. Local school districts are also authorized to contract with a Community College for the purpose of preparing students for the GED testing process. If a school district contracts with a Community College to provide a GED Program, the students placed in the program will be reported on the monthly attendance report of the public school district of origin and counted in the average daily attendance record for funding purposes.

Minimum Guidelines for Implementing a GED Program in Mississippi School Districts

1. The GED Program is defined through written policies approved by the local school board. Approved policies and procedures for the GED Program are published and available to the public for review. All policies and procedures for the operation of the GED Program must meet minimum requirements specified in Mississippi Senate Bill 2855. Further, the program must meet the requirements and applicable policies of the State Board for Community and Junior Colleges as stated in Mississippi Code 37-35-1.
2. Recommendation for student participation in the GED Program will be made by a committee of school staff consisting of campus administrators, counselors, classroom teachers, and support staff. Documentation of the committee recommendation shall be maintained for each student. The criteria for student participation in the GED Program will consist of the following:
 - a) The student must be at least 16 years of age;

b) The student must be at least two (2) grade levels behind or have acquired less than four (4) Carnegie units;

c) The student must have taken every opportunity to continue to participate in course work leading to a regular high school diploma; and d) Students that have been referred to the Alternative Education Program for disciplinary reasons shall not be eligible for placement in the GED Program until behavioral modification goals for exiting the Alternative Education Program have been attained.

3. The recommendation for placement in the GED Program must be approved by the superintendent of the school district. Students shall not be placed in a GED Program prior to obtaining written parental or guardian consent for placement. Documentation of parental consent for placement in the program will be maintained for each student.

4. The GED component will remain under the supervision of the Alternative Education Administrator.

5. Qualified instructional staff are assigned to instruct and supervise GED classes which are provided Monday through Friday for a minimum of twenty (20) hours per week. Each academic school year the Office of Alternative Education shall provide training, that utilizes MDE and the State Board of Community and Junior College resources.

~ Teachers employed by the school district must meet minimum teacher licensure requirements. (MDE requirement)

~ Instructors employed by a Community College must hold a college degree. (SBCJC requirement)

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

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

8. The facility housing the GED Program shall be commensurate with facilities provided to other students by the local school district and shall meet minimum accreditation standards for public school buildings as required in the current edition of Bulletin 171. The GED Program shall not be housed in a vocational facility unless a request for waiver has been granted by the State Board of Education in consultation with the U. S. Office of Education.

9. The school district may develop and implement a program of GED preparatory instruction as part of the Alternative Education Program, or the school district may allow eligible students to be placed in an approved GED Program within a Community College. When placed in an approved Community College Program, students will continue to be reported on the monthly attendance report in the public school district of origin and shall be included in the average daily attendance for funding

purposes.

10. Two or more local school districts may form a consortium to provide a GED Program for eligible students.

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

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

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

11. The cumulative folder and permanent record of each eligible student placed in an approved GED Program shall remain at and be maintained by the school district of origin.

12. Evaluation of the student's progress shall be conducted at regular intervals according to GED policy and the appropriate records shall be maintained and subject to the Mississippi Department of Education review.

13. Appropriate assessment and evaluation of each student's educational progress shall be conducted at regular intervals according to established policy approved by the local school board. Assessment and evaluation records will be appropriately maintained to ensure individual student confidentiality.

14. Students placed in an approved GED Program will be excluded from participation in the Mississippi Student Assessment Program based on the development of alternate accountability measures outlined below.

~ Beginning with the 1997-98 school year, the Office of Alternative Education will collect the following information which will be reported annually in the Mississippi Report Card for each public school district:

- a. The total number of students enrolled in the GED Program; and
- b. The total number of students successfully completing the GED Program each school year.

~ During school years 1998-1999 and 1999-2000, the Office of Alternative Education will conduct a two year pilot study of the GED Programs. The following data will be collected and reported to the State Board of Education annually:

- a. The total number of students enrolled in the GED Program;
- b. The age range of students enrolled in the GED Program;
- c. The reading level of students entering and exiting the GED Program; and
- d. The total number of students successfully completing the GED Program each school year.

On or before January 1, 2000, the Office of Alternative Education will analyze all available data and submit a report to the State Board of Education. The report will include specific recommendations to the Commission on School Accreditation concerning the development of alternate accountability measures for students placed in GED Programs.

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DESCRIPTOR TERM: Approvals, Non-Public	CODE: 1000
ADOPTION DATE: February 19, 1993	REVISION: May 24, 1996

STATE BOARD POLICY

The determination of the approval status of nonpublic schools shall be made in accordance with in the document entitled: Nonpublic Schools Approval Requirements of the State Board of Education. Staff shall review this document as needed and request State Board of Education approval for recommended revisions. Following Board approval, staff will disseminate copies of the revisions to appropriate members of the educational community. An up-to-date copy of this document shall be kept on file in the State Department of Education

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DESCRIPTOR TERM: Attendance Reporting	CODE: 1100
ADOPTION DATE: April 21, 1995	REVISION:

STATE BOARD POLICY

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.

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DESCRIPTOR TERM: Audit, SDE Resolution Process	CODE: 1200
ADOPTION DATE: March 17, 1989	REVISION: October 26, 1990

STATE BOARD POLICY

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

Upon receipt of the audit report, the Audit Resolution Officer will review the audit and comments in the audit to determine if there are any areas that require attention. For those comments that require attention, the Audit Resolution Officer will determine if the response by the subrecipient is adequate for acceptance as a Corrective Action Plan. Should there not be any areas that require attention and/or should the responses be adequate for Corrective Action Plans, the Audit Resolution Officer will notify the subrecipient, thereby closing the file on the audit at the desk review level.

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

If the findings identify questioned costs that are subsequently disallowed during the audit resolution process, the Audit Resolution Officer shall require the subrecipient to repay the disallowed cost within sixty working days of receipt of the notice of disallowance. If the subrecipient does not agree to repay the disallowed costs in a lump sum payment by the date specified or begin and continue repayment under an

installment plan approved by the Audit Resolution Officer, appropriate action will be taken to recover the disallowed costs.

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

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

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DESCRIPTOR TERM: Awards	CODE: 1300
ADOPTION DATE: March 17, 1989	REVISION: October 26, 1990

STATE BOARD POLICY

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

Upon receipt of the audit report, the Audit Resolution Officer will review the audit and comments in the audit to determine if there are any areas that require attention. For those comments that require attention, the Audit Resolution Officer will determine if the response by the subrecipient is adequate for acceptance as a Corrective Action Plan. Should there not be any areas that require attention and/or should the responses be adequate for Corrective Action Plans, the Audit Resolution Officer will notify the subrecipient, thereby closing the file on the audit at the desk review level.

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

If the findings identify questioned costs that are subsequently disallowed during the audit resolution process, the Audit Resolution Officer shall require the subrecipient to repay the disallowed cost within sixty working days of receipt of the notice of disallowance. If the subrecipient does not agree to repay the disallowed costs in a lump sum payment by the date specified or begin and continue repayment under an

installment plan approved by the Audit Resolution Officer, appropriate action will be taken to recover the disallowed costs.

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

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

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DESCRIPTOR TERM: Administrator	CODE: 1301
ADOPTION DATE: August 19, 1994	REVISION:

STATE BOARD POLICY

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

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

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

Entries are limited to one per school district. These will be judged based upon a biography, professional development activities, community involvement, philosophy, insight on education issues and trends, and letters of recommendation.

The Mississippi Administrator of the Year will receive \$5,000 and be formally recognized by the State Board of Education.

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DESCRIPTOR TERM: Parent	CODE: 1302
ADOPTION DATE: October 16, 1992	REVISION:

STATE BOARD POLICY

PARENT OF THE YEAR PROGRAM
STATE DEPARTMENT OF EDUCATION
P. O. BOX 771 – JACKSON, MISSISSIPPI 39205
(601)359-3519

MEMO TO: Superintendents
FROM: Public Relations Director
RE: Parent of the Year Program

The State Board of Education, mandated by Senate Bill 3120, has established an awards program to reward parents for becoming involved in school improvement efforts. A process which will designate a Parent of the Year in each school district in the state and the designation of one Parent of the Year statewide has been established. Please use this application form to nominate an outstanding parent who has made a significant impact on the school improvement efforts in your school district.

A selection committee composed of PTA representatives, Parents for Public Schools representatives, teachers, administrators and parents will evaluate the applications and make the final selection.

It is imperative that parents be involved in our districts' goals for education reform. Let them know how much we appreciate their efforts by nominating a Parent of the Year in your school district.

If you have questions or concerns, please call my office at (601) 359-3519.

Nomination Form

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

(Please type)

Nominee Name _____

School District _____

County _____

Congressional District _____

Home Address _____

Social Security Number _____

Age _____ Marital status _____ Number of children _____

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

If married, spouse's name and occupation

Superintendent's signature _____

Date _____

Nominee's School Improvement Efforts

Describe the **school improvement efforts of the Parent of the Year nominee** in his/her school district. Include awards and other special recognitions received. Describe involvement in service-oriented activities, such as volunteer work, etc. Be **specific** describing projects. (**Maximum length: two double spaced pages**)

Letters of Support – (limit of **three** letters) Please attach to application. Include three letters of support from among the following: superintendent, principal, colleague, PTA president, or civic leader.

Please note:

- Please submit original and four copies.
- Please provide all information requested in the application form. Do not change or add to the application in any way.
- Limit your answers to the number of pages requested. In order to provide all applicants with an

equal opportunity, **only the number of pages requested will be accepted.** Any additional pages and/or materials can not be presented to the Selection Committee.

- Each application must include **one photograph.** It is not necessary, however, to submit five original pictures. Simply attach one picture to the original application and photocopy the other four. However, if selected Parent of the Year, additional pictures may be requested for publicity purposes.
- The application package must be submitted by the close of business on **January 15, 1993.**

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DESCRIPTOR TERM: Teacher	CODE: 1303
ADOPTION DATE: August 19, 1994	REVISION:

STATE BOARD POLICY

The Mississippi Teacher of the Year Program recognizes outstanding achievement and performance by our public school teachers. Each local school district has the opportunity to honor its teachers and nominate one for the state title. The 1995 Mississippi Teacher of the Year must be a certified classroom teacher (K-12) in a state-accredited public school who plans to teach next year. The teacher should have superior ability to inspire students, should possess leadership capabilities, and should be an active member of the community.

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

Entries are limited to one per school district. These are judged on a biography, professional development activities, community involvement, philosophy of teaching, insight on education issues and trends, personal teaching style, comments on the teaching profession, letters of recommendation, and how one would handle the duties of National Teacher of the Year.

The Mississippi Teacher of the Year Program is sponsored by the Mississippi Department of Education, Southern Educators Life Insurance Company of Atlanta, Georgia, and Bryan Foods, Inc. of West Point, Mississippi. The national program is sponsored by the Council of Chief State School Officers and Encyclopedia Britannica.

The Mississippi Teacher of the Year (TOY), alternate and finalists receive the following honors and awards:

- \$5,000 for the state TOY from the Mississippi Department of Education, if approved;

- \$500 for the alternate and \$250 for regional finalists from Southern Educators;
- \$500 for the state TOY and \$250 for the TOY's school from Bryan Food;
- a set of encyclopedias from the Britannica Company (TOY only);
- a dinner honoring all five teachers and their guests, hosted by Southern Educators;
- TOY and alternate receive formal recognition at a State Board of Education meeting;
- TOY and finalists included in the Milken Educator Award Pool.

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DESCRIPTOR TERM: Agenda	CODE: 1401
ADOPTION DATE: July 2, 1984	REVISION: November 19, 1993

STATE BOARD POLICY

1. A board member may request that any item which the member desires to be considered by the full Board be placed on the agenda.
2. All other requests for items to be placed on the agenda shall be submitted in writing, with sufficient detail to explain the nature of the request, and be received by the secretary no less than 10 calendar days prior to the scheduled monthly meeting. Requests will be acknowledged in writing and, if the request is granted, an approximate time and length for the presentation will be assigned.
3. Requests to address the Board shall be submitted in writing to the Secretary no less than 10 calendar days prior to the monthly meeting. The request shall provide sufficient information to explain the nature of the requested address. Requests will be acknowledged in writing and, if the request is granted, an approximate time and length for the presentation will be assigned.
4. Matters not on the agenda will not generally be considered by the Board except when two-thirds of the Board present and voting concur.
5. The Secretary of the Board shall mail the proposed agenda to each Board member not later than 7 calendar days prior to a regularly scheduled meeting.
6. Further distribution of the agenda shall be made as follows:
 - (a) Two copies to the Attorney General's Office,
 - (b) To all affected parties,
 - (c) To all parties who shall appear before the Board, and
 - (d) To any person whom any Board member requests to be furnished a
a
copy.

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DESCRIPTOR TERM: Compensation for Travel	CODE: 1402
ADOPTION DATE: July 2, 1984	REVISION: September 21, 1984

STATE BOARD POLICY

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

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DESCRIPTOR TERM: Executive Sessions	CODE: 1403
ADOPTION DATE: July 2, 1984	REVISION:

STATE BOARD POLICY

1. The Board may enter into executive session for the transaction of public business; provided, however, all meetings shall commence as an open meeting, and an affirmative vote of three-fifths (3/5) of all members present shall be required to declare an executive session.
2. The procedure to be followed by the Board in declaring an executive session shall be as follows: Any member shall have the right to request by motion a closed determination upon the issue of whether or not to declare an executive session. Such motion, by majority vote, shall require the meeting to be closed for a preliminary determination of the necessity for executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a vote, as required in subsection one (1) hereof, has been taken on the issue.
3. An executive session shall be limited to matters allowed to be exempted from open meetings by subsection four (4) of this section. The reason for holding such an executive session shall be stated in an open meeting, and the reason so stated shall be recorded in the minutes of the meeting. Nothing in this section shall be construed to require that any meeting be closed to the public, nor shall any executive session be used to circumvent or to defeat the purposes of this chapter.
4. The Board may hold an executive session pursuant to this section for one or more of the following reasons:
 - a. Transaction of business and discussion of personnel matters or the character, professional competence, or physical or mental health of a person.
 - b. Strategy sessions or negotiations with respect to prospective litigation, litigation or assurance of an appealable order when an open meeting would have a detrimental effect on the litigating position of the Board.
 - c. Transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices.

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

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

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

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

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

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

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

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

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DESCRIPTOR TERM: Meetings	CODE: 1404
ADOPTION DATE: July 2, 1984	REVISION:

STATE BOARD POLICY

1. The State Board of Education shall meet on the third Friday of each month commencing in August, 1984, and on the same day of each month thereafter at 9 o'clock a.m. in Room 502A of the Sillers Office Building, Jackson, Mississippi. No further notice shall be made for regular monthly meetings.

2. Work sessions shall be scheduled at 1 o'clock p.m. on the Thursday prior to the regularly scheduled monthly meeting.

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

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DESCRIPTOR TERM: Minutes	CODE: 1405
ADOPTION DATE: July 2, 1984	REVISION: November 19, 1993

STATE BOARD POLICY

1. The minutes of the Board shall be prepared by the Secretary.
2. All proposed minutes shall become the official minutes only after adoption by the Board.
3. All proposed minutes shall be mailed with the agenda to each board member within seven (7) calendar days prior to any Board meeting.
4. The Secretary may secure such assistance as is necessary for the preparation of the minutes.
5. All minutes shall be tendered to the Board within 30 days of the action reflected by the minutes.

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DESCRIPTOR TERM: Notification of Meetings	CODE: 1406
ADOPTION DATE: July 2, 1984	REVISION:

STATE BOARD POLICY

1. All notices to members shall be mailed postage prepaid to members at their official mailing address.
2. Each member shall submit in writing to the Secretary of this Board any change in the members' mailing address.

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DESCRIPTOR TERM: Officer's Duties	CODE: 1407
ADOPTION DATE: July 2, 1984	REVISION: June 20, 1986

STATE BOARD POLICY

The duties of the Chairman are as follows:

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

The duties of the Vice-Chairman are as follows:

The Vice-Chairman shall assist the Chairman in the duties of the Chairman's office, as the Chairman may direct, and shall preside at meetings and appoint members of committees, as provided in the duties of the Chairman during the Chairman's absence or incapacity. In the event of the Chairman's death, resignation, incapacity or disqualification, the Vice-Chairman shall act in place of the Chairman in all respects until the vacancy shall be filled or the incapacity removed.

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DESCRIPTOR TERM: Officers Election	CODE: 1408
ADOPTION DATE: July 2, 1984	REVISION: June 20, 1986

STATE BOARD POLICY

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

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

2. CHAIRMAN

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

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DESCRIPTOR TERM: Rules of Order	CODE: 1409
ADOPTION DATE: July 2, 1984	REVISION:

STATE BOARD POLICY

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

MOTIONS	REQUIRES RECOGNITION	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE REQUIRED	WHEN MOTION IS USED OR EFFECT OF MOTION
<u>HOUSEKEEPING</u> 1 ADOPT AGENDA	NO	YES	YES	YES	MAJORITY	Set order of discussion for meeting. Must suspend rules to bring item up out of order.
2	NO	YES	YES	YES	2/3	Usually only used to include urgent items not anticipated when agenda was set
3	YES	YES	NO	NO	MAJORITY	Can be way to avoid action that is premature or unwise.
4	YES	YES	NO	NO	MAJORITY	Mover should make sure recess is brief and isn't in violation of Sunshine Law.
<u>MAIN MOTION, DISCUSSION</u> 1	YES	YES	YES	YES	MAJORITY	PUT MAIN ISSUE ON THE TABLE FOR DISCUSSION AND VOTING. ALL OTHER MOTIONS APPLY TO MAIN MOTION.
2	YES	YES	YES	YES	MAJORITY	REFINE OR CLARIFY WORDING OF MAIN MOTION. OR MAY OFFER MEMBERS ALTERNATE CHOICE ON KEY ISSUE.
3	YES	YES	YES	NO, UNLESS PENDING	MAJORITY	REPLACE POORLY WORDED MOTION THAT IS BEYOND AMENDING.
4	YES	YES	NO	NO	MAJORITY	PUT MAIN

						MOTION ASIDE TEMPORARILY WITH THE PROVISION THAT IT CAN BE BROUGHT UP AGAIN WHEN A MAJORITY SO WISHES. OFTEN USED WHEN OTHER ITEMS ARE MORE PRESSING OR WHEN THE GROUP WANTS TO DISPENSE WITH OTHER ITEMS.
5	YES	YES	NO	NO	MAJORITY	BRING A MOTION BACK BEFORE THE BODY FOR ACTION. NO OTHER MOTION CAN BE UNDER CONSIDERATION.
6	YES	YES	YES	YES	MAJORITY	PUT OFF VOTE ON MAIN MOTION UNTIL MORE INFORMATION IS KNOWN OR UNTIL MORE CONVENIENT TIME.
7	YES	YES	YES	NO	MAJORITY	SAME AS ABOVE
8	YES	YES	YES	NO	MAJORITY	KILL THE MOTION WHILE AVOIDING A DIRECT VOTE ON THE ISSUE.
9	YES	YES	YES	YES	MAJORITY	GIVE THE GROUP TIME TO LEARN ABOUT AN ISSUE BEFORE VOTING.
10	NO	NO	NO	NO	2/3 IN NEGATIVE	ALLOW GROUP TO AVOID AN ISSUE WHEN IT IS CONSIDERED UNDESIRABLE TO COME BEFORE THE GROUP.
11	YES	YES	NO	YES	2/3	MAY LIMIT EITHER NUMBER OR LENGTH OF SPEECHES MADE. ALSO MAY SET SPECIFIC TIME TO CUT OFF DEBATE.
12	YES	YES	YES	YES	MAJORITY	PUT ASIDE DISCUSSION NOT RELATED TO MAIN MOTION.
13	YES	YES	YES	NO	MAJORITY	ALLOW BODY TO DISCUSS ONE ISSUE AT A TIME WHEN A MOTION INCLUDES SEVERAL

						INDEPENDENT ISSUES.
14	YES	YES	NO	YES	MAJORITY	REQUIRE BODY TO VOTE ON EACH PART OF A MOTION ONE AT A TIME.
15	YES	YES	NO	NO	2/3	PUT AN END TO DEBATE TO OBTAIN AN IMMEDIATE VOTE ON MOTION.
16	NO	USUALLY	NO	NO	MAJORITY	STRIKE THE MOTION FROM THE RECORDS OF THE MEETING. REQUIRES SECOND WHEN WITHDRAWN MOTION IS MADE BY MOVER OF ORIGINAL MOTION.
17	NO	NO	NO	NO	NONE	REQUIRE A ROLL CALL VOTE OR BALLOT TO ASSURE ACCURATE COUNT.
18	YES	YES	USUALLY	NO	MAJORITY	PERMIT CORRECTION OF HASTY OR ERRONEOUS ACTION OR HEAR NEW EVIDENCE. CANNOT BE DEBATED IF ORIGINAL MOTION NOT DEBATABLE. THE MOTION AND ITS SECOND MUST BE MADE BY PERSONS VOTING ON THE PREVAILING SIDE.
19	YES	YES	NO	NO	MAJORITY	ANY MEMBER IS ENTITLED TO A CLOSED DETERMINATION ON QUESTION OF WHETHER OR NOT TO ENTER AN EXECUTIVE SESSION. NO OTHER BUSINESS MAY BE CONDUCTED UNTIL DETERMINATION OF ISSUE IS MADE. MUST BE MADE AT OPEN MEETING.
20	YES	YES	NO	NO	3/5	SEE POLICY BCBK .

<i>OTHER MOTIONS</i> 1	NO	NO	NO	NO	NONE	ALLOW MEMBER TO CALL UPON THE CHAIR FOR A RULING WHEN HE THINKS RULES ARE BEING VIOLATED.
2	NO	NO	NO	NO	NONE	ALLOW MEMBER TO OBTAIN ADVICE FROM THE CHAIR ON CORRECT PARLIAMENTARY PROCEDURE SO THAT HE MIGHT MAKE AN APPROPRIATE MOTION.
3	YES	YES	NO	NO	2/3	ALLOW MEMBERS TO CONSIDER SOMETHING WHICH IS IN VIOLATION OF NORMAL RULES. OFTEN USED TO BRING UP ITEM OUT OF ORDER OR ITEM NOT ON THE AGENDA.
4	NO	NO	NO	NO	NONE	PERMIT CONSIDERATION OF REQUESTS OR MOTIONS RELATING TO RIGHTS OF THE GROUP. OFTEN MAY RELATE TO PHYSICAL COMFORT OR MEETING ARRANGEMENTS.
5	NO	YES	NO	NO	MAJORITY IN THE NEGATIVE	ALLOW THE ENTIRE BODY TO TAKE ACTION ON A DECISION OF THE CHAIR. IT HAS THE EFFECT OF OVERRULING THE CHAIR'S DECISION.

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DESCRIPTOR TERM: Voting Procedures	CODE: 1410
ADOPTION DATE: July 2, 1984	REVISION:

STATE BOARD POLICY

1. A member present may vote for or against any motion or the member may abstain. No member who is not present may vote.
2. The minutes of the Board shall reflect the vote of each member on each matter.
3. On all matters, in the event that a roll call vote was not taken, the vote of each member shall be reflected as in favor of the motion unless the member specifically indicates otherwise.

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DESCRIPTOR TERM: Calendar	CODE: 1600
ADOPTION DATE: April 19, 1991	REVISION: July 15, 1994

STATE BOARD POLICY

The school year for students shall begin no earlier than August 1, and shall be completed by the end of the day on June 15.

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DESCRIPTOR TERM: Administrator Preparation	CODE: 1701
ADOPTION DATE: October 25, 1996	REVISION:

STATE BOARD POLICY

A. ADMISSION STANDARDS

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

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

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

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

Standard 4. A satisfactory rating on a writing sample.

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

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

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

Standard 7. A satisfactory rating on a structured resume.

B. PERFORMANCE STANDARDS

Standard 1. Adhere to established admission criteria.

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

C. PHASE-OUT OF 18 HOUR ADD-ON CERTIFICATE IN ADMINISTRATION

Candidates seeking certification in administration through the 18 hour add-on route must complete the requirements by September 1, 1997. If there are extenuating circumstances, students may request

an extension through December 31, 1997, on an individual basis. After this date, the completion of an approved program in education leadership or school administration and a passing score on the MAB would be required for provisional certification.

D. TRANSITION IN ASSESSMENT PROCESS

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

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DESCRIPTOR TERM: Administrator Process and Performance Review	CODE: 1702
ADOPTION DATE: December 19, 1997	REVISION:

STATE BOARD POLICY

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

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DESCRIPTOR TERM: Assistant Teacher Program	CODE: 1703
ADOPTION DATE: April 15, 1994	REVISION:

STATE BOARD POLICY

The Mississippi Reading Improvement Regulations are hereby entitled Mississippi Elementary School Assistant Teacher Program Regulations. These regulations shall be reviewed regularly, with needed changes being recommended to the State Board of Education for Approval. Upon approval, changes will be disseminated to the appropriate personnel in the education community. An up-to-date copy of this policy shall be kept on file in the Mississippi Department of Education.

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DESCRIPTOR TERM: Agreement, NASDTEC	CODE: 1704
ADOPTION DATE: November 16, 1990	REVISION:

STATE BOARD POLICY

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

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DESCRIPTOR TERM: Armed Forces Activation	CODE: 1705
ADOPTION DATE: December 21, 1990	REVISION:

STATE BOARD POLICY

Vocational trades positions impacted by armed forces activation of a teacher may be filled with an individual who meets the occupational experience requirement of twenty-four months work at or above the journeyman level and has a high school equivalency certificate or above. The individual will be required to complete the next offering of the pre-service course.

All other teaching positions impacted by armed forces activation of a teacher may be filled with a degreed certified teacher regardless of subject area endorsement.

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DESCRIPTOR TERM: Commission, Hearings and Appeals	CODE: 1706
ADOPTION DATE: March 22, 1985	REVISION: October 24, 1997

STATE BOARD POLICY

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

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

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

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

LEGAL REFERENCE: Section 37-3-2, Miss. Code of 1972, as amended by 1997 Miss. Laws, Ch. 545, SB 2512

Rules for Procedure for Disciplinary Hearings by the Licensure Commission

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

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

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

4. Parties appearing at the hearing may be represented by legal counsel, at their own expense, and may produce witnesses and cross-examine hostile witnesses. It will be the responsibility of each party to secure the attendance of such witness or witnesses as each party deems necessary or appropriate; and any expense connected with the attendance of such witnesses will be born by the party responsible for the attendance of the witnesses.

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

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

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

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

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

10. The Commission or its subcommittee shall make its decision on the basis of the matters presented before it, and shall notify all parties by certified mail of its decision and reasons therefor within fifteen (15) days of the conclusion of the hearing. The decision shall specify the date and

revocation or suspension of a certificate shall be effective.

11. The decision of the Commission or its subcommittee shall be final, unless the aggrieved party shall petition the State Board of Education for an administrative reconsideration within ten (10) days after the date of the decision of the Commission or its subcommittee. The reconsideration shall be on the record previously made before the Commission or its subcommittee, unless otherwise provided by rules and regulations adopted by the State Board of Education.

12. An appeal from the action of the State Board of Education, shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, within thirty (30) days after notification of the action by the State Board of Education is mailed or served in accordance with §37-3-2 (16), Mississippi Code of 1972.

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DESCRIPTOR TERM: Nursery through First Grade	CODE: 1707
ADOPTION DATE: July 15, 1994	REVISION:

STATE BOARD POLICY

The competencies required in order for an individual to receive N-1 (Nursery through first grade) certification are outlined on the following 7 pages.

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DESCRIPTOR TERM: Postsecondary Licensure (Vocational)	CODE: 1708
ADOPTION DATE: December 19, 1997	REVISION: June 19, 1998

STATE BOARD POLICY

The regulations governing the licensure of postsecondary educators in Mississippi are specified in the document entitled "Competency Based Licensure for Postsecondary Vocational and Technical Personnel." An up-to-date copy of that document shall be kept on file in the appropriate office in the Mississippi Department of Education. Upon approval of amendments to that document by the Mississippi Board of Education, staff will disseminate it to the appropriate personnel in the Mississippi educational community.

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DESCRIPTOR TERM: Regulations	CODE: 1709
ADOPTION DATE: October 24, 1997	REVISION:

STATE BOARD POLICY

The regulations governing the licensing of educators in Mississippi are specified in the document entitled Guidelines for Mississippi Educator Licensure. An up-to-date copy of that document shall be kept on file in the appropriate office in the Mississippi Department of Education. Upon approval of amendments to that document by the Mississippi Board of Education, staff will disseminate same to the appropriate personnel in the Mississippi educational community.

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DESCRIPTOR TERM: Reporting Infractions	CODE: 1710
ADOPTION DATE: April 17, 1998	REVISION: June 19, 1998

STATE BOARD POLICY

The Mississippi Code of 1972 Annotated (Revised 1996), Section 37-3-2 (15) authorizes the Commission on Teacher and Administrator Education, Licensure and Development, to promulgate procedures for reporting infractions delineated under section 37-3-2 of the Code. The Commission has provided the procedures below to be followed by all educators required to hold a certificate/license. These procedures will ensure compliance with the Mississippi Code, Sections 37-3-2(10), (15), and 37-31-205(1)(e) of the Mississippi Code, as well as:

- a. Sections 37-3-51(1), (2)(a-i), (3) -- Notification of Department of Education of conviction of certificated person of certain felonies or sex offenses.
- b. Sections 37-3-2(11)(a-h), 37-3-2(12)(a-f) -- Denial of application; revocation and suspension of licenses/certificates.
- c. Section 37-3-2(13)(a-c) -- Dismissal or suspension of licensed/certified employee by local school board.
- d. Section 37-9-57 -- Effect of abandonment of employment.
- e. Section 37-16-4 -- Enforcement and penalty for test violations.

Section II -- Reporting Responsibilities

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

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

- a. Submit an initial report on all certified/licensed employees no later than October 1 of each school year (Appendix B).
- b. After the initial report, submit reports on employees as knowledge of offenses occurs.

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

Community and Junior College Presidents: Presidents of community and junior colleges must report to MDE infractions committed under sections of the Mississippi Code cited in Section I of these procedures. Reports shall be completed on certified/licensed vocational and technical education personnel. Presidents shall adhere to the following procedures:

- a. Submit an initial report on all certified/licensed employees no later than October 1 of each school year (Appendix D).
- b. After the initial report, submit reports on employees as knowledge of offenses occurs. Such reports shall be submitted within 10 days of notification of an offense (Appendix E).

Section III -- What Should Be Reported

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

- (1) Conviction of a felony or sex offense. "Sex offense" shall mean any of the following offenses:
 - (a) Section 97-3-65, Mississippi Code of 1972, relating to the carnal knowledge of a child under fourteen (14) years of age;
 - (b) Section 97-3-95, Mississippi Code of 1972, relating to sexual battery;
 - (c) Section 97-5-21, Mississippi Code of 1972, relating to seduction of a child under age eighteen (18);
 - (d) Section 97-5-23, Mississippi Code of 1972, relating to the touching of a child for lustful purposes;
 - (e) Section 97-5-27, Mississippi Code of 1972, relating to the dissemination of sexually oriented material to children;
 - (f) Section 97-5-33, Mississippi Code of 1972, relating to the exploitation of children;
 - (g) Section 97-5-41, Mississippi Code of 1972, relating to the carnal knowledge of a stepchild, adopted child, or child of a cohabitating partner;
 - (h). Section 97-29-59, Mississippi Code of 1972, related to unnatural intercourse; or
 - (i) Any other offense committed in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere.
- (2) Other reportable infractions or occurrences [Section 37-3-2 (11), (12), and (13)]:
 - (11) (a) Lack of qualifications which are prescribed by law or regulations adopted by the State

the duties authorized by the certificate/license, as certified by a licensed psychologist or psychiatrist;

(c) Is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, at the time of application for a certificate/license;

(d) Revocation of a certificate or license by another state;

(e) Committed fraud or deceit in securing or attempting to secure such certification or license;

(f) Fails or refuses to furnish reasonable evidence of identification;

(g) Has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law;

(h) Has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law;

(12) (a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57, Mississippi Code of 1972;

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;

(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;

(d) Has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law;

(e) Has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense, as defined by federal or state law; or

(f) Knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4 (1), Mississippi Code of 1972.

(13) (a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59, Mississippi Code of 1972, may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.

(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

APPENDIX A:

REPORT FORM FOR CIRCUIT CLERK FOR REPORTING FELONY/SEX OFFENSE CONVICTIONS

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

Name:

Social Security Number:

Date of Birth:

Address:

School District Where Employed:

License Number:

Date and Place of Conviction:

Signature of Circuit Clerk: _____

Circuit Clerk (Typed Name): _____

Date: _____

District Attorney (Typed Name):

Attach a certified copy of the indictment and judgment.

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

APPENDIX B:

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

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

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

<i>Name</i>	<i>Social Security Number/ License Number</i>	<i>Type of Infraction</i>

Signature of Superintendent of Education: _____

Superintendent of Education (Typed Name): _____

School District Name: _____

Date: _____

Attach any additional information, as needed.

This form must be notarized.

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

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

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

Name: _____	
Social Security Number: _____	Date of Birth: _____
Address: _____	
School District Where Employed: _____	
License Number: _____	
Date and Place of Conviction or Infraction: _____ _____	
Signature of Superintendent of Education: _____	
Superintendent of Education (Typed Name): _____	
School District Name: _____	
Date: _____	

This form must be notarized.

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

Attach any additional information, as needed.

This form must be notarized.

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

APPENDIX E:

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

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

Name:	
Social Security Number:	Date of Birth:
Address:	
Community/Junior College Where Employed:	
License Number:	
Date and Place of Conviction or Infraction:	
Signature of Community/Junior College President: _____	
Community/Junior College President (Typed Name): _____	
Community/Junior College Name: _____	

Date: _____

This form must be notarized.

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

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DESCRIPTOR TERM: Skills, K-8 Mathematics	CODE: 1711
ADOPTION DATE: January 20, 1989	REVISION:

STATE BOARD POLICY

The skills outlined in the document entitled Recommendations for the Mathematical Preparation of Teachers for Grades K-8 will be implemented into approved teacher education programs in Mississippi.

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DESCRIPTOR TERM: Teacher Process and Performance Review	CODE: 1712
ADOPTION DATE: December 19, 1997	REVISION:

STATE BOARD POLICY

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

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DESCRIPTOR TERM: Review	CODE: 1713
ADOPTION DATE: December 19, 1997	REVISION:

STATE BOARD POLICY

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

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DESCRIPTOR TERM: Character Education	CODE: 1800
ADOPTION DATE: July 20, 1990	REVISION: October 24, 1997

STATE BOARD POLICY

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

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DESCRIPTOR TERM: Charter Schools	CODE: 1900
ADOPTION DATE: August 22, 1997	REVISION:

STATE BOARD POLICY

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

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

If a petition from a school for a charter is not approved by the local school board in the district where the school is located, State Department of Education staff shall review it and the reasons for disapproval submitted by the local school board. After that review, a recommendation shall be made to the SBE relative to any further action which should be taken. If no further action is taken by the SBE, that petition shall not be considered in the rating process.

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

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

1672, 1997 Legislative session):

1. have a policy and decision-making body;
2. if the school acts as its own fiscal agent, implement a financial accounting and auditing process which shall be the same as, or meet the same requirements as, those which must be followed by a local public school district;
3. implement a student attendance recording and reporting process, which shall be the same as, or meet the same requirements as, those which must be followed by a local public school district;
4. submit such reports as shall be requested by the State Superintendent of Education;
5. not charge tuition for attending the school;
6. have a school calendar that includes at least 180 days;
7. comply with state/federal regulations for federal programs - where waivers are available from the federal government, schools shall apply for such waivers in the same manner as any other public school would apply;
8. abide by state statutes and SBE policy relative to state testing program;
9. receive state educational funds (including, but not limited to, minimum program and/or MAEP, transportation, and textbook) and funds from flow through federal funding on an equitable basis with other public schools in the district;
10. maintain permanent records in accord with state statutes and SBE policy;
11. comply with regulations for ordering and reporting on state purchased textbooks;
12. report expulsion of students as required in state statutes;
13. retain proprietary control of any products/processes created by the school;
14. meet, at a minimum, SBE policy relative to graduation requirements;
15. not deny any person admission to the school on the basis of race, color, creed, national origin, sex, disability, handicap, nor age;
16. comply with the personnel policies of local school board in the district where the school is located; and
17. comply with the requirements of the following sections in Title 37 of the Mississippi Code:

37-9-75 (teacher strikes)

37-11-18 & 19 (student expulsion and suspension)

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

37-11-21 (school staff abuse)

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

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

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

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

37-19-53 (false reports)

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

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DESCRIPTOR TERM: Administrators	CODE: 2001
ADOPTION DATE: April 19, 1991	REVISION:

STATE BOARD POLICY

In order to provide a menu planning system that ensures the food served at school meets the nutrition objectives for the nation as outlined in the *Dietary Guidelines for Americans*, as revised November, 1990, and the *Healthy People 2000* objectives, the State Department of Education is authorized to create the following educational standards for food service staff in the public school districts of this state beginning with the 1992-93 school year:

- Building Level Food Service Manager
- Food Service Administrator I
- Food Service Administrator II
- Food Service Administrator III
- Food Service Administrator IV

Qualifications

The following qualifications shall be established:

Building Level Manager:

- a high school diploma or equivalent

Food Service Administrator I:

- a high school diploma, six (6) college level hours of food and nutrition or food systems management, and six (6) college level hours of educational administration, business management, or accounting.

Food Service Administrator II:

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

Food Service Administrator III:

- a master's degree from an accredited four year college or university including a minimum of

twelve (12) hours food and nutrition or food systems management, and six (6) hours of educational administration, business management or accounting.

Food Service Administrator IV:

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

Administration

This process shall be administered through the State Department of Education, Bureau of Child Nutrition.

Initial Process

The implementation process shall be as follows:

Building Level Manager

Any building level manager who has been satisfactorily performing in that position, as June 30, 1992, and does not meet the minimum qualifications for that position will be granted a provisional certificate upon the recommendation of the local Superintendent of Education. An incumbent will be required to meet the minimum requirements prior to July 1, 1996.

Any newly appointed Building Level Manager employed after July 1, 1992, shall meet the minimum requirements of the Building Level Manager. In the event a special need arises and written justification is submitted, a one year provisional certificate may be granted. The minimum requirements must be met within the first twelve months of employment.

Food Service Administrator

Any Food Service Administrator who has been satisfactorily performing in that position on or before June 30, 1992, and does not meet the minimum requirements for Level I certification will be approved as Food Service Administrator Level I upon the recommendation of the local Superintendent of Education. An incumbent will be required to complete the specified course work by July 1, 1996.

Any newly appointed Food Service Administrator employed after July 1, 1992, shall meet the minimum requirements for a Level II Food Service Administrator. In the event a special need arises the superintendent of the local district may request a one year provisional certificate for an individual. In order for an individual to obtain this provisional certificate, proof must be provided that the minimum requirements can be met within twelve (12) months of employment.

Continuing Training

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

program needs.

Rule and Regulation Authority

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

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DESCRIPTOR TERM: Competitive Food	CODE: 2002
ADOPTION DATE: February 22, 1985	REVISION:

STATE BOARD POLICY

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

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

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

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DESCRIPTOR TERM: Pre-Advanced Placement (Pre-AP) Program Proposal	CODE: 2903
ADOPTION DATE:	REVISION:

STATE BOARD POLICY

Access to a Substantive and Rigorous Curriculum Policy

[Pre-Advanced Placement \(Pre-AP\) Program Proposal](#) (pdf document)

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

II. Beginning with the 2007-2008 school year, all high schools must offer at least one (1) Advanced Placement (AP) course in each of the four (4) core areas (mathematics, science, language arts, and social studies). Distance learning or the Mississippi Department of Education's Mississippi Virtual Public School may be used as an appropriate alternative for the delivery of AP courses.

Any public high school offering the International Baccalaureate Diploma Program is exempt from Part II of this policy.

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

Any public high school offering the International Baccalaureate Diploma Program is exempt from Part III of this policy.

Access to a Substantive and Rigorous Curriculum Policy 2

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

V. Beginning with the 2007-2008 school year, each teacher planning to teach any AP course must have completed the College Board endorsed AP Summer Institute (APSI) for the course and must have obtained the AP certification through the Mississippi Department of Education's Office of Educator Licensure. Documentation showing completion of the College Board APSI is required. Teachers with the AP certification must comply with Licensure renewal guidelines. AP teachers must complete the AP Summer Institute (APSI) at least every five years, which can be used for licensure renewal if completed during the validity period.

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

Pre-Advanced Placement (Pre-AP) Program Proposal

Mississippi Code Section 37-15-39 requires the Mississippi Department of Education to approve all courses

designated as pre-advanced placement. The purpose of this statute is to ensure that each student has a

sufficient education for success after high school and that all students have equal access to a substantive

and rigorous curriculum that is designed to challenge their minds and enhance their knowledge skill. The

intent of this policy is to increase the preparation of all students for and their participation in substantive

and rigorous curriculum experiences and specifically the Advanced Placement and International

Baccalaureate programs.

Please indicate the Pre-AP courses that will be offered by the district, the College Board training obtained

for Pre-AP teachers, and the process for identifying students for Pre-AP courses. The proposal will be

approved for a period of five years. Whenever a district makes changes to the Pre-AP program, the district

must submit a new Pre-AP Program Proposal Form to the Mississippi Department of Education's Office of

Curriculum and Instruction for approval prior to implementing changes.

District:

Phone #:

District Address:

Advanced Placement Contact Person:

Contact Person Email Address:

MATHEMATICS PRE-ADVANCED PLACEMENT COURSES

MIDDLE, JUNIOR HIGH, AND/OR HIGH SCHOOL

NAME OF PRE-ADVANCED PLACEMENT COURSE(S)

GRADE LEVEL(S)

SCIENCE PRE-ADVANCED PLACEMENT COURSES

MIDDLE, JUNIOR HIGH, AND/OR HIGH SCHOOL

NAME OF PRE-ADVANCED PLACEMENT COURSE(S) GRADE LEVEL(S)

SOCIAL STUDIES PRE-ADVANCED PLACEMENT COURSES

MIDDLE, JUNIOR HIGH, AND/OR HIGH SCHOOL

NAME OF PRE-ADVANCED PLACEMENT COURSE(S) GRADE LEVEL(S)

LANGUAGE ARTS PRE-ADVANCED PLACEMENT COURSES

MIDDLE, JUNIOR HIGH, AND/OR HIGH SCHOOL

NAME OF PRE-ADVANCED PLACEMENT COURSE(S) GRADE LEVEL(S)

TYPE OF COLLEGE BOARD TRAINING FOR PRE-ADVANCED PLACEMENT TEACHERS

Each teacher planning to teach a Pre-AP course must complete a College Board Pre-AP Training for the

respective subject area. Check all that apply. Indicate the number of Pre-AP teachers per discipline.

TRAINING(S)	NUMBER OF PRE-AP TEACHERS PER DISCIPLINE			
<input type="checkbox"/> Pre-AP Summer Institute	Mathematics_	Science_	Social Studies_	Language Arts_
<input type="checkbox"/> Pre-AP Workshop	Mathematics_	Science_	Social Studies_	Language Arts_
<input type="checkbox"/> Vertical Teams Training	Mathematics_	Science_	Social Studies_	Language Arts_
<input type="checkbox"/> Other Pre-AP Training	Mathematics_			

PROCESS FOR IDENTIFYING STUDENTS FOR PRE-AP COURSES

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The applicant certifies that to the best of his/her knowledge, the information on this proposal form is correct and is duly authorized by the superintendent.

Superintendent's Signature Date

District Advanced Placement Contact Person's Signature Date

FOR MDE USE ONLY

MDE AP Coordinator's Signature _____ Date

MDE Curriculum & Instruction Director's Signature _____ Date

Mississippi Department of Education August 2006

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DESCRIPTOR TERM: Day Care Management Plans	CODE: 2004
ADOPTION DATE: December 15, 1989	REVISION:

STATE BOARD POLICY

In the evaluation of **management plans** submitted by Sponsors of Family Day Care Homes, the State Department of Education will utilize the criteria listed below.

1. Sponsor will define plans for maintaining financial records in accord with generally accepted accounting principles. The plan shall include written procedures for documentation of daily accounting functions.
2. Sponsor will provide job descriptions and resumes which demonstrate staff has education or experience appropriate to task to be performed. The staff shall have education or experience in the following areas: Management, Accounting, Child Care and Nutrition.
3. Sponsor will provide one monitor or full-time equivalent staff for each 45 homes. For each home over/under 45, five hours per month shall be added/subtracted as appropriate to the monitoring staff.
4. Sponsor will establish and implement administrative plans to:
 - a) train sponsor staff,
 - b) train providers,
 - c) monitor providers,
 - d) document provider approval,
 - e) document changes in provider application, and
 - f) make available to providers access to sponsor staff from the start of the first day care home meal service to the end of the last meal service.
5. Sponsor will define the geographical area (counties) in which providers under their sponsorship will operate, and the management plan shall outline a means for daily contact with providers.

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DESCRIPTOR TERM: District Application	CODE: 2005
ADOPTION DATE: March 15, 1991	REVISION:

STATE BOARD POLICY

1. The annual Application, Agreement and Free/Reduced Meal Policy related to receipt of Federal Funds for the National School Lunch Program, School Breakfast Program and Food Distribution Program shall have final approval by the State Department of Education prior to the service of any meals under the program.
2. The staff of the State Department of Education shall have authority to grant a 30-day extension.
3. This policy shall be in effect from July 1, 1991, forward.

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DESCRIPTOR TERM: Eligibility, Management, and Monitoring (Child Care Programs)	CODE: 2006
ADOPTION DATE: April 20, 1990	REVISION:

STATE BOARD POLICY

1. Sponsor Requirements

- Each new sponsor will provide evidence of a successful organizational history which includes administration of Federal and/or State Programs or providing services to children.
- All sponsors will maintain a continuous log which indicates any change in the days or hours a provider is scheduled to provide care, any days when a substitute caregiver is utilized and the name of the substitute.
- All changes in information provided to the State Agency on the provider application shall be submitted to the State Agency for approval in advance of the change date.
- All required sponsor monitoring visits must be conducted during meal service, annually shall cover all approved meal types, i.e., breakfast, a.m. snack, lunch, p.m. snack, supper, and shall be unannounced.
- Homes caring for children on weekends or on split shifts (breakfast, child leaves for school/center/head start, then returns for snack and supper) shall be monitored a minimum of six times a program year.
- If a provider is keeping an outside child all day and is not claiming lunch for reimbursement, this provider shall be monitored by the sponsor a minimum of six times a program year.
- Homes claiming reimbursement for meals served on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day shall be monitored during meal service on each named holiday.

2. Provider Requirements

- The primary or substitute caregiver shall be at least eighteen years of age.
- A substitute for the primary provider can be utilized only in event of a short term emergency, and the sponsor must be given advance notice.
- All changes in information provided to the sponsor on the provider application shall be submitted to the sponsor for approval in advance of the change date.
- When the State Agency audits/reviews a sponsor, and a provider is not at home or children are not present as scheduled, the provider shall automatically be terminated. An exception will be granted if the sponsor log documents that an emergency existed.
- Breakfast will not be approved for Day Care Home Providers where the enrolled children attend a school, child care center, or head start that offers the Breakfast Program under

another Child Nutrition Program.

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

2 Hours - One Meal Type

4 Hours - Two Meal Types

6 Hours - Three Meal Type

- A minimum of 2 ½ hours shall lapse between the beginning service time of any meal type and the service of the next meal type.
- All providers shall have an operable telephone.

3. Service Area Requirements

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

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

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DESCRIPTOR TERM: Family Day Care	CODE: 2007
ADOPTION DATE: April 19, 2000	REVISION:

STATE BOARD POLICY

The State Department of Education shall:

- Develop readiness training for Day Care Home Sponsors for children ages 0-4
- Train sponsors on readiness for 0-4 years old
- Provide training to sponsor representatives on use of readiness training program
- How to present readiness training
- Utilization/effectiveness checklist

Family Day Care Home Sponsors shall:

- Attend training provided by State Department of Education on readiness
- Adopt and implement readiness training in every family day care home under sponsorship
- Annually train all providers on readiness
- Train new family day care home providers prior to approval
- Employ a child care director who is at least 21 years of age with a minimum of two years experience as director or caregiver
- Establish a referral program for low literacy providers

Family Day Care Home Providers shall:

- Attend annual training on the readiness as a condition of approval
- Implement training in the family child care setting
- Involve parents in training, send/handout progress reports home with children

Parents shall:

- Reinforce training by using materials sent home with children

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

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DESCRIPTOR TERM: Purchasing System	CODE: 2008
ADOPTION DATE: September 23, 1993	REVISION: February 21, 2003

STATE BOARD POLICY

Food Purchasing System for Public Schools

Awards for Price of Product

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

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

Product Identification and Brand Approval

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

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

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

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

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

Purchasing Management Committee

3.01 The purchasing management committee shall consist of one representative for private schools, one representative for headstarts, one representative for superintendents of public school districts and

one representative from each geographical region of the member school districts.

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

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

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

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

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

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

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

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

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

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

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

Other

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

4.02 Annual fees shall be assessed in amounts as necessary to cover the cost of operation for the

fiscal year. Any excess fees collected shall be utilized to cover a portion of the cost in the next year.

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

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

Vendor Deletions

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

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

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

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DESCRIPTOR TERM: Termination, Day Care Sponsors	CODE: 2009
ADOPTION DATE: August 20, 1993	REVISION:

STATE BOARD POLICY

Eligibility, Management, and Monitoring and Requirements for Family Day Care Homes Participating in the Federal Child Care Food Program are as follows:

1. Sponsor Requirements

- Each new sponsor will provide evidence of a successful organizational history which includes administration of Federal and/or State Programs or providing services to children.
- All sponsors will maintain a continuous log which indicates any change in the days or hours a provider is scheduled to provide care, any days when a substitute caregiver is utilized and the name of the substitute.
- All changes in information provided to the State Agency on the provider application shall be submitted to the State Agency for approval in advance of the change date.
- All required sponsor monitoring visits must be conducted during meal service, annually shall cover all approved meal types, i.e., breakfast, a.m. snack, lunch, p.m. snack, supper, and shall be unannounced.
- Homes caring for children on weekends or on split shifts (breakfast, child leaves for school/center/head start, then returns for snack and supper) shall be monitored a minimum of six times a program year.
- If a provider is keeping an outside child all day and is not claiming lunch for reimbursement, this provider shall be monitored by the sponsor a minimum of six times a program year.
- Homes claiming reimbursement for meals served on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day shall be monitored during meal service on each named holiday.

2. Provider Requirements

- The primary or substitute caregiver shall be at least eighteen years of age.
- A substitute for the primary provider can be utilized only in event of a short term emergency, and the sponsor must be given advance notice.

- All changes in information provided to the sponsor on the provider application shall be submitted to the sponsor for approval in advance of the change date.
- When the State Agency audits/reviews a sponsor, and a provider is not at home or children are not present as scheduled, the provider shall automatically be terminated. An exception will be granted if the sponsor log documents that an emergency existed.
- Breakfast will not be approved for Day Care Home Providers where the enrolled children attend a school, child care center, or head start that offers the Breakfast Program under another Child Nutrition Program.
- Minimum hours of care shall be provided in order to claim reimbursement for a meal type as follows:

2 Hours - One Meal Type

4 Hours - Two Meal Types

6 Hours - Three Meal Type

- A minimum of 2 ½ hours shall lapse between the beginning service time of any meal type and the service of the next meal type.
- All providers shall have an operable telephone.

3. Service Area Requirements

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

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

(Attachment on policy 2009)

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DESCRIPTOR TERM: Class Size	CODE 2100
ADOPTION DATE: May 18, 1990	REVISION: January 16, 1998

STATE BOARD POLICY

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

1. If the enrollment in any class in grades 1-4 is greater than 27 and/or the number of students taught by any individual teacher exceeds 150, MDE staff will notify the district in writing and request an explanation as to the reasons for the overage. The district shall submit documentation that the situation has been corrected or request an exemption.
2. The request for exemption will describe the situation and provide justification as to why the exemption should be approved. This request should include at a minimum:
 - the number of classes in that school that serve the same grade,
 - whether there is a school reasonably close by to which the children over the maximum could be transferred,
 - a clear description of why an additional class cannot be added to alleviate the overload, and
 - other emergency, hardship, or special situations which justify an exemption.
3. Mississippi Department of Education staff (Exemptions Committee) will review the request for exemption and make a recommendation to the State Board.
4. The State Board will consider requests at the January and February meetings.
5. A school district may appeal the denial of an exemption by requesting to appear before the State Board at its March meeting;
6. The State Board's decision on an appeal is final.

Any district meeting Level 4 or 5 accreditation standards, may be exempt from the maximum pupil teacher ratio in Grades 1, 2, 3, and 4.

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DESCRIPTOR TERM:

College Admissions

CODE:

2200

ADOPTION DATE:

October 25, 1985

REVISION:

STATE BOARD POLICY

The admission requirements to public universities, as adopted by the Board of Trustees of Institutions of Higher Learning on July 15, 1982, are endorsed.

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DESCRIPTOR TERM: Communicable Diseases	CODE: 2300
ADOPTION DATE: June 17, 1988	REVISION: October 24, 1997

STATE BOARD POLICY

The Mississippi State Department of Education will develop model guidelines for dealing with HIV infection and communicable disease control. As revisions are made and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the education community. An up-to-date copy of these guidelines can be downloaded from http://www.healthyschoolsms.org/health_education/documents/HIVmodelguidelines.final.2.doc

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DESCRIPTOR TERM: Consolidated Applications (Federal Funds)	CODE: 2400
ADOPTION DATE: December 20, 1996	REVISION:

STATE BOARD POLICY

Levels 1 and 2 school districts are required to submit a consolidated application for federal funds.

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DESCRIPTOR TERM: Contact Approval (SDE)	CODE: 2500
ADOPTION DATE: January 24, 1992	REVISION: May 21, 1999

STATE BOARD POLICY

A. Grants / Subgrants Awarded to the Department of Education by other Entities

At each monthly meeting, the State Department of Education shall present the State Board with a listing of all grants/subgrants for which the Department has submitted applications and/or been awarded. This listing will provide at least the following information:

Grant Name	SDE Administering Office
Grant Period	Brief Description of the Grant
Grant Amount	

All grant/subgrant applications must have a financial review completed and approval by the Deputy State Superintendent or State Superintendent prior to submission to the awarding entity.

B. Grants / Subgrants Awarded by the Department of Education to Other Entities

At the appropriate monthly meeting, the State Department of Education shall:

1. Report to the Board the methodology unutilized in awarding all grants/subgrants to be awarded on a non-discretionary or non-competitive basis. (This would include grants which have allocation methods required by Federal regulation or State law, such as Chapter 1 and Minimum Program.)
2. Present for Board approval the methodology utilized in awarding all grants/subgrants which may be awarded on a discretionary or competitive basis.
3. Present for Board approval any grants/subgrants awarded under two (2) above in excess of \$50,000.

MDE CONTRACT PROCUREMENT POLICY

The Mississippi Department of Education (MDE) Contract Procurement Policy set forth herein applies to the procurement, management and control of all personal and professional services with any funds by the Mississippi Department of Education. These regulations shall apply to every expenditure of public funds irrespective of their source. Violation of these regulations shall carry

such penalties as may be applicable under State laws. In the event of a conflict, the guidelines of the grant, gift, or self-generated funds shall prevail. The awarding office shall be responsible for being aware of all applicable regulations and rules governing the procurement of services, as well as ensuring that these procedures are followed in the procurement process.

Contracting for services shall be governed by the Personal Service Contract Procurement Regulations promulgated by the Personal Service Contract Review Board (PSCRB), as well as the policy and procedures approved by the Mississippi Board of Education. Contracts must be procured by obtaining adequate and reasonable competition, with the exception of sole-source and emergency procurements (defined below). Generally, the total amount of the contract shall be used to determine the appropriate method for procurement of services.

Contracting for services shall be accomplished by using one of the methods of source selection indicated below:

- Competitive Sealed Bids
- Competitive Sealed Proposals
- Small Purchase
- Sole-Source Procurement
- Emergency Procurement

In accordance with MDE and PSCRB rules and regulations, the following methods of source selection shall be utilized in procuring contractual services:

0 - \$50,000

MDE rules and regulations using one of the following procurement methods:

- Competitive sealed bidding
- Competitive sealed proposals
- Small purchases
- Pool of service providers
- Three written quotations
- Sole-source procurement
- Emergency procurement

\$50,000 - \$100,000

PSCRB rules and regulations using one of the following procurement methods:

- Competitive sealed bidding
- Competitive sealed proposals
- Small purchases
- Pool of service providers
- Three written quotations
- Sole-source procurement

- Emergency procurement

Excess of \$100,000

PSCRB rules and regulations using one of the following procurement methods:

- Competitive sealed bidding
- Competitive sealed proposals
- Sole-source procurement
- Emergency procurement

Contracts in excess of \$20,000 in personnel services must be approved by the Mississippi Board of Education prior to the department awarding the contract. The awarding office must present any such contract to the Mississippi Board of Education at the Board meeting prior to the beginning date of the contract.

Contracts in excess of \$100,000 must be submitted for approval to the PSCRB at least 10 working days prior to the first Monday of each month. The PSCRB meets on the first Monday of each month. Therefore, the awarding office must present any contract in excess of \$100,000 to the MDE Contract Analyst for review 12 working days prior to the first Monday of each month. The effective date of the contract shall be the date of PSCRB approval (first Monday of each month) or thereafter. The Mississippi Board of Education shall approve any contract requiring PSCRB approval.

It is the responsibility of the awarding office to meet the time frames necessary to secure Mississippi Board of Education and PSCRB approval. Generally, contracts requiring PSCRB approval must receive Mississippi Board of Education approval prior to consideration by the PSCRB.

CONTRACTS EXEMPT FROM APPROVAL BY THE PSCRB

The following contracts are exempt from approval by the PSCRB:

- Personal service contracts not exceeding \$100,000;
- Non-state service agencies' contracts (except those that are between state service and non-state service agencies);
- Contracts between agencies under the purview of the State Personnel Board;
- Computer or information technology-related services governed by the Mississippi Department of Information Technology Services; and
- Personal service contracts entered into by the Mississippi Department of Transportation.

The following service types are also exempt from approval by the PSCRB:

- Attorney
- Accountant
- Auditor

- Physician
- Dentist
- Architect
- Engineer
- Veterinarian
- Utility rate expert

Contracts between MDE and state/non-state service agencies may be procured on a negotiated basis, using the following methods of procurement:

- Sole source (within state/local entities)
- Competitive (service provided by multiple entities)
- Emergency

The Mississippi Department of Information Technology Services rules and regulations shall govern contracts procured for computer or information technology-related services.

While the above contracts are exempt from the PSCRB approval, the awarding office is responsible for ensuring that these contracts comply with MDE's internal review and approval procedures.

METHODS OF SOURCE SELECTION

The following regulations govern the methods of source selection to be used in procuring contractual services:

Competitive Sealed Bidding

When a determination is made that competitive sealed bids procurement is best suited for a particular service, an Invitation for Bids shall be issued in accordance with PSCRB regulations. The Invitation for Bids shall include a purchase description and all contractual terms and conditions applicable to the procurement as outlined below:

- Instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the state, rejection of bids, and any other special information;
- Purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description;
- Contract terms and conditions, including warranty and bonding or other security

requirements, as applicable; and,

- Instructions to bidders on the designation of trade secrets or other proprietary data to be confidential. Material so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid.

The Invitation for Bids form, Section 17.1, shall be utilized by the awarding office to initiate a competitive sealed bid procurement. **The Invitation for Bids must be reviewed by the Contract Analyst prior to distribution to potential service providers or vendors.** The bid shall be assigned a Bid File Number by the awarding office, which shall consist of the word BID, fiscal year, organizational code with an office identifier (if necessary), and sequential number of bid. For example, the first bid number in Educational Technology would be BID98-4701-001.

The following regulations shall govern the competitive sealed bids procurement:

- Public notice of Invitation for Bids shall be publicized in a newspaper published in the county or municipality in which the agency is located when the anticipated expenditure is more than \$100,000. Advertisement of bids shall be published once each week for two consecutive weeks with the second notice being published on or after the 7th calendar day after the first notice was published. The date set for the bid opening for services shall not be less than seven (7) working days after the last notice appears in the newspaper, i.e., no sooner than the 8th working day.

The following is a suggested guide for the legal advertisement:

The *(name of the entity)* will accept sealed bids until *(time of bid opening)*, *(day of the week)*, *(month)*, *(date)*, *(year)* for the purpose of purchasing the following:

(name of service you wish to procure),
(bid file number)

Detailed specifications may be obtained by contacting *(name of contact person)* at *(telephone number)* or at *(physical mailing address)*.

- Pre-bid conferences may be conducted to explain the procurement requirements. They shall be announced to all prospective bidders known to have received an Invitation for Bids. The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written amendment as provided in the PSCRB regulations; and the Invitation for Bids, if a pre-bid conference was required therein, or the notice of pre-bid conference shall so provide. A summary of the conference shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If a transcript is made, it shall be a public record.
- Any bid received after the time and date set for receipt of bids is late. Any withdrawal or modification of a bid received after the time and date set for opening of bids at the place designated for opening is late. No late bid, late modification, or late withdrawal will be considered unless receipt

would have been timely but for the action or inaction of State personnel directly serving the procurement activity.

- Bids shall be opened publicly in the presence of one or more witnesses. Bids

shall be available for inspection at any time subsequent to the awarding of the contract affected by those bids, except to the extent the bidder designates trade secrets or other proprietary data to be confidential.

- Bids shall be unconditionally accepted without alteration or correction, except as

authorized in the PSCRB regulations.

- Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes shall be permitted in accordance with the PSCRB regulations.

- Bids shall be evaluated based on the requirements set forth in the Invitations for Bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable where possible. The Invitation for Bids shall set forth the evaluation criteria to be used. No criteria may be used in evaluation that is not set forth in the Invitation for Bids.

- An in-house and/or external Selection Committee shall be appointed by the awarding office any time an Invitation for Bids is utilized in procuring services. The Selection Committee shall include the following representatives:

- MDE Contract Analyst;

- MDE staff person(s) with expertise or knowledge of the service to be provided;

- Qualified representative(s) outside awarding office to serve as objective reviewers; and,

- Two qualified individuals (in-house or external).

An existing advisory committee may serve in the place of an in-house Selection Committee. In the event an advisory committee is utilized, the Contract Analyst shall serve as an ex-officio member of the committee. The Selection Committee will review the Invitation for Bids and the bids received in response to the Invitation for Bids and make recommendations for funding award.

- The contract shall be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bids meets the requirements and criteria set forth in the Invitation

for Bids. Negotiations with any bidder are not permitted.

Written notice of award shall be sent to the successful bidder. Notice of award shall be made available to the public.

- When it is considered impractical to initially prepare a purchase description to support an award based on price, an Invitation for Bids may be issued requesting the submission of unpriced offers. Another Invitation for Bids would follow, which would be limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

Competitive Sealed Proposals

A contract may be entered into by competitive sealed proposals when the use of competitive sealed bidding is determined to be either not practicable or not advantageous to the State. The appropriate Superintendent Management Team member, or designee, shall make the determination after consultation with the Contract Analyst.

Proposals shall be solicited through a Request for Proposals. **The Request for Proposals must be reviewed by the Contract Analyst prior to distribution to potential service providers or vendors.** The prototype Request for Proposals is located in Section 17.2. The Request for Proposals shall include the description and contract terms indicated under Competitive Sealed Bidding, as well as include:

- A statement that discussions may be conducted with offerors who submit proposals determined to be reasonable susceptible of being selected for award, but that proposals may be accepted without such discussions; and,
- A statement of when and how price should be submitted.

The Request for Proposals shall also contain the following information:

- Type of service required;
- A description of the work involved;
- An estimate of when and for how long the services will be required;
- Budget information (narrative and summary);
- The type of contract to be used;
- A date by which proposals for the performance of the services shall be submitted and the format and procedures for delivery of proposal;
- A statement that the proposals shall be in writing;
- A statement that offerors may designate those portions of the proposals which contain trade secrets or other proprietary data as confidential in accordance with MS Code 25-61-9 and 79-23-1;
- A statement of the minimum information that the proposal shall contain:
- The name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;

- The age of the offeror's business and average number of employees over a previous period of

time, as specified in the Request for Proposals;

- The abilities, qualifications, and experience of all persons who would be assigned to provide the required services;
 - A listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the Request for Proposals; and,
 - A plan giving as much detail as is practical explaining how the services will be performed.
- The factors to be used in the evaluation and selection process and their relative importance. The selection process and rating scale may include the following:
- Experience in performing type of work outlined in the description of services;
 - Qualifications in performing type of work outlined in description of services;
 - The extent of offeror's capabilities to perform required specialized services;
 - Compliance with public policy expressed in OMB Circulars (contracting with small and minority firms);
 - Price; and,
 - Other (depending on the type of work being undertaken).

The following regulations shall govern the competitive sealed proposal procurement:

- Public notice of Request for Proposals shall be publicized in a newspaper published in the county or municipality in which the agency is located when the anticipated expenditure is more than \$100,000. Advertisement of Request for Proposals shall be published once each week for two consecutive weeks with the second notice being published on or after the 7th calendar day after the first notice was published. The date set for the proposal opening for services shall not be less than seven (7) working days after the last notice appears in the newspaper, i.e., no sooner than the 8th working day.

The following is a suggested guide for the legal advertisement:

The *(name of the entity)* will accept proposals until *(time of proposal opening)*, *(day of the week)*, *(month)*, *(date)*, *(year)* for the purpose of purchasing the following:

(name of service you wish to procure)

Detailed specifications may be obtained by contacting *(name of contact person)* at *(telephone number)* or at *(physical mailing address)*.

- Pre-bid conferences may be conducted to explain the procurement requirements. They shall be announced to all prospective bidders known to have received a Request for Proposals. The conference should be held long enough after the Request for Proposals has been issued to allow offerors to become familiar with it but sufficiently before proposal opening to allow consideration of the conference results in preparing their proposals. Nothing stated at the pre-bid conference shall change the Request for Proposals unless a change is made by written amendment as provided in the PSCRB regulations; and the Request for Proposals, if a pre-bid conference was required therein, or the notice of pre-bid conference shall so provide. A summary of the conference shall be supplied to all those prospective offerors known to have received a Request for Proposals. If a transcript is made, it shall be a public record.
- Any proposal received after the time and date set for receipt of proposals is late. Any withdrawal or modification of a proposal received after the established due date at the place designated for receipt of proposals is late. No late proposal, late modification, or late withdrawal will be considered unless

receipt would have been timely but for the action or inaction of State personnel directly serving the procurement activity.

- Proposals shall not be opened publicly but shall be opened in the presence of two or more MDE officials. A Register of Proposals shall be prepared which shall include the name of each offeror, the number of modifications received, if any, and a description of services offered. The Register of Proposals shall be open to public inspection only after award of the contract.
- An in-house and/or external Selection Committee shall be appointed by the awarding office any time a Request for Proposal is utilized in procuring services.

The Selection Committee shall include the following representatives:

- MDE Contract Analyst;
- MDE staff person(s) with expertise or knowledge of the service to be provided;
- Qualified representative(s) outside awarding office to serve as objective reviewers; and,
- Two qualified individuals (in-house or external).

An existing advisory committee may serve in the place of an in-house Selection Committee. In the event an advisory committee is utilized, the Contract Analyst shall serve as an ex-officio member of the committee. The Selection Committee will review the Request for Proposals and the proposals received in response to the Request for Proposals and make recommendations for funding award.

As provided in the Request for Proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements.

- Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the State taking into consideration price and the evaluation factors set forth in the Request for Proposals. Written notice of award shall be sent to the successful offeror. Notice of award shall be made available to the public.

Small Purchases

The following regulations shall govern the procurement of services in the amount of \$100,000 or less. The procurement shall not be artificially divided nor underestimated to constitute a Small Purchases procurement.

Contracts - \$50,000 or Less

Contracts in the amount of \$50,000 or less may be procured by soliciting three written quotations or by utilizing a pool of service providers.

The quotations shall be recorded and placed in the procurement file. Award shall be made to the source offering the lowest acceptable quotation. Written quotes must be either signed, on letterhead, or otherwise identifiable to be valid. Written quotes shall, at a minimum, contain the following information:

- A statement of price;
- Terms of the agreement;
- Description of services offered to the agency; and,
- Name, address and telephone number of the offeror.

The establishment and use of the pool of service providers' concept must ensure competition. Pools of service providers must be established under an open process for interested vendors to become a member of the pool. The awarding office shall make every effort to solicit nominations from entities such as organizations, local school districts, etc. for the development of the pools. In addition, the following procedures shall apply to the establishment and use of the pool of service providers:

- Specify the name of the pool;
- Establish method for entry into pool (must be open and competitive);
- Establish selection criteria within each pool, which may include geographical location, evaluation of trainer, alphabetical selection, customer needs, demographics, availability, etc.;
- Forward pool listing and selection criteria to the Contract Analyst by July 1 of each year; and,
- Establish fee schedule by using method of cost comparison to ensure a competitive fee. Surveys of similar positions and documentation to support the rate of compensation shall be included in the contract file. The awarding office should be prepared to provide this information for contract approval.

Contracts - \$50,000 to \$100,000

Contracts in the amount greater than \$50,000 and not exceeding \$100,000 may be procured by soliciting written quotations from no less than three sources or by utilizing a pool of service providers.

The quotations shall be recorded and placed in the procurement file. Award shall be made to the source offering the lowest acceptable quotation. Written quotes must be either signed, on letterhead, or otherwise identifiable to be valid. Written quotes shall, at a minimum, contain the following information:

- A statement of price;
- Terms of the agreement;
- Description of services offered to the agency; and,
- Name, address and telephone number of the offeror.

The establishment and use of the pool of service providers' concept must ensure competition. Pools of service providers must be established under an open process for interested vendors to become a member of the pool. The awarding office shall make every effort to solicit nominations from entities such as organizations, local school districts, etc. for the development of the pools. In addition, the

following procedures shall apply to the establishment and use of the pool of service providers:

- Specify the name of the pool;
- Establish method for entry into pool (must be open and competitive);
- Establish selection criteria within each pool, which may include geographical location, evaluation of trainer, alphabetical selection, customer needs, demographics, availability, etc.;
- Forward pool listing and selection criteria to the Contract Analyst by July 1 of each year; and,
- Establish fee schedule by using method of cost comparison to ensure a competitive fee. Surveys of similar positions and documentation to support the rate of compensation shall be included in the contract file. The awarding office should be prepared to provide this information for contract approval.

Sole-Source Procurement

A contract may be awarded without competition when the determination is made that there is only one source for the required service. The appropriate Superintendent Management Team member, or designee, shall make this determination after consultation with the Contract Analyst. Sole-source procurement is not permissible unless a required service is available from only a single supplier.

The following regulations shall govern the sole-source procurement:

- The awarding office shall provide the necessary written documentation to support the sole-source procurement in order for the State Superintendent, or designee, to approve the determination. The documentation shall include an explanation as to why no other will be suitable or acceptable to meet the need. The awarding office shall provide this documentation to the Contract Analyst for review and approval by the State Superintendent, or designee.
- Negotiations, as appropriate, shall be conducted as to price, delivery and terms.

Emergency Procurement

A contract may be awarded based upon an emergency procurement under emergency conditions as defined below, provided that such emergency procurement shall be made with such competition as is practicable under the circumstances. The appropriate Superintendent Management Team member, or designee, shall make this determination after consultation with the Contract Analyst.

The following regulations shall govern the emergency procurement:

- The awarding office shall provide a written determination of the basis for the emergency and for the selection of the particular contractor to the Contract Analyst for review and approval by the State Superintendent, or designee.
- The term "emergency" shall mean any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or caused by any inherent defect due to defective construction, or when the immediate preservation of order to public health is necessary by reason of unforeseen emergency, or when the restoration of a condition of usefulness of any public building,

equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas or in the transportation of treatment of sewage; or when the delay incident to obtaining competitive bids could cause adverse impact upon the agency, its employees or its citizens.

- Emergency procurement shall be limited to those services necessary to meet the emergency.
- The State Superintendent, or designee, must approve emergency procurements prior to the procurement and only in the event of an emergency condition and the need can not be met through normal procurement methods. The awarding office shall provide the appropriate documentation to support the emergency procurement.

GENERAL PROVISIONS FOR PERSONAL SERVICE CONTRACTING

The following general provisions shall apply to the procurement of personal and professional services:

- A contractual agreement is required for all personal and professional services. Payment for any personal and professional service shall not be processed without a contractual agreement.
- All contracts for services shall include a list of contract specifications or deliverables. These may be incorporated from the scope of work included in the Solicitations for

Bids or Proposals. This list should be used as evaluation criteria when monitoring contract performance in accordance with the Contract Administration section below. The description of services to be performed should be results, not procedure oriented, and should at a minimum include:

- What service is to be performed;
- When the service is to be performed;
- How frequently the service is to be performed;
- Where the service is to be performed;
- How much it will cost;
- Why the service is necessary; and,
- What qualifications does the contractor possess.
- Mandatory clauses have been established to be included in all contracts. In addition, certain clauses are required to be included in the Solicitations for Bids or Proposals. Alternative clauses are available for use in contracts and Solicitations for Bids or Proposals. These clauses are provided in Section 17.2.
- An Invitation for Bids, a Request for Proposals, or any other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interest of the State. The reasons shall be made part of the

contract file.

- The awarding office shall make a written determination of non-responsibility of a bidder or offeror. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to such bidder or offeror.
- Information furnished by a bidder or offeror shall not be disclosed outside of the office of the PSCRB or MDE if so requested by the bidder or offeror, except as provided in the MS Code Section 25-61-9.
- Prospective suppliers may be prequalified for particular types of services. Solicitation mailing lists of potential contractors shall include but shall not be limited to such prequalified suppliers.
- A contractor shall, when requested by the awarding office, submit cost or pricing data and shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted was accurate, complete and current as of a mutually determined specified date.
- Any type of contract, which will promote the best interests of the State, may be used. A cost reimbursement contract may be used only when a written determination is made by the awarding office that such contract is to be less costly to the state than any other type or that it is impracticable to obtain the services required except under such a contract.
- Unless otherwise provided by law, a contract for services may be entered into for a period of time not to exceed four (4) years with an option to renew for one year, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.
- An incremental award is an award of portions of a definite quantity requirement of more than one contractor. An incremental award may be used only when awards to more than one bidder or offeror for different amounts of the same time are necessary to obtain the total quantity or the required delivery.
- A multiple award is an award of an indefinite quantity contract for service to more than one bidder or offeror when the state is obligated to order all of its actual requirements for the specified supplies or services from those contractors. A multiple award may be made when award to two or more bidders or offerors for similar services is necessary for adequate delivery.
- The MDE may, at reasonable times, inspect the place of business of a contractor or any subcontractor that is related to the performance of any contract awarded or to be awarded by the department.

- The MDE may, at reasonable times and places, audit the books and records of any person who has submitted cost or pricing data to the extent that such books and records relate to such cost or pricing data.
- Legal and contractual remedies, to include debarment and suspensions, shall be conducted in accordance with state law and PSCRB regulations, as applicable.
- The MDE shall be entitled to audit the books and records of a contract or any subcontractor under any negotiated contract or subcontract to the extent that such books and records related to the performance of such contract or subcontract.
- The determinations required by these regulations are final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law.
- When for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the Attorney General.
- MDE shall maintain continuous audit covering the activities of the agency affecting its revenues and expenditures for personal and professional services contracts; and maintain an internal system of pre-auditing claims, demands and accounts against the agency to adequately ensure that only valid claims, demands and accounts will be paid.
- MDE may contract with state agency/institution of higher learning employees who have been classified under FLSA as non-eligible (exempt) employees by their primary employer. These individuals will be required to produce proof of their FLSA classification from their primary employer prior to contract execution. **It will be the responsibility of the awarding office to obtain the classification from the potential contractor and to maintain in the contract file.** If there is a need to contract with an individual who has been classified for FLSA purposes as an eligible (non-exempt) state agency/IHL employee, the awarding office will be required to obtain approval from the State Superintendent on a case-by-case basis prior to contract execution.
- Preparation time for trainers is discouraged; however, the allowance of such will be considered on an individual basis and must be approved by the State Superintendent. Prep time shall be specifically identified in the contract and the awarding office is responsible for ensuring its proper use.

CONTRACT PACKAGE

Once a contractor has been selected, using one of above methods of source selection, a contract must be prepared. This package must contain the sections described below:

Section I MDE Contract Signature Sheet

A contract signature sheet must be completed for each contract. A blank copy of this form is provided in Section 17.3. The awarding office must assign the contract number, using the following sequence: FY – Fund No. – Org. Code – Sequential No. in Org. Code. (For example, 98-2201-2021-001)

Section II Introduction

Contracting parties should be identified along with the contract term and reason for entering into an agreement. IRS classification of contractual personnel must be determined by completing the IRS Checklist (Section 17.4). If the contractor is determined to be a contract worker, the following statement is to be added to this section: "**Based upon the Internal Revenue Service Code, the contractor has been classified as a contract worker and will be subject to withholding as required by the IRS Code.**" If the contractor is determined to be an independent contractor, the following statement is to be added to this section: "**Based upon the Internal Revenue Service Code, the contractor has been classified as an independent contractor and will not be subject to withholding as required by the IRS Code.**" The Introduction shall also include a statement as to the qualifications of the contractor to perform the services to be rendered, unless the qualifications are included in the contractor's response to the Invitation for Bids or Request for Proposals (if applicable).

Section III Statement of Work

This section sets forth the objectives to be reached by the contractor and the planned deliverables in accordance with the terms and provisions of the contract. The description of services shall include the items listed under the second bullet of General Provisions for Personal Service Contracting.

Section IV Program Reporting, Compensation and Financial Reports

This section sets forth the compensation payable by the MDE in accordance with the terms set forth in the agreement and describes financial reporting required of the contractor. Program reporting requirements shall be explained in this section.

The method of payment and closeout procedures, as described below, should also be indicated in this section of the contract package.

Section VI MDE Standard Terms and Conditions

All mandatory terms and conditions shall be included in contracts. In addition, optional contract clauses are available for use at your discretion. A copy of these terms and conditions are provided in Section 17.2.

Section VII Budget Narrative

Costs for each category must be fully justified, including calculations if appropriate. If the contract spans multiple fiscal years, the Budget Narrative should be prepared for each fiscal year. If staff positions are funded under this agreement, qualifications and pay determination must be attached. The contract shall not provide for the purchase of equipment by the MDE on behalf of the contractor, either directly or indirectly.

Hourly rate must be specified in all contract worker contracts. The following statement shall be included in the Budget Narrative for contract workers:

The MDE will pay _____ an amount not to exceed

\$_____ using the following breakdown:

Personnel Services: An amount not to exceed \$_____

(\$_____ per hour x _____ hours = \$_____ per day x _____ days)

Travel: Actual amount not to exceed \$_____
(includes meals, mileage, overnight accommodations)

In addition to the above costs, an amount not to exceed \$_____ (7.65% of the personnel services costs) has been added to the total costs of the contract to cover the MDE's matching contribution for Social Security and Medicare (FICA).

Section VIII Budget Summary

The appropriate sections of the MDE Budget Summary (Section 17.3) shall be completed. If the contract is for a contract worker, the total of the personnel services and FICA shall be placed in the salaries, wages, fees and/or fringe benefits line-item on the Budget Summary Sheet. If the contract spans multiple fiscal years, the Budget Summary should be prepared for each fiscal year.

Section IX MDE Contract Travel Policy

If travel is an allowable cost in the contract, the contract shall include the travel policy for contractors. If out-of-state travel is not allowed, a statement to that effect should be included in the contract or a statement indicating prior approval will be necessary. The travel policy for contractors for in-state and out-of-state travel is located in Section 17.5.

Reimbursement of taxable meals is not an allowable cost for contractors.

Contractors requesting travel reimbursement must complete the Consultant/Conference Travel Voucher (Section 17.5) and must be submitted in the contractor's or contractor's employee's name, signed with the legal name and must show the contractor's Federal Identification number, if applicable.

Procedures for consultant travel reimbursement (those consultants who are reimbursed travel only) are described in Section 17.5.

Short contract forms are available in the Contract Analyst's office and may be utilized for both contract worker and independent contractor contracts. Generally, the length of the scope of work narrative will dictate the appropriate contract form.

The MDE Contract Signature Sheet will serve as page one (1) of the long contract form and each page of the contract must have the page number indicated along with the contract number. The review sheet, contract justification, IRS checklist, selection process form, purchase requisition, and withholding forms are not to be numbered as part of the contract.

REVIEW AND APPROVAL BY THE OFFICE OF EDUCATIONAL ACCOUNTABILITY AND STATE SUPERINTENDENT OF EDUCATION

After the appropriate procurement method has been utilized and the contract package has been finalized, the awarding office is to forward the following documents to the Contract Analyst for review and approval by the State Superintendent, or designee:

- Purchase requisition to encumber funds for the total amount of the contract. Indicate first and second half encumbrances on the purchase requisition, as well as the contract number and IRS classification (independent contractor or contract worker). The Contract Analyst will secure budget verification before processing the contract for approval. **Please ensure appropriate funds are available in the budget before forwarding the contract for review and approval.**
- Contract/Modification Review Sheet (Section 17.6);
- Contract Justification Sheet (Section 17.6). If more than one contractor is involved in the same activity, one Contract Justification Sheet can be used. A list of contractors with the name, address, amount of contract and period of contract is to be attached to the Contract Justification Sheet.
- Selection Process Form (Section 17.6);
- Contract document. Remember to attach supporting documents that govern the contract, such as RFP, proposal, and any revisions to proposal, etc.
- IRS checklist (Section 17.4);
- PERS form(s) (Section 17.6). If the contractor is not a PERS retiree, the MDE Certification form is the only form required. If the contractor is a PERS retiree, the MDE Certification and PERS Certification forms are required; and,
- Appropriate tax forms (Section 17.6). Remember that original tax forms are required to encumber funds for contracts. You may use a copy of the tax forms to obtain a vendor number in the SAAS file, but you **must** obtain the original tax form(s). If the contractor has been classified as an independent contractor, obtain the W-9 form. If the contractor has been classified as a contract worker, you will need the W-4 form, state withholding form, and a copy of the contractor's social security card. If the contractor does not have his/her social security card, the contractor will need to request a copy from the Social Security Administration and provide proof to MDE.

Contracts must be submitted to the Contract Analyst at least 12 working days prior to the beginning date of the contract. You will also need to consider the time frames necessary to secure Mississippi Board of Education and PSCRB approval, if necessary.

Please remember to maintain a copy of all the paperwork submitted to the Contract Analyst. You will not receive any paperwork back.

The Contract Analyst will review the agreement before the State Superintendent, or designee, approves the contract. The review will be made to determine if the contract is complete, in compliance with MDE and PSCRB policies, and if regulatory approval authority is required.

The Contract Analyst will send the contract to the necessary regulatory agencies. Specifically, the review will consist of, but not be limited to, the following items:

- Appropriate method of source selection (procurement);
- Adequate description of services;
- Inclusion of all required sections, terms and conditions;
- Reasonable and sufficient justification of budget;
- Availability of funds and budget authority;
- Reasonable indirect cost rate (if applicable) and if the indirect cost plan is on file;
- Regulatory approvals; and,
- MDE approvals.

The awarding office must submit all contract renewals and contract modifications to the Contract Analyst for review and approval by the State Superintendent, or designee. The contracting procedures outlined above must be followed for all renewals, modifications, or other contractual alterations.

After the State Superintendent, or designee, has approved the contract, the awarding office shall obtain three original signatures on the contract. Once you have received the contractor's original signature, the awarding office shall obtain the appropriate MDE signatures. **Under no circumstances should a contractor begin work prior to the contract beginning date. Additionally, contracts must be signed before the contractor performs work under the contract.** All three signed contracts, in its entirety, shall be submitted to the Contract Analyst for signature. One original contract, along with the supporting documents, will be forwarded to the Accounting Office for processing. The remaining two contracts will be returned to the awarding office. It is the responsibility of the awarding office to mail one copy of the contract to the contractor and maintain the other copy in the office files.

Contracts for less than \$100,000 must be signed by the Bureau Director of the awarding office, the appropriate Superintendent's Management Team member and the Contract Analyst. Contracts for \$100,000 or more require the signatures of the appropriate Superintendent Management Team member, the Deputy State Superintendent, and the Contract Analyst.

The checklist for contract procedures, located at Section 17.7, will serve as a helpful tool in the contract procurement and development process.

PAYMENTS

Each contract should identify the following terms and conditions relating to payments for services:

- Payment schedule and invoicing;
- Terms;
- Retainage (if applicable);

- Final payment; and,
- Penalties (if applicable).

The contract shall indicate the schedule on which the independent contractor is to invoice the MDE (monthly, quarterly, upon completion of work, etc.) and what form the invoice should take (line-item or lump-sum). Also, the type documentation necessary for approval of the invoice (invoices from third parties, time sheets, etc. or perhaps the level of completion of the project) shall be made part of the contract. At no time should the contractor simply invoice the MDE without a basis for the payment to be remitted. Invoices shall include detailed description of services rendered during the period for which the independent contractor is requesting payment. Generally, independent contractors receive payment upon completion of the work specified in the contract.

The contract should provide for terms of payment by MDE (30 days, 45 days, etc.). A penalty clause for late receipt of deliverables could be included and the terms for the final payment may stipulate the MDE must approve the finished product.

Furthermore, the contract should indicate if any retainage is applicable. If so, a percentage or firm dollar amount should be indicated. Each invoice should indicate the gross amount of the invoice, then a line item with retainage that would be deducted to arrive at the amount to be paid. The retainage would be held until the MDE has possession of the finished product and the contractor submits an invoice for the final amount.

In lieu of, or in addition to retainage, the contract could place certain criteria on the final payment. These criteria could deal with prompt delivery of the product, the adequacy of the product, etc. An invoice should accompany the delivery of the finished product. This invoice must be marked "Final" by the contractor.

Contract worker payments will be made on a monthly basis. Invoices must be received by the 8th working day of the month following the period of service. Invoices shall include detailed description of services rendered during each day for which the contractor is requesting payment.

Finally, the contract may need to include penalty clauses for breach and/or anticipatory break of contract. A definition of each of these terms and criteria for determining each should be included in the contract. Either could occur through actions of the contractor or inaction of the contractor, based on completion points.

A copy of all payment records will be maintained in the Accounting Office's contract file.

CONTRACT MODIFICATION

Any necessary changes to the original agreement must be accomplished through a formal modification. (The Modification Signature Sheet is located in Section 17.3.) Modification requests to adjust existing encumbrances in the first and second half allotment periods will require approval from the Budget Office prior to the Accounting Office's initiation of the modification. Modification requests to reduce the total contract obligation of existing encumbrances will be allowed if one of the

following conditions occur:

- The request is accompanied by a signed contract modification which indicates a decrease in the amount of the original contract, or
- Certification of final payment has been received and a balance remains on the encumbrance. Funds are automatically deobligated when final payment is certified and processed.

The modification and appropriate forms must be submitted to the Contract Analyst 12 working days prior to the effective date. If the modification will require Mississippi Board of Education and PSCRB approval, the awarding office will be responsible for meeting the time deadlines necessary to secure the appropriate approval(s).

CORRESPONDENCE

A copy of any correspondence relative to the contract must be retained in the awarding office's contract file. A copy of any correspondence relative to contract changes or payments should be forwarded to the Office of Educational Accountability. The contract number should be indicated on all correspondence.

CONTRACT CLOSEOUT PROCESS

The closeout process is to be an accounting by the contractor to the MDE. The awarding office shall utilize the closeout process to ensure that the MDE has received the goods and services identified in the contract prior to the payment of the final invoice.

If the contract has been a line-item budget, the closeout would encompass verification that the budget has not been exceeded by line-item and/or in total. The closeout would also include verification that the required documentation is on file for all payments and that reimbursement has not or will not be made to the contractor for costs that are unallowable.

After the closeout has been accomplished, an approved invoice marked final will be transmitted to the Accounting Office for payment. A statement indicating that the closeout has been completed shall be attached to the invoice. Instructions to the Accounting Office to deobligate any remaining balance on the contract shall accompany the invoice. The final invoice shall be transmitted to the Accounting Office as quickly as possible. However, it must be submitted within 30 days after the end of the contract.

CONTRACT ADMINISTRATION

All contracts shall be monitored at least monthly to confirm acceptable performance, timely fulfillment of deliverables and compliance with terms of the agreement. The monitoring shall include, but not limited to, the following:

- Review and approval of contract deliverables;
- Compliance with contractual terms;

- Coordination of the flow of information between the parties;
- Response to requests of the contractor;
- Monitoring of disbursements against the contract budget;
- Monitoring of actual progress against work schedules;
- Coordination of furnishing the necessary materials;
- Recommendation of no cost modifications; and,
- Recommendation of modifications involving increased costs.

The awarding office shall be responsible for maintaining accurate records to document the monitoring described above. The awarding office shall utilize the monitoring form at Section 17.6.

ETHICS IN PUBLIC CONTRACTING FOR PERSONAL AND PROFESSIONAL SERVICES

Public employment is a public trust. It is the policy of the State of Mississippi to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the State. Such policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the State procurement organization. To achieve this, MDE employees shall observe the ethical standards prescribed herein:

- Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of public trust.

- Any effort to influence any public employee, or contractor with the State, to breach the standards of ethical conduct is also a breach of ethical standards.

- It shall be a breach of ethical standards for any employee to participate directly or indirectly in procurements when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or,
- Any other person, business, or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

MDE discourages any contracts with a relative of an employee. However, in situations where there is no potential of a conflict of interest and the need is justified for such a contract, approval by the State Superintendent, or designee, is required. The awarding office is responsible for determining whether such a relationship exists with an employee.

- It shall be a breach of this regulation for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or proposal therefor.

- It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a state contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, unless such an arrangement is fully disclosed in writing. Every person, before being awarded a State contract, shall represent, in writing, that such person has not retained anyone in violation of the above contingent fee section. Failure to do so constitutes a breach of ethical standards.

- Except as may be permitted by regulations or rulings of the Ethics Commission, it shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be, while such an employee, the employee of any person contracting with the governmental body by whom the employee is employed. Additionally, MS Code Section 25-4-105(3)(a) states that "no public servant shall be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent, other than in his contract of employment; or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent."

- It shall be a breach of ethical standards for any former employee knowingly to act as a principal, or as an agent for anyone other than the State, in connection with any contract in which the employee participated personally and substantially while an employee, where the state is a part or has a direct and substantial interest.

- It shall be a breach of ethical standard for any former employee, within one year after cessation of the former employee's official responsibility, knowingly to act as a principal, or agent for anyone other than the State, in connection with any contract in matters which were within the former employee's official responsibility, where the State is a party or has a direct or substantial interest.

- It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as a agent for anyone other than the State, in connection with any contract in which the employee either participates personally and substantially, or which is the subject of the employee's official responsibility, where the State is a party or has a direct and substantial interest.

- MDE employees shall comply with MS Code Section 25-4-105, which states, "No public servant shall use his official position to obtain pecuniary benefit for himself other than that compensation provided for by law, or to obtain pecuniary benefit for any relative or any business with which he is associated."

· It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

Any questions concerning contract procurement should be directed to the Contract Analyst.

NOTES:

Contracts for hotel or motel meeting rooms and/or meals provided by one of these establishments may be entered into utilizing these establishments' function sheet or short contract which is available in the office of the Contract Analyst. The function sheet shall be signed by the appropriate member of the Superintendent's Management Team, or designee; however, the Contract Analyst must review and approve all contracts or function sheets.

In addition, the Contract Analyst handles contracts for building or floor space. All questions and requests concerning building/floor space shall be directed to the Contract Analyst.

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DESCRIPTOR TERM: Contracts, Teachers	CODE: 2600
ADOPTION DATE: March 22, 1985	REVISION: June 21, 2002

STATE BOARD POLICY

The attached teacher contract form was approved in accordance with Mississippi Code Section 37-9-23.

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

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

First Name	Middle Name	Last Name	Social Security Number
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(employee), and the _____ School District (employer), with the employee having been duly elected and approved for employment by the school board of the employer.

This agreement provides:

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

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

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

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

That in consideration for the duties performed under this agreement, the employer agrees to compensate the employee with an annual salary of \$_____, which shall be paid in _____ equal installments with the first payment beginning on the last working day of the month for which duties are performed or as may be otherwise provided by law. And that the annual salary is established in accordance with the policies of the

employer and is based on an amount from the Adequate Education Program Salary scale for the appropriate certificate and years of experience of the employee and an amount from the local salary supplement scale of the employer, and/or an amount from the employer as compensation for which other duties are to be performed by the employee.

This contract shall be subject to all applicable policies, resolutions, rules and regulations of the employer and the laws of the State of Mississippi, copies of which are available from the Superintendent's office.

This contract of employment has been executed in duplicate on the dates indicated as witnessed by the signature of the employee and the duly authorized superintendent.

Superintendent

Employee

Date

Date

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

**CONTINGENT CONTRACT OF EMPLOYMENT
WITH
MISSISSIPPI PUBLIC SCHOOL DISTRICTS**

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

First Name Middle Name Last Name Social Security Number

(employee), and the _____ School District (employer), pursuant to an order duly passed by the school board of the school district.

Check (x) the appropriate box

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

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

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

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

legal action as may be necessary to collect from the employee, any amounts previously paid in excess of the amount paid to substitute teachers.

This agreement provides:

That the employee will be employed by the employer for the scholastic year(s) 20____ - 20____, subject to the terms and conditions stated herein, and shall hold the position of _____ . Assistant Superintendent, Principal, Licensed Employee

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

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

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

That in consideration for the duties performed under this agreement, the employer agrees to compensate the employee with an annual salary of \$_____, which shall be paid in _____ equal installments with the first payment beginning on the last working day of the month for which duties are performed or as may be otherwise provided by law. And that the annual salary is established in accordance with the policies of the employer and is based on an amount from the Adequate Education Program Salary scale for the appropriate license and years of experience of the employee and an amount from the local salary supplement scale of the employer, and/or an amount from the employer as compensation for which other duties are to be performed by the employee.

This contract shall be subject to all applicable policies, resolutions, rules and regulations of the employer and the laws of the State of Mississippi, copies of which are available from the Superintendent's office.

This contract of employment has been executed in duplicate on the dates indicated as witnessed by the signature of the employee and the duly authorized superintendent.

Superintendent

Employee

Date

Date

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

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

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DESCRIPTOR TERM: Cost Reimbursement/Salary Supplements	CODE: 2700
ADOPTION DATE: August 20, 1999	REVISION:

STATE BOARD POLICY

POLICY AND PROCEDURE SALARY SUPPLEMENTS AND PROCESS COST REIMBURSEMENT FOR MASTER TEACHER CERTIFICATES, NATIONAL CERTIFIED SCHOOL COUNSELORS AND CERTIFICATE OF CLINICAL COMPETENCE FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS

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

MASTER TEACHER CERTIFICATE - \$6,000 SALARY SUPPLEMENT

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

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

Beginning with the 2001-02 school year and in school years thereafter, a teacher will receive the full \$6,000 salary supplement if the certificate is awarded to the teacher prior to October 15 and the teacher's district time is reported as 100 percent on the district personnel report. The teacher will be entitled to a prorated salary supplement of \$3,000 beginning with the second school term if the certificate is awarded after October 15 but prior to February 15 of the school year and the teacher's district time is reported as 100 percent on the district personnel report. The salary supplement will be prorated when the reported district time is less than 100%.

The employer must establish a process that identifies all teachers who have successfully obtained the Master Teacher Certificate from the National Board for Professional Teaching Standards. Upon identifying those teachers, the employer must submit a letter to the Office of Financial Accountability requesting funds

to pay the salary supplement. The letter must list the name, social security number, percent of district time as reported on the personnel report and the amount of salary supplement for each teacher for which the employer is requesting funds.

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

MASTER TEACHER CERTIFICATE - PROCESS COST REIMBURSEMENT

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

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

NATIONAL CERTIFIED SCHOOL COUNSELOR - \$6,000 SALARY SUPPLEMENT

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

- 601006 Counselor, Vocational
- 601005 Counselor, Non -Vocational, Elementary
- 601107 Counselor, Non -Vocational, Secondary

The equivalent of such course areas is required when the individual is employed by the Mississippi Board

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

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

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

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

NATIONAL CERTIFIED SCHOOL COUNSELOR B PROCESS COST REIMBURSEMENT

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

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

CERTIFICATE OF CLINICAL COMPETENCE FOR SPEECH PATHOLOGISTS AND

AUDIOLOGISTS -- \$6,000 SALARY SUPPLEMENT

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

- 131012 Audiologist
- 132001 Early Childhood
- 132002 Language/Speech Therapy
- 132003 Language Impaired/Other Combination
- 132004 Hearing Impaired/Other Combination
- 132010 Elementary (K-8) Specific Learning Disability (SLD)/Other Combinations
- 132011 Secondary (7-12) Specific Learning Disability (SLD)/Other Combinations
- **132020 Home/Hospital (HH)**
- **132021 Special Education/ Assessment Team Member**
- **132023 Infant and Toddler**
- **132024 Elementary DD/Other Combinations**

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

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

The employer must establish a process that identifies all speech-language pathologists and audiologists who have successfully obtained the Certificate of Clinical Competence from the American Speech-Language Hearing Association. The employer must submit a letter to the Office of Financial Accountability

requesting funds to pay the salary supplement. The letter must list the name, social security number, percent of district time as reported on the personnel report and the amount of salary supplement for each speech-language pathologist or audiologist for which funds are being requested.

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

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

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

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

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DESCRIPTOR TERM: Criminal Records Background Checks	CODE: 2800
ADOPTION DATE: June 15, 2001	REVISION: November 15, 2002

STATE BOARD POLICY

CRIMINAL RECORDS BACKGROUND CHECKS ON APPLICANTS FOR EMPLOYMENT

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

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

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

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

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

limited to:

- a) age at which the crime was committed;
- b) circumstances surrounding the crime;
- c) length of time since the conviction and criminal history since the conviction;
- d) work history;
- e) current employment and character references;
- f) other evidence demonstrating the ability of the person to perform the responsibilities competently and that the person does not pose a threat to the health or safety of the children.

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

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DESCRIPTOR TERM: Curriculum Guides	CODE: 2901
ADOPTION DATE: October 24, 1997	REVISION:

STATE BOARD POLICY

The Mississippi Department of Education will provide curriculum frameworks to set forth expectations of students by specifying course titles and content. A schedule for revision of the frameworks will be established. As subject areas are revised and approved by the State Board of Education, the modification will be disseminated to the appropriate individuals in the educational community. An up-to-date copy of each framework and a schedule for revision shall be kept on file in the Mississippi Department of Education.

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DESCRIPTOR TERM: Access to a Substantive and Rigorous Curriculum Policy	CODE: 2903
ADOPTION DATE: January 15, 1999	REVISION:

STATE BOARD POLICY

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

II. Beginning with the 2007-2008 school year, all high schools must offer at least one (1) Advanced Placement (AP) course in each of the four (4) core areas (mathematics, science, language arts, and social studies). Distance learning or the Mississippi Department of Education's Mississippi Virtual Public School may be used as an appropriate alternative for the delivery of AP courses.

Any public high school offering the International Baccalaureate Diploma Program is exempt from Part II of this policy.

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

Any public high school offering the International Baccalaureate Diploma Program is exempt from

Part III of this policy.

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

V. Beginning with the 2007-2008 school year, each teacher planning to teach any AP course must have completed the College Board endorsed AP Summer Institute (APSI) for the course and must have obtained the AP certification through the Mississippi Department of Education's Office of Educator Licensure. Documentation showing completion of the College Board APSI is required. Teachers with the AP certification must comply with Licensure renewal guidelines. AP teachers must complete the AP Summer Institute (APSI) at least every five years, which can be used for licensure renewal if completed during the validity period.

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

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DESCRIPTOR TERM: Driver Education	CODE: 3000
ADOPTION DATE: October 16, 1987	REVISION:

STATE BOARD POLICY

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

DRIVER EDUCATION AND TRAINING PROGRAM REGULATIONS

I. Right to Establish Driver Education and Training Programs

- A. Any school or school district maintaining a secondary school which includes any combination of grades nine (9) through twelve (12) desiring to establish and maintain automobile driver training under the provisions of this Act, shall submit an application to the State Board of Education for approval.

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

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

II. Pupils Eligible to Participate in the Driver Education Program

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

- B. A learner's permit issued to a 14 year old student is valid only while participating in an

approved driver education course.

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

III. Instructional Time Requirements and Credit

A. A driver education course receiving approval for reimbursement must consist of a minimum of 30 clock hours of classroom instruction and six hours behind-the-wheel training or its equivalent which may be achieved in the following ways:

1. Actual six hours behind-the-wheel instruction, or
2. Twelve hours instruction in a State approved simulator and three hours behind-the-wheel training, or
3. Any combination of multi-car driving range instruction and simulation instruction at the proper ratio and a minimum of two hours on-street driving.

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

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

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

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

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

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

IV. Summer School Courses

A. Driver and traffic safety education may be offered in a regular summer school program for reimbursement provided:

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

B. Schedules may be required to show how these requirements will be achieved.

C. All reports and records required during regular session are also required for a summer

school session.

V. Reimbursement

A. Reimbursement will be made to school or school district upon request for courses which meet the requirements stated in III and IV.

B. The maximum allowance for cost of driver education and training as set forth in Chapter 25, Section 37-25-13 of the Mississippi Code of 1973, as amended 1982, is as follows:

"The State Superintendent of Pupil Education shall allow to each school or school district an amount per pupil to be determined by the State Board of Education, but in no case to exceed the actual cost per pupil completing the course in the driver education and training programs in that school or school district during the preceding fiscal year in accordance with the regulations set forth by the State Board of Education to the school or school districts for instructing pupils in driver education and training. All such funds made available for the purposes of this act shall be appropriated by the Legislature in the same manner as general funds. In the event that the funds herein authorized by the Legislature for the support of driver education shall exceed the funds which actually become available, each participating school or school district shall have its funds reduced on a pro rata basis.

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

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

VI. Teacher Qualifications

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

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

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

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

E. In addition to the above requirements, it is imperative that the school administration, when choosing a teacher for this program, be aware of the fact that much of the instruction is done

on the public streets and highways under the eye of the most severe critic, as far as automobile operation is concerned, the motoring public. In view of the public relations involved, the prospective teacher should be one who accepts the responsibility of being a competent traffic citizen not only when teaching but also in his personal life as both a driver and a pedestrian.

VIII. Driver Trainer Simulators

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

B. The following are the responsibilities of the State Department of Education concerning the State-owned mobile simulators.

1. Cooperate in the maximum utilization of available simulators by scheduling them in schools through local school superintendents.
2. Conduct in-service training workshops for teachers in the use of simulators.
3. See that the actual instruction of students in simulators is done by regularly employed driver education instructors in the school or school district where the instruction is being given.

C. The following should be considered when installing the State-owned mobile simulator at the school.

1. Sufficient space must be available. Each trailer is 60 feet long, 10 feet wide, and 12½ feet high. Sufficient space should be available for maneuvering since sharp turns are impossible to make. Be certain there is enough lateral, vertical, and longitudinal clearance plus a margin of safety for entrance to the site.
2. The ground should be level and a hard surface is necessary due to the weight of the equipment.
3. Power requirements for proper operation of the driver education simulator equipment may influence the selection of the site. A 230 volts, alternating current, three wires, (115 volts to neutral) single phase is required. This source should be capable of providing 100 amperes per line or approximately 25 KVA. It is important that the voltage be 230 volts and not 208.
4. All of the arrangements concerning the power should be left in the hands of the school electrician or to a competent electrical contractor. A qualified person should perform the work since power of this nature is dangerous and expensive. Such a person will know the local and state laws which must be met for reasons of safety and insurability. It is important that the power into the unit should not be turned on without the State Department of Education Technician present.
5. Arrangements should be made to locate a fuse box near the power input

connection of the trailer. From this external fuse (Circuit Breaker Box) 230 volts, 100 amperes, three number four wires can be run to the power disconnect plug on the front of the trailer. For permanent installation, the disconnect plug is removed and the wiring is made direct from the external fuse box to the internal circuit breaker panel.

6. When the trailer arrives and is located at its predetermined site, the Education Department Technicians will position the trailer and level the unit. Also, a complete check of the installation and the assurance of proper operation of the equipment will be made before turning the equipment over to the school.

VIII. Reports Required by the State Department of Education

http://www.healthyschoolsms.org/healthy_school_environment/driver_ed.htm

A. DE-1, Application for Approval and for State-Aid for teaching Driver Education, shall be completed as follows:

1. One copy to be sent to the State Department of Education at the beginning of the regular school session and at the beginning of the summer session.
2. One copy should be kept on file at the respective school.

B. DE-2, Application for Use of State-Owned Driver Trainer Simulator, shall be processed as follows:

1. Should be completed and returned immediately to the State Department of Education.
2. Must be on file with the State Department of Education before a unit may be assigned to a school district.

C. DE-3 and DE-3A, Requisition for Reimbursement for Teaching Driver Education and Summary of Students Completing Driver Education, shall be completed as follows:

1. One copy must be submitted to the State Department of Education at the conclusion of each semester, at the end of the summer session, or upon completion of the course.
2. A copy of this report should be retained at the respective school and school district superintendent's office.

D. DE-4, Driver Education Yearly Cost Report, shall be completed as follows:

1. One copy must be submitted to the State Department of Education at the end of the regular school session.
2. One copy should be kept on file at the respective school.

IX. Compliance Standards for Driver Education Training

A. No reimbursement will be made under this section for the instruction of pupils in driver education and training unless the respective school or school district has complied with the rules and regulations governing the establishment, conduct, and scope of driver education and training.

B. The State Board of Education, on recommendation of the State Superintendent of Education, reserves the right to revoke, modify, or amend these rules and regulations at such time as a majority of the members thereof deems necessary.

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DESCRIPTOR TERM: Compulsory School Attendance	CODE: 3101
ADOPTION DATE: July 20, 1990	REVISION: June 21, 1996

STATE BOARD POLICY

In order to comply with the legislative mandates governing the allocation of school attendance officers in each county, the following procedures will be used by the Mississippi Department of Education:

- (1) Will obtain, annually, the enrollment data to establish allocation of attendance officers based upon existing statutes.
- (2) Will establish, based upon statute, a list of allowable allocations which may be approved pending justification from district attorneys' offices.
- (3) Will develop a letter which will be sent to district attorneys' offices stating procedure to follow in justifying additional attendance officers beyond the one officer that is automatically granted for each county.
- (4) Will, after reviewing responses from district attorneys' offices, submit to the State Board of Education at the May meeting, recommendations for actual allocation of attendance officers by county for the next fiscal year.
- (5) Will, based upon State Board of Education approval, certify to the State Fiscal Management Board the allocation of school attendance officers for the fiscal year commencing July 1.

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DESCRIPTOR TERM: Reporting Unexcused Absences	CODE: 3102
ADOPTION DATE:	REVISION:

STATE BOARD POLICY

DROPOUT PREVENTION

Pursuant to Section 37-13-91, Subsection 8 of the Mississippi Code of 1972 as amended 1991, the State Board of Education is required to adopt rules and regulations for the purpose of reprimanding any school superintendent who fails to report timely unexcused absences. the following procedures shall be followed:

1. A District Attorney in conjunction with the school attendance officer may present evidence to the Department of Education, Office of Community and Outreach Services, that a school superintendent has failed to report unexcused absences in a timely manner. Such a charge must be in writing and supported by written evidence.
2. The State Department of Education will review the evidence within seven days of receipt and determine if further action is warranted.
3. If no action is warranted, the State Department of Education will notify the District Attorney in writing of the determination. Should sufficient evidence of non-compliance exist, the local school superintendent will be notified in writing and given ten (10) working days from the date of receipt to submit a response.
4. After an examination of all evidence, the State Department of Education may recommend to the State Board of Education issuance of a letter of Reprimand. Both parties may present their evidence to the State Board of Education whose decision will be final.
5. The Office of Accreditation will be notified that the school district is not in compliance with the Compulsory School Law. After issuance of a letter of reprimand by the State Board of Education, the Office of Accreditation will note such violation in the accreditation records.

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DESCRIPTOR TERM: Attendance Court Ordered	CODE: 3103
ADOPTION DATE: April 21, 1995	REVISION:

STATE BORD POLICY

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.

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DESCRIPTOR TERM: Drug Testing, SDE Staff	CODE: 3200
ADOPTION DATE: January 20, 1995	REVISION:

STATE BOARD POLICY

In compliance with the Omnibus Transportation Employee Testing Act of 1991, the State Board of Education has developed the attached drug and alcohol policies and procedures. These policies and procedures shall be implemented and enforced.

POLICY STATEMENT

For Alcohol and Controlled Substance Use
January 1, 1995

The Mississippi Department of Education, hereafter referred to as the Department, recognizes that our employees are our greatest asset. Our employees are the key to our goal of providing the best possible education program for our students. To achieve our goal, and to maximize the skills and talents of our employees, it is important that every employee of the Department understand the dangers of drug and alcohol abuse and be aware of the new state and federal requirements concerning substance abuse. This policy statement should clarify our position on employee drug and alcohol use. This policy and procedure should not be construed as contractual in any nature.

POLICY OBJECTIVES:

1. To create and maintain a safe, drug-free working environment for all employees.
2. To meet the requirements of the Drug Free Workplace Act of 1988 and the Drug Free Schools and Community Act of 1986, as they relate to the use of alcohol, inhalants, cannabis, controlled substances and similar substances.
3. To encourage any employee with a dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem.
4. To reduce problems of absenteeism, tardiness, carelessness and/or other unsatisfactory matters related to job performance.
5. To reduce the likelihood of incidents of accidental personal injury and/or damage to customers,

visitors or property.

6. To meet the requirements of 49 C.F.R. part 40 and the Omnibus Transportation Employee Testing Act of 1991.

- To reduce the likelihood that department property will be used for illicit drug activities.
- To protect the reputation of the Department and its employees.

Substance abuse is a serious threat to the Department and its employees. Though the percentage of substance abusing employees may be relatively small, practical experience and research indicate that appropriate precautions are necessary. It is the belief of the Department that the benefits derived from the policy objectives outweigh the potential inconvenience to employees. The Department earnestly solicits the understanding and cooperation of all employees in implementing this policy.

The Department requires that all employees report to work without any alcohol or illegal or mind altering substances in their systems. No employee shall report for work or remain on duty when using any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform in a safe manner. No employee shall use alcohol while on duty. Further, outside conduct of a substance abuse-related nature which affects an employee's work, the Department's relationship with the government or reflects badly on the Department is prohibited.

Employees must inform their supervisor when they are legitimately taking medication which may affect their ability to work, in order to avoid creating safety problems and violating the Drug and Alcohol Policy.

The Department also prohibits employees using, possessing, manufacturing, distributing or making arrangements to distribute illegal drugs while at work or on department property.

ENFORCEMENT of OMNIBUS TRANSPORTATION ACT

The following policies are related only to those employees, applicants, and contractual workers subject to 49 C.F.~ Part 40 and the Omnibus Transportation Employee Testing Act of 1991. In order to enforce these rules, the Department reserves the right to require the above employees to submit, at any time an employee is on duty or at any time an employee may normally be called to be on duty, to drug tests to determine the presence of prohibited substances. The State Board of Education is required to develop, implement and enforce a drug and alcohol policy for their employees as a condition of compliance with the Omnibus Transportation Employee Act of 1991.

Pursuant to Board policy and regulations, applicant testing may be required. All current employees may be required to undergo testing where the Board has reasonable suspicion to believe an employee has violated its Alcohol and Drug Policy, and/or on a random basis without advance notice. No employee shall perform any job-related duties within four hours after using alcohol. Employees are also required to report all injury or damage related accidents involving Department property or personnel or during Department-related activities and may be required to submit to alcohol screening within two (2) hours and to drug screening within thirty-two (32) hours of a reportable accident.

**Mississippi Department of Education
Drug and Alcohol Program
Procedures**

I. General Policy

Practical experience and research has proven that even small quantities of narcotics, abused prescription drugs or alcohol can impair judgment and reflexes. Even when not readily apparent, this impairment can have serious results, particularly for employees operating vehicles or potentially dangerous equipment. Drug-using employees are a threat to co-workers and themselves, and may make costly errors. For these reasons, the State Board of Education has adopted a policy that all employees must report to work completely free from the effects of alcohol and/or the presence of drugs, unless used as prescribed by a physician.

II. Drug Use/Distribution/Impairment/Possession

All employees are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, abused prescription drugs or any other mind altering or intoxicating substances present in their system while at work or on duty.

III. Alcohol Use/Possession/Impairment

All employees are prohibited from possessing, drinking or being impaired or intoxicated by alcohol while at work or on duty. While employees are prohibited from having any alcohol present in their system while on duty, a Breath Alcohol Concentration (BAC) of .04 will be accepted as presumptive evidence of intoxication. Additionally, mandated employees (employees subject to provisions of 49 C.F.R Part 40 and the Omnibus Transportation Employee Testing Act of 1991) with a BAC of .02-.039 will be placed out-of-service for a period of no less than 24 hours. Evidential breath testing devices (EBTs) on the National Traffic Highway Safety Administration Conforming Products List will normally be used to determine BAC.

IV. Off-Duty Conduct

Off-the-job use of drugs, alcohol or any other prohibited substances which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product, or harm to the Department's image or relationship with the government is prohibited. Employees should realize that these regulations prohibit all illicit drug use--on and off duty.

V. Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; however, the Department prohibits the misuse of prescribed (or over the counter) medications and requires all employees using drugs at the direction of a physician to notify the State Board of Education's Medical Review Officer (MRO), Dr. Howard M. Strickler, or their supervisor prior to beginning work where these drugs may affect their job performance, such as by causing drowsiness.

An employee or job applicant (with the exception of mandated employees) shall be allowed to provide notice to the Department of currently or recently used prescription or nonprescription drugs at the time of the taking of the specimen to be tested, and such information shall be placed in writing upon the employer's drug and alcohol testing custody and control form prior to initial testing.

VI. Substance Screening

A. Applicants

Substance screening may be required for all final applicants. Applicants are required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

B. All Current Employees

1. Reasonable Suspicion

All employees may be required to submit to screening whenever a supervisor observes circumstances which provide reasonable suspicion to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. The supervisor's determination that reasonable suspicion exists to require the employee to undergo an alcohol and drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a supervisor or designee who has been trained for at least 60 minutes on alcohol misuse and an additional 60 minutes on controlled substance misuse.

The supervisor or supervisors requesting testing shall prepare and sign written documents explaining the circumstances and evidence upon which they relied within 24 hours of the testing, or before the results of the tests are released, whichever is earlier. While one supervisor may request a reasonable suspicion test, when feasible, supervisors are encouraged to obtain a second supervisor as a witness.

2. Random Testing

The Department may conduct random unannounced screening of all employees. Tests of employees for illicit drugs will be conducted in a number equal to or greater than 50 percent of the affected work force--without advance notice--in any given 12 month period. Tests of employees for alcohol will be conducted in a number equal to or greater than 25 percent of the affected work force--without advance

notice--in any given 12 month period. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule. Subsequent testing will be conducted at levels equal to or greater than the initial testing level. Employers Drug Program Management, Inc. will provide computerized random sample lists to the Drug Program Coordinator. The list of employees in the random pool will be updated on a monthly basis. Employees will be required to report to the Department's designated collection site for testing immediately following notification. Annually, the tests will be spread reasonable over 12 months.

All employees may be tested during the initial implementation of the program.

3. Post Accident Testing

Employees are required to immediately notify the Drug Program Coordinator of any accident resulting in injury or damage to Department property. The Department of Transportation (DOT) requires post accident drug and alcohol testing following any accident which results in the: (1) loss of human life, or (2) receipt of a citation under State or local law for a moving traffic violation arising from the accident.

The Department may require an employee involved in any accident resulting in injury requiring more than simple first aid or resulting in damage to property, to undergo alcohol screening within 2 hours and drug screening within 32 hours of the occurrence of the accident. The Department will discipline any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator shall complete an Accident Report in compliance with Department policy and applicable laws and regulations.

4. Return to Duty/Follow up Testing

All employees referred for rehabilitation through administrative channels, or suspended for violation of this policy, may be subject to unannounced testing following return to duty for a period of 12 to 60 months. Such employees shall be tested at the frequency stipulated in the abeyance contract or as scheduled by the MRO. The employee will be tested a minimum of six (6) follow up tests during the first twelve months. Testing will be on a daily, weekly, monthly or longer basis at the discretion of the MRO and will be in addition to the other types of tests provided in this policy.

Employees testing at a level 0.04 BAC for alcohol or positive for drugs must be assessed by a Substance Abuse Professional (SAP), satisfy the recommendations of the assessment, test negative for drugs and below 0.02 BAC for alcohol and be released as drug free by the Medical Review Officer prior to returning to duty.

C. Testing Procedures

1. General Guidelines

The State Board of Education and its lab shall rely, when practical, on the guidance of the federal Department of Transportation, Procedures for Transportation Workplace Drug Testing

Programs, 49 C.F.R. parts 40.1 through 40.39, and on the further guidance of the Omnibus

Transportation Employee Testing Act provided in 49 C.F.R. Parts 382, 391, 392 and 395.

2. Substances Tested For All Employees

Employees may regularly be tested for: amphetamines, cannabinoids, cocaine, opiates, phencyclidine and alcohol. Testing for alcohol will also be conducted subject to the final provisions of the Omnibus Transportation Employee Testing Act of 1991. Employees may be tested for other substances without advance notice as part of a separate test performed by the Department for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

3. Testing Procedure

The State Board of Education reserves the right to utilize blood, hair, breath, saliva or urinalysis testing procedures. Only urinalysis and breath tests will be utilized in the pre-employment and random testing. All initial positive urine specimens will be confirmed by gas chromatography/mass spectrometry (GC/MS).

D. Collection Sites

The Department will designate collection sites in areas where it maintains facilities or job sites where individuals may provide specimens.

E. Collection Procedures

The State Board of Education, Employers Drug Program Management, and the laboratory, have developed and will maintain a documented procedure for collecting, shipping and accessing urine specimens. The State Board of Education, EDPM and the laboratory will utilize a standard Urine Custody and Control Form for all employee drug testing. The State Board of Education, EDPM and the laboratory will utilize a standard Breath Alcohol Testing Form for all employee alcohol testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used for drug sample transportation. Alcohol results will use approved tamper evident tape.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable. A person who collects or takes a specimen for a drug test pursuant to this policy shall collect an amount sufficient for two (2) drug tests as defined by the Department of Transportation. Where the Department has an employee collect the specimen, the State Board of Education will provide instruction and training to that employee. All alcohol testing will be performed by a certified Breath Alcohol Technician (BAT). All employees will also be required to execute the Department Applicant/Employee Consent Form.

F. Occasions When the Collection Personnel Should Directly Observe the Specimen Being Provided

The Department has adopted the direct observation procedures as set out in Section 40.25 of the Department of Transportation regulations. An Employer or Medical representative at the collection

site may directly observe an employee provide the specimen where there is reason to believe that an individual may alter or substitute the specimen. Section 40.25 (e)(2) sets out the only four circumstances where direct observation is appropriate:

- (1) The employee has presented a urine specimen that falls outside the normal temperature range, and the employee declines to provide a measurement of oral body temperature by sterile thermometer, as provided in paragraph (f)(23) of this part, or the oral temperature does not equal or exceed that of the specimen.
- (2) The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/L.
- (3) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.).
- (4) The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted as a part of a rehabilitation program or on return to service after any required rehabilitation.

A second specimen should be obtained under direct observation wherever there is reason to believe that the individual may have altered or substituted the specimen.

Where necessary, a Department representative or medical personnel may obtain a specimen outside of a designated collection site (such as, at a public restroom at an accident investigation).

G. Evaluations and Return of Results to the Department

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the Department's MRO, Dr. Howard M. Strickler. The MRO will be responsible for reviewing the quantified test results of employees and confirm that the individuals testing positive have used drugs in violation of Department policy. Prior to making a final decision, the MRO shall give the individuals an opportunity to provide a medical explanation for the positive test result either face to face or over the telephone. The MRO shall then promptly report to the Drug Program Coordinator which employees or applicants test positive.

H. Request for Retest

Where a split specimen has been collected an employee may request a retest of the split specimen within 72 hours of notification of the final test result. Where only one sample is submitted for testing the employee may request a retest of the original sample within 72 hours after notification of the final test result. Requests must be submitted to the Drug Program Coordinator.

The employee may be required to pay the associated costs of retest in advance.

I. Release of Test Results

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the employer through its drug and alcohol testing program are confidential communications and may not be disclosed except in accordance with the Policy Consent/Release Form and Federal Regulations 49 C.F.R. et seq and 49 C.F.R. 382 et seq.

With the exception of those entities listed in the Federal Regulations, test results shall not be released by the State Board of Education, beyond the MRO and Department's management without the individual's written authorization. However, all employees will be required to execute a consent/release form permitting the Board to release test results and related information to the Unemployment Compensation Commission, or other relevant government agencies.

The MRO shall retain the individual test results for five (5) years.

VII. Discipline

The State Board of Education will discipline, including discharge, employees for any violation of the policy, including refusing to submit to screening, to execute a release, or otherwise cooperate with an investigation or search by the Department. Disciplinary measures will be instituted in accordance with State Personnel Board regulations if applicable, and state and federal laws.

All employees who test positive in a confirmative substance test will be subject to discipline up to and including discharge. Rehabilitation, at a pre-approved treatment provider, may be available to individuals who violate the policy. However, unless other provisions are available to the affected individual, assistance will be limited to the degree of treatment provided within the Department's Employee Benefits Plan. The Drug Program Coordinator should be contacted for guidance.

No employee may be returned to regular duties after any rehabilitation or testing positive unless released for duty for the Department's MRO. Any employee returned to duty after violating the policy or testing positive will be subject to aftercare and random testing.

VIII. Employee Assistance Program (EAP)

The Board's EAP shall include education and training for supervisors who are authorized to determine reasonable suspicion testing. These supervisors must receive a minimum of 60 minutes on alcohol abuse and an additional 60 minutes of training on controlled substance use and abuse.

The training shall cover the physical, behavioral, speech and performance indicators of probable use and misuse of alcohol and controlled substances. Documentation of training attendance must be maintained.

The Drug Program Coordinator should be contacted for further guidance.

IX. Investigation/Searches

Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he or she may inspect vehicles which an employee brings on the Board's property, lockers, work areas, desks, purses, briefcases, tool boxes or other belongings, and at locations where Department related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator will do so for him or her. The Board may release any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities.

All searches should be coordinated with the Drug Program Coordinator.

NOTE

These procedures should not be construed as contractual in any nature. They represent the State Board of Education's current guidelines in dealing with a developing problem under evolving laws and facts, and may be changed in accordance with Department policy and state and federal law.

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DESCRIPTOR TERM: Enhancement Funds	CODE: 3400
ADOPTION DATE: August 22, 1997	REVISION:

STATE BOARD POLICY

Rules and Regulations Regarding the Administration of Funds Appropriated for Education Enhancement Funds for Classroom Supplies and Materials

Authorization and Dissemination

Pursuant to House Bill Number 675, enacted by the Mississippi Legislature during its regular 1997 session, this policy provides rules and regulations for the administration of Education Enhancement Funds appropriated for classroom supplies, materials and equipment. The intent of the policy is to allow individual teachers to expend such funds as they deem appropriate, with minimum input from school principals. This policy will be distributed to each school principal for their information and for posting in a common area easily accessible to all teachers in the school building, or distribution to each teacher in the building individually.

Allocation of Funds

Classroom supply funds may not be expended for administrative purposes. These funds may only be used to supplement, not replace, other local and state funds available for the same purpose. Each local school district must allocate classroom supply funds equally among all classroom teachers in the school district. The term "teacher" shall mean any employee of the school district who is required by law to obtain a teacher's license from the State Board of Education and is assigned to an instructional area of work, but shall not include a federally funded teacher. The term "teacher" includes all licensed regular teachers and licensed state or locally funded special education teachers, vocational teachers, gifted teachers, counselors and librarians. Part-time teachers may be allocated a proportional share of the amount allocated to other teachers based on time spent in an instructional area of work.

Spending Plan Development

Teachers must be given an opportunity to expend their allocation individually or to pool all or part of their allocation to support the overall goals of the school. The principal must apprise teachers of their allocation amount and any other funds available for supplies, educational materials, equipment,

computers or computer software.

Any two (2) or more teachers may agree to pool all or part of their allocation to support the overall goals of a school within a school district. Teachers desiring to pool their funds must develop a spending plan that supports the overall goals of the school. A school may accomplish this by approving one or more plans. A spending plan is required only when two or more teachers choose to pool their allocation. Teachers who agree to pool their allocation must indicate their agreement by signature. A spending plan may be modified upon request by the teachers and approval by the principal. Teachers who expend their allocation individually are not required to develop a plan.

Approval of the Spending Plan and Individual Teacher Expenditure Requests

There is no mandated format for a spending plan; however, school districts may consider using the attached format. The plan must be submitted, in writing, to the school principal for approval. Teachers who do not pool their allocations need only complete, sign and submit purchase requisitions or purchase requests to the school principal for approval. A principal may disapprove a spending plan or a teacher's individual expenditure request only if the principal can demonstrate that:

- (1) the plan or expenditure request does not support the overall goals of the school;
- (2) the plan or expenditure request includes an unallowable item or items; and/or
- (3) the cost of supplies and materials exceeds the allocation and any carry forward funds available to participating teachers.

Carry Forward of Funds

School districts need not fully expend their allocation in the year in which they receive them, but they may carry forward such funds for expenditure in any succeeding school year. However, districts are encouraged to expend their funds in the year in which they receive them. If a district does not fully expend its allocation, they must carry forward the balance to the next school year, added to the next school year's allocation and allocated equally to all teachers. However, to allow teachers the flexibility to use the funds as they desire, the school principal shall allow any teacher to accumulate all or part of their allocation over a period of two or more years pursuant to written justification. If a teacher makes such a request, such carry forward funds may not be added to the following school year's allocation and divided equally among all teachers. The school district must use the optional Tracking Format described in the Documentation section below or a variation of that format to track the teacher's carry forward funds.

Documentation

School districts are required to maintain adequate documentation to demonstrate compliance with this policy. At a minimum, each school principal shall maintain a listing of all teachers, the amount allocated to each teacher, the carry forward amount for each teacher, a copy of each spending plan and a copy of all requisitions or purchase requests submitted by the teachers. As a teacher submits requisitions or requests for supplies, materials and/or equipment, the principal will reduce the

individual teacher's allocation for the appropriate amount and maintain a current balance. Attached is an optional format for tracking expenditures. Although the format is optional, the information on each teacher's allocation, expenditures and balance must be maintained.

Definitions

Administrative Purposes - shall mean expenditures properly accounted for under expenditure function codes 2300, General Administration; 2400, Office of the Principal Services; 2500, Business Services and 2800, Support Services Central, as defined by the Office of the State Auditor in the Financial Accounting Manual for Mississippi Public School Districts. Classroom and Instructional Purposes - shall mean expenditures properly accounted for under expenditure function codes 1110 - 1190, Regular Programs; 1210 - 1290, Special Programs (excluding 1250, Title I of ESEA); and 1400, Summer School Programs, as defined by the State Auditor in the Financial Accounting Manual for Mississippi Public School Districts.

Equipment - shall mean purchases of property properly accounted for under expenditure object codes 730 and 740, Capitalized and Non-Capitalized Furniture and Equipment, as defined by the State Auditor in the Financial Accounting Manual for Mississippi Public School Districts. This does not include land, buildings, and improvements of grounds, and buildings. Furniture may be purchased only when it directly relates to the equipment purchased or when there is a special need. The school district should purchase items that meet the basic needs of teachers or students, such as student desks and teacher desks and chairs, with other appropriate funds.

Instructional Area of Work - shall mean an area of work dealing directly with the provision of academic instruction, vocational instruction or guidance to students by an employee who is required by law to obtain a teacher's license from the State Board of Education. The instruction or guidance may be provided in the classroom or in another location, such as a library or a counselor's office. This definition applies to teachers, librarians and guidance counselors.

Spending Plan - shall mean a document that must be developed by two or more teachers who elect to pool all or part of their allocation to purchase an allowable item or items that support the overall goals of the school. The spending plan should include the name of the school district, the name of the school, the school year, the allocation amount per teacher, the amount of the allocation being pooled, the number of participating teachers and the type of item or items to be purchased. The spending plan must also include the name and signature of each participating teacher. Teachers who expend their allocation individually are not required to develop a spending plan.

SUGGESTED SPENDING PLAN FORMAT FOR CLASSROOM SUPPLIES, INSTRUCTIONAL MATERIALS AND EQUIPMENT

(To be completed only when two or more teachers pool their allocation to benefit the school)

School District:

School:

School Year:

Allocation Amount Per Teacher: \$

Total Amount Devoted to this Plan \$

Number of Teachers Participating in the Plan

1. Teachers: Briefly describe the type of classroom supplies, instructional materials and equipment, computers or computer software to be purchased.

Note: The principal may require a detailed list of items for approval. Add pages as necessary.

2. Principal: Complete the approval section below.

Principal's Approval: Yes_No_(Must be able to demonstrate reason) Reason for Disapproval
(Check the appropriate response and briefly explain if the plan is disapproved)

- a. Plan does not support the overall goals of the school
- b. Plan includes unallowable items
- c. Plan exceeds total funds available to teachers

Principal's Name: Date Principal's Signature

Note: The following page must be completed to list the names and signatures of participating teachers.

The following teachers have met and agreed to participate in the above spending plan. Copy and add sheets, if necessary.

Teacher Name	Teacher Signature

DESCRIPTOR TERM: Equity Funding	CODE: 3500
ADOPTION DATE: June 22, 1990	REVISION:

STATE BOARD POLICY

ALLOCATIONS

The sections of the Mississippi Code listed below explain how the allocations are calculated for each of the funding elements.

- Uniform Millage Assistance Grant -- Section 37-22-1
- Second Level Funding Program -- Section 37-22-3
- Emergency Fund Loss Assistance -- Section 37-22-5

REQUIRED MILLAGE LEVIES

For those districts with operational levies at 28.33 mills or higher for FY 89:

No increase in levies are required for FY 91.

For those districts with FY 89 operational levies below 28.33 mills but with a levy sufficient to generate \$463 per student in ADA:

An increase must be levied:

1. that would have generated \$463 per student in ADA for FY 89
2. equal to the Uniform Minimum School District Ad Valorem Tax Levy (28.33 mills) whichever is less; except that districts may levy such increases in 4 mill annual increments.

Please note Section 37-57-107, Mississippi Code, regarding the limitation on the increase of taxes:

"...(c) any additional millage levied and the revenue generated therefrom which shall be excluded from the limitation for the first and each subsequent year of the levy, for the purpose of generating additional local contributions mandated under Section 37-57-105, Mississippi Code of 1972, requiring the

board of trustees of a school district to reach the millage levy certified by the State Board of Education as the uniform minimum school district ad valorem tax levy or the millage levy which would generate funds in an amount equal to a school district's "district entitlement" as defined in Section 37-22-1 (2) (e)."

Use of Funds

The law states that funds shall be expended "***exclusively for classroom instructional purposes.***" We have initially interpreted this to mean any expenditures in Expenditure Function 1000 (Instruction) plus 2100 (Student) plus 2200 (Staff). This definition will include all direct costs of "instruction" plus guidance services, in-service training, library/media and the other expenditures properly classified under Functions 2100 and 2200. It would not include administration cost (Functions 2300, 2400, and 2500), operation and maintenance of plant (Function 2600), transportation (Function 2700), central services (Function 2800), non-instructional cost (Function 300), facility acquisition and construction (Function 5000) and debt services (Function 6000).

Accounting for Expenditures

These funds may be commingled in other District Maintenance Funds, therefore, no tracking of expenditures is required.

Carryover Funds

It was the intent of the Legislature that all funds made available be expended during the year for which appropriated. However, there is no requirement in the law for unexpended funds to be returned to the State. Any residue of unexpended funds may be carried over to the next fiscal year so long as they are budgeted and spent for "classroom instructional purposes."

Distribution of Funds

Each district will receive 1/9th of the allocation for the 1990-91 school year beginning October 25, 1990, and on the 25th, or the next business day after that date, thereafter except for the December payment which will be made on December 15th or the next business day after that date. (The payment schedule is the same as for Minimum Program funds.) The payments will be by electronic transfer to the district's District Maintenance Fund.

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DESCRIPTOR TERM: Functional Literacy Exam	CODE: 3600
ADOPTION DATE: July 15, 1988	REVISION: September 15, 2000 July 18, 2003 February 20, 2004

STATE BOARD POLICY

Academic end-of-course tests will be phased in during the 2001-2002 school year to replace the (FLE) as a requirement for graduation

- Students who began 9th grade in school year 1999-2000 (anticipated graduation in 2003) must pass the Functional Literacy Examination (FLE) plus the Subject Area Test in U.S. History from 1877.
- Students who begin 9th grade in school year 2000-2001 (anticipated graduation in 2004) must pass the mathematics section of the FLE plus the Subject Area Tests in U.S. History from 1877 and English II (with a writing component).
- Students who begin 9th grade in 2001-2002 (anticipated graduation in 2005) must pass the mathematics section of the FLE plus the Subject Area Tests in U.S. History from 1877, English II (with a writing component), and Biology I.
- Students who begin 9th grade in 2002-2003 (anticipated graduation in 2006) must pass the Subject Area Tests in U.S. History from 1877, English II (with a writing component), Biology I and Algebra I. This group of students must pass all four Subject Area Tests even if they take the course(s) prior to their 9th grade year.
- Students who begin 9th grade in 2003-2004 and each year thereafter (anticipated graduation in 2007 and later) must pass all required Subject Area Tests in U.S. History from 1877, English II (with a writing component), Biology I, and Algebra I even if they take the course(s) prior to their 9th grade year.

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DESCRIPTOR TERM: Gifted	CODE: 3700
ADOPTION DATE: May 8, 1990	REVISION: July 15, 1994

STATE BOARD POLICY

The operation the gifted program is governed by the document entitled *Regulations for Gifted Education Programs*. An up-to-date copy of that document shall be kept on file in the State Department of Education. Upon approval of amendments to that document by the State Board of Education, staff will disseminate same to the appropriate personnel in the education community.

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DESCRIPTOR TERM: Graduation Requirements	CODE: 3800
ADOPTION DATE: February 23, 2001	REVISION: December 13, 2002

STATE BOARD POLICY

Policies for Subject Area Testing

- Students will not be required to pass any end-of-course Subject Area Test in a course for which the Carnegie unit was earned by the student in a Mississippi public school prior to the 2001-2002 school year.
- Students entering a Mississippi public school will not be required to pass any end-of-course Subject Area Test in a course for which the school accepts Carnegie units earned by the student in a public school of another state as fulfilling the requirements for a Mississippi high school diploma.
- Students entering a Mississippi public school will not be required to pass any end-of-course Subject Area Test in a course for which the school accepts Carnegie units earned by the student in a private school as fulfilling the requirements for a Mississippi high school diploma, provided the private school is accredited regionally or by the state of Mississippi.
- Students entering a Mississippi public school will be required to pass any end-of-course Subject Area Test in a course for which the school accepts Carnegie units earned by the student in a private school as fulfilling the requirements for a Mississippi high school diploma if the private school is not accredited regionally or by the state of Mississippi.
- Students entering a Mississippi public school will be required to pass any end-of-course

Subject Area Test in a course for which the school accepts Carnegie units earned by the student through home schooling as fulfilling the requirements for a Mississippi high school diploma

- Any Mississippi public school student who fails to pass a required Subject Area Test will be offered a chance to retake the test three times each year until a passing score is achieved:
 - At or near the end of the fall semester,
 - At or near the end of the spring semester, and
 - At or near the end of summer school.
- Any Mississippi public school student shall not be awarded Carnegie unit credit unless the core objectives identified in the Mississippi Curriculum Framework have been mastered. Passage of the required Subject Area Test is a separate requirement towards graduation and shall not be criteria for awarding Carnegie unit credit.

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DESCRIPTOR TERM: Grants/Subgrants/Contract Approval (SDE)	CODE: 3900
ADOPTION DATE: November 18, 1994	REVISION: May 15, 1998

STATE BOARD POLICY

MDE CONTRACT PROCUREMENT POLICY

The Mississippi Department of Education (MDE) Contract Procurement Policy set forth herein applies to the procurement, management and control of all personal and professional services with any funds by the Mississippi Department of Education. These regulations shall apply to every expenditure of public funds irrespective of their source. Violation of these regulations shall carry such penalties as may be applicable under State laws. In the event of a conflict, the guidelines of the grant, gift, or self-generated funds shall prevail. The awarding office shall be responsible for being aware of all applicable regulations and rules governing the procurement of services, as well as ensuring that these procedures are followed in the procurement process.

Contracting for services shall be governed by the Personal Service Contract Procurement Regulations promulgated by the Personal Service Contract Review Board (PSCRB), as well as the policy and procedures approved by the Mississippi Board of Education. Contracts must be procured by obtaining adequate and reasonable competition, with the exception of sole-source and emergency procurements (defined below). Generally, the total amount of the contract shall be used to determine the appropriate method for procurement of services.

Contracting for services shall be accomplished by using one of the methods of source selection indicated below:

- Competitive Sealed Bids
- Competitive Sealed Proposals
- Small Purchase
- Sole-Source Procurement
- Emergency Procurement

In accordance with MDE and PSCRB rules and regulations, the following methods of source selection shall be utilized in procuring contractual services:

- 0 - \$50,000

MDE rules and regulations using one of the following procurement methods:

- Competitive sealed bidding
- Competitive sealed proposals
- Small purchases
- Pool of service providers
- Three written quotations
- Sole-source procurement
- Emergency procurement

- \$50,000 - \$100,000

PSCRB rules and regulations using one of the following procurement methods:

- - Competitive sealed bidding
 - Competitive sealed proposals
 - Small purchases
 - Pool of service providers
 - Three written quotations
 - Sole-source procurement
 - Emergency procurement

- Excess of \$100,000

PSCRB rules and regulations using one of the following procurement methods:

- Competitive sealed bidding
- Competitive sealed proposals
- Sole-source procurement
- Emergency procurement

Contracts in excess of \$20,000 in personnel services must be approved by the Mississippi Board of Education prior to the department awarding the contract. The awarding office must present any such contract to the Mississippi Board of Education at the Board meeting prior to the beginning date of the contract.

Contracts in excess of \$100,000 must be submitted for approval to the PSCRB at least 10 working days prior to the first Monday of each month. The PSCRB meets on the first Monday of each month.

Therefore, the awarding office must present any contract in excess of \$100,000 to the MDE Contract Analyst for review 12 working days prior to the first Monday of each month. The effective date of the contract shall be the date of PSCRB approval (first Monday of each month) or thereafter. The Mississippi Board of Education shall approve any contract requiring PSCRB approval.

It is the responsibility of the awarding office to meet the time frames necessary to secure Mississippi Board of Education and PSCRB approval. Generally, contracts requiring PSCRB approval must receive Mississippi Board of Education approval prior to consideration by the PSCRB.

CONTRACTS EXEMPT FROM APPROVAL BY THE PSCRB

The following contracts are exempt from approval by the PSCRB:

- Personal service contracts not exceeding \$100,000;
- Non-state service agencies' contracts (except those that are between state service and non-state service agencies);
- Contracts between agencies under the purview of the State Personnel Board;
- Computer or information technology-related services governed by the Mississippi Department of Information Technology Services; and
- Personal service contracts entered into by the Mississippi Department of Transportation.

The following service types are also exempt from approval by the PSCRB:

- Attorney
- Accountant
- Auditor
- Physician
- Dentist
- Architect
- Engineer
- Veterinarian
- Utility rate expert

Contracts between MDE and state/non-state service agencies may be procured on a negotiated basis, using the following methods of procurement:

- Sole source (within state/local entities)
- Competitive (service provided by multiple entities)
- Emergency

The Mississippi Department of Information Technology Services rules and regulations shall govern contracts procured for computer or information technology-related services.

While the above contracts are exempt from the PSCRB approval, the awarding office is responsible for ensuring that these contracts comply with MDE's internal review and approval procedures.

METHODS OF SOURCE SELECTION

The following regulations govern the methods of source selection to be used in procuring contractual services:

Competitive Sealed Bidding

When a determination is made that competitive sealed bids procurement is best suited for a particular service, an Invitation for Bids shall be issued in accordance with PSCRB regulations. The Invitation for Bids shall include a purchase description and all contractual terms and conditions applicable to the procurement as outlined below:

- Instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the state, rejection of bids, and any other special information;
- Purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description;
- Contract terms and conditions, including warranty and bonding or other security requirements, as applicable; and,
- Instructions to bidders on the designation of trade secrets or other proprietary data to be confidential. Material so designated shall be accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid.

The Invitation for Bids form, Section 17.1, shall be utilized by the awarding office to initiate a competitive sealed bid procurement. **The Invitation for Bids must be reviewed by the Contract Analyst prior to distribution to potential service providers or vendors.** The bid shall be assigned a Bid File Number by the awarding office, which shall consist of the word BID, fiscal year, organizational code with an office identifier (if necessary), and sequential number of bid. For example, the first bid number in Educational Technology would be BID98-4701-001.

The following regulations shall govern the competitive sealed bids procurement:

- Public notice of Invitation for Bids shall be publicized in a newspaper published in the county or municipality in which the agency is located when the anticipated expenditure is more than \$100,000. Advertisement of bids shall be published once each week for two consecutive weeks with the second

notice being published on or after the 7th calendar day after the first notice was published. The date set for the bid opening for services shall not be less than seven (7) working days after the last notice appears in the newspaper, i.e., no sooner than the 8th working day.

The following is a suggested guide for the legal advertisement:

The *(name of the entity)* will accept sealed bids until *(time of bid opening)*, *(day of the week)*, *(month)*, *(date)*, *(year)* for the purpose of purchasing the following:

(name of service you wish to procure),
(bid file number)

Detailed specifications may be obtained by contacting *(name of contact person)* at *(telephone number)* or at *(physical mailing address)*.

- Pre-bid conferences may be conducted to explain the procurement requirements. They shall be announced to all prospective bidders known to have received an Invitation for Bids. The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written amendment as provided in the PSCRB regulations; and the Invitation for Bids, if a pre-bid conference was required therein, or the notice of pre-bid conference shall so provide. A summary of the conference shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If a transcript is made, it shall be a public record.
- Any bid received after the time and date set for receipt of bids is late. Any withdrawal or modification of a bid received after the time and date set for opening of bids at the place designated for opening is late. No late bid, late modification, or late withdrawal will be considered unless receipt would have been timely but for the action or inaction of State personnel directly serving the procurement activity.
- Bids shall be opened publicly in the presence of one or more witnesses. Bids shall be available for inspection at any time subsequent to the awarding of the contract affected by those bids, except to the extent the bidder designates trade secrets or other proprietary data to be confidential.
- Bids shall be unconditionally accepted without alteration or correction, except as authorized in the PSCRB regulations.
- Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes shall be permitted in accordance with the PSCRB regulations.
- Bids shall be evaluated based on the requirements set forth in the Invitations for Bids, which may

include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable where possible. The Invitation for Bids shall set forth the evaluation criteria to be used. No criteria may be used in evaluation that is not set forth in the Invitation for Bids.

· An in-house and/or external Selection Committee shall be appointed by the awarding office any time an Invitation for Bids is utilized in procuring services. The Selection Committee shall include the following representatives:

- MDE Contract Analyst;
- MDE staff person(s) with expertise or knowledge of the service to be provided;
- Qualified representative(s) outside awarding office to serve as objective reviewers; and,
- Two qualified individuals (in-house or external).

An existing advisory committee may serve in the place of an in-house Selection Committee. In the event an advisory committee is utilized, the Contract Analyst shall serve as an ex-officio member of the committee. The Selection Committee will review the Invitation for Bids and the bids received in response to the Invitation for Bids and make recommendations for funding award.

· The contract shall be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bids meets the requirements and criteria set forth in the Invitation for Bids. Negotiations with any bidder are not permitted.

Written notice of award shall be sent to the successful bidder. Notice of award shall be made available to the public.

· When it is considered impractical to initially prepare a purchase description to support an award based on price, an Invitation for Bids may be issued requesting the submission of unpriced offers. Another Invitation for Bids would follow, which would be limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

Competitive Sealed Proposals

A contract may be entered into by competitive sealed proposals when the use of competitive sealed bidding is determined to be either not practicable or not advantageous to the State. The appropriate Superintendent Management Team member, or designee, shall make the determination after consultation with the Contract Analyst.

Proposals shall be solicited through a Request for Proposals. **The Request for Proposals must be reviewed by the Contract Analyst prior to distribution to potential service providers or**

vendors. The prototype Request for Proposals is located in Section 17.2. The Request for Proposals shall include the description and contract terms indicated under Competitive Sealed Bidding, as well as include:

- A statement that discussions may be conducted with offerors who submit proposals determined to be reasonable susceptible of being selected for award, but that proposals may be accepted without such discussions; and,
- A statement of when and how price should be submitted.

The Request for Proposals shall also contain the following information:

- Type of service required;
- A description of the work involved;
- An estimate of when and for how long the services will be required;
- Budget information (narrative and summary);
- The type of contract to be used;
- A date by which proposals for the performance of the services shall be submitted and the format and procedures for delivery of proposal;
- A statement that the proposals shall be in writing;
- A statement that offerors may designate those portions of the proposals which contain trade secrets or other proprietary data as confidential in accordance with MS Code 25-61-9 and 79-23-1;
- A statement of the minimum information that the proposal shall contain:
 - The name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;
 - The age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposals;
 - The abilities, qualifications, and experience of all persons who would be assigned to provide the required services;
 - A listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the Request for Proposals; and,
 - A plan giving as much detail as is practical explaining how the services will be performed.
- The factors to be used in the evaluation and selection process and their relative importance. The selection process and rating scale may include the following:
 - Experience in performing type of work outlined in the description of services;
 - Qualifications in performing type of work outlined in description of services;
 - The extent of offeror's capabilities to perform required specialized services;
 - Compliance with public policy expressed in OMB Circulars (contracting with small and minority firms);
 - Price; and,
 - Other (depending on the type of work being undertaken).

The following regulations shall govern the competitive sealed proposal procurement:

- Public notice of Request for Proposals shall be publicized in a newspaper published in the county or

municipality in which the agency is located when the anticipated expenditure is more than \$100,000. Advertisement of Request for Proposals shall be published once each week for two consecutive weeks with the second notice being published on or after the 7th calendar day after the first notice was published. The date set for the proposal opening for services shall not be less than seven (7) working days after the last notice appears in the newspaper, i.e., no sooner than the 8th working day.

The following is a suggested guide for the legal advertisement:

The *(name of the entity)* will accept proposals until *(time of proposal opening)*, *(day of the week)*, *(month)*, *(date)*, *(year)* for the purpose of purchasing the following:

(name of service you wish to procure)

Detailed specifications may be obtained by contacting *(name of contact person)* at *(telephone number)* or at *(physical mailing address)*.

- Pre-bid conferences may be conducted to explain the procurement requirements. They shall be announced to all prospective bidders known to have received a Request for Proposals. The conference should be held long enough after the Request for Proposals has been issued to allow offerors to become familiar with it but sufficiently before proposal opening to allow consideration of the conference results in preparing their proposals. Nothing stated at the pre-bid conference shall change the Request for Proposals unless a change is made by written amendment as provided in the PSCRB regulations; and the Request for Proposals, if a pre-bid conference was required therein, or the notice of pre-bid conference shall so provide. A summary of the conference shall be supplied to all those prospective offerors known to have received a Request for Proposals. If a transcript is made, it shall be a public record.
- Any proposal received after the time and date set for receipt of proposals is late. Any withdrawal or modification of a proposal received after the established due date at the place designated for receipt of proposals is late. No late proposal, late modification, or late withdrawal will be considered unless receipt would have been timely but for the action or inaction of State personnel directly serving the procurement activity.
- Proposals shall not be opened publicly but shall be opened in the presence of two or more MDE officials. A Register of Proposals shall be prepared which shall include the name of each offeror, the number of modifications received, if any, and a description of services offered. The Register of Proposals shall be open to public inspection only after award of the contract.
- An in-house and/or external Selection Committee shall be appointed by the awarding office any time a Request for Proposal is utilized in procuring services.

The Selection Committee shall include the following representatives:

- MDE Contract Analyst;
- MDE staff person(s) with expertise or knowledge of the service to be provided;
- Qualified representative(s) outside awarding office to serve as objective reviewers; and,
- Two qualified individuals (in-house or external).

An existing advisory committee may serve in the place of an in-house Selection Committee. In the event an advisory committee is utilized, the Contract Analyst shall serve as an ex-officio member of the committee. The Selection Committee will review the Request for Proposals and the proposals received in response to the Request for Proposals and make recommendations for funding award.

As provided in the Request for Proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements.

- Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the State taking into consideration price and the evaluation factors set forth in the Request for Proposals. Written notice of award shall be sent to the successful offeror. Notice of award shall be made available to the public.

Small Purchases

The following regulations shall govern the procurement of services in the amount of \$100,000 or less. The procurement shall not be artificially divided nor underestimated to constitute a Small Purchases procurement.

Contracts - \$50,000 or Less

Contracts in the amount of \$50,000 or less may be procured by soliciting three written quotations or by utilizing a pool of service providers.

The quotations shall be recorded and placed in the procurement file. Award shall be made to the source offering the lowest acceptable quotation. Written quotes must be either signed, on letterhead, or otherwise identifiable to be valid. Written quotes shall, at a minimum, contain the following information:

- A statement of price;
- Terms of the agreement;
- Description of services offered to the agency; and,
- Name, address and telephone number of the offeror.

The establishment and use of the pool of service providers' concept must ensure competition. Pools of service providers must be established under an open process for interested vendors to become a member of the pool. The awarding office shall make every effort to solicit nominations from entities such as organizations, local school districts, etc. for the development of the pools. In addition, the following procedures shall apply to the establishment and use of the pool of service providers:

- Specify the name of the pool;
- Establish method for entry into pool (must be open and competitive);

- Establish selection criteria within each pool, which may include geographical location, evaluation of trainer, alphabetical selection, customer needs, demographics, availability, etc.;
- Forward pool listing and selection criteria to the Contract Analyst by July 1 of each year; and,
- Establish fee schedule by using method of cost comparison to ensure a competitive fee. Surveys of similar positions and documentation to support the rate of compensation shall be included in the contract file. The awarding office should be prepared to provide this information for contract approval.

Contracts - \$50,000 to \$100,000

Contracts in the amount greater than \$50,000 and not exceeding \$100,000 may be procured by soliciting written quotations from no less than three sources or by utilizing a pool of service providers.

The quotations shall be recorded and placed in the procurement file. Award shall be made to the source offering the lowest acceptable quotation. Written quotes must be either signed, on letterhead, or otherwise identifiable to be valid. Written quotes shall, at a minimum, contain the following information:

- A statement of price;
- Terms of the agreement;
- Description of services offered to the agency; and,
- Name, address and telephone number of the offeror.

The establishment and use of the pool of service providers' concept must ensure competition. Pools of service providers must be established under an open process for interested vendors to become a member of the pool. The awarding office shall make every effort to solicit nominations from entities such as organizations, local school districts, etc. for the development of the pools. In addition, the following procedures shall apply to the establishment and use of the pool of service providers:

- Specify the name of the pool;
- Establish method for entry into pool (must be open and competitive);
- Establish selection criteria within each pool, which may include geographical location, evaluation of trainer, alphabetical selection, customer needs, demographics, availability, etc.;
- Forward pool listing and selection criteria to the Contract Analyst by July 1 of each year; and,
- Establish fee schedule by using method of cost comparison to ensure a competitive fee. Surveys of similar positions and documentation to support the rate of compensation shall be included in the contract file. The awarding office should be prepared to provide this information for contract approval.

Sole-Source Procurement

A contract may be awarded without competition when the determination is made that there is only one source for the required service. The appropriate Superintendent Management Team member, or designee, shall make this determination after consultation with the Contract Analyst. Sole-source

procurement is not permissible unless a required service is available from only a single supplier.

The following regulations shall govern the sole-source procurement:

- The awarding office shall provide the necessary written documentation to support the sole-source procurement in order for the State Superintendent, or designee, to approve the determination. The documentation shall include an explanation as to why no other will be suitable or acceptable to meet the need. The awarding office shall provide this documentation to the Contract Analyst for review and approval by the State Superintendent, or designee.
- Negotiations, as appropriate, shall be conducted as to price, delivery and terms.

Emergency Procurement

A contract may be awarded based upon an emergency procurement under emergency conditions as defined below, provided that such emergency procurement shall be made with such competition as is practicable under the circumstances. The appropriate Superintendent Management Team member, or designee, shall make this determination after consultation with the Contract Analyst.

The following regulations shall govern the emergency procurement:

- The awarding office shall provide a written determination of the basis for the emergency and for the selection of the particular contractor to the Contract Analyst for review and approval by the State Superintendent, or designee.
- The term "emergency" shall mean any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or caused by any inherent defect due to defective construction, or when the immediate preservation of order to public health is necessary by reason of unforeseen emergency, or when the restoration of a condition of usefulness of any public building, equipment, road or bridge appears advisable, or in the case of a public utility when there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas or in the transportation of treatment of sewage; or when the delay incident to obtaining competitive bids could cause adverse impact upon the agency, its employees or its citizens.
- Emergency procurement shall be limited to those services necessary to meet the emergency.
- The State Superintendent, or designee, must approve emergency procurements prior to the procurement and only in the event of an emergency condition and the need can not be met through normal procurement methods. The awarding office shall provide the appropriate documentation to support the emergency procurement.

GENERAL PROVISIONS FOR PERSONAL SERVICE CONTRACTING

The following general provisions shall apply to the procurement of personal and professional services:

- A contractual agreement is required for all personal and professional services. Payment for any personal and professional service shall not be processed without a contractual agreement.
- All contracts for services shall include a list of contract specifications or deliverables. These may be incorporated from the scope of work included in the Solicitations for

Bids or Proposals. This list should be used as evaluation criteria when monitoring contract performance in accordance with the Contract Administration section below. The description of services to be performed should be results, not procedure oriented, and should at a minimum include:

- What service is to be performed;
 - When the service is to be performed;
 - How frequently the service is to be performed;
 - Where the service is to be performed;
 - How much it will cost;
 - Why the service is necessary; and,
 - What qualifications does the contractor possess.
- Mandatory clauses have been established to be included in all contracts. In addition, certain clauses are required to be included in the Solicitations for Bids or Proposals. Alternative clauses are available for use in contracts and Solicitations for Bids or Proposals. These clauses are provided in Section 17.2.
 - An Invitation for Bids, a Request for Proposals, or any other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interest of the State. The reasons shall be made part of the contract file.
 - The awarding office shall make a written determination of non-responsibility of a bidder or offeror. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to such bidder or offeror.
 - Information furnished by a bidder or offeror shall not be disclosed outside of the office of the PSCR or MDE if so requested by the bidder or offeror, except as provided in the MS Code Section 25-61-9.
 - Prospective suppliers may be prequalified for particular types of services. Solicitation mailing lists of potential contractors shall include but shall not be limited to such prequalified suppliers.
 - A contractor shall, when requested by the awarding office, submit cost or pricing data and shall certify that, to the best of its knowledge and belief, the cost or pricing data submitted

was accurate, complete and current as of a mutually determined specified date.

- Any type of contract, which will promote the best interests of the State, may be used. A cost reimbursement contract may be used only when a written determination is made by the awarding office that such contract is to be less costly to the state than any other type or that it is impracticable to obtain the services required except under such a contract.
- Unless otherwise provided by law, a contract for services may be entered into for a period of time not to exceed four (4) years with an option to renew for one year, provided the term of the contract and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.
- An incremental award is an award of portions of a definite quantity requirement of more than one contractor. An incremental award may be used only when awards to more than one bidder or offeror for different amounts of the same time are necessary to obtain the total quantity or the required delivery.
- A multiple award is an award of an indefinite quantity contract for service to more than one bidder or offeror when the state is obligated to order all of its actual requirements for the specified supplies or services from those contractors. A multiple award may be made when award to two or more bidders or offerors for similar services is necessary for adequate delivery.
- The MDE may, at reasonable times, inspect the place of business of a contractor or any subcontractor that is related to the performance of any contract awarded or to be awarded by the department.
- The MDE may, at reasonable times and places, audit the books and records of any person who has submitted cost or pricing data to the extent that such books and records relate to such cost or pricing data.
- Legal and contractual remedies, to include debarment and suspensions, shall be conducted in accordance with state law and PSCRB regulations, as applicable.
- The MDE shall be entitled to audit the books and records of a contract or any subcontractor under any negotiated contract or subcontract to the extent that such books and records related to the performance of such contract or subcontract.
- The determinations required by these regulations are final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law.
- When for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the Attorney General.

- MDE shall maintain continuous audit covering the activities of the agency affecting its revenues and expenditures for personal and professional services contracts; and maintain an internal system of pre-auditing claims, demands and accounts against the agency to adequately ensure that only valid claims, demands and accounts will be paid.
- MDE may contract with state agency/institution of higher learning employees who have been classified under FLSA as non-eligible (exempt) employees by their primary employer. These individuals will be required to produce proof of their FLSA classification from their primary employer prior to contract execution. **It will be the responsibility of the awarding office to obtain the classification from the potential contractor and to maintain in the contract file.** If there is a need to contract with an individual who has been classified for FLSA purposes as an eligible (non-exempt) state agency/IHL employee, the awarding office will be required to obtain approval from the State Superintendent on a case-by-case basis prior to contract execution.
- Preparation time for trainers is discouraged; however, the allowance of such will be considered on an individual basis and must be approved by the State Superintendent. Prep time shall be specifically identified in the contract and the awarding office is responsible for ensuring its proper use.

CONTRACT PACKAGE

Once a contractor has been selected, using one of above methods of source selection, a contract must be prepared. This package must contain the sections described below:

Section I MDE Contract Signature Sheet

A contract signature sheet must be completed for each contract. A blank copy of this form is provided in Section 17.3. The awarding office must assign the contract number, using the following sequence: FY – Fund No. – Org. Code – Sequential No. in Org. Code. (For example, 98-2201-2021-001)

Section II Introduction

Contracting parties should be identified along with the contract term and reason for entering into an agreement. IRS classification of contractual personnel must be determined by completing the IRS Checklist (Section 17.4). If the contractor is determined to be a contract worker, the following statement is to be added to this section: **"Based upon the Internal Revenue Service Code, the contractor has been classified as a contract worker and will be subject to withholding as required by the IRS Code."** If the contractor is determined to be an independent contractor, the following statement is to be added to this section: **"Based upon the Internal Revenue Service Code, the contractor has been classified as an independent contractor and will not be subject to withholding as required by the IRS Code."** The Introduction shall also include a statement as to the qualifications of the contractor to perform the services to be rendered, unless the qualifications are

included in the contractor's response to the Invitation for Bids or Request for Proposals (if applicable).

Section III Statement of Work

This section sets forth the objectives to be reached by the contractor and the planned deliverables in accordance with the terms and provisions of the contract. The description of services shall include the items listed under the second bullet of General Provisions for Personal Service Contracting.

Section IV Program Reporting, Compensation and Financial Reports

This section sets forth the compensation payable by the MDE in accordance with the terms set forth in the agreement and describes financial reporting required of the contractor. Program reporting requirements shall be explained in this section.

The method of payment and closeout procedures, as described below, should also be indicated in this section of the contract package.

Section VI MDE Standard Terms and Conditions

All mandatory terms and conditions shall be included in contracts. In addition, optional contract clauses are available for use at your discretion. A copy of these terms and conditions are provided in Section 17.2.

Section VII Budget Narrative

Costs for each category must be fully justified, including calculations if appropriate. If the contract spans multiple fiscal years, the Budget Narrative should be prepared for each fiscal year. If staff positions are funded under this agreement, qualifications and pay determination must be attached. The contract shall not provide for the purchase of equipment by the MDE on behalf of the contractor, either directly or indirectly.

Hourly rate must be specified in all contract worker contracts. The following statement shall be included in the Budget Narrative for contract workers:

The MDE will pay _____ an amount not to exceed \$_____ using the following breakdown:

Personnel Services: An amount not to exceed \$ _____

(\$ _____ per hour x _____ hours = \$ _____ per day x _____ days)

Travel: Actual amount not to exceed \$ _____
(includes meals, mileage, overnight accommodations)

In addition to the above costs, an amount not to exceed \$ _____ (7.65% of the personnel services costs) has been added to the total costs of the contract to cover the MDE's matching contribution for Social Security and Medicare (FICA).

Section VIII Budget Summary

The appropriate sections of the MDE Budget Summary (Section 17.3) shall be completed. If the contract is for a contract worker, the total of the personnel services and FICA shall be placed in the salaries, wages, fees and/or fringe benefits line-item

on the Budget Summary Sheet. If the contract spans multiple fiscal years, the Budget Summary should be prepared for each fiscal year.

Section IX MDE Contract Travel Policy

If travel is an allowable cost in the contract, the contract shall include the travel policy for contractors. If out-of-state travel is not allowed, a statement to that effect should be included in the contract or a statement indicating prior approval will be necessary. The travel policy for contractors for in-state and out-of-state travel is located in Section 17.5.

Reimbursement of taxable meals is not an allowable cost for contractors.

Contractors requesting travel reimbursement must complete the Consultant/Conference Travel Voucher (Section 17.5) and must be submitted in the contractor's or contractor's employee's name, signed with the legal name and must show the contractor's Federal Identification number, if applicable.

Procedures for consultant travel reimbursement (those consultants who are reimbursed travel only) are described in Section 17.5.

Short contract forms are available in the Contract Analyst's office and may be utilized for both contract worker and independent contractor contracts. Generally, the length of the scope of work narrative will dictate the appropriate contract form.

The MDE Contract Signature Sheet will serve as page one (1) of the long contract form and each page of the contract must have the page number indicated along with the contract number. The review sheet, contract justification, IRS checklist, selection process form, purchase requisition, and withholding forms are not to be numbered as part of the contract.

REVIEW AND APPROVAL BY THE OFFICE OF EDUCATIONAL ACCOUNTABILITY AND STATE SUPERINTENDENT OF EDUCATION

After the appropriate procurement method has been utilized and the contract package has been finalized, the awarding office is to forward the following documents to the Contract Analyst for review and approval by the State Superintendent, or designee:

- Purchase requisition to encumber funds for the total amount of the contract. Indicate first and second half encumbrances on the purchase requisition, as well as the contract number and IRS classification (independent contractor or contract worker). The Contract Analyst will secure budget verification before processing the contract for approval. **Please ensure appropriate funds are available in the budget before forwarding the contract for review and approval.**
- Contract/Modification Review Sheet (Section 17.6);
- Contract Justification Sheet (Section 17.6). If more than one contractor is involved in the same

activity, one Contract Justification Sheet can be used. A list of contractors with the name, address, amount of contract and period of contract is to be attached to the Contract Justification Sheet.

- Selection Process Form (Section 17.6);
- Contract document. Remember to attach supporting documents that govern the contract, such as RFP, proposal, and any revisions to proposal, etc.
- IRS checklist (Section 17.4);
- PERS form(s) (Section 17.6). If the contractor is not a PERS retiree, the MDE Certification form is the only form required. If the contractor is a PERS retiree, the MDE Certification and PERS Certification forms are required; and,
- Appropriate tax forms (Section 17.6). Remember that original tax forms are required to encumber funds for contracts. You may use a copy of the tax forms to obtain a vendor number in the SAAS file, but you **must** obtain the original tax form(s). If the contractor has been classified as an independent contractor, obtain the W-9 form. If the contractor has been classified as a contract worker, you will need the W-4 form, state withholding form, and a copy of the contractor's social security card. If the contractor does not have his/her social security card, the contractor will need to request a copy from the Social Security Administration and provide proof to MDE.

Contracts must be submitted to the Contract Analyst at least 12 working days prior to the beginning date of the contract. You will also need to consider the time frames necessary to secure Mississippi Board of Education and PSCRB approval, if necessary.

Please remember to maintain a copy of all the paperwork submitted to the Contract Analyst. You will not receive any paperwork back.

The Contract Analyst will review the agreement before the State Superintendent, or designee, approves the contract. The review will be made to determine if the contract is complete, in compliance with MDE and PSCRB policies, and if regulatory approval authority is required.

The Contract Analyst will send the contract to the necessary regulatory agencies. Specifically, the review will consist of, but not be limited to, the following items:

- Appropriate method of source selection (procurement);
- Adequate description of services;
- Inclusion of all required sections, terms and conditions;
- Reasonable and sufficient justification of budget;
- Availability of funds and budget authority;
- Reasonable indirect cost rate (if applicable) and if the indirect cost plan is on file;
- Regulatory approvals; and,
- MDE approvals.

The awarding office must submit all contract renewals and contract modifications to the Contract

Analyst for review and approval by the State Superintendent, or designee. The contracting procedures outlined above must be followed for all renewals, modifications, or other contractual alterations.

After the State Superintendent, or designee, has approved the contract, the awarding office shall obtain three original signatures on the contract. Once you have received the contractor's original signature, the awarding office shall obtain the appropriate MDE signatures. **Under no circumstances should a contractor begin work prior to the contract beginning date. Additionally, contracts must be signed before the contractor performs work under the contract.** All three signed contracts, in its entirety, shall be submitted to the Contract Analyst for signature. One original contract, along with the supporting documents, will be forwarded to the Accounting Office for processing. The remaining two contracts will be returned to the awarding office. It is the responsibility of the awarding office to mail one copy of the contract to the contractor and maintain the other copy in the office files.

Contracts for less than \$100,000 must be signed by the Bureau Director of the awarding office, the appropriate Superintendent's Management Team member and the Contract Analyst. Contracts for \$100,000 or more require the signatures of the appropriate Superintendent Management Team member, the Deputy State Superintendent, and the Contract Analyst.

The checklist for contract procedures, located at Section 17.7, will serve as a helpful tool in the contract procurement and development process.

PAYMENTS

Each contract should identify the following terms and conditions relating to payments for services:

- Payment schedule and invoicing;
- Terms;
- Retainage (if applicable);
- Final payment; and,
- Penalties (if applicable).

The contract shall indicate the schedule on which the independent contractor is to invoice the MDE (monthly, quarterly, upon completion of work, etc.) and what form the invoice should take (line-item or lump-sum). Also, the type documentation necessary for approval of the invoice (invoices from third parties, time sheets, etc. or perhaps the level of completion of the project) shall be made part of the contract. At no time should the contractor simply invoice the MDE without a basis for the payment to be remitted. Invoices shall include detailed description of services rendered during the period for which the independent contractor is requesting payment. Generally, independent contractors receive payment upon completion of the work specified in the contract.

The contract should provide for terms of payment by MDE (30 days, 45 days, etc.). A penalty clause for late receipt of deliverables could be included and the terms for the final payment may stipulate the MDE must approve the finished product.

Furthermore, the contract should indicate if any retainage is applicable. If so, a percentage or firm

dollar amount should be indicated. Each invoice should indicate the gross amount of the invoice, then a line item with retainage that would be deducted to arrive at the amount to be paid. The retainage would be held until the MDE has possession of the finished product and the contractor submits an invoice for the final amount.

In lieu of, or in addition to retainage, the contract could place certain criteria on the final payment. These criteria could deal with prompt delivery of the product, the adequacy of the product, etc. An invoice should accompany the delivery of the finished product. This invoice must be marked "Final" by the contractor.

Contract worker payments will be made on a monthly basis. Invoices must be received by the 8th working day of the month following the period of service. Invoices shall include detailed description of services rendered during each day for which the contractor is requesting payment.

Finally, the contract may need to include penalty clauses for breach and/or anticipatory break of contract. A definition of each of these terms and criteria for determining each should be included in the contract. Either could occur through actions of the contractor or inaction of the contractor, based on completion points.

A copy of all payment records will be maintained in the Accounting Office's contract file.

CONTRACT MODIFICATION

Any necessary changes to the original agreement must be accomplished through a formal modification. (The Modification Signature Sheet is located in Section 17.3.) Modification requests to adjust existing encumbrances in the first and second half allotment periods will require approval from the Budget Office prior to the Accounting Office's initiation of the modification. Modification requests to reduce the total contract obligation of existing encumbrances will be allowed if one of the following conditions occur:

- The request is accompanied by a signed contract modification which indicates a decrease in the amount of the original contract, or
- Certification of final payment has been received and a balance remains on the encumbrance. Funds are automatically deobligated when final payment is certified and processed.

The modification and appropriate forms must be submitted to the Contract Analyst 12 working days prior to the effective date. If the modification will require Mississippi Board of Education and PSCRB approval, the awarding office will be responsible for meeting the time deadlines necessary to secure the appropriate approval(s).

CORRESPONDENCE

A copy of any correspondence relative to the contract must be retained in the awarding office's contract file. A copy of any correspondence relative to contract changes or payments should be forwarded to the Office of Educational Accountability. The contract number should be indicated on

all correspondence.

CONTRACT CLOSEOUT PROCESS

The closeout process is to be an accounting by the contractor to the MDE. The awarding office shall utilize the closeout process to ensure that the MDE has received the goods and services identified in the contract prior to the payment of the final invoice.

If the contract has been a line-item budget, the closeout would encompass verification that the budget has not been exceeded by line-item and/or in total. The closeout would also include verification that the required documentation is on file for all payments and that reimbursement has not or will not be made to the contractor for costs that are unallowable.

After the closeout has been accomplished, an approved invoice marked final will be transmitted to the Accounting Office for payment. A statement indicating that the closeout has been completed shall be attached to the invoice. Instructions to the Accounting Office to deobligate any remaining balance on the contract shall accompany the invoice. The final invoice shall be transmitted to the Accounting Office as quickly as possible. However, it must be submitted within 30 days after the end of the contract.

CONTRACT ADMINISTRATION

All contracts shall be monitored at least monthly to confirm acceptable performance, timely fulfillment of deliverables and compliance with terms of the agreement. The monitoring shall include, but not limited to, the following:

- Review and approval of contract deliverables;
- Compliance with contractual terms;
- Coordination of the flow of information between the parties;
- Response to requests of the contractor;
- Monitoring of disbursements against the contract budget;
- Monitoring of actual progress against work schedules;
- Coordination of furnishing the necessary materials;
- Recommendation of no cost modifications; and,
- Recommendation of modifications involving increased costs.

The awarding office shall be responsible for maintaining accurate records to document the monitoring described above. The awarding office shall utilize the monitoring form at Section 17.6.

ETHICS IN PUBLIC CONTRACTING FOR PERSONAL AND PROFESSIONAL SERVICES

Public employment is a public trust. It is the policy of the State of Mississippi to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the State. Such policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service. Public employees must discharge their duties impartially so as to assure fair competitive access to

governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the State procurement organization. To achieve this, MDE employees shall observe the ethical standards prescribed herein:

- Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of public trust.

- Any effort to influence any public employee, or contractor with the State, to

breach the standards of ethical conduct is also a breach of ethical standards.

- It shall be a breach of ethical standards for any employee to participate directly or indirectly in procurements when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;

- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or,

- Any other person, business, or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

MDE discourages any contracts with a relative of an employee. However, in situations where there is no potential of a conflict of interest and the need is justified for such a contract, approval by the State Superintendent, or designee, is required. The awarding office is responsible for determining whether such a relationship exists with an employee.

- It shall be a breach of this regulation for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or proposal therefor.

- It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a state contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, unless such an arrangement is fully disclosed in writing. Every person, before being awarded a State contract, shall represent, in writing, that such person has not retained anyone in violation of the above contingent fee section. Failure to do so constitutes a breach of ethical standards.

- Except as may be permitted by regulations or rulings of the Ethics Commission, it shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement

process to become or be, while such an employee, the employee of any person contracting with the governmental body by whom the employee is employed. Additionally, MS Code Section 25-4-105(3)(a) states that "no public servant shall be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent, other than in his contract of employment; or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent."

- It shall be a breach of ethical standards for any former employee knowingly to act as a principal, or as an agent for anyone other than the State, in connection with any contract in which the employee participated personally and substantially while an employee, where the state is a part or has a direct and substantial interest.

- It shall be a breach of ethical standard for any former employee, within one year after cessation of the former employee's official responsibility, knowingly to act as a principal, or agent for anyone other than the State, in connection with any contract in matters which were within the former employee's official responsibility, where the State is a party or has a direct or substantial interest.

- It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as a agent for anyone other than the State, in connection with any contract in which the employee either participates personally and substantially, or which is the subject of the employee's official responsibility, where the State is a party or has a direct and substantial interest.

- MDE employees shall comply with MS Code Section 25-4-105, which states, "No public servant shall use his official position to obtain pecuniary benefit for himself other than that compensation provided for by law, or to obtain pecuniary benefit for any relative or any business with which he is associated."

- It shall be a breach of ethical standards for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

Any questions concerning contract procurement should be directed to the Contract Analyst.

NOTES:

Contracts for hotel or motel meeting rooms and/or meals provided by one of these establishments may be entered into utilizing these establishments' function sheet or short contract which is available in the office of the Contract Analyst. The function sheet shall be signed by the appropriate member of the Superintendent's Management Team, or designee; however, the Contract Analyst must review and approve all contracts or function sheets.

In addition, the Contract Analyst handles contracts for building or floor space. All questions and requests concerning building/floor space shall be directed to the Contract Analyst.

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DESCRIPTOR TERM: School Violence Reporting	CODE: 4001 (also 8001)
ADOPTION DATE: August 19, 1994	REVISION:

STATE BOARD POLICY

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.healthyschoolsms.org/healthy_school_environment/school_safety.htm.

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DESCRIPTOR TERM: Behavior Modification	CODE: 4002
ADOPTION DATE: January 25, 2005	REVISION:

STATE BOARD POLICY

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.

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DESCRIPTOR TERM: Beverage Regulations	CODE: 4003
ADOPTION DATE:	REVISION:

STATE BOARD POLICY

The State Board of Education shall adopt beverage regulations for school district compliance of what products can be sold and when on a school campus. For a copy of the updated regulations, go to http://www.healthyschoolsms.org/nutrition_services/news/vending_guidelines.htm.

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DESCRIPTOR TERM: Snack Regulations	CODE: 4004
ADOPTION DATE:	REVISION:

STATE BOARD POLICY

The State Board of Education shall adopt snack regulations for school district compliance of what products can be sold and when on a school campus. For a copy of the updated regulations, go to http://www.healthyschoolsms.org/nutrition_services/news/vending_guidelines.htm.

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DESCRIPTOR TERM: Minimum Training Standards	CODE: 4005
ADOPTION DATE: March 2, 2001	REVISION:

STATE BOARD POLICY

Section 37-7-321, Mississippi Code of 1972 requires the State Board of Education to establish training standards for school safety personnel. An up-to-date copy of the minimum training standards can be downloaded at

http://www.healthyschoolsms.org/healthy_school_environment/school_safety.htm

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DESCRIPTOR TERM: School Resource Officer Basic Course	CODE: 4006
ADOPTION DATE: April 26, 2002	REVISION:

STATE BOARD POLICY

The minimum training standards require that all school safety personnel complete a Mississippi Department of Education basic course. Therefore, the Mississippi Board of Education has established the School Resource Officer Basic Course Framework. An up-to-date copy of the framework can be downloaded at http://www.healthyschoolsms.org/healthy_school_environment/school_safety.htm

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DESCRIPTOR TERM: School Safety Officer Basic Course	CODE: 4007
April 26, 2002	REVISION:

STATE BOARD POLICY

The minimum training standards require that all school safety personnel complete a Mississippi Department of Education basic course. Therefore, the Mississippi Board of Education has established the School Safety Officer Basic Course Framework. An up-to-date copy of the framework can be downloaded at http://www.healthyschoolsms.org/healthy_school_environment/school_safety.htm

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DESCRIPTOR TERM: Historical Sites Restoration	CODE: 4100
ADOPTION DATE: July 21, 1995	REVISION:

STATE BOARD POLICY

Criteria for Funding Restoration/Renovation of Historically and/or Architecturally Significant School Buildings or Educational Museums

House Bill 1669, passed during the 1995 regular legislative session, authorizes the expenditure of \$250,000 for the purpose of restoring or renovating historically and/or architecturally significant school buildings or educational museums in accordance with criteria established by the State Board of Education. The State Department of Education will inform the owners of school buildings, that may be considered historically and/or architecturally significant, of the nature and availability of these funds and will distribute requests for proposals (RFP).

Criteria for awarding of funds will be based on the following information that will be solicited in the RFP:

1. The applicant shall submit a narrative that outlines the history and significance of the building. The narrative shall also address the potential educational and/or community benefit of restoration/renovation, plan for continued maintenance and preservation, current use of the building and proposed use of the building.

2. The applicant shall also submit the following:
 - a. Projected cost of restoration/renovation
 - b. Local matching funds available
 - c. Amount of state funds requested
 - d. Location, age, and condition of building
 - e. Projected completion date of the project
 - f. Other information required by the RFP

It shall be the responsibility of the owner to ensure compliance with state bid/construction laws and State Antiquities Act, Mississippi Landmark Procedures. All grantees shall file a final report upon completion of the project.

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DESCRIPTOR TERM: Homeless	CODE: 4200
ADOPTION DATE: December 18, 1992	REVISION:

STATE BOARD POLICY

When awarding grants to local school districts under the *Education for Homeless Children and Youth Program*, the following areas will be rated and used in the selection process.

RATING AREA		POINTS AWARDED
A. NEED FOR PROJECT (20 PTS. MAX.)		
1	The proposal clearly shows a need for the project in the targeted service area. (5 Pts. Max.)	
2	The proposal includes the number of homeless youth in the targeted area and identifies their needs. (5 Pts. Max.)	
3	The proposal builds on existing services to homeless children in the targeted area. (5 Pts. Max.)	
4	The proposal addresses how funds will facilitate the enrollment, retention and success of homeless youth in the service area. (5 Pts. Max.)	
B. PROJECT METHODOLOGY (25 PTS. MAX.)		
1	The proposal identifies problems to be addressed. (4 Pts. Max.)	
2	The proposal provides a detailed description of planned, realistic activities for implementing the project. (4 Pts. Max.)	
3	The proposal contains timelines for implementing the project. (4 Pts. Max.)	
4	The proposal contains measurable goals for implementing the project. (4 Pts. Max.)	
5	All planned activities come from the authorized activity list. (4 Pts. Max.)	
C. EXPECTED OUTCOMES (25 PTS. MAX.)		
1	The project will result in a measurable reduction of a significant problem. (5 Pts. Max.)	
2	Anticipated results are listed and expected benefits to those receiving services in the targeted area are identified. (10 Pts. Max.)	
3	An Evaluation Plan or Procedure is fully described. (10 Pts. Max.)	
D. ASSURANCES (10 PTS. MAX.)		
1	The proposal designates a homeless liaison. (5 Pts. Max.)	
2	The proposal has a statement assuring that the project will supplement and not supplant funds. (5 Pts. Max.)	

	3	The proposal contains an admission/resolution of dispute policy.	NO
E. COORDINATION (10 PTS. MAX.)			
	1	The proposal identifies the social or community service organizations the district currently coordinates with. (5 Pts. Max.)	
	2	The proposal contains a plan for improving coordination with community, social and shelter organizations. (5 Pts. Max.)	
F. BUDGET (10 PTS. MAX.)			
	1	The total cost of the project is consistent with USDE requirements of 50% tutorial/remediation services and 35% for supportive services. (5 Pts. Max.)	
	2	The requested funds reflect the needs identified and the proposed services of the project. (5 Pts. Max.)	
TOTAL SCORE FOR THIS PROPOSAL			

COMMENTS:

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DESCRIPTOR TERM: Intervention	CODE: 4300
ADOPTION DATE: January 21, 2005	REVISION:

STATE BOARD POLICY

Intervention Process

MDE shall require an instructional model designed to meet the needs of every student. The model shall consist of three tiers of instruction.

- Tier I: Quality classroom instruction based on MS Curriculum Frameworks
- Tier II: Focused supplemental instruction
- Tier III: Intensive interventions specifically designed to meet the individual needs of students

Teachers should use progress monitoring information to (a) determine if students are making adequate progress, (b) identify students as soon as they begin to fall behind, and (c) modify instruction early enough to ensure each and every student gains essential skills. Monitoring of student progress is an ongoing process that may be measured through informal classroom assessment, benchmark assessment instruments and large-scale assessments.

If strategies at Tiers I & II are unsuccessful, students must be referred to the Teacher Support Team. The TST is the problem-solving unit responsible for interventions developed at Tier III. Each school must have a Teacher Support Team (TST) implemented in accordance with the process developed by the Mississippi Department of Education. The chairperson of the TST shall be the school principal as the school's instructional leader or the principal's designee. The designee may not be an individual whose primary responsibility is special education. Interventions will be:

- designed to address the deficit areas;
- research based;
- implemented as designed by the TST;
- supported by data regarding the effectiveness of interventions.

In addition to failure to make adequate progress following Tiers I & II, students will be referred to the TST for interventions as specified in guidelines developed by MDE if any of the following events occur.

- A. Grades 1-3: A student has failed one (1) grade;
- B. Grades 4-12: A student has failed two (2) grades, OR
- C. A student failed either of the preceding two grades and has been suspended or expelled for more than twenty (20) days in the current school year.

Referrals to the Teacher Support Team must be made within the first twenty (20) school days of a school year if the student failed the preceding year resulting in a referral as stated above.

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DESCRIPTOR TERM: Kindergarten	CODE: 4400
ADOPTION DATE: April 18, 1986	REVISION: October 24, 1997

STATE BOARD POLICY

The Mississippi Department of Education, subject to approval of the State Board of Education, will develop and disseminate Kindergarten Regulations to provide direction to school districts in meeting the requirements of Standard 25 and Paragraph C of Section 37-25-7 of House Bill 601. A schedule for revision of the regulations will be established. As regulations are revised and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the education community. An up-to-date copy of these regulations shall be kept on file at the Mississippi Department of Education.

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DESCRIPTOR TERM: Construction Regulations	CODE: 4401
ADOPTION DATE: April 18, 1986	REVISION: October 18, 1991

STATE BOARD POLICY

The Mississippi Department of Education, subject to approval of the State Board of Education, will develop and disseminate Kindergarten Regulations to provide direction to school districts in meeting the requirements of Standard 25 and Paragraph C of Section 37-25-7 of House Bill 601. A schedule for revision of the regulations will be established. As regulations are revised and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the education community. An up-to-date copy of these regulations shall be kept on file at the Mississippi Department of Education.

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DESCRIPTOR TERM: Leadership and Professional Development	CODE: 4500
ADOPTION DATE:	REVISION: October 24, 1997

STATE BOARD POLICY

The Mississippi Department of Education will develop and disseminate a professional development model which sets forth expectations for individual educators and for local school district programs. As revisions are made and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the education community. An up-to-date copy of the model shall be kept on file in the Mississippi Department of Education. (References to Mississippi Public School Accountability Standards and MS Code 37-17-8).

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DESCRIPTOR TERM: Legislative Recommendations	CODE: 4600
ADOPTION DATE:	REVISION: April 18, 1997

STATE BOARD POLICY

The State Board of Education will submit legislative recommendations to the Legislature and the Governor each year no later than November prior to the Legislative Session in January. A collection of potential legislative needs should be generated by the staff and provided to the Board for discussion.

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DESCRIPTOR TERM: Level 1 and 2 Districts Consolidated Applications	CODE: 4700
ADOPTION DATE: December 20, 1996	REVISION:

STATE BOARD POLICY

Levels 1 and 2 school districts are required to submit a consolidated application for federal funds.

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DESCRIPTOR TERM: Long Term Substitutes	CODE: 4800
ADOPTION DATE: August 20, 1999	REVISION:

STATE BOARD POLICY

POLICY AND PROCEDURE DOCUMENTATION OF NECESSITY AND REQUESTING OF FUNDS FOR LONG TERM SUBSTITUTES

Each school district in a geographical area of the state in which there exists a critical shortage of teachers, as designated by the State Board of Education, shall be allotted a sufficient amount of funds for the salaries and fringe benefits of each substitute teacher that is employed by the district for more than a one-month period of time (twenty consecutive days). Funding for such long-term substitute teachers shall be limited to minimum program funds that would otherwise be available to the school district for licensed teacher unit positions allotted under Section 37-19-5(1) that cannot be utilized by the district. The licensed teacher unit positions will include only regular ADA teacher units and not special education, gifted or vocational teacher units. Funding for such long-term substitute teachers shall be only for those individuals employed as long-term substitute teachers who possess a bachelor's degree and shall be based on the beginning salary scale for a teacher with a type A license.

Prior to the employment of any long-term substitute, the local school superintendent must obtain the approval of the State Superintendent for each long-term substitute teacher to be employed by the district. The local school superintendent must submit a letter to the State Superintendent requesting approval for the employment of each long-term substitute. The letter shall include the following:

- Demonstrates that the local school superintendent has exhausted all available options to locate and employ a licensed teacher.
- Lists the names and social security numbers of each long-term substitute for which the district intends to employ.
- Has as an "Attachment" a copy of a bachelor's degree for each long-term substitute for which the district intends to employ.

Upon completion of the employment services by the long-term substitute, the local school district superintendent may submit a letter to the Office of Financial Accountability that requests funding for long-term substitutes employed by the district. The letter shall include the following:

- Requests funding for long-term substitutes.
- Contains a statement that the district was unable to employ the number of licensed teachers

that was greater than or equal to the number of minimum program teacher units earned, as provided for in Section 37-19-5(1).

- States the number of minimum program units that could not be utilized by the district.
- States the total amount of funds that the district is requesting for long term substitutes.
- Lists the names and social security numbers of each long-term substitute for which the district is requesting funds.
- Contains a statement indicating the number of consecutive days the long-term substitute is employed.
- Contains a statement that the daily rate of salary paid to the long-term substitute by the district is at least equal to the daily rate of pay for a beginning teacher with an A license.
- Contains a statement that the funding being requested for long-term substitutes will not exceed the amount of funds actually expended by the district for the employment of the long-term substitute.
- Has as an “Attachment” a copy of the letter from the State Superintendent where approval has been granted for the employment of the long-term substitute.

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DESCRIPTOR TERM: Section 504 Teacher Units	CODE: 4901
ADOPTION DATE: August 19, 1994	REVISION:

STATE BOARD POLICY

Criteria for Children Served

Children counted for the allocation and approval of a teacher unit(s) must meet the following criteria:

1. Documented birthdate verifying age of five (5) through twenty-one (21) years,
2. Indication of being a resident citizen of the State of Mississippi,
3. Cannot have their educational needs met in the regular public school programs,
4. Have not finished or graduated from high school,
5. Determined by competent medical authorities and psychologists to need placement in a state licensed facility as designated below,
6. Cannot be counted in average daily attendance when determining the regular teacher unit allocation, and
7. Are not eligible for special education as defined under Part B of the Individuals with Disabilities Education Act and in state regulations.

Documentation of numbers 1-7 above must be maintained on file for each child served by an approved state funded teacher and be available upon request by the Mississippi Department of Education (MDE).

State Licensed Facility

A state licensed facility is a private facility which has been granted a license by a state agency within the state of Mississippi and is located within the state. The facility is licensed for inpatient treatment, day treatment, residential treatment, or as a group therapeutic home.

Teacher Units Approved for a School District

1. A tutorial instructional education program for children in a state licensed facility may be provided by a school district in which the state licensed facility is located. Such a program would be the responsibility of the school district and would be under the direct supervision of the district.

2. The district is responsible for verifying the criteria are met for each child served as outlined above under the heading of Criteria for Children Served.

Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the district superintendent that data for each child served has been verified and is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.

3. The district must submit a copy of the facility's state license to the MDE when requesting an allocation for a teacher unit.

4. The district must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Each teacher will be responsible for the educational instruction of a minimum of ten (10) children. A maximum of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.

5. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year and the amount of instructional time based on the schedule of each teacher will be calculated when allocating funds for the teacher unit.

Teacher Units Approved for a State Licensed Facility

1. A private school providing an instructional education program which is operated as an integral part of a state licensed facility may request funding for teacher units. Such an educational program must meet the standards for a special school and be approved by the State Board of Education prior to the allocation and approval of a teacher unit. The facility shall be responsible for providing for any additional costs of the program beyond a teacher unit(s).

2. The administrative head of the facility is responsible for verifying the criteria is met for each child served by an approved teacher as outlined above under the heading Criteria for Children Served. Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the administrative head of the facility indicating criteria for each child served has been verified for correctness and documentation of such is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.

3. A copy of the facility's current state license must be submitted to the MDE when requesting

an allocation for a teacher unit.

4. The administrator of the facility must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Teacher units will be allocated based on the teacher certificate requirements of special schools under the Office of Accreditation and each teacher being responsible for the educational instruction of a minimum of ten (10) children. The Maximum number of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.

5. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year to provide educational instruction and the amount of instructional time based on the schedule of each teacher will be used to calculate the amount of funds for the teacher unit.

6. The administrative head of the facility is responsible for ensuring a teacher approved for a teacher unit will be paid based on the salary scale and salary schedule requirements in Section 37-19-7 and 37-19-17 of the Mississippi State Code.

7. Teacher units will be allocated and approved for the regular school session. The number of days the facility will provide a regular school session must be in accordance with the MDE's regulations. The calendar dates of the beginning and ending of the regular school session must be submitted to the Office of Special Education when requesting an allocation for a teacher unit.

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DESCRIPTOR TERM: Teacher Selection	CODE: 4903
ADOPTION DATE: December 18, 1992	REVISION:

STATE BOARD POLICY

When a certified secondary teacher is assigned to teach in a 5th or 6th grade departmentalized situation and is appropriately endorsed in the subject he/she is teaching, that teacher may be selected as a Minimum Foundation Program teacher in the State Department of Education's process and, if the teacher is selected, the district shall be reimbursed under the Minimum Program for that teacher.

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DESCRIPTOR TERM: Withholding Funds	CODE: 4904
ADOPTION DATE: May 19, 1995	REVISION: June 20, 2003

STATE BOARD POLICY

WITHHOLDING OF FUNDS FOR FAILURE TO REMIT PREMIUMS, INTEREST PENALTIES, AND/OR LATE CHARGES UNDER THE PUBLIC SCHOOL EMPLOYEES' HEALTH INSURANCE PLAN

The State Superintendent shall withhold a payment of Mississippi Adequate Education Program funds to a school district which fails to remit premiums, interest penalties, and/or late charges as required by the Public School Employees' Health Insurance Plan administered by the Department of Finance and Administration, Office of the Governor.

Authority: Mississippi Code of 1972 as amended 1994 Section 37-19-34.

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DESCRIPTOR TERM: Partnership with Regional Education Service Agencies	CODE: 5001
ADOPTION DATE: December 15, 2006	REVISION:

STATE BOARD POLICY

Partnership between Mississippi Department of Education and Regional Education Service Agencies

The Mississippi State Board of Education recognizes that for the past decade Mississippi's Regional Educational Services Agencies have provided a sound statewide network of services to local school districts. The Regional Education Service Agencies (RESAs) will work in partnership with the Mississippi Department of Education to increase their function as a local provider of educational services as provided in Section 37-7-345 (6) of the Mississippi Code.

The State Superintendent of Education shall designate a senior staff member as the Department's liaison to meet periodically with and be the primary contact to work with the state's RESAs on the collaborative partnership. The liaison will coordinate the utilization of resources and development of the following programs offered in conjunction with the RESAs:

- a. Professional Development
- b. Instructional Materials
- c. Educational Technology
- d. Curriculum Development
- e. Alternative Educational Programs
- f. Purchasing Cooperatives
- g. Insurance Cooperatives
- h. Business Manager Services
- i. Auditing and Accounting Services

j. School Safety/Risk Prevention

k. Data Processing and Student Records

l. Communications/Public Information

m. Employee Background Checks

n. Grants Management

o. Printing/Publications

p. Internships.

Development of detailed-specific policy guidance will be contingent upon needed implementation of such programs in each RESA in the state and upon available resources.

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DESCRIPTOR TERM: Mississippi Adequate Education Program	CODE: 5100
ADOPTION DATE: August 22, 1997	REVISION: June 19, 1998

STATE BOARD POLICY

CAPITAL IMPROVEMENT SECTION MISSISSIPPI ADEQUATE EDUCATION PROGRAM ACT OF 1997

The Mississippi Board of Education has established Policy and Procedures to enable local school districts to receive approval for the use of Interim School District Capital Expenditure Funds. The local school district may choose any one or a combination of the options available, except where otherwise noted.

The school board of any district shall have authority to expend Mississippi Adequate Education Program (MAEP) funds in accordance with Section 37-151-7(5), Mississippi Code of 1972, annotated, subject to the following:

Option 1 - Cash Allotments

A. In accordance with Section 37-151-7(5)(a), Mississippi Code of 1972, annotated, districts are authorized to spend the interim school district capital expenditure funds for "Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, school barns and garages for transportation vehicles, school athletic fields and necessary facilities connected therewith and the purchasing of land therefor."

The Mississippi Board of Education must approve the following:

- **Long Range Capital Expenditure Plan**
- **Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project**

Disbursement and Expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan and the Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and

accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

AND/OR

B. In accordance with Section 37-151-7(5)(b), Mississippi Code of 1972, annotated, districts are authorized to spend the interim school district capital expenditure funds for "Providing necessary water, light, heating, air conditioning and sewerage facilities for school buildings, and the purchasing of land therefor."

The Mississippi Board of Education must approve the following:

- **Long Range Capital Expenditure Plan**
- **Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project**

Disbursement and Expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan and the Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

AND/OR

C. In accordance with Section 37-151-7(5)(c), Mississippi Code of 1972, annotated, districts are authorized to spend the interim school district capital expenditure funds for "Paying debt service on existing capital improvement debt of the district or refinancing outstanding debt of the district if such refinancing will result in an interest cost savings to the district." For purposes of this section districts are authorized to spend district maintenance funds and repay these funds to the district maintenance fund with the interim school district capital expenditure funds that are available to the district.

The Mississippi Board of Education must approve the following:

- **Long Range Capital Expenditure Plan**

Disbursement and Expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance

with the guidelines prescribed by the State Auditor.

Option 2 - Interim Pledge

In accordance with Section 37-151-7(5)(d), Mississippi Code of 1972, annotated, "From and after October 1, 1997 through June 30, 1998, ... a school district may pledge such funds until July 1, 2002, plus funds provided for in paragraph (e) of this subsection (5) that are not otherwise permanently pledged under such paragraph (e) to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45" (general obligation bonds), "37-59-101 through 37-59-115" (3 mill, ten year), "37-7-351 through 37-7-359" (Emergency School Leasing Authority Act of 1986), "37-41-89 through 37-41-99" (transportation note), "37-7-301" (lease-purchase of school buildings), "37-7-302" (asbestos removal), "and 37-41-81" (general grant of authority to purchase school transportation equipment, erect and equip school bus shops and to purchase land) "Mississippi Code of 1972, or debt issued by board of supervisors for agricultural high schools pursuant to Section 37-27-65, Mississippi Code of 1972, or lease-purchase contracts entered into pursuant to Section 31-7-13, Mississippi Code of 1972, or to retire or refinance outstanding debt of a district, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors."

The Mississippi Board of Education must approve the following:

- **Long Range Capital Expenditure Plan**

Additional Requirement:

- **Attach a copy of the local board resolution as required by Section 37-151-7(5)(d)**

Disbursement and Expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

Option 3 - Long Term Pledge *District may select A or B, but not both.*

A. In accordance with Section 37-151-7(5)(e), Mississippi Code of 1972, annotated, "From and after October 1, 1997 through June 30, 1998, in addition to any other authority a school district may have, any school district may issue State Aid Capital Improvement Bonds secured in whole by a continuing annual pledge of any Mississippi Adequate Education Program Funds available to the district, in an amount not to exceed One Hundred Sixty Dollars (\$160.00) per pupil based on the latest completed average daily attendance count certified by the department prior to the issuance of the bonds. Such State Aid Capital Improvement Bonds may be issued for the purposes enumerated in subsections (a), (b), (c) and (g) of this section. Prior to issuing such bonds, the school board of the district shall adopt

a resolution declaring the necessity for and its intention of issuing such bonds and borrowing such money, specifying the approximate amount to be so borrowed, how such money is to be used and how such indebtedness is to be evidenced... The State Board of Education shall not approve any capital expenditure plan for a pledge of funds under this paragraph unless it determines (i) that the quality of instruction in such district will not be reduced as a result of this pledge, and (ii) the district has other revenue available to attain and maintain at least Level III accreditation."

* * *

"A district issuing State Aid Capital Improvement Bonds may pledge for the repayment of such bonds all funds received by the district from the state, in an amount not to exceed One Hundred Sixty Dollars (\$160.00) per pupil in average daily attendance in the school district as set forth above, and not otherwise permanently pledged under paragraph (d) of this subsection or under Section 37-61-33(2)(d), Mississippi Code of 1972, annotated."

* *

"Any such State Aid Capital Improvement bonds shall mature as determined by the district's school *board* over a period not to exceed twenty (20) years. Such bonds shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-101, Mississippi Code of 1972. The further details and terms of such bonds shall be as determined by the school board of the district...State Aid Capital Improvement Bonds shall mean any bond, note, or other certificate of indebtedness issued by a school district under the provisions hereof. " School boards have the discretion to determine the terms and conditions of the indebtedness as well as the manner in which the indebtedness will be sold, i.e., open market, financial institution, Mississippi Development Bank, or other legal means.

"This paragraph (e) shall stand repealed from and after June 30, 1998."

Note 1: The \$160.00 limitation is subject to adjustment based on lesser amounts received during the interim period. At no time during the term of the bonds can the district's pledge for repayment exceed \$160.00 per pupil.

Note 2: Average daily attendance is as defined by MAEP.

The Mississippi Board of Education must approve the following:

- **Long Range Capital expenditure plan**
- **Application for the Expenditure of MAEP Funds for a Capital Improvement Project [Not required for Section 37-151-7(5)(c) and Section 37-151-7(5)(g)]**

Additional requirement:

- **Attach a copy of the local board resolution as required by Section 37-151-7(5)(e)**

Disbursement and expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan and the Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project [when applicable] by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

OR

B. In accordance with Section 37-151-7(5)(f), Mississippi Code of 1972, annotated, "As an alternative to the authority granted under paragraph (e), a school district, in its discretion, may authorize the State Board of Education to withhold an amount of the district's adequate education program allotment equal to up to One Hundred Sixty Dollars (\$160.00) per student in average daily attendance in the district to be allocated to the State Public School Building Fund to the credit of such school district. A school district may choose the option under this paragraph (e) or paragraph (f), but not both. In addition to the grants made by the state pursuant to Section 37-47-9, a school district shall be entitled to grants based on the allotments to the State Public School Building Fund credited to such school district under this paragraph. This paragraph (f) shall stand repealed from and after June 30, 1998."

The Mississippi Board of Education must approve the following:

- **Long Range Capital Expenditure Plan**
- **Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project**
- **Construction Contracts including plans and specifications**
- **Change Orders greater than 1% of the total contract amount in accordance with Section 31-7-13(g), MS Code of 1972, annotated**
- **A school board resolution authorizing the State Board of Education to withhold an amount of the district's Adequate Education Program allotment equal to up to One Hundred Sixty Dollars (\$160.00) per student in average daily attendance in the district**

School district grant for capital improvements under the provisions of the Mississippi Adequate Education Program Act will be computed as follows

ESTIMATED MAEP PLEDGE			
Fiscal Year	\$ Per Student	x ADA*	Total
1997-1998	_____	_____	_____
1998-1999	_____	_____	_____
1999-2000	_____	_____	_____

2000-2001	_____	_____	_____
2001-2002	_____	_____	_____
Full Funding (beginning July 1, 2002)	_____	_____ x _____	_____ (Years)
			TOTAL:

_____	Total MAEP Funds Pledge
-	Bond Interest and Issuance Cost
=	Net MAEP District Grant

Note 1: The \$160.00 limitation is subject to adjustment based on lesser amounts received during the interim period. At no time during the term of the bonds can the district's pledge for repayment exceed \$160.00 per pupil.

Note 2: *Average daily attendance is as defined by MAEP.

Disbursement of MAEP District Grant:

Under the State Public School Building Fund, proceeds from the State bond sale will be distributed by the Mississippi Department of Education to the school district according to the following payment schedule:

1. 60% upon approval of Contract Documents by the MS Board of Education
2. 30% upon written certificate from the Architect/Engineer that the project is 50% completed
3. 10% upon completion of the project, including completion of all items noted at the final inspection, and approval of the final report by the MS Department of Education, Office of School Building and Transportation

Applicable procedures for submission of documents supporting capital improvement project(s) under the State Public School Building Fund will be provided by the Mississippi Department of Education, Office of School Building and Transportation.

Option 4 - Alternate Uses

A. In accordance with Section 37-151-7(5)(g), Mississippi Code of 1972, annotated,

"The State Board of Education may authorize the school district to expend not more than twenty percent (20%) of its annual allotment of such funds or Twenty Thousand Dollars (\$20,000.00), whichever is greater, for technology needs of the school district, including computers, software, telecommunications, cable television, interactive video, film low-power television, satellite communications, microwave communications, technology-based equipment installation and maintenance, and the

training of staff in the use of such technology-based instruction."

The Mississippi Board of Education must approve the following:

- **Long Range Capital Expenditure Plan**

Disbursement and Expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan by the Mississippi Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

AND/OR

B. In accordance with Section 37-151-7(5)(h), Mississippi Code of 1972, annotated, "To the extent a school district has not utilized Twenty Percent (20%) of its annual allotment for technology purposes under paragraph (g), a school district may expend not more than twenty percent (20%) of its annual allotment or Twenty Thousand Dollars (\$20,000.00), whichever is greater, for instructional purposes. The State Board of Education may authorize a school district to expend more than said twenty percent (20%) of its annual allotment for instructional purposes if it determines that such expenditures are needed for accreditation purposes."

The Mississippi Board of Education must approve the following:

- **Long Range Capital Expenditure Plan**

Disbursement and Expenditure of MAEP Funds:

Upon approval of the Long Range Capital Expenditure Plan by the Mississippi

Board of Education, all appropriated MAEP funds will be distributed by the Department of Education as requested by the school district subject to fund availability. The expenditure of MAEP funds will be subject to state law and accounted for by the local school district in accordance with the guidelines prescribed by the State Auditor.

Option 5 - Program Management

In accordance with Section 37-151-7(5)(i), Mississippi Code of 1972, annotated, the Mississippi Board of Education will not require that any district use the services of a program

manager, unless upon review of the Long Range Capital Expenditure Plan, the Board determines that such a need exists. However, if a district elects to use a program manager, or the Board requires the district to use a program manager, the Mississippi Board of Education approval is required.

The Mississippi Board of Education must approve the following:

- **A school board resolution identifying the firm, explaining the selection criteria utilized and addressing the cost effectiveness**

Additional Requirements for All Options

1. The Mississippi Board of Education or the Mississippi Department of Education may, upon review of the Long Range Capital Expenditure Plan and the Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project, request additional information from the school district as deemed necessary prior to final approval.
2. Each building project, including renovations and repairs in excess of Fifty Thousand Dollars (\$50,000.00), must be planned and supervised by a registered professional architect/engineer in accordance with Section 73-13-45, Mississippi Code of 1972, annotated. Architectural and engineering fees paid from state funds shall not exceed 6% of the contract.
3. Mississippi Department of Education staff are authorized to make on-site visits to observe the construction of school facilities as deemed necessary or upon the request of the district.
4. Any change in the district's Long Range Capital Expenditure Plan shall require Mississippi Board of Education approval.
5. Mississippi Board of Education approval is required for revisions to the Application(s) for the Expenditure of MAEP funds for a Capital Improvement Project that result in: (1) deviation from the original intended use of the facility, (2) reduction in the number of instructional areas, (3) the actual bid price exceeds the total estimated cost by greater than five percent (5%), or (4) a change in the method of financing the project.

Approval Criteria for Long Range Capital Expenditure Plan and Application(s) for the Expenditure of MAEP Funds for a Capital Improvement Project

1. Instructional Area Needs - When considering priorities in the area of capital improvements, generally, the instructional areas are the most important -- classrooms, laboratories and libraries -- then, followed by cafeteria areas. However, special circumstances may dictate the need to consider other areas.
2. Renovation vs New Construction - Renovating an existing facility is often more cost effective than construction of a new facility. A 5-year facility needs survey will define the scope of work needed along with cost estimates of the construction. All construction shall adhere to the current edition of the Standard Building Code, Americans with Disabilities act and all codes and regulations adopted by local jurisdiction.

3. Debt Structure - The debt structure of a school district must be considered when deciding whether to issue new debt and/or to retire or refinance an existing debt.

4. Other Justification - In order to justify the need for capital improvements, a summary including detailed district information shall be provided by districts with a current performance index **below 3.5** to indicate how the use of funds will enable them to attain and maintain at least Level III accreditation and not reduce the quality of instruction. Districts with a current performance index of **3.5 and above**, that choose Option 3-Long Term Pledge, must provide a detailed explanation that, as a result of this pledge, the quality of instruction in the district will not be reduced and the district has other revenue available to attain and maintain at least Level III accreditation.

Definition of Terms

1. Average Daily Attendance shall mean the average daily attendance for months one through nine less the average daily attendance for self-contained special education classes and alternative school programs for fiscal year 1997 for purposes of calculating the bonding limitation.

2. Capital Improvement Project shall mean a specific plan to address new construction, renovation and repairs within the Long Range Capital Expenditure Plan and may include more than one school site. Such projects should only include construction work expected to be completed during a specified period of time.

3. Instructional Areas shall mean classrooms, libraries and laboratories.

4. Long Range Capital Expenditure Plan shall mean a 5-year facility plan of capital improvement needs.

5. Program Management shall mean professional services to assist the district in the development and management of a project with respect to design and construction.

6. State Aid Capital Improvement Bond shall mean any bond, note, or other certificate of indebtedness issued by a school district as authorized by Section 37-151-7(5)(e).

7. Technology Plan shall mean a 3-5 year approved plan indicating the district's intent to integrate educational technology into the classroom in accordance with Section 37-151-17, MS Code of 1972, annotated.

8. Preliminary architectural plans shall mean drawings of graphic and textural information conveying size, shape, spatial relationships and functional characteristics of the project components.

Section 37-151-7(5)(i) states in part, "*Any interest accruing on any unexpended balance in the Interim School District Capital Expenditure Fund shall be invested by the State Treasurer and placed to the credit of each school district participating in such fund in its proportionate share.*"

Interest income that is earned by the State Treasurer during the 1997-98 fiscal year will be disbursed to school districts in the month of July 1998. Interest income that is earned during the 1998-99 fiscal year and subsequent interim fiscal years will be disbursed on a monthly basis during those fiscal years.

The interest income will be available for use by districts in accordance with Section 37-151-7(5)(a), (b) and/or (c) (Option 1 - Cash Allotments) and/or Section 37-151-7(5)(g) and/or (h) (Option 4 - Alternative Uses). Option 1 - Cash Allotments is pay-as-you-go cash that can be used for capital expenditures and/or the retirement of debt while Option 4 - Alternative Uses is cash that can be used for technology needs and/or instructional purposes.

It is not necessary that a school district submit or amend an Application for the Expenditure of MAEP funds for the use of the interest income. However, a "Statement of Assurance" must be completed and submitted to the Department of Education that stipulates that interest income will be expended in accordance with Section 37-151-7(5)(a), (b), (c), (g) and/or (h).

STATEMENT OF ASSURANCE for EXPENDITURE OF INTEREST INCOME ON MAEP FUNDS EARNED by THE STATE TREASURER

The _____ School District will expend the Interest Income earned by the State Treasurer on the investment of MAEP funds in accordance will applicable state laws, including, but not limited to Section 37-151-7 (5) (a), (b), (c), (g) and/or (h).

By signature below, I assure the State Board of Education and the Department of Education that the expenditure of interest income earned by the State Treasurer on the investment of MAEP funds will be expended by the school district during the interim years in accordance with the above referenced statutes.

_____, Superintendent
(Signature)

(Print)

(Date)

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DESCRIPTOR TERM: Public Use of Lampton Auditorium-Mississippi School of the Arts	CODE: 5201
ADOPTION DATE: May 19, 2000	REVISION:

STATE BOARD POLICY

POLICY AND PROCEDURES TO PROVIDE PUBLIC USE OF LAMPTON AUDITORIUM ON THE MISSISSIPPI SCHOOL OF THE ARTS CAMPUS, BROOKHAVEN, MISSISSIPPI, AS AUTHORIZED BY SECTION 37-140-9, MISSISSIPPI CODE OF 1972, AS AMENDED

SECTION 1: CONDITIONS FOR USE OF LAMPTON AUDITORIUM

Use of Lampton Auditorium is subject to the conditions stated in the Application and the Confirmation Agreement and all conditions listed below:

1. The application form and executed confirmation agreement, along with all fees, must be received by the Mississippi Department of Education (MDE) at least five (5) working days prior to date of intended use;
2. The confirmation agreement will not be binding upon the MDE unless and until accepted and executed by the MDE;
3. Neither smoking nor alcoholic beverages shall be permitted or allowed at any time in Lampton Auditorium;
4. Use of candles require clear plastic or other protection on the floor. Reservation markers placed on seats should be fastened with ribbon. Do not use any form of tape. No nails, tacks, staples, pins, adhesives or anything that will mar woodwork or furniture may be used. All decorations must be removed within the time limitations of your event;
5. Portable sound or visual equipment shall be furnished by and at the expense of the applicant;
6. Equipment available for use in the auditorium shall consist of tables, chairs, podium, lectern, and state and American flags;
7. Regulations governing use of facilities as stated in these policies and in the application form and confirmation agreement must be observed;
8. Failure of the Applicant/Lessee to comply with any of the foregoing conditions constitutes cause for cancellation of privilege to use the facility;
9. The Lessee hereby further agrees and binds itself to indemnify and hold harmless the Lessor from any liability or loss occasioned by any injury or damage sustained by any person on said premises during this lease as a result of the Lessee's, his guests', or independent contractor's failure to exercise such care as is required of it by law in the operation of the said Lampton Auditorium during said period, and the Lessee further agrees and obligates itself to maintain and keep the said premises in a reasonable safe condition for the use herein specified;
10. The Lessee understands that he shall be responsible for the costs of and repairs and/or

replacement necessary due to any damage or destruction resulting from the Lessee's, his guests', or independent contractor's use of Lampton Auditorium;

11. The MDE will not be responsible for any damages to articles or equipment or loss of any articles or equipment left in the Lampton Auditorium prior to, during, or following a function;
12. Furthermore, the MDE is authorized to make repairs and/or purchase replacements necessary due to any damage or destruction resulting from use of said facility caused by the Lessee, his guests, or independent contractors and to bill the Lessee for same.

SECTION II: APPLICATION FOR USE AND CONFIRMATION AGREEMENT (See Attached)

SECTION III: NONDISCRIMINATORY PRACTICES

The Mississippi Department of Education does not permit the practice of discrimination in granting permission for use of its facilities by any organization or group which excludes persons from participation because of race, color, sex, creed, national origin, or disability. Applicants for the use of school facilities must agree not to engage in or permit such discrimination while using school property.

SECTION IV: NONCOMPLIANCE

1. The Applicant/Lessee understands that upon failure to comply with any and all of the policies on use of Lampton Auditorium, the Mississippi Department of Education may terminate and cancel all rights and privileges of the applicant to use Lampton Auditorium.
2. No delay or omission by the MDE in exercising any right, power, or remedy hereunder or otherwise afforded by the policies, application or agreement, at law, or in equity shall constitute an acquiescence therein, impair any other right, power or remedy hereunder or otherwise afforded by any means, or operate as a waiver of such right, power or remedy.

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DESCRIPTOR TERM: Mississippi Virtual Public Schools	CODE: 5400
ADOPTION DATE: October 20, 2006	REVISION:

STATE BOARD POLICY

Mississippi Virtual Schools

Definition: The Mississippi Virtual Public School Program is a free web-based educational program offered by the Mississippi Department of Education to provide Mississippi students with access to a wider range of course work. Technology will be used to deliver instruction to students via the Internet in a virtual or remote setting.

Local School District: The public school district is responsible for the academic progress of its students, including but not limited to, enrollment, awarding of credit and monitoring progress.

The State Board of Education shall have approval authority for all coursework and policy of the Mississippi Virtual Public School and any other state virtual school.

Scope: Meet the educational needs of children in the State of Mississippi;

Close the achievement gap between high-performing including the achievement gap among at-risk students;

Provide a broader range of educational options to parents by utilizing existing resources, along with technology with a goal of improving student achievement and reducing the drop-out rate in Mississippi; and

Assist local school districts who currently lack the capacity to provide choices to students especially students whose schools are low performing.

Guiding Principles:

Administered by Mississippi Department of Education (MDE)

- Credits for course work will be granted by local educational agency (LEA)
- All decisions will be guided by focusing on what is best for the students
- The MVS academic calendar will be coordinated with the districts' calendar
- Most online courses will be taught by Mississippi teachers licensed in the subject area and proficient in web-based course delivery
- Development or selection of courses will involve teacher input and will be aligned to National and Mississippi Frameworks standards
- The quality and assessment for online courses must equal or exceed that for traditional courses

- A needs assessment process will determine the sequence of course development for MVS

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DESCRIPTOR TERM: Monthly Attendance Reports	CODE: 5500
ADOPTION DATE: October 15, 1993	REVISION:

STATE BOARD POLICY

Pursuant to authority in Mississippi Code 37-19-51 for the purpose of calculating Minimum Education allotments, the State Department of Education is authorized to change the monthly attendance data reporting from scholastic months to calendar months to begin with the 1993-94 school year. The reporting months shall be defined as following:

September	1st month Report	Shall include the number of days school is in session in the calendar month of August, if applicable, plus the number of days school is in session in the calendar month of September.
October	2nd month Report	Shall include the number of days school is in session in the calendar month of October.
November	3rd month Report	Shall include the number of days school is in session in the calendar month of November.
December	4th month Report	Shall include the number of days school is in session in the calendar month of December.
January	5th month Report	Shall include the number of days school is in session in the calendar month of January.
February	6th month Report	Shall include the number of days school is in session in the calendar month of February.
March	7th month Report	Shall include the number of days school is in session in the calendar month of March.
April	8th month Report	Shall include the number of days school is in session in the calendar month of April.
May	9th month Report	Shall include the number of days school is in session in the calendar month of May plus the number of days school is in session in the calendar month of June, if applicable.
The second and third months		Shall be defined as the reporting months of October and November.

The first six (6) months		Shall be defined as the reporting months of September through February.
The nine months		Shall be defined as the months of September through May

The State Department of Education is authorized to promulgate other rules and regulations necessary to implement and administer this matter.

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DESCRIPTOR TERM: Non-Public Approval	CODE: 5600
ADOPTION DATE: February 19, 1993	REVISION: May 24, 1996

STATE BOARD POLICY

The determination of the approval status of nonpublic schools shall be made in accordance with in the document entitled: Nonpublic Schools Approval Requirements of the State Board of Education. Staff shall review this document as needed and request State Board of Education approval for recommended revisions. Following Board approval, staff will disseminate copies of the revisions to appropriate members of the educational community. An up-to-date copy of this document shall be kept on file in the State Department of Education.

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DESCRIPTOR TERM: Paperwork Reduction	CODE: 5700
ADOPTION DATE: October 21, 1988	REVISION:

STATE BOARD POLICY

The number of written reports that classroom teachers are required to prepare shall be limited to those directly related to the instructional program of the state and district and only essential elements shall be included. Further, the State Department of Education (SDE) shall provide an example of each report required of a district within a logical time frame and shall reduce the number of regularly required reports. The SDE shall continue to work with the Legislature to provide computer capability for school districts and for the SDE itself to be able to manage instruction and fiscal operations by electronic means.

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DESCRIPTOR TERM: Parent Awards	CODE: 5800
ADOPTION DATE: October 16, 1992	REVISION:

STATE BOARD POLICY

The process for implementing the Parent of the Year recognition program is outlined in the attached documents.

PARENT OF THE YEAR PROGRAM
STATE DEPARTMENT OF EDUCATION
P. O. BOX 771 – JACKSON, MISSISSIPPI 39205
(601)359-3519

MEMO TO: Superintendents
FROM: Public Relations Director
RE: Parent of the Year Program

The State Board of Education, mandated by Senate Bill 3120, has established an awards program to reward parents for becoming involved in school improvement efforts. A process which will designate a Parent of the Year in each school district in the state and the designation of one Parent of the Year statewide has been established. Please use this application form to nominate an outstanding parent who has made a significant impact on the school improvement efforts in your school district.

A selection committee composed of PTA representatives, Parents for Public Schools representatives, teachers, administrators and parents will evaluate the applications and make the final selection.

It is imperative that parents be involved in our districts' goals for education reform. Let them know how much we appreciate their efforts by nominating a Parent of the Year in your school district.

If you have questions or concerns, please call my office at (601) 359-3519.

PARENT OF THE YEAR NOMINATION FORM

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

(Please type)

Nominee Name _____

School District _____

County _____

Congressional District _____

Home Address _____

Social Security Number _____

Age _____ Marital status _____ Number of children _____

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

If married, spouse's name and occupation

Superintendent's signature _____

Date _____

Nominee's School Improvement Efforts

Describe the **school improvement efforts of the Parent of the Year nominee** in his/her school district. Include awards and other special recognitions received. Describe involvement in service-oriented activities, such as volunteer work, etc. Be **specific** describing projects. (**Maximum length: two double spaced pages**)

Letters of Support – (limit of **three** letters) Please attach to application. Include three letters of support from among the following: superintendent, principal, colleague, PTA president, or civic leader.

Please note:

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

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DESCRIPTOR TERM: Probation (Conservatorship)	CODE: 5900
ADOPTION DATE: February 18, 1994	REVISION: May 21, 1999

STATE BOARD POLICY

Procedures for developing and implementing a Corrective Action Plan as required in Section 2.8.2 of Bulletin 171 Accreditation Requirements of the State Board of Education are contained in this document. These procedures shall be implemented by the Office of Instructional Development and other assigned Mississippi Department of Education (MDE) staff.

I. Performance Deficiencies

The Office of Instructional Development (OID) will work with Level I school districts to develop Corrective Action Plans (CAPS) designed to address deficiencies identified in the district's *Accreditation Performance Report*. OID staff will provide technical assistance to ensure districts' CAPS (1) address specific deficiencies identified in the district's *Accreditation Performance Report* and (2) focus on plans of action to improve instruction; curriculum; professional development; reporting to the local board, parents and community; and to make changes in personnel and classroom organization.

Strategies included in the CAP must be based on a thorough analysis of available data including test data, grades, attendance report, dropout data, and other available information. Additionally, the CAP must include specific goals, objectives, implementation timelines, person(s) responsible for carrying out each plan of action, and an evaluation component.

Specific steps for the development and implementation of the CAP are outlined below:

1. OID staff will meet with district representatives to discuss and outline the format for writing the CAP. Staff will apprise the local superintendent and board of the probationary process, including the conservatorship component.
2. OID staff will provide technical assistance during the development of the CAP in each district.
3. Each superintendent will provide assurance in writing that the development of the CAP includes school administrators, teachers, parents and community involvement.

4. When the district CAP is finalized, it must be adopted by the local school board and signed by the superintendent and school board president.
5. All CAPS will be submitted to the State Board of Education by the July State Board of Education meeting.
6. The district superintendent and/or his/her designee will, at a minimum, report to the local school board every other month progress made in implementing the CAP. This report will be included as an item on the agenda identified as "Progress Report on Implementation of the District's Corrective Action Plan."
7. The local superintendent will submit a written progress report on the implementation of the CAP to the director of OID at least quarterly during the current school year.

II. Process Deficiencies

The Office of Instructional Development (OID) staff and/or MDE staff with expertise in the area of the deficiency(ies) will work with the Level I school districts to develop Corrective Action Plans (CAPS) designed to address deficiency(ies) identified in the district's *Accreditation Process Report*. Technical assistance will be provided by OID staff to ensure districts' CAPS address the deficiency(ies) identified.

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DESCRIPTOR TERM: Applications	CODE: 6001
ADOPTION DATE: June 17, 1988	REVISION: June 17, 1994

STATE BOARD POLICY

The procedures for submission of projects under the State Public School Building Fund are outlined in the attached document:

**STATE BOARD OF EDUCATION
PROCEDURES
FOR
SUBMISSION OF PROJECTS
STATE PUBLIC SCHOOL BUILDING FUND**

1. The local School Board and Superintendent shall prepare and submit to the State Board of Education in duplicate the "Long Range Plan of Providing Equal Facilities" for the children of the district. It is very desirable that a conference be held with the Office of School Building and Transportation before the Long Range Plan is completed. This Long Range Plan must be submitted to and approved by the State Board of Education before any school building project can be approved.
2. The site for any new building must be approved by the State Board of Education.
3. Separate applications, along with preliminary plans, must be submitted for each project. These should be submitted in duplicate for review and processing.
4. Immediately following the approval of each project, a Loan Agreement and a No-Arbitrage Certificate must be executed by and between the School Board and the State Board of Education. Copies of this Agreement and Certificate will be mailed from the offices of the State Department of Education to the School Board. All copies of the Agreement and Certificate should be executed by the proper officials designated therein and all copies returned to the State Department of Education.
5. The State Department of Education must be furnished a Certificate of Title prepared and signed by an Attorney for the School Board, if requested. (Blank forms will be provided by the State Department of Education.) Title to school sites should be vested in the School Board and their successors in office. In those cases where title to school property is vested in municipal boards of aldermen, or other such governing authorities of a municipality, a transfer of title to the proper School Board should be effected and such deed properly recorded. In those cases where oil and gas leases are in effect on property purchased for school sites, or where mineral interests are outstanding,

it will also be necessary for a non-drilling agreement to be secured and filed with the State Department of Education.

6. Final plans and specifications should then be completed, after the owner and architect/engineer have conferred with officials of the Office of School Building and Transportation of the State Department of Education, and have made a restudy of the plan in order to be sure that all educational and other requirements have been met. Final plans and specifications, including any addenda, must be approved by the Office of School Building and Transportation, the State Board of Health, and other required regulatory Agencies. Architects/engineers should furnish the State Department of Education with two sets of plans and specifications on each project. When such final plans and specifications are approved by the agencies aforesaid, the School Board will be contacted by the State Department of Education to set a bid date. When a bid date has been authorized by the State Department of Education, proper notice to bidders should be published as provided by law (37-47-29, Mississippi Code of 1972). School districts are urged to instruct their architects/engineers to construct bid proposal documents to include every "add alternate" and "deduct alternate" which may be needed to place the project under contract. Under Mississippi law, there is no provision to "negotiate" a contract.

7. All bids received shall be publicly opened, read and tabulated and the contracts awarded to the lowest and best bidders by the School Board, subject to the approval of the State Board of Education.

8. Following the acceptance of bids, the School Board and/or Architect/Engineer shall submit to the State Department of Education the following:

- a. Tabulation of all bids received.
- b. Copy of "Bid Proposal" of lowest bidder.
- c. Four (4) copies of signed contracts. (Contracts must be signed by the School Board President and the authorized representative of the Contractor.)
- d. Four (4) copies of "Performance Bonds", with Power of Attorney in the State of Mississippi.
- e. Letter from Contractor(s) stating that there are no sub-contractors whose work value is in excess of \$50,000.00, or a list of the sub-contractor(s) with their addresses and certificate of responsibility number(s).
- f. Architect's/Engineer's certification of area under contract.
- g. Letter from Architect/Engineer stating the percentage of project fees.
- h. Letter from the School Board as to the availability of funds to complete the entire project.
- i. Proof of publication of Advertisement for Bids.

9. Payments will be made as follows:

1. 60% upon approval of Contract Documents by the State Board of Education.
2. 30% upon written certificate from the Architect/Engineer that the project is 50% completed.
3. 10% upon completion of the project (including completion of all items noted at the final inspection), approval of final report by the State Board of Education, and except as provided in Section 14 herein.

10. Architect/engineer will supervise and conduct inspections during the course of the project, and

will furnish field inspection reports to the owner, contractor, and the State Department of Education, Office of School Building and Transportation. Representatives of the State Department of Education will make as many inspections as necessary for project evaluation.

11. All change orders, including credits granted by the contractor, must be submitted to and approved by the State Board of Education before being carried out. Documentary evidence must be furnished for every change that is made affecting the amount of the contract or the architectural or engineering fees involved, and such changes must be approved by the state Board of education and placed on record in its minutes. The State Board of Education will not approve a reduction in the work to be performed unless adequate evidence is presented that a corresponding reduction in the amount of the contract has been affected. Likewise, the State Board of Education will not approve an increase in the contract amount, unless adequate evidence is provided that there will be a corresponding increase in the work performed. No change order will be considered by the State Board of Education after final payment has been made.

12. When the building is ready for final inspection, there should be furnished the State Department of Education a certificate from the architect/engineer that the building is substantially completed and ready for final inspection. The architect/engineer will set a time and date acceptable to the State Department of Education, the school board, and the contractor for making the final inspection. A written report of the final inspection shall be made to the State Department of Education by the architect/engineer. The architect/engineer must furnish to the State Department of Education (1) a copy of the "Final Certificate of Payment" A.I.A. Document G-702 (an itemized statement showing all changes in contracts), (2) a certification that all items on the final "punch list" have been completed or corrected, (3) complete documentation of the expenditure of any allowances which were included in the contract, and (4) a copy of all closing documents and warranties as required. When this report is made to the State Board of Education, and when same is approved, the State Board of Education will enter an order in its minutes finally approving and accepting the project.

13. The architect/engineer must furnish to the State Department of Education (1) a copy of the "Final Certificate of Payment" A.I.A. Document G-702 (an itemized statement showing all changes in contracts), (2) a certification that all items on the final "punch list" have been completed or corrected, (3) complete documentation of the expenditure of any allowances which were included in the contract, and (4) a copy of all closing documents and warranties as required. When this report is made to the State Board of Education, and when same is approved, the State Board of Education will enter an order in its minutes finally approving and accepting the project.

14. Prior to receiving the final 10% of loan proceeds, the School Board shall submit to the State Board of Education a certified copy of the records regarding the investment of the loan proceeds which records will reflect (1) that the loan proceeds were segregated in an account separate and apart from other funds of the School Board, (2) the date the loan proceeds were received, (3) the dates the loan proceeds were invested or reinvested, (4) the respective rates of interest in which the loan proceeds were invested or reinvested, and (5) the amounts of investment income received from the investment or reinvestment of the loan proceeds.

15. Upon receipt of those documents and reports listed in 13 and 14 above, payment of the final 10% of state funds will be made, subject however, to the State Board of Education right to deduct certain

amounts relating to the rebate to the United States Department of Treasury of certain arbitrage profits, if any, resulting from the investment of loan proceeds by the School Boards.

Revised 05/20/94

05/20/94

CHECKLIST OF NECESSARY DOCUMENTS

	COPIES	USUALLY FILED BY:
Current Long Range Plan	2	District
Application & Preliminary Drawings	2	District
Loan Agreement & No-Arbitrage Certificate	2	District
Certificate of Title	1	Dist. and/or Attorney
Final Plans & Specifications	2	Architect/<u>Engineer</u>
Bid Tabulation	1	Architect/<u>Engineer</u>
Bid Proposal	1	Architect/<u>Engineer</u>
Contracts (Signed by School Board President)	4	Architect/<u>Engineer</u>
Performance Bonds	4	Architect/<u>Engineer</u>
Sub-Contractor's Certificate	1	Architect/<u>Engineer</u>
Architect's/Engineer's Certification of Fees	1	Architect/<u>Engineer</u>
Architect's/Engineer's Certification of Area Under Contract	1	Architect/<u>Engineer</u>
Certificate of Local and/or other Funds	1	District
Proof of Publication of Advertisement for Bids	1	District and/or Attorney
Architect's/Engineer's Final Certificate, A.I.A. G-702, Architect's		
Certification of Completion of "Punch List", Documentation of Expenditure of allowances, Closing Documents, and Warranties	1	Architect/<u>Engineer</u>
District's Certified Copy of Investment Records	1	District

Items 1 & 2 should be filed with and approved by the State Board of Education before proceeding further.

Items 3 - 5 should be filed with and approved by the State Board of Education before a Bid Date can be approved by the State Department of Education.

Items 6 - 14 must be filed with and approved by the State Board of Education before any

payments will be made to the District.

Items 15 & 16 may be filed any time after the final inspection has been made. However, Final Payment will not be made until the State Board of Education receives (1) certification from the architect/engineer that all items listed on the final "punch list" have been completed or corrected, and (2) the certified copy of the District's Investment Records.

For all application forms, go to

http://www.healthyschoolsms.org/healthy_school_environment/buildinggrounds.htm

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DESCRIPTOR TERM: Application Evaluation	CODE: 6002
ADOPTION DATE: April 21, 1989	REVISION:

STATE BOARD POLICY

After a school district's Long Range Plan has been approved by the State Board of Education as required by Section 37-47-15, Mississippi Code of 1972, as amended, the following criteria shall be utilized in the evaluation of project applications for funding under the Public School Building Fund:

1. Actual and Projected Instructional Area deficit at the Attendance Center;
2. Percentage of Total Floor Area of Attendance Center Needing Renovation (including re-roofing);
3. District's Current Bonded Debt as a Percent of Property Assessment;
4. District's Public School Building Fund Expenditures Per Pupil for last 5 years (aggregate);
5. Date of most recent Public school Building Fund Allocation to District; and
6. Current Public School Building Fund Loans Outstanding Per Student (district).

Appeals from decisions of the State Department of Education may be effected in the manner prescribed by law.

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DESCRIPTOR TERM: Diversion of 10,000,000	CODE: 6003
ADOPTION DATE: June 19, 1992	REVISION:

STATE BOARD POLICY

The additional \$10,000,000 diversion to the Public School Building Fund shall be used for capitol improvements. Funds shall be distributed on a cash basis. Staff shall inform school district personnel of the steps which must be followed to acquire these funds.

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DESCRIPTOR TERM: Hearing Procedures	CODE: 6004
ADOPTION DATE: November 20, 1992	REVISION:

STATE BOARD POLICY

The hearing procedure for the Public School Building Fund is as follows:

1. The State Department of Education, Bureau of School Building and Transportation, shall make the initial recommendation to the State Board of Education to approve or disapprove the plan or application.
2. If the recommendation is to disapprove the plan or application and the State Board acts upon same, the Department will notify the district by certified mail of disapproval, listing the reasons therefor in accord with 37-47-17 and giving notice to the district of its right to request a hearing in writing before the State Board of Education pursuant to 37-45-27 et. seq. within twelve days of receipt of the letter of denial.
3. Upon receipt of a request for a hearing by the district, the State Superintendent of Education will notify the district by certified mail of the time and place of the hearing. Such notification will not exceed ten days from the date of receipt of the request unless mutually agreed in writing by the department and the district.
4. The State Board of Education may hear the issues or may designate an ad hoc committee of the Board to hear the issue(s) at a called meeting and act upon the committee's recommendation at the next regularly scheduled meeting following the issuance of the committee's recommendation unless otherwise mutually agreed in writing by the department and the district.
5. The district and the department may present witnesses and other evidence pertinent to the issue(s) in accord with the provisions of 37-45-27. The State Board of Education shall not be bound by the common law or by statutory rules of evidence or by formal or technical rules of procedure, but may conduct the hearing in such a manner as to best ascertain and determine the welfare of the educable children involved, the efficiency of the schools' operation, and the economic and social welfare of the various school areas involved. Hearsay evidence, if presented, shall not be the sole basis for the determination by the board. The board may ask questions, limit the examination or cross-examination of witnesses and recess and reconvene the hearing, if necessary, in accord with 37-45-27 and 37-45-15.
6. It shall be the responsibility of each party to secure the attendance of its witnesses; however, under the authority of 37-45-31 and upon request of the parties, the State Board of Education may subpoena

witnesses and documents material to the issue(s) under seal of the State Board of Education and in its name. Failure to comply with a subpoena is governed by 37-45-33.

7. A record of the hearing will be taken in accord with the provisions of 37-45-37 and 37-45-45. It is the duty of the appealing district to obtain a court reporter. Should the district certify in writing to the board that it is unable to obtain a competent reporter, the board will select a reporter for the district.

8. The appealing district will bear all costs of the hearing, including the court reporter's fees, excepting only the cost of any witnesses subpoenaed by the State Department of Education (See 37-45-35; 37-45-37; 37-45-43; 37-45-45; 37-45-47; 37-45-49).

9. Two copies of all written evidence will be required: one copy for the State Board of Education and one copy for the opposing party. Evidence submitted by the district will be labeled P-1, P-2, etc. Evidence submitted by the department will be labeled D-1, D-2, etc. Evidence may be stipulated and entered as S-1, S-2, etc.

10. Following the hearing and within a reasonable time after opportunity to review, study and analyze the evidence presented, the board shall make its written findings and issue its order. In the event the board chooses to designate an ad hoc committee of its members to hear the evidence, such committee will within thirty (30) working days of the conclusion of the hearing, after opportunity to review, study and analyze the evidence presented, make its written findings and recommendation to the board, which will act upon such recommendation at its next scheduled meeting. The decision of the board is final.

11. If a decision is adverse to the district, the district has the right of appeal to Chancery Court under the provisions of 37-45-51 and 37-47-67.

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DESCRIPTOR TERM: Historical Sites	CODE: 6005
ADOPTION DATE: July 21, 1995	REVISION:

STATE BOARD POLICY

Criteria for Funding Restoration/Renovation of Historically and/or Architecturally Significant School Buildings or Educational Museums

House Bill 1669, passed during the 1995 regular legislative session, authorizes the expenditure of \$250,000 for the purpose of restoring or renovating historically and/or architecturally significant school buildings or educational museums in accordance with criteria established by the State Board of Education. The State Department of Education will inform the owners of school buildings, that may be considered historically and/or architecturally significant, of the nature and availability of these funds and will distribute requests for proposals (RFP).

Criteria for awarding of funds will be based on the following information that will be solicited in the RFP:

1. The applicant shall submit a narrative that outlines the history and significance of the building. The narrative shall also address the potential educational and/or community benefit of restoration/renovation, plan for continued maintenance and preservation, current use of the building and proposed use of the building.
2. The applicant shall also submit the following:
 - a. Projected cost of restoration/renovation
 - b. Local matching funds available
 - c. Amount of state funds requested
 - d. Location, age, and condition of building
 - e. Projected completion date of the project
 - f. Other information required by the RFP

It shall be the responsibility of the owner to ensure compliance with state bid/construction laws and State Antiquities Act, Mississippi Landmark Procedures. All grantees shall file a final report upon completion of the project.

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DESCRIPTOR TERM: Kindergarten Classrooms	CODE: 6006
ADOPTION DATE: April 18, 1986	REVISION October 18, 1991

STATE BOARD POLICY

The revised classroom regulations for the Kindergarten program are outlined in the document, Mississippi Kindergarten Regulations, Fourth Edition, February 1998. For an updated copy, go to http://www.mde.k12.ms.us/ACAD/ID/Curriculum/LAER/four_yr_guidelines.pdf (page 14).

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DESCRIPTOR TERM: Regulations	CODE: 6007
ADOPTION DATE: June 17, 1988	REVISION: December 18, 1998

STATE BOARD POLICY

**RULES AND REGULATIONS OF
THE STATE PUBLIC SCHOOL BUILDING FUND**

1. The "Loan Entitlement" to capital improvement funds for each school district shall be computed according to the provisions of Title 37, Chapter 47, Mississippi Code of 1972, as follows:

- Total Earned Credits (Annual grants earned since 7-1-54)
- Interest Charged on Loans Outstanding
- = Net Earned Credits
- Amount of Approved Projects
- = Loans Outstanding
- + Maximum Permissible Loan (Annual grant X ADA X 20 yrs. X 75%)
- = Loan Entitlement

2. The expenditure of State Funds for capital improvements shall be subject to the following restrictions:

- a. \$40 per square foot for new construction (including A & E fees);
- b. \$15 per square foot for renovation and/or repairs to existing facilities (including A & E fees);
- c. No state funds for the purchase or improvement of school sites;
- d. No state funds for construction, renovation, or repairs of frame or predominately frame buildings;

- e. No state funds for maintenance-type repairs;
 - f. Each building project, including renovations and repairs, must be planned and supervised by an architect/engineer licensed in the State of Mississippi;
 - g. Architectural and engineering fees from state funds shall not exceed 6% of contract;
 - h. The architect/engineer shall furnish to the successful bidder(s), without cost, sufficient sets of drawings and specifications to satisfactorily complete the project;
 - i. A minimum pitch of 1/4 inch to each foot on any roof on any new building;
 - j. The accreditation status of the school district must be verified by the Commission on School Accreditation. In order to be eligible for state public school building funds, the district must demonstrate that all of its schools are fully accredited, the only exception being non-accreditation due to a facilities deficiency.
3. The district's Long Range Plan must address itself to the proposition of providing adequate and equal facilities for all students in the school district.
4. The "Procedures for Submission of Projects", as revised periodically, are hereby made a part of the Mississippi Board of Education Rules and Regulations of the State Public School Building Fund.
5. School sites shall be subject to the following:
- a. Regardless of whether state public school building funds are involved, no new school facilities shall be constructed on any new site until the said site shall have been submitted to and approved by the Mississippi Board of Education.
 - b. Fee simple title to the school site must be vested in the school board and its successors in office.
 - c. Elementary school sites must have at least five (5) acres of land with one (1) additional acre for each 100 students enrolled, and high school sites must have at least fifteen (15) acres of land with one (1) additional acre for each 100 students enrolled. (These minimum standards may be waived, at the discretion of the Board, when extenuating circumstances exist.)
 - d. School sites will be approved according to the criteria established by the Mississippi Board of Education.
6. The School District must execute and deliver to the Mississippi Board of Education a No-Arbitrage Certificate simultaneous to the execution and delivery of the Loan Agreement and further agrees to comply with the requirements set forth in the No-Arbitrage Certificate, the Procedures for Submission of Project as each relates to the expenditure and investment of funds advanced, the maintenance of expenditure and investment records of advanced funds and the reporting to the Board and the Treasurer of the State of Mississippi of the records of the expenditure and investment of

advanced proceeds.

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DESCRIPTOR TERM: Roofing	CODE: 6008
ADOPTION DATE: March 16, 1990	REVISION:

STATE BOARD POLICY

The Roofing Policy for School Facilities, is outlined in the attached document of that title.

ROOFING POLICY FOR SCHOOL FACILITIES

ROOF REQUIREMENTS

1. TYPE OF SYSTEM

The following four types of roofing systems will be accepted. Any other type of roof system must have written approval of the State Department of Education:

- a. A four-ply fiber glass hot applied built-up roofing system.
- b. A single-ply ethylene propylene diene monomer (EPDM) which can be loose laid, adhered or mechanically attached.
- c. A modified bitumen system which can be heat welded, hot bitumen, or adhered; and with a surfacing which shall completely cover the membrane.
- d. A standing seam metal roof system shall be from a single manufacturer with a minimum of 24 gauge galvalume sheets attached to slip clips for expansion and all seams double locked or pittsburged rolled.

Roofs shall be specified, as well as guaranteed, as a system and shall include vapor retarders, insulation, bitumen, felts, membranes, flashings, metals, decks, and/or anyother items where required by the proposed roof design. All manufacturer's materialsused in the roofing system shall be specified to meet the latest available ASTM standards for individual components of the roofing system. Certification from the roofing manufacturer shall be furnished at the pre-roofing conference as well as when the material is delivered to job site.

2. GUARANTEE

- a. The four-ply built-up roof system shall have a 20-year unlimited manufacturer's guarantee for water tightness covering material and workmanship on the entire system..

b. The single-ply EPDM system shall have a 15-year manufacturer's guarantee for water tightness covering material and workmanship on the entire system, limited to the installation cost of the roof system.

c. The modified bitumen roof system shall have a 20-year manufacturer's guarantee for water tightness covering material and workmanship on the entire system, limited to the installation cost of the roof system.

d. The standing seam metal roof shall have a 20-year, 6-month unlimited manufacturer's guarantee for water tightness covering material and workmanship on the entire system.

e. In addition to the above guarantee, the general contractor and/or the roofing contractor shall provide a written guarantee agreeing to keep the roof free of leaks for a period of two (2) years starting at the time of acceptance of the project by owner.

3. ROOF SLOPES

a. All roof construction on new buildings shall have a built-in minimum slope to drains or eaves of 1/4 inch per foot.

b. All replacement roofs shall have a minimum slope of 1/4 inch per foot where feasible; but in no case shall the slope be less than 1/8 inch per foot. Justification must be requested and approved by the State Department of Education for roofs less than 1/4 inch per foot.

4. SUBSTRATE

The type roof system selected shall be compatible with the substrate and shall be approved by the roofing material manufacturer. All decking material used for roofing shall be UL fire rated.

5. INSULATION

a. Roof insulation shall be of the type approved by the roofing manufacturer for the roof assembly in which it is to be used. The required minimum "R" value shall be specified.

b. On replacement roof projects that do not have a sloping deck, tapered insulation shall be used where feasible.

6. ROOF TOP EQUIPMENT

a. Roof top equipment on new construction is not desirable, and the building should be designed to eliminate the use of this equipment. However, where equipment must be installed on a roof, it shall be approved by the State Department of Education and shall be installed in accordance with NRCA (National Roofing Contractors Association) design details which shall be such that roofing can be easily accomplished without the removal of the equipment.

b. Where equipment on the roof must be periodically serviced, easy access and traffic pads shall be provided.

7. FLASHINGS

a. Flashings should be included in the roof warranty and shall be applied by an applicator

approved by the manufacturer of the roofing material.

b. In re-roofing projects, existing metal flashings which are not to be replaced may be exempted from the warranty.

c. Perimeter metal flashing shall be of a material other than galvanized steel.

PRELIMINARY REQUIREMENTS

1. A report shall be prepared by the professional which will include the following items:
 - a. New Construction
 1. Code fire-protection requirement and the required fire resistance in hours
 2. UL roof assembly numbers
 3. Type of flashing and roofing system recommended with justification for its use
 4. Roof area
 - b. Existing Construction
 1. Determination of roof construction--core where necessary
 2. Visual roof analysis inspection (See form attached.)
 3. Code requirements--UL roof assembly number, if applicable
 4. Provide Class A type roof or match existing roof
 5. Recommendations by the professional as to repair or re-roof

BIDDING REQUIREMENTS

1. BID DOCUMENTS

- a. For new construction and complete tear-off of existing roofs, the professional shall specify the roof as a system and shall include all items which are to be covered under the roof warranty.
- b. When required, the professional shall state in the section, Instructions to Bidders, that upon award of contract, the General Contractor and/or Roofing Contractor shall provide the owner with the installed price of the roofing system.

2. QUALITY ASSURANCE

If requested, the roof contractor shall provide to the Local Education Agency a letter from the manufacturer of the required roofing materials that it is an authorized installer and will provide the required specified warranty for completion.

3. CONFERENCES

a. Pre-Bid Conference

It is recommended that at least seven (7) days before the bidding of a re-roofing project, a pre-bid conference be held at the project site. Attendance at the pre-bid conference is not a prerequisite for bidding.

b. Pre-Roofing Conference

On new and re-roofing projects prior to ordering roofing materials, a pre-roofing conference shall be initiated by the professional. At such time the roofing contractor shall provide a list of materials to be used, manufacturers installation instructions as well as manufacturer's certification confirming that the materials to be used on the project meet the specified ASTM Standards.

On re-roofing projects, the following personnel shall be represented:

Professional Contractor	Roofing
State Department of Education Manufacturer	Roofing
Local Education Agency	

On new projects the following shall be represented:

Professional Contractor	General
State Department of Education Contractor	Roofing
Local Education Agency Contractor	Deck
Roofing Manufacturer	
Mechanical Contractor	

4. INSPECTION

a. Inspections shall be made by the manufacturer's technical representative as necessary to obtain the roof guarantee.

b. The professional or his representative shall inspect the roof as the work progresses, but in particular, he shall inspect at the following times and give a letter of confirmation:

1. Inspect the substrate before any roofing is done.
2. Inspect at the start of roofing installation to assure that the approved materials are being properly installed.
3. Inspect as necessary as the work progresses or when a problem arises.
4. Final inspection at the end of the work to give acceptance of the project.

5. HISTORICAL RECORD

The professional shall assist the roofer in preparing the Roofing Data Sheet provided by the owner for the historical files. (See form attached.)

ANNUAL INSPECTION

School districts are encouraged to contract with a professional or a roof inspector to inspect their roof on an annual basis and submit a written report of any needed repairs and budgeted costs to the school district superintendent.

**STATE DEPARTMENT OF EDUCATION
VISUAL ROOF ANALYSIS INSPECTION FORM**

Project No. _____ District _____ Date: _____
Building No. or Name _____
School _____ Use _____
Contact _____ Title: _____ Phone _____
Professional _____ Phone _____

BASIC DATA:

Roof Level No. _____ of _____
Age of Original Installation _____
Coring Required _____ Data is Based on Coring _____

Interior: Design Temperature _____ Design RH% _____
Water/Moisture Staining _____

Shingle Roof: Area No. _____ Area Sq. Ft. _____ Slope _____
Type _____ Condition _____

Membrane Roof: Area No. _____ Area Sq. Ft. _____ Slope _____
Type: Coal Tar _____ Asphalt _____
Single Ply/Attachment _____
Metal _____ Other _____
No. of Felt Plies _____ Type of Felts _____
Surfacing: Gravel _____ Pavers _____
Smooth Unsurfaced _____ Smooth Coated _____

Defects: (See Plan for No. Locations)

1. Bare Areas (denuded of surfacing) _____ Approx. Area _____
2. Exposed Felts: _____ Approx. Area _____
3. Eroded Felts: _____ Approx. Area _____
4. Alligating: _____ Approx. Area _____
5. Interply Delamination: _____ Approx. Area _____

- 6. Blisters: _____ No. or Area _____
- 7. Fractures: _____ Type _____ Area _____
- 8. Drains _____ No. _____ Dim. _____
Condition _____
- 9. Ponding Water _____ Depth _____ Area _____
- 10. Expansion Joints _____ Type _____
Length _____ Height _____ No. _____
Distance between _____
- 11. Chemical Exposure _____ Type _____
Amount _____
- 12. Roof Traffic Pads _____ Type _____
Extent _____
- 13. Present Leaks _____ No. _____
Locations _____
- 14. Fishmouths _____ No. _____
Size _____
- 15. Ridging _____ Type _____
Size _____
- 16. Slippage _____
- 17. Mechanical Damage _____
Type _____ Extent _____
- 18. Debris _____
- 19. Other _____

Vapor Retarder (Barrier): Type _____ Condition _____
Attachment _____

Insulation: Type _____ Condition _____
Thickness _____ Attachment _____

Deck: Type _____ Thickness _____
Condition _____

Roof Support Structure: Type _____
Spacing _____ Condition _____

Base Flashings: Type _____ Condition _____
Height _____ Coatings _____
Shear Action Evidenced _____

Cant Type: Type _____ Condition _____

Perimeter Treatment: Type _____ Condition _____

Nailers: Y _____ N _____ Condition _____

Metal Components

Counterflashings: Type Metal _____

Type: Thru Wall _____ Reglet _____

Surface Applied _____ Condition _____

Scuppers: Type Metal _____

Condition _____

Gutters: Type Metal _____ Type _____

Condition _____

Pitch Pockets: Y _____ N _____ Condition _____

Gravel Guard/Facia: Type Metal _____

Type _____ Condition _____

Expansion Joint Covers: Type Metal _____

Type _____ Condition _____

Coping: Type Metal _____ Size _____

Condition _____

Parapet: Type _____ Condition _____

Height _____

Coping: Type _____ Condition _____

Roof Penetrations: Type _____ No. _____

Condition _____

Roof Hatch: Y _____ N _____ Condition _____

Roof Ladder: Y _____ N _____ Condition _____

Roof Mounted Equipment: Type _____

Clearance Height _____ Type Support _____

Condition _____

Summary:

No. of Squares in Total Project _____

No. of Squares Having Problems _____

No. of Squares Requiring Maintenance _____

No. of Squares Requiring Re-roofing _____

No. of Squares Requiring No Work _____

Comments: _____

ROOF PLAN OVERVIEW: Identify roof types, slopes, gutters, downspouts, roof-drains, equipment, roof access, walkways and defects by numbers. Give approximate areas, North arrow and scale. Sketch typical section thru roof and deck at perimeter.

SUMMARY RECOMMENDATIONS: _____

Prepared By _____

Title _____ Date _____

STATE DEPARTMENT OF EDUCATION
ROOFING DATA SHEET

Project No. _____ District _____

School _____ Building Name _____

Professional _____

General Contractor _____

Roofing Contractor _____

Surety Company _____ Policy No. _____

WORK

New Roof _____ Re-roof _____ Patching _____ Other _____

Roof Type _____ Trade Name _____

Built-up Roof Bitumen: (Asphalt) (Coaltar) (Other _____)

Plys: _____ Felt Type: _____ Surfacing: _____

Roof Deck Type: (Wood) (Metal) (Concrete) (Cementious) (Other _____)

Insulation Type: _____ Thickness: _____

Flashing Materials: _____

GUARANTEE

Roofing Manufacturer _____

Manufacturer's Guarantee Years: _____ Roofer Guarantee Years: _____

Guarantee Title: _____ # _____

Beginning Date: _____ Expiration Date: _____

Renewal Option: (Yes) (No) _____ Renewal Period: _____

Area: _____ Squares. Limits, if any: \$ _____ Per Square

Whole Building: (Yes) (No) Flashing on Guarantee: (Yes/No)

If only part of building is under guarantee, describe part:

REMARKS:

BASIC BID \$ _____
ALTERNATE BID \$ _____
CHANGE ORDERS \$ _____
TOTAL CONTRACT \$ _____

Name _____ Date _____

STATE DEPARTMENT OF EDUCATION
ROOF BOND FILE LOG

SCHOOL: _____

<u>BUILDING #</u>	<u>BUILDING NAME</u>	<u>PROJECT #</u>	<u>DATE</u>	<u>NOTES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

DESCRIPTOR TERM: Relocatable Classrooms	CODE: 6009
ADOPTION DATE: January 12, 1966	REVISION: June 22, 1990

STATE BOARD POLICY
Minimum Specifications For Relocatable Classrooms

PURPOSE AND COMPLIANCE

- A. To set minimum safety and utility requirements for relocatable units regardless of the manufacturer, vendor, and/or contractor.
- B. To assure local school authorities a relocatable unit meeting the mentioned requirements and, at the same time, giving them the freedom of selection as to the particular make and model of relocatable unit they desire to place under contract.
- C. To set forth certain minimum mandatory requirements that must be complied with by any manufacturer, vendor, and/or contractor supplying a relocatable unit for use in the Public School Districts of the State of Mississippi.
- D. All relocatable units must conform to the construction requirements as established in this specification.

PROCEDURE

- A. Approval of plans and specifications.
 - 1. Plans shall be prepared by an Architect or Engineer registered in the State of Mississippi.
 - 2. Submit plans for approval to State Agencies listed below before bids may be submitted to local school districts:
 - a. State Board of Health - **1 set**
 - b. State Department of Education - Division of School Building and Transportation - **1 set**

MOBILITY

- A. To be considered a relocatable unit, the largest component must be of such construction as to permit highway travel and require a minimum of "on-site" work before the unit may be used for

intended school work before the unit may be used for intended school purposes. Such units must consist of prefabricated component parts, or sections, that can be easily joined together or dismantled on the site.

B. A minimum of dismantling work and replacement of parts or components should be required to prepare an "in place" unit for relocation to another school site.

DIMENSION REQUIREMENTS

A. The following dimensions must equal or exceed the minimum shown below:

1. Floor to ceiling -- 8' - 0"
2. Exterior width -- 24' or 28'
3. Clear instructional area -- 700 square feet, exclusive of storage, toilets, and heating area.

STRUCTURAL DESIGN

A. Southern Standard Building Code - Coastal Region (latest edition)

1. All units for the State of Mississippi shall meet code for specified region regardless of site location.

2. Foundations, as well as structure, shall meet code .

a. Footings shall be "poured in place" concrete. Piers shall be of concrete and/or masonry construction, using 4' jr. steel I beam for posts and rails as runners for units to be placed on, reinforced as required. Slab on grade construction will not be allowed. Concrete blocks and piers will not be allowed.

B. Anchor bolts shall be used to resist uplift.

C. Floor Live Load 75 pounds per square foot.

D. Certification of Design.

1. To be approved by the State Department of Education, Division of School Building and Transportation. Structural drawings must bear the seal of a structural engineer registered in the State of Mississippi.

CHASSIS

A. Shall be perimeter in type and design.

B. All I-Beams are made of A-36 steel or better.

C. Either 8' or 10' I-Beam will be used as chassis beams. The front and rear members will be the same depth of I-Beam as those used on the sides. The I-Beam will be checked to see if it corresponds with the size specified.

D. Placement of axles shall be indicated on the chassis drawing. This placement is expressed on the drawing as a distance the axles are located from the front crossmember. The axle location has been determined by engineering analysis, taking into account the gross weight, total length, the necessary coupling hitch weight, total distance, and turning radius. The coupling weight is not less than 12% nor more than 25% of the gross weight. The axles, rims, tires, and hitch will remain the property of the manufacturer.

E. Weld Quality - All welds on the steel chassis are full welds with no burn throughs or skips. Where the main I-Beams are butted together the joint is either full penetration weld from both sides of the web and flanges, or it is welded on one side of the web reinforced on the other side of the web of the I-Beam. This plate is at least 4" wide and is welded along all four sides. The difference in the height of the plate and web of the I-Beam is not more than 1½ inches.

G. Lag Bolt Spacing -- At least one lag bolt for every 40 sq. ft. of floor area will be used to fasten the chassis to the floor system. One lag bolt will always be installed at 4' intervals. The remaining required lag bolts will be evenly distributed throughout the rest of the chassis area. The lag bolt size is 5/16" x 2½".

H. A serial number will be stamped into each frame to identify the manufacturer, time, and place of manufacture.

CONSTRUCTION MATERIALS AND STANDARDS

A. Required:

1. All wall framing shall be 2x4 wood studs @ 16" O.C. Double studs at and over all doors with extra blocking over and under all windows. Three 1/4" belt line running full length and width of building.
2. A 3½" blanket of fiber glass insulation with a vapor barrier in all exterior walls. Insulation factor R-11 or greater.
3. Exterior walls shall be covered with embossed finish .019 aluminum, ribbed for extra strength. As an alternate exterior hardboard siding products as Tecture - 1-11 or masonite painted board siding or approved equal, will be acceptable.
4. Interior wall surfaces shall be 5/16" gypsum board with a ½ hour fire rating with a vinyl covered material.
5. Top Plate - Double 2x4's.
6. Bottom Plate - Single 2x4
7. Roof Rafters - Shall be full truss type 2x pitched rafters @ 16" O.C.
8. Roof is insulated w/3½" blanket fiber glass insulation with a vapor barrier on the warm

side. Insulation factor R-11 or greater.

9. Interior ceiling shall be ½" gypsum board, carrying a ½" hour fire rating.

10. Roof covering shall be ½" CD plywood decking with 15# felt and 235# shingles or approved equal. Roof shall be vented.

11. Floor joists shall be 2X6 #2SPF @ 16" O.C.

12. Floor decking shall be ¾" plywood. ¾" T&G (Tongue and Groove) will be acceptable.

13. Floor shall be insulated w/3½" blanket fiber glass insulation with a vapor barrier on the warm side. Insulation factor R-11 or greater.

14. Finish flooring shall be 1/8" vinyl composition tile having a light reflectance value of 30%.

15. The bottom board material, which is fastened to the underside to the unit, is made of a moisture and weather resistant material.

16. This unit shall have two (2) exterior doors which are located remotely from each other. These doors shall not be located in rooms where an unlockable interior door must be used in order to exit. All exterior doors shall be aluminum clad, with shatter proof glass, panic hardware, door closure, and kickplate. There shall be one exit light located above each exterior door. All exterior doors swing outward. All exterior doors 36" x 80". There will be an exterior light located near each exterior door on the latch side of the door.

17. The window area shall equal at least 20% of the floor area and shall be at least 50% operable.

18. Interior doors to be 3" -0" x 6" -8" hollow core with heavy duty hinges.

19. Venetian blinds shall be furnished on each window of commercial grade.

20. Each girls' bath facility shall consist of one vitreous china water closet, one vitreous china wall hung lavatory. Wall materials are to have a smooth finish wall panel that is completely washable. A urine proof smooth trim will be metal. Toilet paper holder at each water closet and mirror over each lavatory.

21. Each boys' bath facility consists of one vitreous china water closet, one vitreous china wall hung lavatory, one vitreous china urinal wall hung with flush valve. Wall materials are to have a smooth finish wall panel that is completely washable. Trim will be metal. Toilet paper holder at each water closet and mirror over each lavatory.

22. Each kindergarten classroom required to have a 6-gallon hot water heater.

23. Sanitation shall meet approval of the Mississippi State Board of Health.

ELECTRICAL

- A. Electrical current shall be single phase.
- B. All minimum wiring size to be 12/2 copper romex with ground.
- C. All lighting and ceiling vent fans shall be 110V.
- D. Lighting shall not be less than 70 footcandles of light.
- E. This building shall have one 200 AMP main breaker panel box.
- F. Electrical material, services, appliances, fittings. and other equipment installed, intended for use in or attached to, the unit shall be listed by nationally recognized testing agencies and all national electrical codes.

PLUMBING

- A. Plumbing shall meet requirements of the Southern Standard Plumbing Code.

HEATING

- A. Heating shall be electric, thermostatically controlled, and shall be designed to maintain an inside temperature of 70 degrees F. with an outside low of 10 degrees Fahrenheit

SKIRTING

- A. Skirting shall be .019 aluminum using a 2x2 framing. The skirting will enclose the entire perimeter of building from base of unit to ground level. The 2x2 framing material shall be treated to resist termites and moisture.

SPECIAL EQUIPMENT

Chalk and Tack Board

Each classroom shall contain 16 linear feet of chalkboard and 8 linear feet of cork or fiber tackboard.

Teacher's Cabinet

Each classroom shall contain one teacher's cabinet with a hanging rod and storage shelves.

Shelf and Hook Strip

Each classroom shall contain a hat shelf with 35 coat hooks.

NOTICE

ALL BIDS SHALL BE SUBMITTED WITH PLANS AND SPECIFICATIONS OF UNIT YOU ARE SUBMITTING FOR BID.

A. Plans shall include the following:

1. Perimeter Frame Plan drawn at scale not less than $1/8" = 1' - 0"$.
2. Foundation Plan drawn at scale not less than $1/8" = 1' - 0"$.
3. Floor Plan drawn at scale not less than $1/8" = 1' - 0"$. This plan shall show all equipment, electrical lights, outlets, mechanical, etc., door and window schedules.
4. Typical Wall Section drawn at scale not less than $3/4" = 1' - 0"$.
5. Anchoring systems shall be specified on detailed plans.
6. Mini-gutters shall be installed around the complete unit with metal flashing over exterior doors and windows.

CONTRACTOR RESPONSIBILITY

Work required of party contracting with school officials for furnishing and installing one or more relocatable units:

A. Location of each unit on the school site according to direction of school officials and accord with the following:

Should not be placed where they could constrict width of required means of egress from there or adjacent building.

Should maintain vehicular access and space for service vehicles.

Spacing of units should comply with requirements of Table 600 of the Standard Building Code.

B. Hand excavation and fine grading for footings.

C. Construction of footings and piers for concrete and steel I beam foundations. (A crawl space of 18 inches minimum is required.) Back fill and hand rank area to be covered by unit.

D. Complete installation of each unit on foundation including:

1. Proper anchorage to foundation and/or tie-downs.
2. Installation of metal skirt.

E. Stub-out of utility lines so they are easily accessible for permanent tie-in by school officials.

F. Complete cleaning of interior and exterior of each unit. Clean site area adjacent to unit and leave grounds in neat condition and unit ready for occupancy.

GUARANTEES AND WARRANTIES

A. Contractor and/or vendor shall guarantee all labor, materials, and equipment for a period of one year after final acceptance of units in contract.

B. furnish the contracting school authorities:

C. All guarantees or warranties furnished by the manufacturers of any equipment or components incorporated in the work of the contract. The standard guarantee or warranty of the manufacturer of the main structural unit -- before entering a contract, school officials should consider the terms of the warranty of the unit manufacturer as to time limitations, etc.

SCHOOL AUTHORITY RESPONSIBILITY

A. Do preliminary clearing and/or grading prior to arrival of relocatable unit contractor.

Regulations governing specifications, plans and purchase of relocatable classrooms as authorized by house bill 677, section 3, regular 1990 legislative session are as follows:

I. Minimum specifications for relocatable classrooms shall be approved by the State Board of Education.

II. The State Department of Education, Division of School Building and Transportation, shall approve or disapprove: A. All plans for relocatable classrooms by persons, firms, corporations, or associations.

B. Persons, firms, corporations, or associations before bids are submitted to the local school district.

III. The State Department of Education, Division of School Building and Transportation, shall approve the purchase of relocatable classrooms based on the following: A. Compliance with all applicable state purchasing laws,

B. Certified Proof of Publication for bids for the purchase of relocatable classrooms,

C. Complete tabulation of all bids,

D. Copy of lowest bid,

E. Copy of approved plans as bid by lowest bidder,

F. Copy of Certified Letter from the Manufacturer stating that no asbestos containing building materials were used in the manufacture of the relocatable classroom(s).

V. Approval for the purchase of relocatable classrooms must be granted by the State Department of Education, Division of School Building and Transportation, before the contract for purchase may be awarded .

VI. All rules and regulations as stated above shall be applicable to the leasing of or the lease/purchase of relocatable classrooms.

VII. In situations where there occurs either a natural or man-made disaster , the State Department of Education, Division of School Building and Transportation, may forego the above stated rules and regulations in order to expedite the acquisition of relocatable classrooms by the local school district. However, the acquisition of such units shall at all times comply with all applicable state purchasing laws.

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DESCRIPTOR TERM: Staff Signatures	CODE: 6010
ADOPTION DATE: October 21, 1988	REVISION:

STATE BOARD POLICY

In the process of allocating Public School Building Funds, the State Superintendent of Education or his designee shall have the authority to sign all documents relative to the administration of the Public School Building Fund after approval by the State Board of Education.

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DESCRIPTOR TERM: Qualified Zone Academy Bonds	CODE: 6200
ADOPTION DATE: September 12, 2003	REVISION:

STATE BOARD POLICY

Background

The Taxpayer Relief Act of 1997 provides a new financial tool that can be used by State Education Agencies to encourage the formation of partnerships between public schools and local businesses. The Act provides for \$400 million of bond authority in 1998 and \$400 million in 1999 for the issuance of interest free Qualified Zone Academy Bonds (QZABs). The IRS has allocated these amounts among the States in proportion to each State's share of the poverty population. Mississippi's allocation is:

1998	\$5,922,000
1999	<u>\$4,800,000</u>
Total	\$10,722,000

QZABs are a new interest free financial instrument that provides a different form of subsidy from traditional tax-exempt bonds. The difference is that the QZAB bondholder (these include banks, insurance companies and corporations actively involved in the business of lending money) receives a federal income tax credit in an amount equal to a percentage of the face amount of the bond. The local school board will be responsible for the issuance of QZAB debt under existing statutory authority and the repayment of the QZAB principal upon maturity. The credit (interest) rate and maximum maturity (about 14 years under current market conditions) are determined by statutory formulas.

QZABs are to be issued in support of a Qualified Zone Academy. A Qualified Zone Academy is defined to include a public school (not a school district) or academic program within a school that enters into a partnership with one or more local businesses to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the workforce under a plan approved by the local school board. Eligible schools must be located in an empowerment zone or an enterprise community or expect to have at least 35 percent or more of their students eligible for free or reduced lunch under the National School Lunch Act. Students in a Qualified Zone Academy must be subject to the same academic standards and assessments as other students educated by the local school system. A Comprehensive Education Plan must be developed by the partnership and must be approved by the board of education of the local school district.

Before QZABs may be issued there must be a written Pledge Agreement between a Qualified Zone

Academy and one or more local businesses under which the business(es) pledge contributions having a present value of at least 10 percent of the gross proceeds of the QZABs. For this purpose, the following constitute eligible contributions:

- equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),
- technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,
- internships, field trips, or other educational opportunities outside the academy for students, or
- any other property (including cash) or service specified by the board of education of the local school district.

The QZABs must be issued by the board of education of the local school district for the benefit of a Qualified Zone Academy. The proceeds of QZABs can be used only for:

- rehabilitating or repairing the public school facility in which the academy is established;
- providing equipment for use at an academy;
- developing course materials for education to be provided at an academy; or
- training teachers and other school personnel in an academy.

It is the responsibility of the board of education of the local school district to determine whether the purposes for which the QZAB is issued conform to applicable State and Federal law.

The Department of Education has the responsibility of allocating portions (or all) of the amount of QZAB authority allocated to the State to one or more Qualified Zone Academies. Amounts allocated to the State for a year that are not allocated to Qualified Zone Academies during that year will be carried over and allocated in any subsequent year.

Allocation of QZAB to PUBLIC School Districts

The total amount of QZABs allocated to Mississippi (\$10,722,000) will be available to public school districts that meet established criteria on first-come-first-served basis. The Department will make that determination based on the date and time the QZAB Application is received from the school district. The amount of QZABs available to public school districts will range from a minimum of \$250,000 to a maximum of \$2,500,000.

QZAB Application

The QZAB Application (copy below) must be completed in its entirety. Incomplete or incorrect QZAB Applications will not be considered and will be promptly returned. One (1) QZAB Application must be completed for each Qualified Zone Academy. Upon official notification of the QZAB program by the Department, the local school district will have thirty (30) working days to submit the QZAB Application. The Department will review the QZAB Application and notify the school superintendent as to whether or not the QZAB Application meets Preliminary Approval. Preliminary Approval will be granted upon timely submission of a completed QZAB Application. Upon notification of Preliminary Approval, the local school district will then have 180 working days

to submit the following:

- A copy of the written Pledge Agreement established between the local school board and one or more businesses under which the business(es) pledge contributions having a present value of at least 10% of the anticipated gross proceeds of the QZABs.
- A copy of the Comprehensive Education Plan for the Qualified Zone Academy that is prepared by the local school board in conjunction with the business partner that addresses: enhancing the academic curriculum, increasing the graduation and employment rates and better preparing students for the rigors of college and the workforce.

The Department will review these two documents and notify the local school superintendent as to whether or not the QZAB Application meets Final Approval. The Department will provide a written explanation to the local school superintendent in the event a QZAB Application is not approved.

QZAB APPLICATION

School District _____ District No.

Qualified Zone Academy

(Eligible School)

(Address)

Amount of QZAB Requested

\$ _____
(\$250,000 Minimum - \$2,500,000 Maximum)

The named Qualified Zone Academy meets the following criteria (check one):

Located in an Empowerment Zone

Located in an Enterprise Community

Has or expects to have at least 35% of students eligible for free or reduce lunch under the National School Lunch Act

By signature below, I certify and agree to the following:

- The students in the Qualified Zone Academy will be subject to the same academic standards and assessments as other students in the school district.
- A written Pledge Agreement will be established between the local school board and one or more businesses under which the business(es) pledge contributions having a present value of at least 10% of the anticipated gross proceeds of the QZABs. Upon notification of Preliminary Approval by the Department, a copy of the written agreement will be furnished to the Department within 180 working days.
- The local school board will approve a Comprehensive Education Plan for the Qualified Zone Academy that is prepared in conjunction with the business partner that addresses: enhancing the academic curriculum, increasing the graduation and employment rates and better preparing students for the rigors of college and the workforce. Upon notification of Preliminary Approval by the Department, a copy of the comprehensive education plan will be furnished to the Department within 180 working days.
- This QZAB Application has been approved by the local school board and is so noted in the official minutes of the board.

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DESCRIPTOR TERM: Reading Improvement Program	CODE: 6300
ADOPTION DATE: June 19, 1998	REVISION:

STATE BOARD POLICY

The goals of the Reading Improvement Initiative as approved by the Board in July 1997, shall be the goals of the Reading Sufficiency Program as mandated in MS Code Section § 37-13-10. The Board is committed to helping local school district personnel provide instructional programs for students that assist students in the acquisition of reading skills that are appropriate for the grade level in which they are enrolled.

The Mississippi Department of Education is authorized and directed to implement the requirements of MS Code Section § 37-13-10, including, but not limited to, the development of the required components for the district reading sufficiency plan and its evaluation, the pilot program for Level 1 districts, and the needed technical assistance.

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DESCRIPTOR TERM: Assistant Teacher Program Regulations	CODE: 6301
ADOPTION DATE: April 15, 1994	REVISION: February 20, 1998

STATE BOARD POLICY

The Mississippi Reading Improvement Regulations are hereby entitled Mississippi Elementary School Assistant Teacher Program Regulations . These regulations shall be reviewed regularly, with needed changes being recommended to the State Board of Education for Approval. Upon Approval, changes will be disseminated to the appropriate personnel in the education community. An up-to-date copy of this policy shall be kept on file in the Mississippi Department of Education.

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DESCRIPTOR TERM: Recruitment	CODE: 6400
ADOPTION DATE: June 19, 1998	REVISION:

STATE BOARD POLICY

These Rules and Regulations are subject to change by the Board of Trustees of State Institutions of Higher Learning (hereinafter referred to as the "Board") and the State Board of Education (hereinafter referred to as the "State Board")., The number of awards and recipients are dependent upon availability of funds and selection shall be based on a first-come, first-served basis of all eligible applicants; however, priority consideration shall be given to persons previously receiving awards under die Critical Needs Teacher Loan/Scholarship Program.

I. ELIGIBILITY

A. Must be accepted for enrollment full-time (minimum 12 semester hours or 9 trimester hours) or part-time (minimum of 6 semester/trimester hours) in any baccalaureate degree-granting institution of higher learning in the State of Mississippi approved by the State Board of Education or at an accredited nonprofit community or junior college and have expressed in writing a present intention to teach in the State of Mississippi in a public school district in a geographical area of the State in which there exists a critical shortage of teachers, as designated by the State Board of Education. Students enrolling on a full-time basis may receive a maximum 'of four (4) annual awards. Students enrolling on a part-time basis may receive a maximum of six (6) annual awards.

B. The applicant who is pursuing an undergraduate education program of study shall qualify to apply for the loan/scholarship program.

C. Must be enrolled in a program of study leading to a Class 'A' standard teacher educator license at one educational institution located in the State of Mississippi.

D. The applicant who has earned less than 12 college credit hours or who attended a home education program during grade levels 9 through 12 must have a composite score of 18 on the ACT and a cumulative high school grade point average of 2.5 or higher on a 4.0 wale. The applicant who his earned 12 or mom college credit hours must have a cumulative grade point average of 2.5 or higher on a 4.0 scale. All applicants must submit official academic transcript(s) from all high school/colleges/universities attended. Earned college credit hours shall not include developmental and remedial coursework.

E. Each recipient must maintain a cumulative 2.5 grade point average each academic year and must maintain satisfactory academic progress in a program of study leading to a Class 'A' standard teacher educator license in accordance with the attending institution's policy in order to continue to receive funds under the renewal

process. The recipient must be enrolled at one Mississippi institution.

F. Eligibility for the loan/scholarship shall not be based upon an applicants eligibility for financial aid.

G. Must not presently or previously have defaulted on an educational loan.

H. Must enter into a Contract and Note with the Board of Trustees of State Institutions of Higher Learning pursuant to these Rules and Regulations and all applicable State Laws.

II. DOCUMENT REQUIREMENTS

Along with the Application, the following documents must be submitted:

A. Entering freshmen must provide an official high school transcript mailed directly from the high school reporting grades 9-12 and received by the established deadline. The transcript must report the cumulative high school grade point average and composite ACT score. The high school grade point average may be calculated on a seven semester high school transcript.

B. For an other applicants, official academic transcript from the school/college/university last attended. The transcript must report grades from all schools/colleges/universities attended. If the transcript does not report grades from all schools/colleges/universities attended, then individual transcripts must be submitted.

C. One executed and dated copy of the Contract.

D. One executed and notarized copy of the Rules and Regulations.

III. AMOUNT AND LENGTH OF LOAN/SCHOLARSHIP

Awards shall be available to both full-time and part-time students.

A. The annual amount of die award for full-time students shall be equal to the total cost for tuition, room and meals, books, materials and *fees* at the college or university in which the student is enrolled, not to exceed an amount equal to the highest total cost of tuition, room and meals, books, materials and *fees* assessed by a state institution of higher learning and/or a state community/junior college during that school year. Awards made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition. The annual award amount for part-time students shall be equal to the total cost of tuition, fees. and a reasonable allowance for books and living expenses.

B. Students enrolling on a full-time basis may receive a maximum of four (4) annual awards. Students enrolling on a part-time basis may receive a maximum of six (6) annual awards.

C. Checks shall be made either co-payable to the recipient and the school or to the school and mailed directly to the school, to be applied first toward tuition.

IV. RECIPIENTS IN SCHOOL

A. The recipient must maintain good standing at the educational institution in which he/she is enrolled at all times.

B. Should a recipient fail to maintain a 2.5 minimum grade point average (GPA) per academic year, he/she is suspended from participation in the program for the following academic year. An official transcript sent directly by the educational institution evidencing a 2.5 GPA for the non-eligible academic year will entitle such a recipient for renewal priority.

C. Persons who withdraw from school or fail to complete an appropriate program of study shall immediately become liable to the Board for the sum of all outstanding loans.

D. Recipient must at all times keep the Office of State Student Financial Aid informed of any change of address and phone number. Recipient will furnish a correct, complete home address and telephone number, and will immediately inform this office of any change of address and phone number.

E. Special circumstances regarding enrollment status, withdrawal or failure to complete the appropriate program of study should be addressed in writing to the Office of State Student Financial Aid.

V. SERVICE OBLIGATION

A. If a recipient is unable to successfully take and pass the exit exam within one (1) calendar year, from the date of graduation, the unpaid principal and interest shall become due and payable on demand to the Board in equal consecutive monthly installments, as determined by the Board, with interest calculated at the current Federal Stafford Loan rate at the time of the occurrence of the event.

B. The recipient will furnish to the Board evidence of employment in a designated geographic shortage area, a defined at the time of graduation, within three months of graduation unless granted an exception for cause. It is fully understood that it is the responsibility of the loan/scholarship recipient to seek and secure employment in an area designated as having a critical teacher shortage. Neither the Board nor the State Board assumes the obligation to perform that function. Prospective teachers may contact the Mississippi Teacher Center for placement assistance.

C. Loans/scholarships made to recipients shall be made and based upon the following options for repayment or conversion to interest free scholarships (REQUIRED military service excepted):

1. A loan/scholarship recipient who actually renders service as a licensed teacher in a public school district in a geographical area of the state where there is a critical shortage of teachers, as approved by the State Department of Education, shall be converted to interest-free scholarships. Any person who received four (4) annual awards, or the equivalent of four (4) annual awards, shall render three (3) year's service as licensed teacher. Any person who received fewer than four (4) annual awards, or the equivalent of four (4) annual awards, shall render one (1) year's service as a licensed teacher for each year that that person received a full-time student scholarship, or for the number of academic hours equivalent to one (1) school year, as determined by the Board, which a part-time student received a loan/scholarship. (Exception Individuals who are unable to secure appropriate employment positions upon completion of licensure requirements, at the beginning of the first school year in which a recipient of a Critical Needs Teacher is eligible for employment as a licensed teacher, will be exempt.)

2. Any person falling to complete his/her required teaching obligation shall immediately become liable to the Board for the sum of all loan/scholarship awards made to that person less the corresponding amount of awards for which service has been rendered, plus interest accruing at the current Federal Stafford rate at the time the person discontinues his/her service, except in the case of a deferral debt for cause by the State Board of Education when there is no employment position immediately available upon a teacher' completion of licensure requirements. After the period of such deferral such person shall begin or resume required teaching duties or shall become liable to the Board. If a claim for payment this is placed in the hands of an attorney for collection, the obligor shall be liable for an additional equal to reasonable attorney's fee.

D. The obligations made by the recipient of this loan/scholarship shall not be voidable by reason of the age of the student at the time of receiving the scholarship.

E. Special circumstances regarding recipients failure to complete the required teaching obligation should be addressed in writing *to* the Office of State Student Financial Aid.

VI. LOAN OBLIGATION

A. Recipient must repay his/her loan (principal and interest thereon) in sixty (60) or less equal consecutive monthly installments should he/she withdraw from school, fail to complete an appropriate program of study or fail to render service as a licensed teacher in a public school district in a geographical area of the state where there is a critical shortage of teachers as designated by the State Board of Education.

B. The rate of Interest charged a loan recipient shall be at the current Federal Stafford Loan rate at the time of the occurrence of the event on the unpaid balance. Repayment commences one (1) month after the occurrence of event.

C. If the recipient fails to repay his/her loan (principal and interest thereon in sixty (60) or less equal consecutive monthly installments, all principal and interest outstanding, together with costs of collection shall become immediately due and payable and demand shall be made by mailing the same to the obligor at the last address furnished by said obligor. Should payment of the sum due not be made in full within thirty (30) days, on the 30th day following the date demand was made, the Contracts and Notes executed by the obligor shall be placed with an attorney for collection, at which point the obligor shall become liable for reasonable attorneys' fees and court costs in addition to the other sums due and owing.

D. The obligations made by the recipient of the loan/scholarship shall not be voidable by reason of the age of the student at the time of receiving the scholarship.

E. Special circumstances regarding a recipient's failure meet the loan obligation requirements should be addressed in writing to the Office of State Student Financial Aid.

VII. MILITARY SERVICE

In terms of military service the following definitions shall apply:

REQUIRED military service is that service which is required of an individual in the service of the Armed Forces of the United States; it does not include a military service obligation incurred to repay a grant, stipend,

or scholarship granted the individual prior to, during, or after the award of the Critical Needs Teacher Loan/Scholarship Program.

OBLIGATED or **VOLUNTARY** military service is that service which is performed by the individual in repayment of a debt owed the United States government as a result of military scholarships, ROTC scholarships, etc. received by the individual. Service is **VOLUNTARY** if the individual is not obligated to incur a period of military service, but chooses to incur the service obligation.

A. Loans/Scholarship shall be eligible for deferment of the accrual of interest and the repayment of principal during the time of required military service:

1. In the event of **REQUIRED** military service, the recipient must apply in writing *to* the Board for a leave of absence, stating beginning and ending dates

2. The recipient must supply the Board with a copy of military orders.

3. Deferment of the obligation to repay due to military service must be requested and approved by the Board on a year-to-year basis (annually).

4. Immediately upon completion of **REQUIRED** military service, the recipient must elect among the options for repayment or service repayment and notify the Board of such election.

5. If a recipient continues **REQUIRED** military service for any reason beyond the required time, then that person shall be declared ineligible for deferment and the remaining unpaid principal and interest due and payable shall become due and payable on demand to the Board in equal consecutive monthly installments as determined by the Board with interest calculated at the current Federal Stafford Loan rate at the time of the occurrence of the event.

B. If a recipient obligates himself/herself to **VOLUNTARY** military service prior to, during, or after the award of the Critical Needs Teacher Loan/Scholarship Program, then that person shall be declared ineligible for deferment and the remaining unpaid principal and interest due and payable shall become due and payable on demand to the Board in equal consecutive monthly installments, as determined by the Board, with interest calculated at the current Federal Stafford Loan rate at the time the occurrence of the event.

VIII. DEATH/TOTAL AND PERMANENT DISABILITY/BANKRUPTCY

A. Death

1. If an individual recipient dies and that recipient had elected to repay by service as specified in Section V. C. 1 and 2 or by loan as specified in Section VI. A., then the recipient's obligation is canceled.

2. The Board shall require a copy of the death certificate or other proof of death that is acceptable under applicable State Law. If a death certificate or other acceptable proof of death is not available, the recipient's obligation for service or on the loan is canceled only upon a determination by the Board on the basis of other evidence that the Board finds conclusive.

3. The Board may not attempt to collect on the loan from the deceased recipient's estate.

B. Total and Permanent Disability

1. If the Board determines that an individual recipient is totally and permanently disabled, the recipient's obligation to make any further payments of principal and interest on the loan is canceled. A recipient is not considered totally and permanently disabled on the basis of a condition that existed before he/she applied for the loan/scholarship, unless the recipient's condition has substantially deteriorated since he/she submitted the loan/scholarship application, so as to render the recipient totally and permanently disabled.

2. After being notified by the recipient or the recipient's representative that the recipient claims to be totally and permanently disabled, the Board shall promptly request that the recipient or the recipient's representative obtain a certification from a physician who is a doctor of medicine or osteopathy and legally authorized to practice, on a form provided or approved by the Board, that the recipient is totally and permanently disabled. The Board shall continue collection until it receives the certification or receives a letter from a physician stating that the certification has been requested and that additional time is needed to determine if the recipient is totally and permanently disabled. After receiving the physician's certification or letter, the Board may not attempt to collect from the recipient.

3. If the Board determines that a loan owed by a recipient who claims to be totally and permanently disabled is not eligible for cancellation for that reason, or if the Board has not received the physician's certification described in paragraph [B](2) of this section, within 60 days of the receipt of the physician's letter described in paragraph [B](2) of this section, the Board shall resume collection and shall be deemed to have exercised forbearance of payment of both principal and interest from the date the Board received the physician's letter described in paragraph [B](2) of this section.

C. Bankruptcy

Loans made pursuant to the Critical Needs Teacher Loan/Scholarship Program are nondischargeable in bankruptcy.

IX. WARRANTY

The acceptance of a Critical Needs Teacher Loan/Scholarship Program shall be deemed equivalent to an appointment by each recipient of the Secretary of State of the State of Mississippi to be his/her true and lawful attorney, upon whom may be served all lawful processes and summons in any action or proceeding against him/her in the event he/she removes himself/herself from this State and the processes of its courts, and growing out of any breach of Contract and Note by the recipient for failure to fulfill his/her Contract and Note with the Board or to repay the Critical Needs Teacher Loan/Scholarship including interest pursuant to the law and Contract and Note, and said acceptance of the loan rights and privileges shall be a signification of the applicant's agreement that any such process or summons against him/her which is so served upon the Secretary of State, shall be of the same legal force and validity as if served on him/her personally. The venue of all causes of action against such nonresidents shall be Hinds County, Mississippi.

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DESCRIPTOR TERM: State	CODE: 6501
ADOPTION DATE: July 17, 1992	REVISION:

STATE BOARD POLICY

The methodology utilized in the allocation of funds for Remediation for students who fail the FLE is as follows:

The total allocation divided by number of students for the current year on May retest roster determines the per pupil allocation. The per pupil allocation is multiplied by the number of students in each district on the retest roster.

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DESCRIPTOR TERM: Sabbaticals	CODE: 6700
ADOPTION DATE: February 20, 1998	REVISION: June 19, 1998

STATE BOARD POLICY

Mississippi School Administrator Sabbatical Program (For licensed teachers in Mississippi school districts)

Reference: Mississippi Code Annotated 37-9-7

In 1998, the Mississippi Legislature amended the Mississippi School Administrator Sabbatical Program. The legislation enables Mississippi school districts to grant sabbatical leave to licensed teachers employed in Mississippi schools for not less than three years. The purpose is to allow such teachers to participate full-time in an educational leadership program and become local school district administrators. The conditions of eligibility, compensation, reimbursement, obligation, breach of contract, and availability are set forth in law and the following State Board of Education policy.

Eligible Candidates

Each local school board may set its own criteria for approving recommendations.

The educational leadership program must be full-time.

Reimbursement by Mississippi Department of Education

Local school districts shall submit sabbatical program applications as directed by the Mississippi Department of Education. The Department of Education will approve applications in accordance with the statute and the methodology for approval of subgrants established by the Mississippi Board of Education.

Obligation of Candidates

There shall be a contractual agreement between the candidate and the school district which includes the standard terms and conditions specified by the Mississippi Department of Education.

Breach of Contract

Any participant who fails to complete all requirements for obtaining a Mississippi administrator license within eighteen (18) months shall be in breach of contract and liable for the salary and fringe benefits received. Interest shall accrue at the current Stafford Loan rate.

Partial years of employment as an administrator shall be prorated.

Availability of Sabbatical

Candidates approved to participate in the Administrator Sabbatical Program prior to July 1, 2001, shall be subject to all requirements of this legislation and all regulations outlined in these guidelines.

Definitions

Administrator:

An administrator, as defined by the *Accreditation Requirements of the State Board of Education* (1997), is any staff member employed by a school board who is assigned responsibility for coordinating, directing, supervising, or otherwise administering programs, services, and/or personnel under the auspices of the program, school, or district.

Administrator License:

An individual hired to fulfill the above responsibilities is required to hold an administrator license as defined in the Guidelines for Mississippi Educator Licensure (1997).

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DESCRIPTOR TERM: Scholarships	CODE: 6800
ADOPTION DATE: May 19, 1989	REVISION: June 18, 2004

STATE BOARD POLICY

In accordance with the "Mississippi Critical Teacher Shortage Act of 1998", the purpose of which is to attract qualified teachers to those geographical areas of the state and subject area shortage school districts as designated by the State Board of Education, the criteria outlined below shall be used to designate those areas.

1. Mississippi public school districts with 60 or more teaching positions having 10% or more of their teaching staff not appropriately licensed shall be declared a geographic shortage area. Not appropriately licensed shall include teachers teaching out of field, teachers teaching with no certificate, and long term substitutes.
2. Mississippi public school districts with less than 60 teaching positions having 15% or more of their teaching staff not appropriately licensed shall be declared a geographic shortage area.
3. Mississippi public school districts having 30% or more of their teaching staff with 25 or more years of experience shall be declared a geographic shortage area.
4. Mississippi public school districts that were named as geographical shortage areas for two or more years preceding enactment of this methodology shall continue to be named as geographical shortage areas.
5. Additional Mississippi public school districts must meet at least two of the aforementioned criteria (numbers 1 or 2 & 3) in order to be designated as a geographic shortage area of the state.

When there is a shortage of funds, priority shall be given to school districts that meet at least three of the aforementioned criteria in designating school districts as a *Subject Area Shortage District*. Refer to GBC-3 for subject area shortage.

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DESCRIPTOR TERM: School Business Officials	CODE: 6900
ADOPTION DATE: October 13, 1989	REVISION: May 21, 1993

STATE BOARD POLICY

**CERTIFICATION OF
SCHOOL BUSINESS OFFICER/SCHOOL BUSINESS ADMINISTRATOR**

In order to provide a financial management system which ensures the proper accountability for funds administered through the local school districts on a timely and accurate basis, to provide and interpret financial information by which the local school board makes educational decisions, and to promote professional growth, the State Department of Education is authorized to create the following professional level positions for the public school districts of this state beginning with the 1990-1991 school year: School Business Officer

School Business Administrator

Accreditation Standard

The Commission on School Accreditation is directed to develop a **COMPULSORY STANDARD** that one such position shall be required to meet minimum accreditation standards beginning with the 1990-1991 school year.

Minimum Qualifications

School Business Officer

a high school degree and who does not meet the requirements for a school business administrator and who has a minimum of nine (9) specified semester hours* in accounting.

School Business Administrator

a current valid certificate endorsed in School Administration with a minimum of nine specified semester hours* in accounting;

or

a baccalaureate degree from an accredited four-year college or university with a concentration in a business related curriculum (accounting, finance, or business administration, etc.) including a

minimum of nine (9) specified semester hours* in accounting;

or

a baccalaureate degree in a nonrelated concentration with a minimum of 24 semester hours of recommended business related courses; 12 hours of which must be in specified courses*; or a graduate degree in a business related field;

or

be a Certified Public Accountant licensed in Mississippi

Recommended college courses: (*specified hours)

- * Principles of Accounting I and II (6 semester hours)
- * Intermediate Accounting I and II (6 semester hours)
- * Governmental Accounting (3 semester hours)
- * Managerial Accounting (3 semester hours)
- Financial Management (3 semester hours)
- School Finance (3 semester hours)
- School Business Administration (3 semester hours)
- General Management (3 semester hours)
- School Law (3 semester hours)

Administration

The administration of this process shall be through the State Department of Education, Bureau of School Support.

Initial Process

The initial process is as follows:

School Business Officer

Any school business officer who has been satisfactorily performing in that position, as of June 30, 1990, and does not meet the minimum qualifications for that position will be approved as a school business officer upon the recommendation of the local superintendent of education. An incumbent will be required to complete six semester hours of accounting (Accounting Principles I and II) plus a three hours specific training program developed by the State Department of Education within four years.

Any newly appointed School Business Officer employed after July 1, 1990, must meet the minimum requirements of the School Business Officer. In the event a special need arises and written justification is submitted, a one year emergency approval may be granted for an individual who has only six of the specified hours in accounting. The three additional hours must be completed within 12 months of employment.

School Business Administrator

Any School Business Administrator who has been satisfactorily performing in that position on or before June 30, 1990, and does not meet the minimum requirements for the position but holds a four year college degree will be approved as a School Business Administrator upon the recommendation of the local superintendent of education. An incumbent will be required to complete six semester hours of accounting (Accounting Principles I and II) plus a three hour specific training program developed by the State Department of Education within four years. Any newly appointed School Business Administrator employed after July 1, 1990 must meet the minimum requirements of the School business Administrator.

Continuing Training

A minimum of 18 hours continuing training must be completed each year to maintain certification. One hour of credit will be given for each hour of training.

Ten of the 18 hours must be job specific. These hours must be from activities provided by the State Department of Audit; State Department of Education; or sponsored by the Mississippi Association of School Business Officials or the Mississippi School Boards Association; or approved by the local school superintendent of education as job specific.

The remaining 8 hours may be obtained by attending local and State Department of Education sponsored inservice training for other certified staff members or attending state, regional or national school business official professional organizations.

All School Business Administrators must participate in the State Department of Education's School Executive Management Institute (SEMI) program.

Completing college courses to meet minimum job requirements will not apply as continuing training hours. However, other college courses may be counted for each semester hour completed.

In the event an emergency (a situation over which the individual has no control) should arise that would prevent an individual from completing the necessary 18 hours inservice training, a one year waiver may be granted upon written justification and recommendation of the local school superintendent of education and approved by the State Department of Education. The subsequent school year's 18 hours must be completed.

Rule and Regulation Authority

The State Department of Education is authorized to promulgate other rules and regulations necessary to implement and administer this matter.

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DESCRIPTOR TERM: School Executive Management Institute	CODE: 7000
ADOPTION DATE:	REVISION: October 24, 1997

STATE BOARD POLICY

The Mississippi Department of Education will develop and disseminate the structure and guidelines for the School Executive Management Institute. As revisions are made and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the education community. An up-to-date copy of the structure and guidelines shall be kept on file in the Mississippi Department of Education.

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DESCRIPTOR TERM: School Records	CODE: 7100
ADOPTION DATE:	REVISION: July 21, 1989

STATE BOARD POLICY

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.

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DESCRIPTOR TERM: Educable Child Program	CODE: 7201
ADOPTION DATE: March 18, 1988	REVISION:

STATE BOARD POLICY

Facility Approval

1. All private schools/facilities, parochial schools/facilities, speech, hearing and/or language clinics (hereinafter referred to as private facilities) that participate in the Educable Child Program will be accredited by a state or regional accrediting agency or approved/licensed by the State Department of Education to meet educational standards in the state
2. All Private Intermediate Care Facilities for the mentally retarded or Psychiatric Residential Treatment Facilities (hereinafter referred to as private facilities) shall be certified/licensed by the designated state authority for such facilities.
3. Out of state private facilities must hold an approval status from their state educational agency or a current accreditation status from a nationally recognized educational accrediting entity such as the Southern Association of Colleges and Schools.

State Level Review Board for Financial Assistance Approval

A State Level Review Board appointed by Mississippi Department of Education will, after review of the Educable Child Applicant's (student with a disability under IDEIA 2004) case, decide whether or not the Educable Child Program will provide financial assistance to the student being placed in a private facility. The State Level Review Board's decision does not change the IEP (individual educational plan) placement decision, rather determines the Educable Child Program's financial involvement regarding the placement. The State Level Review Board will act within five (5) working days of receipt of the student application for assistance.

Financial

General

1. Funds provided under the Educable Child Program will be used for educational costs only.
2. The Mississippi Department of Education will not provide Educable Child funds for the payment of medical services.
3. Room and Board charges for Department of Human Services Educable Child Applicants will not be provided under the Educable Child Program.
4. Public school districts shall be reimbursed for the educational costs of students with

disabilities as outlined in item 8 and under the section entitled "School District Payment."

5. Payments by the Mississippi Department of Education and/or public school districts to private facilities for the educational services of an Educable Child Applicant placed by the Department of Human Services or public school districts shall not exceed the maximum daily rate as outlined in item 8.
6. If transportation costs (i.e. defined as travel to and from school) are incurred by a private facility for an Educable Child Applicant placed by a public school district, payment for such costs will be reasonable and negotiated between the private facility and the public school district. In the event that transportation costs are incurred by a private facility for students with disabilities placed by the Department of Human Service, payment will be negotiated between the Mississippi Department of Education and the private facility.
7. The Mississippi Department of Education has established the Educable Child Student Weight as a multiple of 4.9 times the base student cost of the Mississippi Adequate Education Program.
8. The maximum daily rate payable to private facilities for the educational costs of an Educable Child Applicant placed by public school districts and the Department of Human Services for the 2006-2007 school year and future school years shall be based on the following formula:

$$\frac{(\text{MAEP Base Student Cost} * \text{EC Student Weight}) + \text{MAEP Base Student Cost}}{\text{Number of Days in EC School Year}} = \text{Maximum EC Daily Rate}$$

EC = Educable Child

The rate payable to private facilities shall be the lesser of the maximum daily rate as calculated by the MDE per the above formula or the actual daily rate charged by the provider. Private facilities charging less than the proposed maximum proposed daily rate as of the date of approval of this policy will be reimbursed at current (2005-2006 school year) daily rates with allowances for future increases. Future increases will be limited to the percentage increase in the maximum daily rate as calculated by the MDE per the above formula.

School District Placement

The school district will pay the first \$8,000 for any Educable Child Applicant made by the district. The remainder will be paid by the Educable Child Program, providing funds are available from state and federal sources and the State Level Review Board has approved the Educable Child Applicant for financial assistance.

Department of Human Services Placement

The Educable Child Program will pay the educational costs of an Educable Child Applicant placed by and in the custody of the Mississippi Department of Human Services, provided funds are available from state and federal sources and the State Level Review Board has approved the placement for

financial assistance.

Parent Medicaid Placement

The Educable Child Program will provide up to \$5,000 in financial assistance to an Educable Child Applicant placed in an approved private facility when the student is determined to be eligible for Medicaid services.

Parent Placement

The Educable Child Program will provide the first \$600 in educational costs for an Educable Child Applicant who is placed in an approved private facility. If the child is under 6 years of age, and no program appropriate for the child exists in the public schools of his domicile, financial assistance shall be \$600 and fifty percent of the next \$800.00 or up to \$1,000.

If state and federal funding is not sufficient to fund all applicants, there will be a ratable reduction for all recipients receiving state funds under the Educable Child Program.

Hearing Procedures

- In the event of disapproval by the State Level Review Board of an application for financial assistance under the Educable Child Program (Mississippi Code Annotated, Section 37-23-69), the Mississippi Department of Education will give notice to the Educable Child Applicant (hereinafter referred to as applicant) by certified mail and notify the applicant of the right to request a hearing.
- Within ten (10) working days after the receipt of the notice, the applicant may apply in writing to the Mississippi Department of Education for a hearing before a hearing officer designated by the Mississippi State Board of Education pursuant to Mississippi Code Annotated, Section 37-1-5.
- The hearing officer shall notify the applicant of the time, place, and date of the hearing. The date shall be not less than ten (10) working days and not more than 30 calendar days after the receipt of the request for a hearing unless otherwise agreed by the parties.
- It shall be the responsibility of each party to secure the attendance of its witnesses, if any, and any expenses attendant thereto shall be borne by the party calling that witness. Two copies of any written evidence will be submitted: one copy for the hearing officer and one for the opposing party. Evidence submitted by the applicant will be labeled P-1, P-2, etc. Evidence submitted by the department will be labeled D-1, D-2, etc. Evidence may be stipulated and entered as S-1, S-2, etc.
- The hearing officer shall require that all witnesses be sworn before offering testimony. The hearing officer shall not be bound by the Common Law or statutory rules of evidence or by formal or technical rules of procedure and may conduct reasonable questioning of any witnesses. The hearing

officer may limit the examination or cross-examination of any witnesses to keep the hearing focused on the issue of withholding of funds and may recess/reconvene the hearing if necessary.

- The Department of Education shall make a record of the proceedings to include all documents introduced into evidence which shall be available for cost upon the written request of the applicant.
- Within fifteen (15) working days of the conclusion of the hearing, the hearing officer shall make a recommendation in the following format: (1) purpose of the hearing, (2) summary of evidence presented, and (3) conclusions and recommendations, a copy of which shall be sent to the parties by certified mail.
- The completed record along with the hearing officer's recommendation shall be certified to the State Board of Education which shall at its next regularly scheduled meeting consider only the record and shall not consider any evidence or material not included within the record in reaching its final determination.
- If the State Board of Education shall affirm the Department's actions of disapproval of the application for financial assistance, the State Board of Education shall make its written findings and issue its order and notice shall be given the applicant by certified mail. The decision of the State board of Education is final.
- Any applicant aggrieved by the decision of the State Board of education may within ten (10) calendar days after receipt of such notice file a petition in Chancery Court of the county in which the applicant resides pursuant to the provisions of Mississippi Code Ann. Section 37-23-73.

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DESCRIPTOR TERM: Teacher Unit Approval	CODE: 7202
ADOPTION DATE: March 18, 1988	REVISION:

STATE BOARD POLICY

1. Each district will receive an allocation of exceptional student teacher units for the next school session by April 5 of the current year. The allocation will be based on the numbers of students being served during the current year and in line with the minimum/maximum numbers for exceptional student programs as outlined in State regulations. In the event that the total allocation is more than the number of units approved by the Legislature, districts will be notified of this deficit.
2. District exceptional student programs will be approved by December 15 of the current year. Approval will be based on State regulations covering teacher certification standards, justification of separate facilities, justification of EMR resourcing, justification of unusual combinations of students, and the superintendent's assurance of compliance with regulations.
3. Allocations of exceptional student teacher units based on the previous year's numbers may be increased if the district can show the need by October 15 of the current year.

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DESCRIPTOR TERM: Hearing Procedures, IDEA	CODE: 7204
ADOPTION DATE:	REVISION: September 21, 1990

STATE BOARD POLICY
HEARING PROCEDURES UNDER INDIVIDUALS WITH DISABILITIES
EDUCATION ACT, PART B AND PUBLIC LAW 89-313, AS AMENDED

1. In the event of funds being withheld in accordance with the regulations in the State Plan under Part B of the Individuals with Disabilities Education Act (IDEA) and state regulations regarding students with disabilities, the State Department of Education will give notice to the appropriate school official (district superintendent, agency head, or director of private school) by certified mail which shall include notification of the right to request a hearing.
2. Within five (5) calendar days after receipt of the notice, the applicant may apply in writing to the Mississippi Department of Education for a hearing before a hearing officer with knowledge of special education federal and state regulations. The hearing officer will be designated by the Mississippi State Board of Education pursuant to Mississippi Code Ann. Section 37-1-5.
3. The hearing officer shall notify the appropriate school official of the time, place, and date of the hearing. The date shall be not less than five (5) calendar days from the receipt of the request for a hearing.
4. It shall be the responsibility of each party to secure the attendance of its witnesses, if any, and any expenses attendant thereto shall be borne by the party calling that witness. Two copies of any written evidence will be submitted: one copy for the hearing officer and one for the opposing party. Evidence submitted by the school official will be labeled P-1, P-2, etc. Evidence submitted by the department will be labeled D-1, D-2, etc. Evidence may be stipulated and entered as S-1, S-2, etc.
5. The hearing officer shall require that all witnesses be sworn before offering testimony. The hearing officer shall not be bound by the Common Law or statutory rules of evidence or by formal or technical rules of procedure and may conduct reasonable questioning of any witnesses. The hearing officer may limit the examination or cross-examination of any witnesses to keep the hearing focused on the issue of withholding of funds and may recess/reconvene the hearing if necessary.
6. The Department of Education shall make a record of the proceedings to include all documents introduced into evidence which shall be available for cost upon the written request of the applicant.
7. Within fifteen (15) working days of the conclusion of the hearing, the hearing officer shall make a recommendation in the following format: (1) purpose of the hearing, (2) summary of evidence

presented, and (3) conclusions and recommendations, a copy of which shall be sent to the parties by certified mail.

8. The completed record along with the hearing officer's recommendation shall be certified to the State Board of Education which shall at its next regularly scheduled meeting consider only the record and shall not consider any evidence or material not included within the record in reaching its final determination.

9. If the State Board of Education shall affirm the Department's actions of withholding of Part B and 89-313 funds, the State Board of Education shall make its written findings and issue its order and notice shall be given the school official by certified mail. The decision of the State Board of Education is final.

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DESCRIPTOR TERM: Hearing Officer Fees	CODE: 7205
ADOPTION DATE: January 15, 1993	REVISION:

STATE BOARD POLICY

Hearing Officer Fees

Recommended rate of \$125 per professional hour, charged only for time spent as specified below.

Conducting the pre-hearing conference call which includes the following tasks:

- Sending the initial letter setting up the pre-hearing call. (form letter.)
- Conducting the pre-hearing conference call.
- Writing a letter summarizing the call.

Conducting the due process hearing which includes the following tasks:

- Preparing and sending notice of the hearing to all parties.
- Conducting the hearing.
- Writing an opinion.

Recommended rate of \$25 per non-professional hour, charged for time spent as specified below.

- Time spent performing clerical functions, including but not limited to phone calls except as specified above, scheduling, preparing or sending documents, except as above, etc.
- Time spent in travel from base to destination.

Usual and customary expenses include charges for the following:

- Long distance telephone
- Audio recording
- Faxing
- Photocopying
- Certified mail
- Out of pocket costs (hotel, meals, mileage)

Costs Not Allowed

- Excessive time for research.
- Time spent for billing purposes.
- Transcribing phone calls or meetings.
- Other expenses that are not documented and defined.

Miscellaneous time spent on the case should be included in the hourly rate for conducting the pre-hearing conference and for conducting the hearing.

Additional Considerations

Extra time required to educate oneself on an issue should not be passed on as extra cost to the district. Excessive time spent researching the issue will not be considered a necessary component of writing the opinion. If the hearing officer is not familiar with pertinent case law, he/she should request that counsel for both parties submit briefs following the hearing, since clients are already paying for the research to be conducted by their attorneys.

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DESCRIPTOR TERM: Transportation	CODE: 7206
ADOPTION DATE:	REVISION: July 17, 1992

STATE BOARD POLICY

In the event a school district cannot meet the transportation needs of exceptional children on a regular school bus route, the State Department of Education will reimburse the district for transportation of exceptional children within the district or to the nearest adequate facility outside the district in order to provide appropriate educational services. Reimbursement shall be based upon one-half the school district's annual per pupil transportation allotment multiplied by the number of children transported plus 20 cents per mile not to exceed one round trip daily for each route.

Reimbursement for transporting children enrolled as resident students at the Mississippi School for the Blind or Mississippi School for the Deaf shall be based on the same formula defined above. School districts may reimburse parents, guardians, etc., for the round trip to the Mississippi School for the Blind or Mississippi School for the Deaf and back home at the beginning of the school year and at the close of the school year. Transportation may also be provided on the same basis any time during the school year when the dormitories at these institutions are closed. School districts providing transportation for eligible day students assigned to the Mississippi School for the Blind and Mississippi School for the Deaf shall be eligible for reimbursement not to exceed one round trip daily on each route.

If a child enrolled in either the Mississippi School for the Blind or Mississippi School for the Deaf resides in a school district where there is an appropriate program for that child or where there is an appropriate program within reasonable driving distance which the district will make available to the child, then the transportation cost will be the responsibility of the Mississippi School for the Blind or the Mississippi School for the Deaf (depending upon which school the child is enrolled).

In the event that a state-supported university or college provides a special education program for children from any school district that is unable to meet the educational needs of those children, then the university based program shall be eligible for reimbursement based on the formula defined above. Any assessment of one-half the per pupil allotment shall be based on the child's resident district.

The maximum distance an exceptional child may be transported or the maximum length of time for a special education transportation route will depend upon the Individualized Educational Program (IEP) for the respective child.

For the purposes of reimbursement, an exceptional child is defined as any child properly tested and found eligible for a special education program receiving appropriate educational services as

stipulated in the Individualized Educational Program (IEP).

Plans for providing such transportation shall be submitted on forms provided by the State Department of Education.

No private contracts or use of vehicles other than school busses shall be submitted to the State Board of Education for approval.

Drivers transporting students other than members of the driver's immediate families must be trained and properly certified.

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DESCRIPTOR TERM: State Application Preschool	CODE: 7207
ADOPTION DATE: June 19, 1987	REVISION: April 19, 1991

STATE BOARD POLICY

The State Board of Education is implementing the federal requirements for provision of education to 3 through 5 year old children with disabilities. The required federal application shall be developed/amended and submitted to the appropriate federal agency. When approved by the federal agency, the application will be disseminated to appropriate personnel in the educational community. A current up-to-date copy of the application shall be kept on file in the State Department of Education.

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DESCRIPTOR TERM: University Based Programs	CODE: 7208
ADOPTION DATE:	REVISION: August 16, 1991

STATE BOARD POLICY

The University-Based Program is authorized in Sections 37-23-31 through 37-23-35 of the Mississippi Code. Any state supported university or college may apply for minimum program funds under these regulations.

1. Procedures

a. When there is an organized program in a local school district for students with a particular exceptionality, then the university-based program will not enroll a student with that exceptionality from that district in the university-based program except in the following two situations:

(1) the student is enrolled on a private tuition basis

OR

(2) (a) if the local district initiates a placement because an IEP committee in that district has determined that the organized program in that district is not appropriate for that student,

(b) that university-based program is an appropriate placement for that student, and

(c) the IEP committee places that student in the university-based program.

Yearly placement decisions relative to whether a handicapped student is to be placed in a university-based program by a local district continue to be the responsibility of that local district.

b. No later than April 15 each year, the State Department of Education (SDE) staff will notify the university-based program staff relative to which local school districts in the area served by the university-based program have organized programs for the exceptionalities currently being served in that university-based program. If a parent requests a university-based program to serve an exceptional child from a local school district that has an organized program, the university-based program staff will notify the parent that they are prohibited by state law from duplicating the program available in the local school district and will inform the local district of that child's need for educational service.

c. When the university-based program staff is requested by a parent to serve an exceptional child from a local school district that does not have an organized program for that exceptionality, the child may be enrolled in that university-based program following SDE guidelines that apply to other state agencies. In that case, the university-based program is totally responsible for the education of that child including development of the IEP. It is

suggested that local school district special education staff be kept abreast of the progress of this child and it is permissible for university-based program staff to invite district staff to IEP meetings.

d. In the event there is a question as to whether the local district has an organized program for a particular exceptionality, the university-based program staff may contact the SDE staff responsible for the university-based program for a decision.

e. An organized program is a program approved by the SDE serving a particular age range and exceptionality or exceptionalities. When the local school district has such a program, and a child in that age range and with that exceptionality is identified, an IEP committee in that district makes the decision as to whether that organized program is appropriate for that child. No other entity can make that decision.

2. Application Steps

a. Identify a teacher for this class(es) certified in accord with State Department of Education regulations.

b. Identify a classroom facility in which to locate the class. It should be approximately the same size as a regular classroom in a public school district.

c. Submit a proposal to the Bureau of Special Services describing the program according to regulations.

Upon receipt of this proposal, Bureau of Special Services personnel will review it and either approve it or work with university/college personnel to get it in an approvable form. The Bureau Director will write a letter indicating approval of acceptable proposals and indicating that university/college personnel may proceed with implementation. In the event that teacher certification and number of eligible children is not available when the proposal is submitted, tentative approval will be given until such time as this information is received.

During the implementation of a program, following proposal approval, it will be necessary for the university/college to submit a Class Data Sheet. This submission will occur each year. Any time the program changes, the proposal must be amended.

The Outline for the proposal which is to be submitted to the Bureau of Special Services is as follows:

- (1) Title of the Program
- (2) General Information
 - (a) Number, age and exceptionality of students
 - (b) Length of School Day (must be full day program to receive full funding)
 - (c) Number of teachers requested, teacher's name (if available) and certification (if available)
 - (d) Location and description of the classroom(s)
- (3) A list of program objectives

- (4) An outline of program evaluation criteria
- (5) A copy of the university/college approved policies and procedures as required
- (6) An assurance that the university/college will comply with all applicable State Department of Education regulations relating to programs for handicapped children (it is the responsibility of personnel who operate this program to be familiar with all regulations).

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DESCRIPTOR TERM: 504 Program	CODE: 7209
ADOPTION DATE: August 19, 1994	REVISION:

STATE BOARD POLICY

Regulations for Allocating and Approving a Teacher Unit(s) for Educational Services to Children Who are Eligible for Services under Section 504 in Certain Approved Licensed Facilities

Criteria for Children Served

Children counted for the allocation and approval of a teacher unit(s) must meet the following criteria:

1. Documented birthdate verifying age of five (5) through twenty-one (21) years,
2. Indication of being a resident citizen of the State of Mississippi, 3. Cannot have their educational needs met in the regular public school programs, 4. Have not finished or graduated from high school, 5. Determined by competent medical authorities and psychologists to need placement in a state licensed facility as designated below, 6. Cannot be counted in average daily attendance when determining the regular teacher unit allocation, and
3. Are not eligible for special education as defined under Part B of the Individuals with Disabilities Education Act and in state regulations.

Documentation of numbers 1-7 above must be maintained on file for each child served by an approved state funded teacher and be available upon request by the Mississippi Department of Education (MDE).

State Licensed Facility

A state licensed facility is a private facility which has been granted a license by a state agency within the state of Mississippi and is located within the state. The facility is licensed for inpatient treatment, day treatment, residential treatment, or as a group therapeutic home. Teacher Units Approved for a School District

1. A tutorial instructional education program for children in a state licensed facility may be

provided by a school district in which the state licensed facility is located. Such a program would be the responsibility of the school district and would be under the direct supervision of the district.

2. The district is responsible for verifying the criteria are met for each child served as outlined above under the heading of Criteria for Children Served.

Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the district superintendent that data for each child served has been verified and is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.

3. The district must submit a copy of the facility's state license to the MDE when requesting an allocation for a teacher unit.

4. The district must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Each teacher will be responsible for the educational instruction of a minimum of ten (10) children. A maximum of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.

5. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year and the amount of instructional time based on the schedule of each teacher will be calculated when allocating funds for the teacher unit.

Teacher Units Approved for a State Licensed Facility

1. A private school providing an instructional education program which is operated as an integral part of a state licensed facility may request funding for teacher units. Such an educational program must meet the standards for a special school and be approved by the State Board of Education prior to the allocation and approval of a teacher unit. The facility shall be responsible for providing for any additional costs of the program beyond a teacher unit(s).

2. The administrative head of the facility is responsible for verifying the criteria is met for each child served by an approved teacher as outlined above under the heading Criteria for Children Served. Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the administrative head of the facility indicating criteria for each child served has been verified for correctness and documentation of such is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.

3. A copy of the facility's current state license must be submitted to the MDE when requesting an allocation for a teacher unit. 4. The administrator of the facility must submit Teacher

Allocation data in accordance with the requirements of the Office of Special Education. Teacher units will be allocated based on the teacher certificate requirements of special schools under the Office of Accreditation and each teacher being responsible for the educational instruction of a minimum of ten (10) children. The Maximum number of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education. 5. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year to provide educational instruction and the amount of instructional time based on the schedule of each teacher will be used to calculate the amount of funds for the teacher unit. 6. The administrative head of the facility is responsible for ensuring a teacher approved for a teacher unit will be paid based on the salary scale and salary schedule requirements in Section 37-19-7 and 37-19-17 of the Mississippi State Code.

7. Teacher units will be allocated and approved for the regular school session. The number of days the facility will provide a regular school session must be in accordance with the MDE's regulations. The calendar dates of the beginning and ending of the regular school session must be submitted to the Office of Special Education when requesting an allocation for a teacher unit.

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Descriptor Term: Special Grant Selection Criteria	CODE: 7210
ADOPTION DATE: August 20, 1993	REVISION:

STATE BOARD POLICY

If during the school year a special education class exceeds the maximum enrollment according to the regulations in the Referral to Placement Handbook, Part II, a request for an exemption will be submitted to the State Department of Education. The maximum class enrollment for each type of special education program is as follows:

Resource Program	18
Self-Contained Program	14
Home/Hospital Program	8
Language/Speech Program	60
Preschool (ages 3-5) Home-Based Program	16
Preschool Community-Based Program	16
Preschool Combination of Home-Based and Community-Based Program	16
Preschool School-Based, Full-Day Program	14
Preschool School-Based, Single Half-Day Program	14
Preschool School-Based, Two Half-Day Programs	24

1. The request will describe the situation and provide justification as to why the exemption should be approved to include at a minimum the following:

- * the number of special education teachers in that school who serve students with disabilities, the enrollment of each teacher; and why appropriate services cannot be provided by one of those teachers in that school,
- * a clear description of why an additional class cannot be added to take care of the overload,
- * whether there is a school reasonably close by to which the children over the maximum could be transferred, and
- * other emergency, hardship, or special situations which justify the exemption.

2. State Department of Education staff (Exemptions Committee) will review the request for exemption and make a recommendation to the State Board as to whether it should be granted.

3. The State Board will consider requests at its monthly meetings.

4. A school district may appeal the denial of an exemption by requesting to appear before the State Board at its next meeting.

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

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DESCRIPTOR TERM: Residency Verifications	CODE: 7301
ADOPTION DATE: April 20, 1990	REVISION: July 17, 1992

STATE BOARD POLICY

The requirements relative to school district verification of student residency are as outlined below. The attached form is suggested as a way to collect the required information.

I. POLICY

Definition of residence for school attendance purposes:

The student physically resides full time, weekdays/nights and weekends, at a place of abode located within the limits of the school district.

1. Effective for the 1990-91 school year, all school districts will require students who are seeking to enroll or continue to enroll in a school district to register at the school they are assigned to attend. The school district shall verify the residence of each student.
2. In succeeding years any new student enrolling or entering a school district or any continuing students whose residence has changed will be required to verify his or her residence address as herein provided as a part of the registration process.

II. PROCEDURE

1. Each student identified in paragraphs 1 and 2 above must establish his or her residency in the following manner:

- a. **STUDENTS LIVING WITH PARENTS OR GUARDIAN**

The parent or legal guardian of a student seeking to enroll must provide the school district with at least two of the items numbered (1) through (9) below as verification of their address, except that any document with a post office box as an address will not be accepted.

- (1) Filed Homestead Exemption Application form;
- (2) Mortgage Documents or property deed;
- (3) Apartment or home lease;
- (4) Utility bills;
- (5) Driver's license
- (6) Voter precinct identification;
- (7) Automobile registration;
- (8) Affidavit and/or personal visit by a designated school district official;
- (9) Any other documentation that will objectively and unequivocally establish

that the parent or guardian resides within the school district; and, in the case of a student living with a legal guardian who is a bona fide resident of the school district;

(10) Certified copy of filed petition for guardianship if pending and final decree when granted.

b. HOMELESS CHILDREN

When a child is determined to be homeless as defined by the Stewart B. McKinney Act 42 USC Section 11431(1), 11432 (e)(4) and 11302(a), the school district shall consider and take enrollment action that is in the best interest of the child pursuant to 40 USC 11432(e)(3).

c. STUDENTS LIVING WITH ADULTS OTHER THAN PARENTS OR LEGAL GUARDIANS:

(1) The non-parent claiming district residency must meet the criteria of subparagraph (a)(1) through (9) above, required of a parent or legal guardian.

(2) The district resident must provide the school with an affidavit stating his or her relationship to the student, and that the student will be living at his/her abode full time, and provide documentation fully explaining the reason(s) (other than school attendance zone or district preference) for this arrangement. The local school board or its designee will make the necessary factual determinations under subsection II.1(c)(2). Examples of situations where "in loco parentis" authority of an adult should be recognized to establish residency of the minor include but are not limited to the following:

- (a) Death or serious illness of the child's parent(s) or guardian(s);
- (b) Abandonment of the child;
- (c) Child abuse or neglect;
- (d) Unstable family relationships or undesirable conditions in the home of the child's parents or guardians having a detrimental effect on the child;
- (e) Students enrolled in recognized exchange programs residing with host families.

(3) Whenever appropriate the person who has assumed responsibility for the care and custody of the child shall be encouraged to obtain legal guardianship of the child.

(d) The requirements of Section II.1(a) and (c) above are minimum requirements and the school district may require additional documentation and verification at any time.

(e) At a minimum, the district shall maintain in a file a written instrument identifying the types of documents used to verify each student's residency and copies of any relevant guardianship petition or decree.

(f) The provisions of this policy do not apply to students who reside outside the school district, but who have legally transferred into the school district.

2. In the event that a local school district has a similar procedure which requires documentation of residence and is approved by the State Board of Education, such procedure may be substituted for the procedure outlined in Section II.

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DESCRIPTOR TERM: Transfers	CODE: 7302
ADOPTION DATE: October 16, 1987	REVISION: December 12, 2003

STATE BOARD POLICY

STUDENT TRANSFERS: APPEAL PROCEDURES

Any person whose request for a transfer is refused by the school board of either the accepting or transferring district or the county board of education (if one is involved) may appeal the refusal to transfer to the State Board of Education. The petition for appeal must be filed within five days after the date the school board is required to act and must specify why the hearing is requested, giving specific facts relating to the reason for the request. The State Superintendent of Education shall assign a hearing officer from among the group appointed by the State Board of Education. That hearing officer will hold the hearing, compile evidence, and render decisions; the decision of the hearing officer is final. An appeal may be taken to the Chancery Court of the First Judicial District of Hinds County, Mississippi.

The hearing officer (HO) shall implement the following procedures:

1. The hearing officer shall set the time, place, and date for a hearing de novo. The date shall be not less than fifteen days and not more than 30 days after receipt of the request by the State Board of Education. The notification of the time, place and date of the hearing shall be mailed to the board whose refusal to transfer is being appealed at least seven days before the hearing is scheduled. All other parties shall also be notified at the same time as the board. Notification shall be by registered or certified mail, return receipt requested.
2. The format of the hearing shall be as follows:
 - introduction of participants (witnesses included)
 - presentation by parents/guardians or their lawyer
 - cross-examination by school district personnel/lawyer
 - presentation by school district personnel/lawyer
 - cross-examination by parents/guardians or their lawyer
 - summary statements by both sides

The hearing shall be conducted in such a manner that all parties have a fair and reasonable opportunity to present witnesses and other evidence pertinent to the issues.

3. In conducting the hearing, the hearing officer shall not be bound by common law or by statutory rules of evidence or by technical or formal rules of procedures, but may conduct the

hearing in such a manner as best to ascertain the rights of the parties, provided however, hearsay evidence (if presented) shall not be the sole basis for the determination of facts by the hearing officer. The hearing officer may also ask questions to clarify issues, limit the examination or cross examination of witness to keep the hearing focused on the issue, and recess/reconvene the hearing if necessary.

4. If any party to the appeal wishes to have stenographic notes of the proceedings, that party shall be solely responsible for procuring and paying the court reporter for that service. An audio tape recording will be made of the proceedings.
5. It shall be the responsibility of each party to secure the attendance of such witnesses as deemed necessary to present the case; any expense connected with that attendance shall be borne by the party responsible for the attendance of that witness.
6. Two copies of all written evidence will be required at the hearing, one copy for the hearing officer and one for the other party. Evidence from the parents should be labeled P1, P2, P3, etc. Evidence from the School district should be labeled D1, D2, D3, etc.
7. The format for the hearing officers decision shall be as follows:
 - o list of people present
 - o purpose of the hearing (description of the issue)
 - o listing of written evidence
 - o summary of evidence introduced verbally
 - o conclusions
8. Within 15 days of the conclusion of the hearing, the hearing officer shall have written the decision. A copy of that decision will be sent to the parties by certified or registered mail, return receipt requested, no later than the 16th day after the conclusion of the hearing.

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DESCRIPTOR TERM: Awards	CODE: 7401
ADOPTION DATE: August 19, 1994	REVISION:

SCHOOL BOARD POLICY

The Mississippi Teacher of the Year Program recognizes outstanding achievement and performance by our public school teachers. Each local school district has the opportunity to honor its teachers and nominate one for the state title. The 1995 Mississippi Teacher of the Year must be a certified classroom teacher (K-12) in a state-accredited public school who plans to teach next year. The teacher should have superior ability to inspire students, should possess leadership capabilities, and should be an active member of the community.

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

Entries are limited to one per school district. These are judged on a biography, professional development activities, community involvement, philosophy of teaching, insight on education issues and trends, personal teaching style, comments on the teaching profession, letters of recommendation, and how one would handle the duties of National Teacher of the Year.

The Mississippi Teacher of the Year Program is sponsored by the Mississippi Department of Education, Southern Educators Life Insurance Company of Atlanta, Georgia, and Bryan Foods, Inc. of West Point, Mississippi. The national program is sponsored by the Council of Chief State School Officers and Encyclopedia Britannica.

The Mississippi Teacher of the Year (TOY), alternate and finalists receive the following honors and awards:

- \$5,000 for the state TOY from the Mississippi Department of Education, if approved;
- \$500 for the alternate and \$250 for regional finalists from Southern Educators;

- \$500 for the state TOY and \$250 for the TOY's school from Bryan Food;
- a set of encyclopedias from the Britannica Company (TOY only);
- a dinner honoring all five teachers and their guests, hosted by Southern Educators;
- TOY and alternate receive formal recognition at a State Board of Education meeting;
- TOY and finalists included in the Milken Educator Award Pool.

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DESCRIPTOR TERM: Contracts	CODE: 7402
ADOPTION DATE: March 22, 1985	REVISION: June 21, 2002

STATE BOARD POLICY

The attached teacher contract form was approved in accordance with Mississippi Code Section 37-9-23.

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

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

First Name Middle Name Last Name Social Security Number

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

This agreement provides:

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

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

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

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

That in consideration for the duties performed under this agreement, the employer agrees to compensate the employee with an annual salary of \$ _____, which shall be paid in _____ equal installments with the first payment beginning on the last working day of the month for which duties are performed or as may be otherwise provided by law. And that the annual salary is established in accordance with the policies of the employer and is based on an amount from the Adequate Education Program Salary scale for the appropriate certificate and years of experience of the employee and an amount from the local salary supplement scale of the employer, and/or an amount from the employer as compensation for which other duties are to be performed by the employee.

This contract shall be subject to all applicable policies, resolutions, rules and regulations of the employer and the laws of the State of Mississippi, copies of which are available from the Superintendent's office.

This contract of employment has been executed in duplicate on the dates indicated as witnessed by the signature of the employee and the duly authorized superintendent.

Superintendent

Employee

Date

Date

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

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1977 DESCRIPTOR TERM: Experience	CODE: 7403
ADOPTION DATE: September 26, 1977	REVISION 2: September 24, 2005

STATE BOARD POLICY

The number of days shall not exceed forty-five (45) consecutive school days during which a teacher may not be under contract of employment during any school year and still be considered to have been in full-time employment for a regular scholastic term.

Authority: MS Code Section 37-151-5(m).

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DESCRIPTOR TERM: Housing	CODE: 7404
ADOPTION DATE June 19, 1998	REVISION: December 12 , 2003

STATE BOARD POLICY

MISSISSIPPI EMPLOYER-ASSISTED HOUSING TEACHER PROGRAM

The Mississippi Employer-Assisted Housing Teacher Program is a special home loan program that is available to licensed teachers who render services in geographical areas of the state that are designated by the Mississippi Board of Education as having a critical shortage of teachers. The program will be administered by the Department of Education in conjunction with the Federal National Mortgage Association (Fannie Mae). The Department of Education will advertise for bids for the purpose of contracting with a public or private entity to assist with the implementation and administration of the program.

A maximum loan amount of \$6,000 will be available to eligible teachers to assist in paying closing costs associated with the purchase of a house. Eligible teachers shall include any employee of a school board of a school district who is required by law to obtain a teacher's license from the State Board of Education and who is assigned to an instructional area of work as defined by the State Department of Education the equivalent of a minimum of three (3) normal periods per school day.

Closing costs will include:

- Down payment (limited to 2% of the sales price)
- Lender Loan Origination
- Teacher Grant Program Administrator
- Attorney
- Title Insurance
- Appraisal
- Credit Report
- Pest Inspection
- Survey
- Recording Fees
- Private Mortgage Insurance Premium

The teacher's house must be situated in the county in which the school district, or any portion of the school district, is located.

The amount loaned to any teacher will be converted to an interest-free grant on the basis of one (1) year's service in a geographical area of the state that is designated by the Mississippi Board of Education as having a critical shortage of teachers for one-third (1/3) of the amount of the loan. Any teacher who does not render three (3) years of service in a geographical area of the state that is designated by the Mississippi Board of Education as having a critical shortage of teachers will be liable to the Department of Education for one-third (1/3) of the amount of the loan for each year that the teacher does not render such service, plus interest accruing at the current Stafford Loan rate at the time the person discontinues service. If a claim for repayment is placed in the hands of an attorney for collection, the teacher will be liable for an additional amount equal to a reasonable attorney's fee.

Overview of Loan Process

The teacher will contact the program administrator to obtain confirmation that they are eligible for the program.

The teacher executes a contract for the purchase of a house in the county in which the school district is located.

The teacher makes a loan application with one of the approved participating lenders as determined by Fannie Mae (Union Planters Bank, Deposit Guaranty Bank, Trustmark Bank).

The lender will approve the loan and submit a copy of the loan approval to the program administrator with the anticipated closing date.

Closing attorney will send the administrator a copy of HUD-1 Form forty-eight (48) hours prior to closing. The administrator will wire the funds for the loan and mail a promissory note to be executed by the teacher at closing.

After closing, the lender will send the administrator the signed promissory note.

Notes.

The program is available to teachers of any income level
The loan must be less than the Fannie Mae limit of \$227,150.
The loan is not limited to first-time home buyers.

MISSISSIPPI EMPLOYER-ASSISTED HOUSING TEACHER PROGRAM LOAN AGREEMENT

Date of Agreement: _____

Teacher: _____

Teacher's Social Security Number: _____

School District: _____

Loan Amount up to \$6,000.00: _____

Beginning School Year: _____

This Agreement is made and entered into upon the above stated date by and between named Teacher ("Teacher") and the Mississippi State Department of Education ("Department"),

For purposes of this agreement "School District" or "District" shall mean any school district that has been designated by the State Board of Education as a geographical area where there exists a critical shortage of teachers.

WITNESSETH:

1. Purpose. Teacher has elected to apply to the Department for a loan for the purpose of purchasing a residence pursuant to the Mississippi Employer-Assisted Housing Teacher Program, enacted by Section 37-159-11, Mississippi Code of 1972 Annotated ("Program"). Department has agreed to lend to Teacher the above stated Loan Amount pursuant to the terms of the Program, of which the Teacher is aware, and upon the terms and conditions herein stated.
2. Use of Loan Amount. Teacher shall only use the Loan Amount for the purposes of acquiring a residence within the County in which the District or any part of the District is located.
3. Term of Agreement. The term of this Agreement shall commence upon the later of the commencement of the Beginning School Year or the date of this Agreement above stated.
4. Grant for Service. Commencing with the Beginning School Year above stated, Teacher shall receive a grant for each year of service rendered as a teacher in the District of one-third (1/3) of the total Loan Amount with no interest accrued upon such grant.
5. Service of Teacher. Teacher agrees to render service as a teacher in the District for three (3) **consecutive** years commencing with the Beginning School Year and that the school year in which the Agreement is executed will be considered the Beginning School Year provided the Agreement is executed by December 1 of the school year, otherwise, the Beginning School Year will be the next school year. Provided however that the teacher may choose to accept employment in another district that is located in whole or in part within the county in which the residence is located so long as that school district has been designated by the State Board of Education as a geographical area where there exists a critical shortage of teachers. In the event of this occurrence the teacher shall still be considered as being in compliance with this agreement and the years of service in each of the school districts served shall be added together in determining that three consecutive years have been served.
6. Residence of Teacher. Teacher agrees to reside and occupy the residence acquired with the use of the Loan Amount during the term of this Agreement. Teacher may not lease out or rent to any person the said residence or any part thereof during the term hereof.
7. Tax Liability. Teacher acknowledges that the grant or forgiveness for rendering service as a teacher to the District may result in taxable income to Teacher for federal and/or state income tax purposes, and further acknowledges that liability for any and all taxes due upon such taxable income will be the sole responsibility and liability of Teacher, that the Department

will withhold no sums from the amounts forgiven and will pay no withholdings thereon to the appropriate taxing authority. Teacher further acknowledges that the Department may furnish to the Internal Revenue Service and/or to the Mississippi State Tax Commission, such information and upon such forms as are required to give notice to the said Internal Revenue Service and/or to the Mississippi State Tax Commission of the grant or forgiveness to Teacher.

8. Events of Default. Default shall consist of the occurrence of any one or more of the following events: (a) failure of Teacher to render service to the District for three consecutive school years commencing with the Beginning School Year above stated; (b) failure of Teacher to continuously reside in the residence acquired with the use of the Loan Amount for three consecutive school years commencing with the Beginning School Year above stated; (c) any breach of any condition of this Agreement by Teacher; (d) breach of any condition under the Program by the Teacher.
9. Interest upon Default. Upon the occurrence of an Event of Default, interest shall accrue upon the unforgiven and unpaid portion of the Loan Amount as of the date of this Agreement and continuing until paid in full. The interest rate shall be the Stafford Loan rate in effect upon the occurrence of an Event of Default, as said rate is from time to time determined by the United States Department of Education.
10. Actions upon Default. Upon the occurrence of an Event of Default, the unforgiven and unpaid portion of the Loan Amount together with all interest accrued from the date of the Agreement shall be due immediately. The Department shall give notice to Teacher of the sums due as of the date of default and the interest amount thereafter. Such notice shall be made in writing and shall be deemed received by Teacher on the third business day after deposit in the United States mail, postage prepaid, and addressed to Teacher at the address of Teacher upon the records of the Department.
11. Collection Costs. If Teacher does not pay the sums due the Department within three business days after the day Teacher is deemed to have received the notice, the Department may employ an attorney or attorneys for the collection of the sums due, and in addition to the unforgiven and unpaid portion of the Loan Amount together with interest accrued and to accrue thereon, Teacher agrees to pay all costs of collection, including, but not limited to, reasonable attorneys' fees and court costs.
12. Duties of the District. By its execution hereof, the District agrees that this Agreement has been fully approved by order duly entered upon the minutes of its board of trustees, and that its President has been duly authorized to execute same. District further agrees to notify Department in writing within three business days of the occurrence of any of the following: (a) Teacher ceases to render service to the District as a teacher at any time during the term hereof; (b) Teacher ceases to reside in and occupy the actual residence purchased with the use of the Loan Amount.
13. Acts of God. Teacher's performance of any duty herein required to be performed shall not be excused by the occurrence of war, tornado, fire, earthquake, flood, or death or disability of Teacher, regardless of cause, or any other act of God, or by Teacher's termination by the District.
14. Administration by Mississippi Home Corporation. Department may contract with Mississippi Home Corporation, or any other entity that it is permitted to contract with under the Program, to perform all or some of its duties under the Program.
15. Rules and Regulations of the Mississippi State Board of Education. This Agreement is subject

to and shall be governed by the statutes of the State of Mississippi in such cases made and provided and by the rules and regulations adopted by the Mississippi State Board of Education pursuant to the Program. In the event of a conflict between the terms of this Agreement and the statutes of the State of Mississippi, the statutes shall control, in the event of a conflict between the terms of this Agreement and the rules and regulations adopted by the Mississippi State Board of Education pursuant to the Program, the rules and regulations shall control.

16. Advancement of Loan Amount. It is agreed that the Loan Amount will not be advanced until the closing of the purchase of a residence aforesaid by Teacher. It is further agreed that the above stated Loan Amount may be decreased due to lesser cash requirements at closing, and that if the Loan Amount is so decreased, this Agreement shall be deemed amended to reflect the amount actually advanced, and in all other respects shall remain in full force and effect. It is further agreed that the Loan Amount shall not be increased after execution hereof unless this Agreement is amended in writing and executed, by all parties hereto.

WITNESS the signatures of Teacher, of the duly authorized officer of the Department and of the President of the Board of Trustees of District as of the date first above mentioned.

TEACHER

Teacher

Date: _____

SWORN TO AND SUBSCRIBED before me, this the ____ day of _____, 20 ____.

NOTARY PUBLIC

My Commission Expires: _____

DEPARTMENT Mississippi Department of Education

By: _____

Title: _____

Date: _____

SWORN TO AND SUBSCRIBED before me, this the ____ day of _____, 20 ____.

NOTARY PUBLIC

My Commission Expires: _____

DISTRICT

School District

By: _____

Title: _____

Date: _____

SWORN TO AND SUBSCRIBED before me, this the ____ day of _____, 20 ____.

NOTARY PUBLIC

My Commission Expires: _____

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DESCRIPTOR TERM: Moving Expense	CODE: 7405
ADOPTION DATE: June 19, 1998	REVISION: May 21, 1999

STATE BOARD POLICY

MOVING EXPENSE REIMBURSEMENT FOR TEACHERS WHO CONTRACT WITH A SCHOOL DISTRICT SITUATED IN A GEOGRAPHICAL AREA DESIGNATED AS HAVING A CRITICAL TEACHER SHORTAGE

In accordance with House Bill 609, as passed during the 1998 session of the Mississippi Legislature, the Department of Education will reimburse the moving expenses for teachers who enter into a contract with a school district situated within a geographical area of the state that is designated by the Mississippi Board of Education as having a critical shortage of teachers. The moving expenses will only be reimbursed if the contract for employment necessitates the relocation. It is not required that the actual residence to which the teacher relocates be within the boundaries of the school district which has executed a contract for employment. However, the teacher must relocate within the boundaries of the State of Mississippi.

To be eligible for the reimbursement, the teacher must apply to the school district and the school district must obtain prior approval from the Department of Education for reimbursement before the relocation occurs. The school superintendent will request prior approval by completing and submitting the form Request of Prior Approval from the Department of Education for Reimbursement of Teacher Moving Expenses. The Department of Education will timely notify the school superintendent of its action on the request. Upon approval, the Department of Education will provide funds to the school district to reimburse the teacher an amount not to exceed \$1,000 for documented actual expenses incurred for relocation. The school superintendent will request reimbursement by completing and submitting the form Reimbursement for Moving Expenses. Upon receipt of the funds, the school superintendent will reimburse the teacher accordingly.

Eligible moving expenses consist of:

- Professional moving companies (documented by actual invoice which indicates a zero balance or paid in full.)
- Persons employed to assist with the move (documented by original receipts or canceled checks (front & back) or notarized statement signed by both the person employed to assist with the move and the individual moving.)
- Rented moving vehicles or equipment (documented by actual invoice which indicates a zero balance or paid in full.)
- Mileage in the amount authorized for state employees under Section 25-3-41, Mississippi

Code of 1972 (Ann.), if the teacher uses his/her personal vehicle or vehicles for the move, limited to the shortest distance - one trip - one way only

- Hotel expense incurred during the move not to exceed \$75.00, limited to one night .
(documented by actual invoice which indicates a zero balance or paid in full.)
- Meal expense incurred during the move not to exceed \$30.00 per day, limited to two days.
(documented by actual meal receipts.)

No teacher may be reimbursed for moving expenses on more than one (1) occasion.

REIMBURSEMENT FOR MOVING EXPENSES

School District _____

District No. _____

Teacher: Name _____

Address _____

City, State, Zip _____

Social Security Number _____

Moving Expense	Amount (T)
Documentation Attached	

Professional Moving Company	<input type="checkbox"/> Documentation Attached
Employed Persons Assisting with Move	<input type="checkbox"/> Documentation Attached
Rented Vehicles and Equipment	<input type="checkbox"/> Rented Vehicles and Equipment
Meals (not to exceed \$30 per day – limited to two days)	<input type="checkbox"/> Documentation Attached
Hotel (not to exceed \$75.00 – limited to one night)	<input type="checkbox"/> Documentation Attached
Mileage at \$.31 per mile when personal vehicle is used for the move (limited to one trip - one way - shortest distance.)	Note: Attached documentation must include points of travel.
Total (Not to exceed \$1,000)	

Note: Documentation of moving expenses must accompany this form.

Upon receipt of the reimbursement from the Department of Education, the School District will forward said reimbursement to the teacher identified above.

_____, Superintendent

(Print)

Date

Submit request to:

Office of Financial Accountability
Mississippi Department of Education
P. O. Box 771
Jackson MS 39205-0771

**REQUEST OF PRIOR APPROVAL
FROM THE DEPARTMENT OF EDUCATION FOR
REIMBURSEMENT OF TEACHER MOVING EXPENSES**

School District _____ District No. _____

Teacher Name _____

Social Security Number _____

Teacher's Current Address _____

Teacher's Anticipated Address _____

Note: A copy of the executed teacher's contract must accompany this request.

The school district requests that the Department of Education approve the reimbursement of moving expenses not to exceed \$1,000 for the teacher indicated above.

_____, Superintendent

(Print)

Date

Submit request to:

Office of Financial Accountability
Mississippi Department of Education
P. O. Box 771
Jackson MS 39205-0771

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DESCRIPTOR TERM: Scholarships	CODE: 7406
ADOPTION DATE: June 19,1998	REVISION: November 10, 2000

STATE BOARD POLICY

University Assisted Teacher Recruitment and Retention Grant Program

The goal of the University Assisted Teacher Recruitment and Retention Grant Program, as mandated in House Bill 609 (1998 Legislative Session), shall be to attract qualified teachers to those geographical areas of the state where there exists a critical shortage of teachers by making available scholarships to persons working towards a Master of Education degree or an Educational Specialist degree at an institution of higher learning whose teacher education program is approved by the State Board of Education.

The Mississippi Department of Education is authorized and directed to implement the requirements of House Bill 609, including, but not limited to, the promulgation of rules and regulations necessary for the proper administration of the University Assisted Teacher Recruitment and Retention Grant Program.

Rules and Regulations for Administration of the University Assisted Teacher Recruitment and Retention Grant Program

A single university or college shall be selected by the RFP process and shall be responsible for the administration of the University Assisted Teacher Recruitment and Retention Grant Program. That selected university or college shall be responsible for the implementation of program guidelines and the delivery of services under the grant. The selected university or college shall report directly to the Mississippi Teacher Center to ensure the program meets the overall goal of recruitment and retention of teachers for geographic areas of the state where teacher shortages exist as designated by the State Board of Education. The selected university or college shall comply with rules and regulations as stated below.

Institution Requirements for the Selected University or College Are As Follows:

1. Offer a state approved Master of Education degree and/or Educational Specialist degree.
2. Comply with HB 609, Section 13 and other appropriate subsections, for program operation.
3. Have available resources to coordinate recruitment of teachers for critical needs areas as designated by the State Board of Education.
4. Have available resources to provide professional development and support services necessary for the retention of teachers participating in the program.

5. Have sufficient staff and a written plan of action for implementing the program.
6. Develop a plan for ensuring the completion of all requirements for teacher participants to obtain a standard Mississippi teacher's license.
7. Develop a plan for collaboration with other institutions of higher learning within the state.
8. Give priority to applicants for the program who are relocating from in-state or out-of-state to teach in a critical shortage area.
9. Establish accountability or performance measures to measure both student and program success.
10. Comply with appropriate state and federal laws relating to nondiscriminatory practices in the operation of the program.

Teacher Participant Requirements Are As Follows:

1. Hold a Mississippi teacher's license.
2. Be employed by a school district located in an area of Mississippi where there exists a critical shortage of teachers as designated by the State Board of Education.
3. Be enrolled in a state approved Master of Education or Educational Specialist program in the state of Mississippi
4. Comply with all eligibility requirements as outlined in the Application for the University Assisted Teacher Recruitment and Retention Grant Program.

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DESCRIPTOR TERM: Teacher Unit Approval Under Section 504	CODE: 7408
ADOPTION DATE: August 19, 1994	REVISION:

STATE BOARD POLICY

Regulations for Allocating and Approving a Teacher Unit(s) for Educational Services to Children Who are Eligible for Services under Section 504 in Certain Approved Licensed Facilities

Criteria for Children Served

Children counted for the allocation and approval of a teacher unit(s) must meet the following criteria:

1. Documented birthdate verifying age of five (5) through twenty-one (21) years,
2. Indication of being a resident citizen of the State of Mississippi,
3. Cannot have their educational needs met in the regular public school programs,
4. Have not finished or graduated from high school,
5. Determined by competent medical authorities and psychologists to need placement in a state licensed facility as designated below,
6. Cannot be counted in average daily attendance when determining the regular teacher unit allocation, and
7. Are not eligible for special education as defined under Part B of the Individuals with Disabilities Education Act and in state regulations.

Documentation of numbers 1-7 above must be maintained on file for each child served by an approved state funded teacher and be available upon request by the Mississippi Department of Education (MDE).

State Licensed Facility

A state licensed facility is a private facility which has been granted a license by a state agency within

the state of Mississippi and is located within the state. The facility is licensed for inpatient treatment, day treatment, residential treatment, or as a group therapeutic home.

Teacher Units Approved for a School District

1. A tutorial instructional education program for children in a state licensed facility may be provided by a school district in which the state licensed facility is located. Such a program would be the responsibility of the school district and would be under the direct supervision of the district.

2. The district is responsible for verifying the criteria are met for each child served as outlined above under the heading of Criteria for Children Served.

Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the district superintendent that data for each child served has been verified and is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.

3. The district must submit a copy of the facility's state license to the MDE when requesting an allocation for a teacher unit.

4. The district must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Each teacher will be responsible for the educational instruction of a minimum of ten (10) children. A maximum of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.

5. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year and the amount of instructional time based on the schedule of each teacher will be calculated when allocating funds for the teacher unit.

Teacher Units Approved for a State Licensed Facility

1. A private school providing an instructional education program which is operated as an integral part of a state licensed facility may request funding for teacher units. Such an educational program must meet the standards for a special school and be approved by the State Board of Education prior to the allocation and approval of a teacher unit. The facility shall be responsible for providing for any additional costs of the program beyond a teacher unit(s).

2. The administrative head of the facility is responsible for verifying the criteria is met for each child served by an approved teacher as outlined above under the heading Criteria for Children Served. Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the administrative head of

the facility indicating criteria for each child served has been verified for correctness and documentation of such is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.

3. A copy of the facility's current state license must be submitted to the MDE when requesting an allocation for a teacher unit.

4. The administrator of the facility must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Teacher units will be allocated based on the teacher certificate requirements of special schools under the Office of Accreditation and each teacher being responsible for the educational instruction of a minimum of ten (10) children. The Maximum number of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.

5. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Minimum program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year to provide educational instruction and the amount of instructional time based on the schedule of each teacher will be used to calculate the amount of funds for the teacher unit.

6. The administrative head of the facility is responsible for ensuring a teacher approved for a teacher unit will be paid based on the salary scale and salary schedule requirements in Section 37-19-7 and 37-19-17 of the Mississippi State Code.

7. Teacher units will be allocated and approved for the regular school session. The number of days the facility will provide a regular school session must be in accordance with the MDE's regulations. The calendar dates of the beginning and ending of the regular school session must be submitted to the Office of Special Education when requesting an allocation for a teacher unit.

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DESCRIPTOR TERM: Process and Performance Review	CODE: 7409
ADOPTION DATE: December 19, 1997	REVISION:

STATE BOARD POLICY

Teacher/Administrator Process and Performance Review

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

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DESCRIPTOR TERM: Technology Plan (Monitoring)	CODE: 7500
ADOPTION DATE: May 16, 1997	REVISION:

STATE BOARD POLICY

The State Board of Education is implementing the requirements of Senate Bill 3350: Technology in the Classroom, Mississippi Code 37-151-19(3). The Mississippi Master Plan for Education Technology is a five-year plan specifying what will be done to comply with Senate Bill 3350. The Office of Management Information Systems staff, Mississippi Department of Education, are directed to develop and implement a process of monitoring the implementation of the Mississippi Master Plan for Education Technology and the Local District Technology Plan(s). A current up-to-date copy of the Local District Technology Plan shall be kept on file in the State Department of Education.

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DESCRIPTOR TERM: Test Administration	CODE: 7601
ADOPTION DATE: January 24, 1992	REVISION: April 15, 2005

STATE BOARD POLICY

MISSISSIPPI STATEWIDE ASSESSMENT SYSTEM ASSESSMENT OF SPECIAL POPULATIONS

The information contained within the Guidelines for Testing Students with Disabilities and the Guidelines for English Language Learners and any subsequent updates shall apply to all public school personnel who are responsible for the implementation of the Mississippi Statewide Assessment System. The information shall set forth the rules and procedures required for proper test administration and shall be provided to each school district by the Mississippi Department of Education through the district test coordinator.

The district superintendent shall assure that each school follows the established testing procedures and informs each building level administrator of their responsibilities. Local boards of education shall cooperate with the State Board of Education in implementing the provisions of this said policy.

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DESCRIPTOR TERM: FLE	CODE: 7602
ADOPTION DATE: July 15, 1988	REVISION: July 15, 2005

STATE BOARD POLICY

Pupils who have reached the level of eligibility to take the FLE and who do not make passing scores are eligible to retake the test as long as they are enrolled in the public schools of Mississippi. Pupils who are no longer enrolled in the public schools of Mississippi will remain eligible to retake the test through a period of three consecutive annual administrations of the FLE.

Students that are required to pass all three sections of the FLE (reading, mathematics, and written communication) as a part of their graduation requirements can participate in FLE test administrations through the 2005-06 school year. After the 2005-06 school year, these students can meet the graduation requirement by passing the Algebra I and English II Subject Area Tests.

- A student that has not met the FLE mathematics passing score can meet the requirement by passing the Algebra I test.
- A student that has not met the FLE reading requirement can meet the requirement by passing the English II Multiple-Choice test.
- A student that has not met the FLE written communication requirement can meet the requirement by passing the English II Informative Writing assessment.

Students that are required to pass only the mathematics section of the FLE as a part of their graduation requirements can participate in FLE test administrations through the 2007-08 school year. After the 2007-08 school year, these students can meet the graduation requirement by passing the Algebra I Subject Area Test.

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DESCRIPTOR TERM: FLE Test Disclosure	CODE: 7603
ADOPTION DATE: March 17, 1995	REVISION:

STATE BOARD POLICY

Recommended FLE Test Disclosure Policy

Statement of Policy

1. This policy is adopted to promote valid, reliable, and fair FLE testing for the award of individual high school diplomas and district accountability.
2. Access to FLE test materials is strictly limited to those individuals responsible for test development and administration. All test security policies currently in effect shall continue to be followed. All persons authorized to access FLE secure test materials shall be designated according to procedures specified by the Office of Student Assessment and must sign a nondisclosure agreement prior to such access.
3. No member of the public (including parents of test students) shall be allowed access to FLE secure test materials at anytime. However, upon written request, any person may obtain a copy of the FLE core skills which describe the knowledge and skills tested by the FLE.
4. Any documented possession of FLE secure test materials by an unauthorized individual or any attempt by an unauthorized individual to obtain a copy of or to access any portion of the FLE secure test materials shall constitute a violation of this policy and be punishable under the same standards for fines and jail time as specified for educators in Section 37-16-4 of the Mississippi Code.

Rationale

The State of Mississippi has a compelling interest in evaluating districts and ensuring that all students have minimum academic skills upon receipt of a high school diploma. To do so, the state must maintain a valid, reliable, and fair testing program which meets all relevant professional mandates. Failure to maintain a secure testing environment violates professional standards and invalidates a test. The state's compelling interest in valid testing outweighs an individual parent's interest in reviewing secure test instruments.

Without secure test instruments, the state is unable to fulfill its duty to ensure that students who receive high school diplomas have learned the mandated core skills. Failure of the state to maintain

academic standards for receipt of a high school diploma causes injury to students whose skill deficiencies are not remediated and to employers and educational institutions which rely on high school diplomas to indicate achievement of minimal academic skills.

Prior public disclosure of FLE tests would result in invalid scores and unfairness to some students and districts. Post administration disclosure would require new test forms for each administration. Given the substantial test development costs of producing multiple forms, the current student assessment budget is woefully inadequate for such an effort. In addition, test quality would suffer because items would be used without pretesting and because forms could not be accurately equated to adjust for the inevitable differences in test difficulty across forms.

In short, public disclosure of the FLE would compromise test security, conflict with current security policies for educators, and disable efforts by the state to monitor school effectiveness and individual achievement through legitimate and valid assessment activities.

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DESCRIPTOR TERM: Grades 3 and 7 Benchmarks for the MCT	CODE: 7604
ADOPTION DATE: July 20, 2001	REVISION: March 15, 2002

STATE BOARD POLICY

Implementation of Grades 3 and 7 Benchmarks for the Mississippi Curriculum Test

Student Intervention and Review Teams

1. Each school *may* have a Student Intervention Team, comprised of teachers from that school, which will continually evaluate students and make ongoing recommendations about instructional decisions beginning in kindergarten through 8th grade.

2. Each school district *shall* form External School Review Teams that will recommend retention/promotion for a student failing grades 3 and 7 benchmarks, as described below. In order to provide objective reviews, the team members will consist of teachers who do not teach at the school where students are being evaluated. Team members can be from other schools within a school district or from another school district.

Timeline and Description of Retention/Promotion Process

Fall - Score reports from the spring Mississippi Curriculum Test (MCT) are returned in mid-July. Students who took the test at the end of 2nd and 6th grades are entering 3rd and 7th grades. At the beginning of the school year, the Student Intervention Team shall assist individual teachers in examining test scores and other data from these students' records in order to identify students who might be at risk of failing to reach the benchmarks established for grades 3 and 7.

Spring - Students take the MCT. Scores are returned in mid-July, and pass/fail is determined in each content area.

Fall - Students go on to the 4th or 8th grade (unless they are retained for reasons other than the results of the MCT). The Student Intervention Team may assist teachers in identifying specific areas in which students need instructional intervention and in mapping out strategies for increasing student achievement. These strategies may include, but are not limited to, extended day services, tutoring, compensatory classes, and parent contracts. Eighth grade students may be enrolled in compensatory

classes of reading, writing, and mathematics as electives.

Winter - In January, students who failed the test are re-tested in the content area(s) they failed using the 3rd/7th grade MCT.

Spring - Scores are returned. Students who pass are eligible to go on to 5th/9th grades the next school year unless they are retained based on the district promotion/retention policy. Students who do not pass are referred to an External School Review Team. The team, using criteria set forth by the Mississippi Department of Education, will recommend retention or promotion to the school district.

The district may exempt a student from retention provided:

- there is an abundance of evidence that the student's test scores do not reflect his usual performance; or
- complying with all facets of this policy would have an adverse impact on the student's educational program; or
- other unusual or compelling circumstances exist.

If a student is exempted from retention, possible educational repercussions are discussed with parents/guardians, specifically including a detailed explanation of the graduation requirement of passing the subject area tests. Parental consent is given.

May - Students will take the 4th/8th grade MCT.

July - A student who was to be retained based on the recommendation of the External School Review Team may be promoted by the district if the student passes the 4th/8th grade test based on criteria established solely for this purpose.

Students with Disabilities

- The IEP committee will make promotion recommendations for students participating in instructional-level testing.
- The IEP committee will make promotion recommendations for students participating in an alternate assessment.

Students Absent from Testing

Students enrolled in the school but absent during test administration (including make-up testing) for the 3rd and 7th grade MCT

- The External Review Team will use information from other sources to identify students who need remediation. If identified as needing remediation, the student will participate in the re-test during the 4th/8th grade.

Students transferring into the school after the administration of the MCT

- Students entering a Mississippi public school from a public school of another state will not be required to pass the grades 3 and 7 benchmark tests.
- Students entering a Mississippi public school from a private school that is accredited regionally or by the state of Mississippi will not be required to pass the grades 3 and 7 benchmark tests.
- Students entering a Mississippi public school from a non-accredited school will take a grade placement test as required by the Mississippi Public School Accountability Standards. Appropriate decisions will be based on the results of the grade placement test.

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DESCRIPTOR TERM: Graphing Calculators Required	CODE: 7605
ADOPTION DATE: March 17, 1995	REVISION:

STATE BOARD POLICY

Staff is directed to require the use of graphing calculators on the Algebra I Subject Area Test as recommended by the Office of Instructional Development. This policy should take effect beginning with the 1995-96 school year.

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DESCRIPTOR TERM: Norm-Referenced	CODE: 7606
ADOPTION DATE: January 21, 1994	REVISION:

STATE BOARD POLICY

The recommendations of the Norm-Referenced Assessment Implementation Committee, as outlined in the document entitled Norm-Referenced Assessment in Mississippi are approved.

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DESCRIPTOR TERM: Schedule	CODE: 7607
ADOPTION DATE:	REVISION: October 24,1997

STATE BOARD POLICY

The Mississippi State Department of Education, subject to the approval of the State Board of Education, will establish and disseminate to the appropriate individuals in the education community a schedule for the Mississippi Assessment System. An up-to-date copy of the schedule shall be kept on file at the Mississippi Department of Education.

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DESCRIPTOR TERM: Setting Student-Level Standards on the MCT & SATP	CODE: 7608
ADOPTION DATE: July 20, 2001	REVISION:

STATE BOARD POLICY

Procedures for Setting Student-Level Standards on the Mississippi Curriculum Test (MCT) and the Subject Area Testing Program (SATP)

STEP I. Descriptor Development.

The Committee of Practitioners on Assessment and Accountability develops general descriptors. General descriptors are relatively broad and are used across grade levels and subject areas. These descriptors answer questions such as, "What does it mean for a student to be advanced, proficient, basic, or minimal on the test?" General descriptors have been written for the following (see page 2-3):

- Proficiency levels for the MCT and the English II component of the SATP:
 - Advanced
 - Proficient
 - Basic
 - Minimal
- Grade 3 and 7 Benchmarks for the MCT.
- Pass/Fail Scores for the SATP: Algebra I, Biology I, English II, U.S. History from 1877

STEP II. Public Review of Standard Setting Process and General Descriptors.

This process will ensure broad-based input from educators, parents, community leaders, and other stakeholders in the development of student-level standards. Public comment required by the Administrative Procedures Act will serve as the means for collecting broad-based input.

STEP IIIa. Standard Setting for the Mississippi Curriculum Test.

This process will establish points on the score scale that differentiate the proficiency levels and serve as the grade level benchmarks.

STEP IIIb. Standard Setting for the Subject Area Testing Program.

This process will establish points on the score scale that differentiate the proficiency levels for English II and serve as the passing scores on the subject area tests.

STEP IV. Technical Advisory Committee Review.

The technical Advisory Committee reviews the results of the MCT standard setting process.

STEP V. Mississippi Board of Education Approval of Student-Level Standards.

General Descriptors: Student Proficiency Levels on the Mississippi Curriculum Test

Proficiency Level	General Descriptor
Advanced	Students at the advanced level consistently perform in a manner clearly beyond that required to be successful at the next grade.
Proficient ¹	Students at the proficient level demonstrate solid academic performance and mastery of the content area knowledge and skills required for success at the next grade. Students who perform at this level are well prepared to begin work on even more challenging material that is required at the next grade.
Basic	Students at the basic level demonstrate partial mastery of the content area knowledge and skills required for success at the next grade. Remediation may be necessary for these students.
Minimal	Students at the minimal level are below basic and do not demonstrate mastery of the content area knowledge and skills required for success at the next grade. These students require additional instruction and remediation in the basic skills that are necessary for success at the grade tested.

¹*The goal is for all students in Mississippi to perform at the proficient level or above.*

General Descriptors: Benchmark Performance for Students in Grades 3 & 7 on the Mississippi Curriculum Test

Performance	General Descriptor
Met the Benchmark	Students meeting the benchmark can be successful at the next grade level with no remediation or with limited

	remediation.
Did Not Meet the Benchmark	Students not meeting the benchmark are below basic and do not demonstrate mastery of the content area knowledge and skills required for success at the next grade. These students require additional instruction and remediation in the basic skills that are necessary for success at the grade tested.

General Descriptors: Student Proficiency Levels on the SATP English II Test

Proficiency Level	General Descriptor
Advanced	Students at the advanced level consistently perform in a manner clearly beyond that required to be successful in a more advanced course in the content area.
Proficient ¹	Students at the proficient level demonstrate solid academic performance and mastery of the knowledge and skills required for success in a more advanced course in the content area.
Basic	Students at the basic level demonstrate partial mastery of the knowledge and skills in the course and may experience difficulty in a more advanced course in the content area.
Minimal	Students at the minimal level are below basic and do not demonstrate mastery of the knowledge and skills required for success in the course.

¹*The goal is for all students in Mississippi to perform at the proficient level or above.*

General Descriptors: Student Pass/Fail Score on the Subject Area Tests

Pass/Fail Status	General Descriptor
Pass	Students passing the test demonstrate partial or full mastery of the knowledge and skills in the course.

Fail	Students failing the test are below basic and do not demonstrate mastery of the knowledge and skills required for success in the course.
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DESCRIPTOR TERM: Qualifying Score on FLE	CODE: 7609
ADOPTION DATE: March 20, 1987	REVISION: January 22, 1988

STATE BOARD POLICY

The qualifying score on the Functional Literacy Exam is set at a composite scaled score of 699 for the three tests or an average of 70 percent correct on each test. Pupils may score as low as a scaled score of 211 (60 percent correct) on any test, but make this up by scoring higher than a scaled score of 233 (70 percent correct) on the other test(s). Any pupil scoring below a scaled score of 211 (60 percent correct) on any test will fail that test, regardless of his/her total score. Pupils will, however, be allowed to "bank" scaled scores of 233 (70 percent) or above for individual test areas. This means once a pupil passes one or more tests of the Functional Literacy Examination, he/she will have to retake only those tests not passed.

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DESCRIPTOR TERM: Subtest Scores for FLE	CODE: IIC-3
ADOPTION DATE: July 15, 1988	REVISION:

STATE BOARD POLICY

The best or highest combination of subtest scores shall be used to compute the Functional Literacy Examination Composite for pupils repeating sections of the examination.

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DESCRIPTOR TERM: Textbooks, Selection and Adoption	CODE: 7701
ADOPTION DATE: February 19, 1988	REVISION: May 24, 1996

STATE BOARD POLICY

The document entitled Textbook Administration Handbook Rules and Regulations is revised. As staff identify areas where amendments to that document are needed, recommendations for change shall be presented to the State Board of Education. Upon approval by the Board, staff are directed to disseminate those changes to the appropriate members of the educational community. An up-to-date copy of this document shall be kept on file in the State Department of Education.

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DESCRIPTOR TERM: Textbooks Regulations	CODE: 7702
ADOPTION DATE: July 17, 1992	REVISION:

STATE BOARD POLICY

Pursuant to authority of Mississippi Code Section 37-7-301(o), each school district shall have the authority to determine for what purposes the Education Enhancement Fund allocation for textbooks and other educational materials shall be expended as follows:

- (a) The local school district may define what constitutes a "textbook" and may purchase said books from any available supplier. Said textbooks shall remain the property of the local school district.
- (b) The local school district may define what constitutes "other educational materials" and may purchase said materials from any available supplier.
- (c) The local school district may define what constitutes "technology enhancement projects" and shall limit the expenditures for said purposes to the proportion each district's ADA bears to the statewide total ADA applied to \$2,000,000 as determined by the State Department of Education.

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DESCRIPTOR TERM: TECHNOLOGY PLAN (MONITORING)	CODE: 7800
ADOPTION DATE: MAY 16, 1997	REVISION:

STATE BOARD POLICY

The State Board of Education is implementing the requirements of Senate Bill 3350: Technology in the Classroom, Mississippi Code 37-151-19(3). The Mississippi Master Plan for Education Technology is a five-year plan specifying what will be done to comply with Senate Bill 3350. The Office of Education Technology staff, Mississippi Department of Education, are directed to develop and implement a process of monitoring the implementation of the Mississippi Master Plan for Education Technology and the Local District Technology Plan(s). A current up-to-date copy of the Local District Technology Plan shall be kept on file in the State Department of Education.

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DESCRIPTOR TERM: Complaint Procedures	CODE: 7801
ADOPTION DATE: October 16, 1992	REVISION: June 18, 1999

STATE BOARD POLICY

The complaint procedure and appeal procedure of the Mississippi State Department of Education for Title IV Improving America's School Act (IASA), 1994 as described below.

The Mississippi State Department of Education will accept complaints from any organization or individual regarding a program administered in Mississippi by a local school district, the Mississippi State Department of Education or other entities eligible to receive funds IASA, as amended.

The complaint must be a signed, written statement citing an alleged violation of the IASA law, the regulations governing the law, or other applicable State or Federal laws or regulations. The complaint must describe the alleged violation and include the facts and circumstances on which the statement of alleged violation is based.

Complaints should be sent to the Director of Innovative Support, Mississippi Department of Education, P.O. Box 771, Jackson, Mississippi 39205-0771.

Procedure for Complaints

Within sixty calendar days of receipt of a complaint regarding an IASA program operated by a local school district or other eligible entity, the Mississippi Department of Education will:

1. Notify the complainant of receipt of complaint.
2. Notify the local school district or other entity of receipt of the complaint and the nature of the alleged violation.
3. Assign a Mississippi Department of Education Chapter 1 staff member to review the facts and circumstances of the complaint.
4. Conduct a monitoring visit if the State staff determines that it is necessary.
5. Determine if a violation of law or regulations has occurred.
6. If it is determined that a violation has occurred, the local school district or other

entity will be required to take appropriate corrective action.

7. Notify all parties of the results of the review and actions taken. Programmatic concerns will be examined and resolved or negotiated.

8. If it is determined that no violation has occurred, all parties will be notified that the program is administered according to applicable state and federal law and regulations.

Following an investigation and determination by the State Department of Education IASA program staff, either party may appeal to the State Superintendent of Education, Mississippi State Department of Education. The Superintendent, or his/her representative, will review the investigation and findings, interview parties involved in the complaint, and make a final determination of compliance. After the final determination, either party may request a review by the United States Secretary of Education.

If the complaint alleges that the Mississippi State Department of Education, IASA has violated applicable law or regulation, the complaint will be referred directly to the State Superintendent of Education for review and investigation. Within sixty days, the Superintendent will assign the review to a unit or section not involved in the administration of Title 1. This unit or section will follow the procedural steps outlined above.

If the Mississippi State Department of Education cannot investigate and resolve a complaint within sixty days because of the complexity of the complaint, any exceptional circumstances involved in a particular complaint, or other unforeseen difficulties, the Mississippi State Department of Education will notify both the complainant and the local school district or eligible entity of the circumstances. An extension of time will be negotiated by the Mississippi State Department of Education with all parties involved.

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DESCRIPTOR TERM: Expenditure of Funds on Instruction	CODE: 7802
ADOPTION DATE: March 22, 1996	REVISION:

STATE BOARD POLICY

School districts shall spend no less than eighty-percent of annual Title I (P.L. 103-382) budgets at participating school sites.

The purpose of this state rule is to ensure that maximum Title I funds be spent directly on students at the building level to enable them to achieve high standards. Other project costs are defined as those costs spent on Title I activities other than those conducted at the school site level. These include, among others, salaries, benefits, travel, and office costs of Title I coordinators, clerks, bookkeepers, and maintenance personnel, cost of audits, and indirect cost.

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DESCRIPTOR TERM: Program Improvement	CODE: 7803
ADOPTION DATE: August 18, 1989	REVISION: October 24, 1997

STATE BOARD POLICY

The Mississippi State Department of Education, subject to approval of the State Board of Education, will develop and disseminate model guidelines for the evaluation of school performance. These guidelines will include a method of determining schools having exemplary performance as well as schools in need of improvement. An up-to-date copy of these guidelines shall be kept on file in the Mississippi State Department of Education.

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DESCRIPTOR TERM:

English Language Learners

CODE:

7804

ADOPTION DATE:

REVISION:

STATE BOARD POLICY

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DESCRIPTOR TERM: Bids	CODE: 7901
ADOPTION DATE: July 17, 1992	REVISION:

STATE BOARD POLICY

When advertising and receiving bids for school buses, bus bodies, other school transportation equipment, sale of unneeded school transportation equipment, driver education and training equipment and visual and training aids and devices, the State Board of Education does hereby designate the Director of the Bureau of Administration and Finance, the Director of the Division of School Building and Transportation, and a representative from the State Attorney General's Office (appointed by the State Attorney General) as its official agents to receive bids, to tabulate the bids in an open meeting as advertised by law and a recording secretary shall be in attendance to record the bid quotes. They shall file with the State Board of Education a full written report of their actions at the next regularly scheduled Board meeting.

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DESCRIPTOR TERM: Drivers	CODE: 7902
ADOPTION DATE:	REVISION: April 16, 1993

STATE BOARD POLICY

The regulations governing the training program for bus drivers are outlined in the document entitled *Instructor's Guide for Training School Bus Drivers*. The purpose of this document is to ensure that the training program is consistent throughout the state. As evaluation data suggests the need for changes in the guide, staff are directed to make those changes and recommend them to the State Board of Education. Upon approval by the State Board of Education, those changes should be disseminated to the appropriate individuals in the educational community. An up-to-date copy of this document can be obtained at

http://www.healthyschoolsms.org/healthy_school_environment/pupil_transportation.htm

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DESCRIPTOR TERM: Driver Training/Motor Vehicle Record Check	CODE: 7903
ADOPTION DATE:	REVISION: April 16, 1993

STATE BOARD POLICY

SCHOOL BUS DRIVER SAFETY IN-SERVICE TRAINING AND REVIEW OF MOTOR VEHICLE DRIVER RECORD FOR BUS DRIVERS, AS AUTHORIZED BY SECTION 37-41-1, MISSISSIPPI CODE, 1972, AS AMENDED

School districts shall be required to conduct bus driver safety training with every school bus driver employed in the public schools of Mississippi. A minimum of two hours of bus driver safety training shall be conducted each semester. This training shall consist of, but not be limited to, the following:

- (1) Loading and unloading - at home and on campus
- (2) Compliance with all traffic laws
- (3) State/local policies
- (4) Proper care and use of the school bus
- (5) Proper discipline procedures
- (6) Railroad crossings
- (7) Proper bus evacuation drill procedures

The State Department of Education shall provide school districts with ongoing assistance in the provision of safety in-service training for school bus drivers.

In addition, school districts shall annually acquire from the Department of Public Safety, Driver Services Bureau, a certified copy of the motor vehicle record of all regular, substitute and replacement bus drivers. The school district shall maintain a current file of the motor vehicle record for all bus drivers. An individual driver record review shall be completed prior to any driver being assigned a school bus for the purpose of transporting pupils.

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DESCRIPTOR TERM: Basic Job Description and Responsibilities	CODE: 7904
ADOPTION DATE:	REVISION: May 16, 1993

STATE BOARD POLICY

SCHOOL BUS DRIVERS - BASIC JOB DESCRIPTION AND RESPONSIBILITIES

It is the responsibility of the school bus driver to operate the school bus in a safe and efficient manner and to abide by all state traffic laws, SBE regulations and local school board regulations.

Job functions shall include but not be limited to the following:

1. Conduct a thorough pre-trip inspection of the school bus.
2. Keep exterior mirrors clean and adjusted at all times.
3. Perform a minimum of two school bus evacuation drills each school year utilizing appropriate emergency procedures.
4. Know, recognize and obey road signs and signals by meanings, shapes, sounds and colors.
5. Keep the interior of the bus clean.
6. Maintain routes and schedules as planned by the local school board.
7. Report any hazards along the existing route to appropriate school officials.
8. Exercise the effective defensive driving skills of self-control, alertness, foresight and good judgment at all times while operating the school bus.
9. Maintain discipline on the school bus without jeopardizing safety while driving.
10. Remain alert at all times to hazards, including but not limited to poor weather conditions, other vehicles, road conditions and trains at railroad crossings.
11. Complete all reports on bus discipline, bus maintenance and any other reports required by the local school board.
12. The driver shall not, at any time, permit pupils to stand in the stepwell or loading area or

where the pupil would likely fall out of the bus, if the rear emergency door was opened, or where the driver's view is obscured.

13. Local school boards may supplement the minimum bus driver job description and responsibilities as deemed necessary for safe and efficient student transportation.

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DESCRIPTOR TERM: Employment Process	CODE: 7905
ADOPTION DATE:	REVISION: May 21 , 1993

STATE BOARD POLICY

EMPLOYMENT OF SCHOOL BUS DRIVERS - DISTRICT RESPONSIBILITY

Local school boards have the responsibility of providing safe and efficient transportation services for all entitled students. School districts that operate school bus fleets should have a system for recruiting, screening and training school bus drivers. It is essential that acceptable school bus driver candidates be recruited as an initial step.

School districts shall complete the following procedures for the employment of bus drivers. 1. All candidates for the position of bus driver shall complete an application providing background information. A sample application is provided in Appendix A. All applications used by school districts should contain, at a minimum, the information included in the sample State Department of Education bus driver application.

2. During the application process, the applicant must be informed of the SDE minimum qualifications and job description.

3. If a vacancy exists, the district may extend an offer of employment contingent upon compliance with the SDE Minimum Qualifications for School Bus Drivers and any additional local school board requirements.

4. The applicant should be informed that prior to employment the school district will acquire a copy of the applicant's driving record from the MS Dept. of Public Safety.

5. The school district shall establish a complete record file on applicants and persons employed as bus drivers.

6. In addition to acquiring the driving record history, school districts may complete a criminal history check on each applicant. Any history of criminal activity should be closely scrutinized prior to employment.

7. Suggested procedures to follow in the bus driver employment process: a. Review application, previous work history and consult with previous employer(s).

b. Obtain an official copy of the applicant's driving record from the MS Dept. of Public safety.

- c. If the applicant does not possess a CDL, provide training and assistance toward acquiring the CDL.
- d. Schedule the applicant for SDE school bus driver certification.
- e. Provide the applicant with any additional preparation or training required by the local school board.
- f. Employ the applicant as a school bus driver, provided all requirements are met. **APPENDIX A**

SCHOOL BUS DRIVER APPLICATION

_____ **SCHOOL DISTRICT**

(SAMPLE FORM)

Name (First, Middle, Last) Social Security Number Phone Number

Address City State Zip Code

Mark "x" one: Birth Date: License Number: Expiration Date:

Male ()

Female () ____\ ____\ ____ _____ _____

Restrictions: _____

1. Have you previously been employed as a school bus driver? Yes ____ No ____

If "yes", where? _____

Length of service? From ____/ ____/ ____ to ____/ ____/ ____

2. Have you completed a course in school bus driver training conducted by the MS State Department of Education? Yes ____ No ____

If "yes", what district? _____ Date: _____

City State

3. Have you ever been involved in a chargeable motor vehicle accident in which any person was injured or killed? Yes ____ No ____

If "yes", where? _____ Date: _____

City State

4. Have you ever been convicted of a misdemeanor or a felony? Yes ____ No ____

If "yes", Where? _____ Date: _____

City State

5. Have you ever been convicted of any sex offense? Yes ____ No ____

If "yes", Where? _____ Date: _____
City State

6. Has your driver's license even been suspended or revoked? Yes ____ No ____

SCHOOL BUS DRIVER APPLICATION

7. List the name and address of your current and previous employers:

Employer _____
Address _____
Dates _____
Reason for Leaving _____
Job Titles and Duties _____

Employer _____
Address _____
Dates _____
Reason for Leaving _____
Job Titles and Duties _____

Employer _____
Address _____
Dates _____
Reason for Leaving _____
Job Titles and Duties _____

Employer _____
Address _____
Dates _____
Reason for Leaving _____
Job Titles and Duties _____

If selected as a bus driver, I agree to keep informed at all times of traffic rules and state and district rules; to observe such rules; and to attend any school bus driver training course sponsored by the state of school district. I also understand the school board will conduct a driver record check and may complete a criminal background check on applicants to drive a

school bus.

I hereby certify the above answers to be correct.

Signature of Applicant

Date of Signature

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DESCRIPTOR TERM: Minimum Qualifications	CODE: 7906
ADOPTION DATE:	REVISION: May 21 , 1993

STATE BOARD POLICY

MINIMUM QUALIFICATIONS FOR SCHOOL BUS DRIVERS

The school bus driver is the most important element in the safe transportation of students. To ensure the safety of students transported on school buses, bus drivers must meet certain minimum qualifications.

To qualify as a school bus driver a person must:

- Be at least 18 years of age.
- Possess a valid Class A, B, or C CDL with a "P" endorsement.
- Have at least 20/40 corrected or uncorrected visual acuity in each eye.
- Demonstrate sufficient strength, agility, hearing and visual acuity to exercise safe control over the school bus and passengers at all times. All bus drivers must pass a pre-employment agility test administered as part of the SDE bus driver certification process. The agility test requirements are as follows:

- a. The student driver did climb and descend the front steps of a passenger bus without pausing.
- b. The student driver did open and close a manually operated full size bus entrance door without difficulty while seated in the driver's seat.
- c. The student driver did activate the brake pedal with the right foot in 3/4 of a second or less after removing the right foot from the throttle pedal.
- d. The student driver did move from a seated position in the driver's seat of a full size bus to the rear of the bus, open the emergency door and exit the bus all within 20 seconds.
- e. The student driver did operate the driving controls using both arms simultaneously and quickly. For example, activate master panel switches or shift gears while keeping one hand on the steering wheel of a full size bus traveling twenty-five (25) miles per hour.
- f. The student driver demonstrates ability to perform steering, shifting, maneuvering, braking, use of mirrors and negotiate each of the following: Ninety degree (90°) left hand turns
Ninety degree (90°) right hand turns

Straight ahead

Irregular surface maneuverability at appropriate speeds

Backing ability using mirrors only

Spatial awareness *NOTE: Full size bus for ability testing purposes means a 59, 65 or 71 passenger school bus. Activities (e.) and (f.) are completed only after (a.-d.) are successfully completed.*

- Have an acceptable driving record with no convictions deemed disqualifying under the MS Commercial Drivers License Law. Sections 63-1-73 through 63-1-90, MS Code as amended.
- Receive SDE bus driver certification during a one-day training course which includes classroom instruction, agility testing and behind-the-wheel driving.
- Not currently use illegal controlled substances or engage in the illegal use of prescription drugs.
- The local school board may require additional qualifications, such as drug testing or a physical examination following an offer of employment.

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DESCRIPTOR TERM: Emergency Removal	CODE: 7907
ADOPTION DATE: July 17, 1992	REVISION:

STATE BOARD POLICY

In the event a school district is found to be operating school buses determined to be in such defective condition as to constitute an emergency safety hazard and posing a threat to the health and safety of the pupils being transported in that district, then appropriate representatives of the Bureau of School Building and transportation shall be authorized to immediately condemn and remove from service any such school bus(es). Such bus(es) shall be properly repaired by the district and re-inspected and approved by representatives of the Bureau of School Building and transportation prior to the bus(es) being re-instated to service. The types of defects that may result in the condemnation and removal from service of any school bus are listed below.

Serious defects in the following mechanical and safety components of a school bus may result in that bus being condemned and removed from service:

1. Brake system
2. Steering and suspension systems
3. Fuel and exhaust systems
4. Ignition and electrical systems
5. Lubrication and cooling systems
6. Engine and power train
7. Tires and wheels
8. Body and chassis
9. Seat and mirror systems
10. Other defects posing a hazard to the safety of pupils transported.

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DESCRIPTOR TERM: Exceptional Children	CODE: 7908
ADOPTION DATE:	REVISION: July 17, 1992

STATE BOARD POLICY

In the event a school district cannot meet the transportation needs of exceptional children on a regular school bus route, the State Department of Education will reimburse the district for transportation of exceptional children within the district or to the nearest adequate facility outside the district in order to provide appropriate educational services. Reimbursement shall be based upon one-half the school district's annual per pupil transportation allotment multiplied by the number of children transported plus 20 cents per mile not to exceed one round trip daily for each route.

Reimbursement for transporting children enrolled as resident students at the Mississippi School for the Blind or Mississippi School for the Deaf shall be based on the same formula defined above. School districts may reimburse parents, guardians, etc., for the round trip to the Mississippi School for the Blind or Mississippi School for the Deaf and back home at the beginning of the school year and at the close of the school year. Transportation may also be provided on the same basis any time during the school year when the dormitories at these institutions are closed. School districts providing transportation for eligible day students assigned to the Mississippi School for the Blind and Mississippi School for the Deaf shall be eligible for reimbursement not to exceed one round trip daily on each route.

If a child enrolled in either the Mississippi School for the Blind or Mississippi School for the Deaf resides in a school district where there is an appropriate program for that child or where there is an appropriate program within reasonable driving distance which the district will make available to the child, then the transportation cost will be the responsibility of the Mississippi School for the Blind or the Mississippi School for the Deaf (depending upon which school the child is enrolled).

In the event that a state-supported university or college provides a special education program for children from any school district that is unable to meet the educational needs of those children, then the university based program shall be eligible for reimbursement based on the formula defined above. Any assessment of one-half the per pupil allotment shall be based on the child's resident district.

The maximum distance an exceptional child may be transported or the maximum length of time for a special education transportation route will depend upon the Individualized Educational Program

(IEP) for the respective child.

For the purposes of reimbursement, an exceptional child is defined as any child properly tested and found eligible for a special education program receiving appropriate educational services as stipulated in the Individualized Educational Program (IEP).

Plans for providing such transportation shall be submitted on forms provided by the State Department of Education.

No private contracts or use of vehicles other than school busses shall be submitted to the State Board of Education for approval.

Drivers transporting students other than members of the driver's immediate families must be trained and properly certified.

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DESCRIPTOR TERM:

Inspection of Buses

CODE:

7909

ADOPTION DATE:

November 20, 1987

REVISION:

STATE BOARD POLICY

At a minimum, at least four inspections per year shall be made for each school bus.

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DESCRIPTOR TERM: Leased Buses	CODE: 7910
ADOPTION DATE:	REVISION: March 27, 1992

STATE BOARD POLICY

The school board of any school district shall have authority to lease school buses as follows:

1. The terms of the lease shall be a mutual agreement between the lessee and lessor and shall conform to all state laws and State Board of Education regulations.
2. All school bus leases must comply with the general purchase laws.
3. Any school bus leases for the purpose of transporting pupils to and from school and related activities shall meet the minimum standards approved by the State Board of Education for the year in which the bus was manufactured.
4. A public school district may lease school buses from another public school district without advertising.
5. All school buses leased by a school district shall be operated according to the policies outlined in the state Department of Education's Pupil Transportation Guide.
6. A copy of the lease agreement shall be filed with the State Department of Education, Bureau of School Building and Transportation.

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DESCRIPTOR TERM: Pupil Transportation Guide	CODE: 7911
ADOPTION DATE:	REVISION: January 21, 1994

STATE BOARD POLICY

State regulations governing the operation of the pupil transportation program are detailed in the document entitled Pupil Transportation Guide for School Superintendents. Staff are directed to review/revise that document as required and submit the proposed changes to the State Board of Education for approval. Upon approval by the Board, staff are directed to disseminate it to the appropriate members of the educational community. An up-to-date copy can be obtained at (insert link).

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DESCRIPTOR TERM: Repair Shops	CODE: 7912
ADOPTION DATE: June 22, 1990	REVISION:

STATE BOARD POLICY

The school boards of two or more school districts are authorized to jointly establish, maintain and operate a school bus garage or repair shop for the servicing, repair and maintenance of district-owned buses. Prior to establishing a jointly operated school bus garage or repair shop, the respective school boards shall enter into a written agreement which shall include the following:

1. Cite Code Section 37-41-35 as authority for such agreement.
2. Terms of the agreement must be cited by resolution of the board minutes of each school district and/or governing authority which is a party to the agreement.
3. Agreement must specify its purpose(s).
4. Agreement specifies the mechanics of day to day operations to include the following:
 - a. The manner of financing, purchasing, staffing, supplying and budgeting for the joint operation.
 - b. The mechanism for processing of receipts and disbursements and accounting for the joint funds of the undertaking.
 - c. The administrative responsibilities of each party to the joint agreement.
5. Agreement must specify its duration.
6. Agreement includes a mechanism for termination or amendment of the agreement.
7. Agreement provides for the disposition of property upon termination or amendment of the agreement.
8. Agreement is filed with the State Department of Education, Division of School Building and Transportation.

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DESCRIPTOR TERM: Seat Belts	CODE: 7913
ADOPTION DATE: August 21, 1987	REVISION:

STATE BOARD POLICY

THE USE OF SEAT BELTS ON SCHOOL BUSES FOR THE PROTECTION OF PHYSICALLY DISABLED CHILDREN, AS AUTHORIZED BY SECTION 37-41-3, MISSISSIPPI CODE OF 1972, AS AMENDED

Federal Motor Vehicle Safety Standards (FMVSS) currently require that school buses, with a gross vehicle weight rating (GVWR) of 10,000 lbs. or less, be equipped with either lap belts of lap/shoulder belts at all designated seating positions. The larger school buses, those with a GVWR exceeding 10,000 lbs., are not required to be equipped with seat belts.

The determination of the need for a seat belt seating position for a disabled student should be based upon the recommendation of:

1. The Individualized Education Program (IEP) Committee for those disabled students requiring an IEP
2. The District 504 Coordinator and/or ADA Coordinator
3. The District Transportation Director

School bus seats with seat belts must comply with Federal Motor Vehicle Safety Standards (FMVSS) No. 210 - Seat Belt Assembly Anchorages - Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses.

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DESCRIPTOR TERM: Use of Buses/Special Events	CODE: 7914
ADOPTION DATE: August 21, 1987	REVISION:

STATE BOARD POLICY

School buses are purchased for the specific purpose of providing safe and economical transportation for children entitled to transportation under the law. The school's special events (activity programs) must not interfere with the regular program of transporting children. School buses are not to compete with common carriers.

1. Before any school bus owned by a school district is used to transport children to or from any school special event as authorized by House Bill 6, Extraordinary Session of 1953, as amended, the local school board of education shall first adopt and record in its minutes an order authorizing the use of such bus or buses. The order shall specify the school events for which the bus or buses may be used, such as:

- (a) Future Farmers of America and Future Homemakers of America
- (b) Athletic games or contests and state band contests
- (c) Literary contests
- (d) Local, district or state field trips
- (e) other events the local school board may consider *a part of the educational program.*

2. Such order shall limit the use of buses to participating students, teachers, coaches, and sponsors in connection with special events which the local school board may consider *a part of the school district's educational program.* Buses shall be used for no purposes other than those specified in the order of the local school board of education. Pupils transported to or from events specified above must be enrolled in the public schools and be actual participants in such program or programs.

3. The local school board of education shall fix an amount that shall be charged for the use of a publicly owned bus, which amount shall not be less than thirty cents (30¢) per mile, operational cost included. The principal making application for use of the bus shall see that the bus is used only for the purposes authorized and shall be responsible for collecting and turning over to the school the amount charged for each trip. The person making application for the bus shall arrange for payment of the driver.

4. No pupils shall be transported as herein provided unless they are under the direction and supervision of the school superintendent, principal, or a faculty member designated by the

superintendent or principal.

5. Before any publicly owned school bus is used for the purpose of transporting participating students to any school event, the principal shall submit written application to the school superintendent stating the specific purpose for which the bus is to be used and giving the name of the faculty member who will be in charge of the trip. The superintendent, upon approval of the request for use of the bus, shall give the driver written instructions for making the authorized trip, specifying date, hour and place of departure, route to be followed, destination, approximate time within which the driver shall complete the trip, and name of the faculty member to be in charge of the trip. The school superintendent shall keep on file the application of the principal for the use of the bus and shall keep a signed copy of the permit authorizing the trip.

6. Only a person holding a valid driver's training certificate issued by the State Department of Education shall be allowed to drive a school bus. The school bus shall not be driven to exceed the maximum speed limit allowed by law for trips (See Section 37-41-47, Mississippi Code of 1972, as amended), and if the bus is to be used on night trips, it shall be equipped with the proper operating identification lights and flares.

7. It shall be unlawful for any school superintendent to issue a permit for the use of a bus owned by a public school district until all the above provisions have been fully complied with.

8. The State Board of Education reserves the right to revoke, modify, or amend these rules and regulations at such time or times as the majority of the members thereof may deem necessary.

EMERGENCIES

1. Boards of education may permit publicly owned school buses to be used "for the transportation of citizens to evacuation shelters during natural or man-made emergencies, hurricanes, tornadoes, floods, and other acts of God."

2. Local school boards may permit "the use of publicly owned school buses for the transportation of citizens for grand jury and other jury functions upon order of the court."

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DESCRIPTOR TERM: Violence	CODE: 8000
ADOPTION DATE: September 20, 2002	REVISION:

STATE BOARD POLICY

(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.

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DESCRIPTOR TERM: School Violence	CODE: 8001 (also 4001)
ADOPTION DATE: February 19, 1988	REVISION: May 24, 1996

STATE BOARD POLICY

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. An up-to-date copy can be downloaded at http://www.healthyschoolsms.org/healthy_school_environment/school_safety.htm

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DESCRIPTOR TERM: EDUCATIONAL ENHANCEMENT FUNDS	CODE: 8002
ADOPTION DATE: JULY 17, 1992	REVISION:

STATE BOARD POLICY

Pursuant to authority of Mississippi Code Section 37-7-301(o), each school district shall have the authority to determine for what purposes the Education Enhancement Fund allocation for textbooks and other educational materials shall be expended as follows:

- (a) The local school district may define what constitutes a "textbook" and may purchase said books from any available supplier. Said textbooks shall remain the property of the local school district.
- (b) The local school district may define what constitutes "other educational materials" and may purchase said materials from any available supplier.
- (c) The local school district may define what constitutes "technology enhancement projects" and shall limit the expenditures for said purposes to the proportion each district's ADA bears to the statewide total ADA applied to \$2,000,000 as determined by the State Department of Education.

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DESCRIPTOR TERM: Equity Requirements	CODE: 8101
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Program Definitions for Vocational and Technical Education

The State Board of Education has adopted the following program definitions for the Office of Vocational and Technical Education.

- A. **Skill** - Programs that provide occupationally specific or entrepreneurial training for a skill-level occupation.
- B. **Technical** - Programs which provide specific technical training for occupations generally classified as technical and paraprofessional.
- C. **Business and Industry Specific** - Programs which provide training packages tailored to meet the needs of (1) small business, (2) new and expanding business and industry, (3) multiple business and industry, and (4) retraining for new product lines.
- D. **Adult Vocational and Technical Education** - Programs and courses which train and prepare adults for all aspects of an occupation, in which job openings are projected or available.
- E. **Basic Vocational** - Programs which provide a "common core" of basic skills for entrance into all vocational skill programs or entry into semi- skilled occupations.
- H. **Discovery** - Programs that provide Career Orientation/Knowledge, Computer Skills/Knowledge, Technology Skills/Knowledge in the clusters of Agriculture/Natural Resources, Health/Human Sources Technology, Business/Marketing Technology, and Engineering/Industrial Technology, Arts and Humanities.

Legal Reference: Public Law 105-332, Sec. 2(3), (26), (29)(A), Sec. 114(a), Sec. 122(c)(1)(A).

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DESCRIPTOR TERM: Ongoing Program Perimeters	CODE: 8102
ADOPTION DATE: January 19, 1990	REVISION: May 18, 2001

STATE BOARD POLICY

Vocational and Technical Ongoing Program Perimeters

The State Board of Education shall require the local educational agencies to follow established vocational program priorities in their vocational and technical program offerings to promote a uniform delivery system.

A. Skill programs at the secondary level shall be:

1. Limited to 10th, 11th, and 12th grade students;
2. Conducted for two (2) or three (3) consecutive class periods per school day;
3. For a duration of two (2) years, or the equivalent number of Carnegie units;
4. Eligible for vocational facility housing.

B. Skill Programs at the postsecondary level shall be:

1. Limited to post-high school students or students 18 years of age or older;
2. Conducted for five (5) or more hours per school day;
3. For a duration sufficient to impart the skill level necessary for the occupation trained;
4. Eligible for vocational facility housing.

C. Cooperative Education training programs at the secondary level shall be:

1. Limited to 11th and 12th grade students;
2. Depending on scheduling, training programs will be conducted for one (1) or two (2) class periods per school day plus a minimum of fifteen (15) hours per week of cooperative job training;
3. For a duration of two (2) years;
4. Eligible for vocational facility housing;
5. Conducted under a work-site of training plan, signed by the student, education agency, and training employer.

D. Technical programs at the postsecondary levels shall be:

1. Limited to postsecondary level with high school graduation or GED required; plus other requirements if applicable;
2. Conducted on a semester hour basis;
3. For a duration of semester hours sufficient to impart the technical level training required for the technical occupation;
4. Eligible for vocational facility and academic facility housing.

E. Basic skills programs at the secondary level shall be:

1. Limited to 9th and 10th grade students;
2. Conducted for one (1) class period per school day;
3. For a duration of one (1) year;
4. Eligible for vocational facility housing on space availability (in addition to the five [5] or more occupational areas).

F. Enrichment programs at the secondary level shall be:

1. Limited to 7th, 8th, 9th, and some 10th grade students when skill training is not available;
2. Conducted for one (1) class period per school day;
3. For a duration of one-half to one (1) year at each level;
4. Eligible for vocational facility housing on space availability [in addition to the five (5) or more occupational areas].

G. Supervised Occupational Experienced programs for Occupational Home Economics and Agriculture at the secondary level may be substituted for one (1) period of two (2) period requirements and shall be:

1. Three hundred and fifty (350) hours or more in an instructional related work experience program that is supervised by the instructor;
2. Either ownership or job placement and conducted under training agreement signed by the student, instructor, employer/parent, and administrator;
3. Documented in the SOEP Record Book with the year-end summary of the class to be filed with the appropriate state supervisor on prescribed form by June 30 of current year.

H. Discovery Programs at the secondary level shall be:

1. Career Discovery

- a. Limited to 7th grade students
- b. Conducted for one (1) class period per day
- c. For a Duration of one (1) year
- d. Eligible for vocational facility housing on space availability [in addition to the five (5) or more occupational areas]

2. Computer Discovery

- a. Limited to 8th grade students
- b. Conducted for one (1) class period per day
- c. For a duration of one (1) year
- d. Eligible for vocational facility housing on space availability [in addition to the five (5) or more occupational areas]

3. Technology Discovery

- a. Limited to 9th grade students
- b. Conducted for one (1) class period per day
- c. For a duration of one (1) year
- d. Eligible for vocational facility housing on space availability (in addition to the five (5) or more occupational areas)

I. 1. Work-Based Learning at the postsecondary level shall be:

- a. Limited to students enrolled in an occupational skill program on a part-time or full-time basis;
- b. Conducted for three (3) semesters and minimum of fifteen (15) hours per week of work-site experience;
- c. Eligible for vocational facility housing and equipment;
- d. Conducted under an Educational Training Agreement signed by the student, school

representative, occupational instructor, employer, and state coordinator for Work-Based Learning.

e. Work site experience must be directly related to the student's in-school occupational skill program.

Legal Reference: MS Code 37-31-103.

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DESCRIPTOR TERM: Practical Nursing Programs	CODE: 8103
ADOPTION DATE: September 17, 1993	REVISION: May 18, 2001

STATE BOARD POLICY

Mississippi Practical Nursing Programs

The document entitled *Accreditation Standards and Rules and Regulations for Mississippi Practical Nursing Programs* describes the regulations under which training programs for licensed practical nurses shall operate and by which they will be evaluated. This document shall be reviewed on a regular basis and, as revisions are needed, staff shall recommend those changes to the State Board of education (SBE). Upon approval by the SBE, staff will disseminate the changes to appropriate members of the educational community. An up-to-date copy of this document shall be kept on file in the State Department of Education.

Legal Reference: MS Code 73-15-25.

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DESCRIPTOR TERM: Program Definitions	CODE: 8104
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Program Definitions for Vocational and Technical Education

The State Board of Education has adopted the following program definitions for the Office of Vocational and Technical Education.

- A. **Skill** - Programs that provide occupationally specific or entrepreneurial training for a skill-level occupation.
- B. **Technical** - Programs which provide specific technical training for occupations generally classified as technical and paraprofessional.
- C. **Business and Industry Specific** - Programs which provide training packages tailored to meet the needs of (1) small business, (2) new and expanding business and industry, (3) multiple business and industry, and (4) retraining for new product lines.
- D. **Adult Vocational and Technical Education** - Programs and courses which train and prepare adults for all aspects of an occupation, in which job openings are projected or available.

- E. **Basic Vocational** - Programs which provide a "common core" of basic skills for entrance into all vocational skill programs or entry into semi- skilled occupations.

- H. **Discovery** - Programs that provide Career Orientation/Knowledge, Computer Skills/Knowledge, Technology Skills/Knowledge in the clusters of Agriculture/Natural Resources, Health/Human Sources Technology, Business/Marketing Technology, and Engineering/Industrial Technology, Arts and Humanities.

Legal Reference: Public Law 105-332, Sec. 2(3), (26), (29)(A), Sec. 114(a), Sec. 122(c)(1)(A).

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DESCRIPTOR TERM: Appeals Procedures for Consortia/Joint	CODE: 8201
ADOPTION DATE: June 21, 1991	REVISION: October 23, 1998

STATE BOARD POLICY

Appeals Procedures for Consortia/Area Vocational School Joint Planning Waiver

Districts not satisfied with the planning assignments and distribution of funds are to utilize the following procedure:

- A. Write a letter of request to the Associate State Superintendent of Education (state vocational director) stating the issue and justification for waiver.

- B. The Associate State Superintendent of Education is to review and respond within 10 working days of receipt.

- C. The district receiving a negative reply from the Associate State Superintendent of Education may, in turn, write a request to the State Superintendent of Education. This request should contain the original letter of request, the negative reply from the Associate State Superintendent of Education, a restatement of the issue(s) and a request for outcome.

- D. The State Department of Education is to review and respond within 10 working days.

- E. The district receiving a negative reply from the State Superintendent of Education may, in turn, write to the State Superintendent of Education requesting permission to address the State Board on the Board agenda according to established rules and guidelines. The decision of the Board on this issue would be final.

This does not waive the district's right to use appeal procedures if a local plan is not approved.

Legal Reference: Public Law 101-392, Section 231 (d)(4).

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DESCRIPTOR TERM: Articulation of Programs	CODE: 8203
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Articulation of Vocational and Technical Programs

The State Board of Education is authorized to promote, encourage, and maintain cooperation and articulation between the secondary and postsecondary levels of vocational education at all levels. Preparatory vocational education and training shall be provided in a variety of clusters at the secondary level, and highly specialized occupational training provided at the postsecondary level where applicable. Adult preparatory and supplemental training is permissible to be offered at both secondary and postsecondary institutions.

Legal Reference: MS Code 37-31-205; Public Law 105-332, Sec. 122 <20USC 2342> State Plan (c)(1)(A).

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DESCRIPTOR TERM: Assurance of Equal Access	CODE: 8204
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Assurance of Equal Access to Vocational and Technical Education Programs

Each local educational agency requesting financial assistance from the Office of Vocational and Technical Education for the conduct of vocational and technical education programs and services shall provide an Assurance of Compliance with the Vocational Education Program Guidelines of March 21, 1979. This assurance shall be submitted with the local annual plan for vocational and technical education and shall indicate that the recipient does not discriminate in providing vocational programs and services on the basis of race, color, national origin, sex, handicap, age or religion.

The Office of Vocational and Technical Education shall assist the local educational agencies in determining their compliance status by monitoring a minimum of twenty percent (20%) of all local educational agencies annually and by responding to any request for specific assistance. Monitoring activities may include:

- A. State-level desk review;
- B. On-site review;
- C. Review of local annual program plans and other related information; and
- D. Follow-up on previously reviewed local educational agencies to determine how well they may be following their remedial plans.

Legal Reference: Federal Register, Vol. 44, No. 56 - Wednesday, March 21, 1979 and embracing Acts: 45 CFR Part 80, 45 CFR Part 84, and 45 CFR Part 86
Public Law 105-332, Sec. 316 <Note: 20USC 2396>

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DESCRIPTOR TERM: Closures JTPA/Other Special Programs	CODE: 8205
ADOPTION DATE: November 20, 1987	REVISION: May 18, 2001

STATE BOARD POLICY

Closures of Special Programs

Local educational agencies shall be given written notice of closure for Special programs at least thirty (30) days prior to closure. Employment and training funds and programs are planned annually. Programs are funded based on documented need and availability of funds.

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DESCRIPTOR TERM: Closures Ongoing Programs	CODE: 8206
ADOPTION DATE: January 19, 1990	REVISION: May 18, 2001

STATE BOARD POLICY

Closures of Vocational and Technical Ongoing Programs

The State Board of Education shall require the local educational agencies to maintain established minimum standards in order to apply for vocational support for ongoing vocational and technical programs.

The Office of Vocational and Technical Education shall be responsible for collecting and monitoring the data for these minimums/maximums and standards to insure that the following requirements are met:

A. Vocational Program Standards

The local educational agency shall meet minimum established vocational program standards to be eligible to receive reimbursement and continuation of other vocational support. Standards are to include the utilization of state adopted curricula for each vocational program.

B. Minimum Performance Requirements

The Office of Vocational and Technical Education shall annually collect and monitor the enrollments, completers, and placement of all ongoing vocational program students and review programs for minimum performance requirements. The Office of Vocational and Technical Education, with the approval of the State Board of Education, shall establish a process to review vocational-technical programs for minimum performance requirements. Programs in local improvement and/or joint improvement or programs with extremely low enrollment shall be monitored and notified of deobligation prior to March 1 of the following year. Programs that can document improvements in their performance within the first six (6) months of the following year for which the data was collected shall be allowed to continue eligibility for funding pending formal documentation and approval. Local school districts with programs that do not meet minimum performance requirements may be allowed to convert their vocational resources to more applicable programs to meet the needs of employers and students within the district through the New Program Approval Process.

C. Minimum Enrollments

Minimum enrollments per teacher are to be evaluated annually; and extremely low enrollments per

teacher shall be adjusted by teacher/program reductions. Any on-going teacher/program reductions must be determined prior to March 1.

Written notification of all deobligations shall be mailed to affected local educational agencies no later than March 1 of each year.

Legal Reference: MS Code 37-31-207.

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DESCRIPTOR TERM: Course Destination	CODE: 8207
ADOPTION DATE: June 25, 1985	REVISION: June 19, 1998

STATE BOARD POLICY

Vocational Courses Designation

All postsecondary vocational and technical courses offered by community/junior colleges and reimbursed with vocational funds shall carry the appropriate prefixes in their catalogs and/or brochures as outlined in the State Curriculum Framework. Omission of this prefix shall result in the declaring of the course ineligible for reimbursement.

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DESCRIPTOR TERM: Designation of Agents For Deliver of Service	CODE: 8208
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Designation of Agents for the Delivery of Services in Vocational and Technical Education

The delivery of all vocational-technical education programs, projects, services, etc. shall be through the public secondary, community/junior colleges, and special state institutions.

The delivery of professional development, training, and teacher education activities shall be through **appropriate delivery systems**.

The delivery of research, curricula, industry training materials and specialized professional development services shall be through the Research and Curriculum Unit for Vocational and Technical Education at Mississippi State University.

Legal Reference: MS Code 37-31-103, 37-31-205(1).

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DESCRIPTOR TERM: Evaluation & Improvement	CODE: 8209
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

Evaluation and Improvement of Vocational and Technical Education Programs

The Office of Vocational and Technical Education shall monitor each local educational agency receiving vocational education funding to ensure that annual self-evaluations are being conducted.

The Office of Vocational and Technical Education shall maintain file copies of the local educational agencies' self-evaluation and improvement plan and shall conduct desk audits of each of the plans.

The Office of Vocational and Technical Education is to conduct spot reviews on selected local educational agency programs for compliance and quality as per the local educational agencies' evaluation and self-improvement plan.

The Office of Vocational and Technical Education shall assist the local educational agencies in a joint planning effort when the local educational agencies are not complying and/or need technical assistance for compliance and program improvement.

The Office of Vocational and Technical Education shall provide technical assistance to the Office of Educational Accountability for conducting the vocational component of the accreditation evaluation for secondary schools.

Legal Reference: Public Law 105-332, Sec. 123(b), Sec. 135(b)(5).

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DESCRIPTOR TERM: Live Work Projects	CODE: 8210
ADOPTION DATE: June 25, 1985	REVISION: June 19, 1998

STATE BOARD POLICY

Vocational and Technical Program Live Work Projects

All live work shall be directly related to the instructional model presently in progress unless prior approval is obtained from the vocational administrator. Live work must be scheduled in advance to allow the instructor to incorporate the project into his/her instructional plan. All live work performed in a vocational lab must be performed by students enrolled in the program and must be related to the instructional program itself.

Under no circumstances shall any work performed or service rendered in a vocational facility be in direct competition with the commercial market.

Completed projects resulting from lab construction which utilizes supplies and materials purchased with public funds, such as: storage houses, trailers, portable buildings, cabinetry, etc., shall be inventoried and shall become the property of the state or the local school, or shall be disposed of in a manner consistent with state law.

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DESCRIPTOR TERM: Local Advisory Councils Crafts Committee	CODE: 8211
ADOPTION DATE: June 25, 1985	REVISION:

STATE BOARD POLICY
Local Advisory Councils and Crafts Committees

Each local school district receiving assistance from the Office of Vocational and Technical Education to operate vocational and technical education programs shall establish a local advisory council and individual program craft committees. The council and craft committees shall provide the school district with advice on current job needs and on the relevancy of courses being offered by the district in meeting such needs. The local advisory council shall be composed of members of the general public, especially of representatives of business, industry and labor. The program craft committee shall consist of members representative of the program service area.

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DESCRIPTOR TERM: Local Plan	CODE: 8212
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

Local Plan for Vocational and Technical Education

The State Board of Education shall require participating local public schools, public community/junior colleges and special state schools to prepare and submit a local plan/application covering the same period as the state plan for vocational and technical education in order to be eligible for state and federal support in the funding of local vocational and technical education programs. Local educational agencies shall be notified in writing of the action taken on their plans. Reasons for disapproval in whole or in part must be specified. A local educational agency shall have the opportunity to submit a revised plan or part of a plan after notification of disapproval.

Reimbursement shall not be made to any local public school or community/junior college until their local plan for vocational and technical education is in an approvable form.

Legal Reference: Public Law 105-332, Sec. 134 <Note: 20USC 2354>

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DESCRIPTOR TERM: New Program Approval for Ongoing Programs	CODE: 8213
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

New Program Approval for Vocational and Technical Ongoing Programs

The State Board of Education shall consider requests for new programs when there is a demonstrated need and support by the requesting public local educational agency. The Office of Vocational and Technical Education shall establish written procedures for approving new programs. The Office of Vocational and Technical Education shall receive documented requests from the local educational agencies and make program approval determinations based on these criteria:

- A. Skill program approval shall require a current needs assessment which documents student supply, training needs, job demands, available labor supply, plan for providing equipment, facilities and instruction, program support, and other pertinent data. The Office of Vocational and Technical Education shall give high priority to these approvals.

- B. Technical program approval shall require a current needs assessment which documents student supply, training needs, job demands, available labor supply, plan for providing equipment facilities and instruction, program support, and other pertinent data. The Office of Vocational and Technical Education shall give high priority to these approvals.

- C. Discovery programs are designed for students in grades seven through nine and are as follows: Career Discovery (7th grade) introduces students to career opportunities and the skills needed for various career paths. Computer Discovery (8th grade) exposes students to a multimedia environment and fundamental computer skills. Technology Discovery (9th grade) enables students to explore technology resources, processes, and systems that lead to enhanced career development and advanced education.

- D. Enrichment program approval shall require a current needs assessment which documents student supply, plan for equipment, facilities, and instruction, program support, and other pertinent data. The Office of Vocational and Technical Education shall give minimal priority to these approvals.

- E. Administrative support approval for one (1) required vocational center director per center shall be made on agreed request. Additional vocational **director** approvals shall require current needs assessment which documents an excessive demand for administrative services that cannot be reasonably expected to be performed by one (1) administrator. **Non vocational center director**

approvals shall require current needs assessment which documents an excessive demand for administrative services that cannot be reasonably expected to be performed by one (1) administrator. The Office of Vocational and Technical Education shall give minimal priority to additional administrative positions **and non vocational center position** approvals.

F. Guidance support approval for one (1) required vocational center counselor shall be made on agreed request. Additional vocational counselor approvals shall require a current needs assessment which documents an excessive demand for guidance services that cannot be reasonably expected to be performed by one (1) counselor. The Office of Vocational and Technical Education shall give minimal priority to additional counselor position approvals.

G. Work-Based Learning coordinator approvals for one (1) desired coordinator for each community/junior college district shall be made upon agreed request. Additional work-based learning coordinator approvals shall require a current needs assessment which documents an excessive demand for work-base services that cannot be reasonably expected to be performed by one coordinator.

H. Vocational and Technical Education Programs not listed in the preceding categories will be approved and implemented based on the process/criteria established for that program/initiative as approved by the State Board of Education.

Legal Reference: MS Code 37-31-103.

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DESCRIPTOR TERM: Non-State Programs	CODE: 8214
ADOPTION DATE: November 20, 1987	REVISION: May 18, 2001

STATE BOARD POLICY

Non-State Plan Programs for Vocational and Technical Education

Special funded programs, not under the Federal Vocational State Plan, are to be governed by policies, rules and regulations for vocational and technical education except in instances where special funded programs have been excluded or not allowed by funding regulations. Employment and training funds and/or other non-plan funds are not included in the state vocational plan.

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DESCRIPTOR TERM: Program Standards	CODE: 8215
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

Vocational Program Standards

The State Board of Education shall set and publish minimum program standards and outcome Indicators of Performance for each major program category. The Office of Vocational and Technical Education shall monitor the vocational programs based on the set Performance Indicators.

Legal Reference: Public Law 105-332, Sec. 113

Special funded programs administered through the Office of Vocational and Technical Education are to be monitored and evaluated according to requirements of the funding regulations.

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DESCRIPTOR TERM: Public Hearings	CODE: 8216
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

Public Hearings - Vocational

The State Board Education, during the years in which it formulates a state plan for vocational and technical education, shall conduct a series of public hearings, after giving sufficient public notice throughout all regions of the state. Sufficient public notice shall consist of the following:

- (1) Legal notices shall be published beginning at least 30 days prior to the public hearings in the major newspapers serving the area of the state in which the hearing is to be held, and shall be run three times.
- (2) Organizations or individuals having an interest in vocational and technical education shall, upon their request, be notified as to the dates and times of the public hearings.
- (3) Announcements of public hearings on vocational and technical education shall be sent to major television and radio stations serving the area in which the hearings are to be held.

These hearings shall be held in order to permit all segments of the population to give their views on the goals which should be adopted in the state plan, including the courses to be offered and allocations of responsibility for these courses among the various institutions of the state. Also, these public hearings shall give all segments of the population an opportunity to give input to allocations of local, state and federal sources to meet the goals as set forth in the state plan. The views of the public expressed at the hearings shall be included in the final state plan, with a description of how such views are not reflected, then the documents shall set out reasons for rejecting them.

Legal Reference: Public Law 105-332, Sec. 122(a),(1),(2),(3)

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DESCRIPTOR TERM: State Plan	CODE: 8217
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

State Plan for Vocational and Technical Education

The State Board of Education shall develop, in consultation with the Advisory Council or Planning Committee, a state plan for vocational and technical education which provides for an assessment of current and projected needs for vocational and technical education, program budgets reflecting annual and long-range fiscal requirements, vocational education staff development activities, and regulations and procedures for the administration of vocational and technical education.

Before approving the state plan, the State Board shall conduct public hearings which have been preceded by proper public notification. The State Board shall, when necessary, amend the State Plan in consultation with the Advisory Council or Planning Committee.

LEGAL REFERENCE: Public Law 105-332, Sec. 122(a)(3), Sec. 122 (b)(1)(2)

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DESCRIPTOR TERM: Statistical Data	CODE: 8218
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Statistical Data

The State Board of Education shall require the local school districts to collect and maintain a data base on student and financial information and to submit enrollment, follow-up and other pertinent data on reimbursed programs and activities. This data may include, but not be limited to, the following types of data:

- a. student data (including information concerning race, sex, and disability)
- b. programs
- c. program completers and leavers
- d. placement and follow-up
- e. staff
- f. facilities
- g. expenditures
- h. performance indicators

The Office of Vocational and Technical Education shall modify the data system and collection items with prior notice to the local educational agencies when necessary to meet federal, state, and/or management needs.

Legal Reference: Public Law 105-332, Title I Part A, Sec. 113(a), Sec. 113(c), Sec.114(b)(2), Sec. 112(a)(3)(C), Sec. 122(c)(b)

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DESCRIPTOR TERM: Allocation Non Plan Funds	CODE: 8301
ADOPTION DATE: November 20, 1987	REVISION:

STATE BOARD POLICY

Allocation of Vocational Education Non-Plan Funds to Local Educational Agencies

The State Board of Education shall allocate training funds on a limited project agreement between the local educational agency and the Office of Vocational and Technical Education.

Special federal training funds shall be allocated on a project agreement between the local educational agency and the Office of Vocational and Technical Education contingent upon approval of funds from the funding source.

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DESCRIPTOR TERM: Allocation of Plan Funds	CODE: 8302
ADOPTION DATE: June 21, 1991	REVISION: October 23, 1998

STATE BOARD POLICY

Allocation of Vocational Plan Funds to Local Educational Agencies

The State Board of Education shall not allow any vocational plan funds to be distributed to a local educational agency unless that district has an approved or approvable local plan for vocational and technical education on file with the Office of Vocational and Technical Education for the fiscal year in which funds are being requested.

The State Board shall use a formula in allocating federal vocational funds (75% Title II-Carl Perkins) to local educational agencies as required by federal statutes. The Office of Vocational and Technical Education shall be responsible for updating the formula each year to ensure a fair and equitable allocation of funds to the eligible recipient. The State Board shall make a determination at the beginning of each plan period of the counties that are classified as economically depressed based on either of the following two factors:

1. Counties that have over one and half times the national unemployment rate for the past 3 years.
2. Counties that have 20% or more of their families below the poverty level.

The Office of Vocational and Technical Education shall be responsible for making this determination for the State Board and for the allocation of Title III B-Carl Perkins funds and for targeting 10.5% Title II-Carl Perkins funds.

Funds (75% Title II-Carl Perkins) allocated to local educational agencies shall be allocated by the distribution formula and will be administered by the local plan/application.

Funds (10.5% Title II-Carl Perkins) allocated to local educational agencies for sex equity and single parent/homemakers services shall be awarded on an RFP project basis with priorities given to depressed areas.

Funds (1% Title II-Carl Perkins) for correctional institutional services shall be awarded to the Department of Corrections for vocational support services and shall be limited to salaries and equipment.

Funds (Title III B-Carl Perkins) allocated to local educational agencies for home economics for

depressed areas shall be distributed on a modified ongoing program process or through an RFP project.

Funds (state and federal) allocated to local educational agencies for vocational adult short-term programs shall be distributed on a class request basis.

Funds (Title III A-Carl Perkins) allocated to local educational agencies for Community Based Organization services shall be awarded on an RFP basis.

Funds (Title III E-Carl Perkins) allocated for Tech Prep shall be awarded on an application basis and shall be administered through the public community/junior colleges.

Funds (state vocational) allocated to local educational agencies for support of ongoing programs shall be continuous unless notification is given prior to March 1st preceding the next fiscal year and shall be distributed through the ongoing program process.

Funds distributed to Mississippi State University/Research and Curriculum Unit shall be allocated by grant agreement.

Legal Reference: Public Law 101-392

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DESCRIPTOR TERM: Hearings on Local Applications (Budget)	CODE: 8303
ADOPTION DATE: June 21, 1991	REVISION: June 19, 1998

STATE BOARD POLICY

Hearings on Local Applications

When a plan submitted by a local educational agency is not approved by the Office of Vocational and Technical Education, the Office of Vocational and Technical Education shall notify the local educational agency of the deficiencies in the plan and allow thirty (30) days from the date of the notification letter to correct those deficiencies. However, upon good cause shown, the State Board of Education may extend this thirty (30) day period by written notification.

If at the end of thirty (30) days or the end of the extended period, whichever is applicable, the local educational agency has not corrected the deficiencies, the plan will be denied. The Associate State Superintendent for the Office of Vocational and Technical Education shall notify the local educational agency of this denial by certified mail and include in that letter the following:

- A. The reasons for denial;
- B. The right to request a hearing at which time the local educational agency is entitled to:
 - 1. The right to be represented by legal counsel at its own expense;
 - 2. The right to cross-examine witnesses from the Office of Vocational and Technical Education; and
 - 3. The right to call witnesses in its own behalf (who must appear by agreement with the local educational agency because the State Board has no subpoena power) and to introduce documentary evidence in its own behalf;
- C. The names of the witnesses to be called at the hearing by the Office of Vocational and Technical Education and the nature of their testimony;
- D. Copies of any documentary evidence that will be introduced at the hearing by the Office of Vocational and Technical Education. The local educational agency shall have ten (10) days from receipt of the notification letter to submit a written request for a hearing which shall be scheduled no less than five (5) days nor more than thirty (30) days from the date the request for hearing is received by the Office of Vocational and Technical Education. The Associate State Superintendent will notify the local educational agency, in writing, of the date, time, and place of the hearing. A court

reporter shall be selected by the Office of Vocational and Technical Education to record all proceedings, and all witnesses shall be placed under oath by such court reporter.

The State Board shall designate an impartial hearing officer to conduct hearings on local plans. The hearing officer, after hearing all the evidence, shall present a written recommendation and a findings of facts to the State Board concerning the plan within fourteen (14) days after the conclusion of the hearing. Upon receipt of the transcript of the hearing, the State Board shall have thirty (30) days within which to make a determination upon the transcript and the recommendations and findings of facts of the hearing officer and to notify the local educational agency by certified mail of its decision. If any local educational agency is dissatisfied with the final action of the State Board, with respect to the approval of the plan, the local educational agency may within sixty (60) days after such final action or notice thereof, whichever is later, file with the U. S. Fifth Circuit Court of Appeals a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State Board, and the State Board thereupon shall file in the court the record of the proceedings on which the State Board based its action as provided in Title 28 U.S. Code, Section 2112.

The findings of fact by the State Board, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand a case to the State Board to take further evidence, and the State Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. The Fifth Circuit Court of Appeals has jurisdiction to affirm the action of the State Board or to set it aside in whole or in part. The judgement of the Court shall be subject to review by the United States Supreme Court upon certiorari or certification as provided in Title 28 United States Code Section 1254.

Legal Reference: Public Law 98-524, Section 504 (C) (1)

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DESCRIPTOR TERM: Maximum Reimbursement Salary Schedule	CODE: 8304
ADOPTION DATE: November 20, 1987	REVISION: May 18, 2001

STATE BOARD POLICY

Vocational Maximum Reimbursement Salary Schedule

The Office of Vocational and Technical Education shall establish annually a maximum reimbursement secondary vocational salary schedule and a maximum reimbursement community/junior college vocational salary schedule. The maximum reimbursement secondary vocational salary schedule shall be based on the minimum program salary schedule extended to 10 months. The Office of Vocational and Technical Education may adjust this schedule downward when sufficient funds are not appropriated for this expense item.

The maximum reimbursement community/junior college vocational salary schedule shall be based on the past year's established schedule expanded by appropriations for this purpose for the current year.

Legal Reference: MS Code 37-31-13

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DESCRIPTOR TERM: Other State Funds for Support	CODE: 8305
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY
Other State Funds for Vocational Support

Minimum Program Support

The local public secondary school districts shall receive from minimum program support funds through the Office of Educational Accountability a one-half (1/2) teacher or counselor approved by the Office of Vocational and Technical Education. Less than one hundred percent (100%) vocational teachers will receive a prorated amount. Minimum program one-half (1/2) teacher units for vocational education are not to be requested when one hundred percent (100%) federal vocational funds are available through an RFP (Request for Proposal) process to carry out the national vocational priorities.

Minimum program one-half (1/2) teacher units for vocational education are not to be approved when no state or federal vocational funds are to be expended through the Office of Vocational and Technical Education.

Legal Reference: MS Code 37-19-43
 MS Code 37-31-1 to 37-31-15

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DESCRIPTOR TERM: Reimbursement Local Personnel Salaries	CODE: 8306
ADOPTION DATE: June 21, 1991	REVISION: November 15, 1996

STATE BOARD POLICY

Reimbursement from 206 Budget Funds for Approved and Budgeted Ongoing Local Vocational Personnel Salaries to Local School Districts

The Office of Vocational and Technical Education, prior to August 1st of each year, shall make an initial determination as to the estimated total reimbursement to be made to each local school district for approved vocational position salaries.

The Office of Vocational and Technical Education shall reimburse to each local school district 8% of the approved reimbursed estimated total amount immediately after the close of the months of July, August, and September.

The Office of Vocational and Technical Education shall, immediately at the close of the months of October, November, December, January, February, March, April, and May, reimburse to the local school districts the calculated approved and cleared budgeted reimbursement amount for the 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 11th months less all previous reimbursements for the year.

The Office of Vocational and Technical Education shall, at the close of the fiscal year, make final calculations on the total approved reimbursements to the local school districts and reimburse to the districts all approved funds less previous reimbursements for the year.

This cash flow policy does not dissolve the Office of Vocational and Technical Education's right to hold funds pending until local school districts meet their agreed obligations, nor does it dissolve the Office of Vocational and Technical Education's right to recover funds that the districts owe the Office of Vocational and Technical Education.

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DESCRIPTOR TERM: Subsides, Loans/Grants 206 & 201	CODE: 8307
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

Subdivisions for Subsidies, Loans, and Grants 206 and 201 Budgets

The Office of Vocational and Technical Education shall subdivide the subsidies, loans, and grants section of the 206 and 201 budgets for Board review and approval.

A. Subdivisions (lines) for 206 budget are:

Lease Purchases/Indirect Cost/Other State Support

- Salaries
- Equipment
- Adult Vocational
- Other

Personnel Development/Curriculum/Research and Development

1% Corrections

Title II - 85% Secondary

Title II - 85% Postsecondary

Special Populations

Tech Prep

Other Projects

B. Subdivisions (lines) for 201 budget are:

State Industrial Project

Other Non-State Funded Projects

The Office of Vocational and Technical Education shall clear and maintain a file of budgets with the Office of Educational and Accountability for budgets 206 and 201, including the above described line items of the subsidies, loans, and grants section. The Office of Vocational and Technical Education shall provide the Board with periodic updates as to the current budget status.

Legal Reference: MS Code 37-31-1 to 37-31-15

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DESCRIPTOR TERM: Counselor	CODE: 8401
ADOPTION DATE: November 15, 1996	REVISION: May 18, 2001

STATE BOARD POLICY

LOCAL VOCATIONAL COUNSELOR

The local vocational counselor shall be utilized for specific guidance purposes.

A. This position shall be referred to as vocational counselor.

B. This position shall be concerned with helping students make the occupational choices, educational choices, and career evaluations that will lead them to meaningful, successful, and rewarding work.

C. Vocational counselors will function within the appropriate organizational structure of the local educational agency with the advice and counsel of the Vocational Dean/Director.

D. Primary responsibilities of this position will be identified by the local educational agency to support vocational programs and generally include but are not limited to the following:

1. Provide individual and group vocational counseling of students.
2. Disseminate information regarding vocational education and career opportunities.
3. Remain up-to-date on changing job-entry skill requirements and changing technologies in business and industry.
4. Inform local business and industry of vocational education programs in the schools, and seek information regarding their job requirements.
5. Arrange for business and industrial representatives to interview graduates/completers as prospective employees.
6. Select, administer, and interpret aptitude tests to assist students in making appropriate career choices.

7. Provide a placement program for students completing vocational and technical programs.

8. Gather and publicize information from the community regarding jobs available to all students.

9. Prepare follow-up studies of students completing vocational programs for the purpose of improving services and evaluating the effectiveness of vocational education.

E. Employment: This position shall be approved for one hundred percent (100%) employment for the above stated responsibilities.

F. Reimbursement: This position shall be considered as a vocational counselor position and shall be reimbursed from vocational funds according to State Board of Education Policy DFBC-5, Revenues (Vocational Education).

G. Approval: The approval of funding for this position shall be made jointly by the Bureau of Instructional Development, the Vocational Administrative Team, and the Associate State Superintendent for Vocational Education.

H. Qualifications: The recruitment and selection of vocational counselors shall be the responsibility of the local educational agency and shall conform with licensure requirements.

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DESCRIPTOR TERM: Length of Employment & Authority of Directors	CODE: 8402
ADOPTION DATE: June 20, 1986	REVISION: May 18, 2001

STATE BOARD POLICY

Local Vocational and Technical Education Administrator

The local vocational and technical education administrator shall be utilized for specific vocational administrative purposes.

A. This position shall be referred to as Vocational Director in secondary educational agencies. In postsecondary institutions, this position may be referred to as Vocational District Dean/Director, Vocational Dean/Director, or Assistant Vocational Dean/Director.

B. This position shall be concerned with planning, organizing, directing, controlling, and coordinating the vocational and technical programs on a district-wide basis or within the local vocational center. This includes analysis and justification of activities to promote and organize vocational and technical programs to provide students with education and training.

C. Secondary Vocational Directors shall function within the appropriate organizational structure of the local educational agency. In separate vocational centers, the vocational director shall have authority in the administrative chain of command commensurate with principals.

D. Postsecondary Vocational District Deans/Directors shall have authority in the administrative chain of command commensurate with academic deans. Other Vocational Administrators will function within the appropriate organizational structure of the local educational agency with the advice and counsel of the District Dean/Director.

E. All reimbursed secondary local vocational directors should be employed on a twelve (12) month basis when vocational reimbursement funds are available for the full twelve (12) months. However, state law prohibits the reimbursement of secondary vocational administrators for more than 10 months (200 days). When local boards of education and superintendents choose to employ vocational directors for a period of time longer than ten (10) months, it is encouraged that the local vocational director be employed on a twelve (12) month basis.

F. Generally, all reimbursed postsecondary local vocational deans/directors shall be authorized to be employed on a twelve (12) month basis when vocational reimbursement funds are available for the full twelve (12) months and at the discretion of the local educational agency.

G. Primary responsibilities of these positions will be identified by the local educational agency to administer high quality vocational programs and generally include but are not limited to the following:

1. Formulate and administer a comprehensive program of vocational and technical education.
2. Maintain close working relationships with community and state agencies and area business, industries, and labor organizations, in order to provide training consistent with needs.
3. Continuously appraise and evaluate the total vocational and technical program to achieve the established goals of providing the opportunity for people to prepare for gainful employment.
4. Maintain current knowledge of all pertinent rules and regulations affecting vocational education.
5. Assume responsibility for the collection, review, and submission of all forms and reports relative to vocational education to state agencies.
6. Supervise and evaluate all instructional personnel in the vocational education program.
7. Make recommendations for long-term adjustments, changes, additions, and deletions in the vocational and technical education program to meet changing job trends and needs.
8. Assist in the recruitment and screening of vocational teachers.

H. Employment: This position shall be approved for one hundred percent (100 %) employment for the above stated responsibilities.

I. Reimbursement: This position shall be considered as an administrative position and shall be reimbursed from vocational funds according to State Board of Education Policy DFBC-5, Revenues (Vocational Education).

J. Approval: The approval of this position shall be made jointly by the Bureau Director for Instructional Development, the Vocational Administrative Team, and the Associate State Superintendent for Vocational Education.

K. Qualifications: The recruitment and selection of vocational administrators shall be the responsibility of the local educational agency and shall conform with licensure requirements.

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DESCRIPTOR TERM: Personnel Assignment Schedule	CODE: 8403
ADOPTION DATE: June 21, 1991	REVISION: June 19, 1998

STATE BOARD POLICY

Assignment Schedule of Local Vocational Personnel

The Office of Vocational and Technical Education shall be responsible for collecting and monitoring the assignment schedule of local vocational personnel to insure that the following requirements are met:

A. Minimum Vocational Enrollment

All classes, on a per teacher basis, should have at least an average current year enrollment of ten (10) vocational-technical students. This also applies to multi-teacher departments on a per teacher basis.

B. Teacher Assignment (Secondary Instructors)

A minimum of a full-time teacher assignment for vocational activities shall be required for one hundred percent (100%) vocational employment. Any instructor not carrying a full-time teaching assignment for vocational activities shall have their percent of vocational employment adjusted proportionately.

C. Contact Hours (Community/Junior College Instructors)

A minimum of twenty (20) student-contact (instructional) hours shall be required for the community/junior college instructor to qualify for one hundred percent (100%) vocational employment. Any instructor not carrying a twenty (20) contact-hour workload during the preceding semester, and not carrying a twenty (20) contact-hour load during the current semester, shall have their vocational employment percentage reduced to one twentieth (1/20) of the one hundred percent (100%) vocational time reimbursement scale for each contact hour less than twenty (20).

D. Extended Contracts (Secondary Institutions)

MS Code 37-31-13 authorizes reimbursement to school districts for extended contracts for vocational agriculture education services and other related vocational education services which contribute to economic development. Administrators and counselors are not eligible. The expenditures are subject to approval by the Mississippi Board of Education with the funding level established by the state legislature.

E.. Ten to Twelve Month Employment

Vocational instructors and counselors employed on a ten to twelve (10 to 12) month basis and administrators must be engaged in activities directly related to their vocational program during the summer months in order to qualify for reimbursement. Violation of this policy will result in personnel being reimbursed on reduced contracts. An itinerary summary of activities and responsibilities of all vocational personnel employed during the summer months (over 10 months) shall be on file in each school district.

F. Educational Leave

Educational leave time for twelve (12) month reimbursed vocational personnel shall be restricted to six (6) weeks per year for the purpose of securing or maintaining minimum certification and licensing requirements.

G. Conference/Meeting Scheduling

Conference/Meetings which require teachers to be absent from the scheduled lab/classroom activities shall not be held except where activities involve student organizations. Local vocational personnel are expected to attend called vocational conferences and workshops that affect their employment.

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DESCRIPTOR TERM: Work-Based Learning Coordinator	CODE: 8404
ADOPTION DATE: August 19, 1994	REVISION: May 18, 2001

STATE BOARD POLICY

Local Work-Based Learning Coordinators

The Work-Based Learning (WBL) Coordinator is responsible for coordination of classroom instruction and work-site learning experiences for students enrolled in Work-Based Learning.

1. The coordinator is responsible for operating the Work-Based Learning program according to state approved guidelines that are published in the document entitled, "Designing and Implementing Work-Based Learning Programs in Mississippi."
2. This position shall be a full-time reimbursed position for two-hundred forty days.
3. This position shall not be assigned to any activity, which restricts the coordinator's involvement with employers/students during the regular school day. Additional duties and responsibilities of the coordinator include:
 - A. Ensure coordination with vocational and technical programs.
 - B. Provide in-service education to academic and vocational-technical instructors and WBL students on SCANS, employability skills, work maturity skills, and citizenship skills.
 - C. Serve as the community/junior college representative on the WBL Advisory Committee (cannot hold office on committee).
 - D. Ensure classroom instruction is coordinated with work-site learning experiences.
 - E. Ensure students eligibility is implemented prior to admission to the WBL Program.
 - F. Develop and coordinate work-site learning activities jointly with business/industry personnel, and vocational-technical instructors as documented in student's educational training contract.

G. Coordinate regularly scheduled evaluation of student trainees with business/industry personnel.

H. Effectively design and implements a marketing plan, which acquaints and/or recruits students and business/industry for participation in WBL.

I. Ensure that participants in WBL are reflective of the special population.

4. This position shall report directly to the local district or center director.

Legal Reference: MS Code 37-31-103

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DESCRIPTOR TERM: Vocational, Basic Skills Training	CODE: 8500
ADOPTION DATE: November 17, 1989	REVISION:

STATE BOARD POLICY

Certification of Basic Skills Training and/or Retraining for Tax Credit

The State Department of Education will certify employers as eligible for tax credit if they provide for their employees basic skills training or retraining as prescribed by this law.

Administration procedures for the certification program will be developed by the State Department of Education to ensure proper training is accomplished. These procedures will be in accordance with the requirements of the law and the policies of the State Board of Education.

Legal Reference: SB 2925 Section 13 (Economic Development Act of 1989)

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DESCRIPTOR TERM: Vocational, Certification	CODE: 8600
ADOPTION DATE: December 19, 1997	REVISION: June 19,1998

STATE BOARD POLICY

Postsecondary Licensure Guidelines

The regulations governing the licensure of postsecondary educators in Mississippi are specified in the document entitled "Competency Based Licensure for Postsecondary Vocational and Technical Personnel." An up-to-date copy of that document shall be kept on file in the appropriate office in the Mississippi Department of Education. Upon approval of amendments to that document by the Mississippi Board of Education, staff will disseminate it to the appropriate personnel in the Mississippi educational community.

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DESCRIPTOR TERM: Vocational, Curriculum Development	CODE: 8700
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Development of Curriculum Materials and Research Activities

The Office of Vocational and Technical Education shall be responsible for approving and monitoring the use of research activities and curriculum materials that impact on reimbursed programs and activities of vocational and technical education throughout the state. The development and dissemination of research products and curriculum materials for use in the reimbursed programs and activities in vocational and technical education throughout the state shall be accomplished through a joint agreement between the Office of Vocational and Technical Education and the Research and Curriculum Unit for Vocational and Technical Education at Mississippi State University. Priorities shall be determined through state-wide needs assessments and those identified by the Office of Vocational and Technical Education.

Technical committees shall be established by the Associate Superintendent for the Office of Vocational and Technical Education for advising the development and implementation of state curriculum framework for use in reimbursed programs. The Associate Superintendent shall approve the technical committees. All technical committees appointees' terms of service shall expire on June 30 of each fiscal year. The Associate Superintendent may reappoint committees or members at its discretion. Legal Reference: MS Code 37-31-103

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DESCRIPTOR TERM: Curriculum Guides	CODE: 8701
ADOPTION DATE: January 15, 1999	REVISION:

STATE BOARD POLICY

The Mississippi Department of Education will provide curriculum frameworks to set forth expectations of students by specifying course titles and content. A schedule for revision of the frameworks will be established. As subject areas are revised and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the educational community. For an up-to-date copy of each framework go to <http://cia.rcu.msstate.edu/curriculum/validation.asp>. A schedule for revision shall be kept on file in the Mississippi Department of Education .

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DESCRIPTOR TERM: Approved Courses for the Secondary Schools	CODE: 8702
ADOPTION DATE: January 15, 1999	REVISION:

STATE BOARD POLICY

The Mississippi Department of Education will provide a list of the Approved Courses for the Secondary Schools of Mississippi to each school district. This list formerly known as Appendix E of Bulletin 171, contains all approved courses that can be offered in the Mississippi secondary schools. As new courses are revised and approved by the State Board of Education, the modifications will be disseminated to the appropriate individuals in the educational community.

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DESCRIPTOR TERM: Development of Curriculum Materials and Research Activities	CODE: 8703
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Development of Curriculum Materials and Research Activities

The Office of Vocational and Technical Education shall be responsible for approving and monitoring the use of research activities and curriculum materials that impact on reimbursed programs and activities of vocational and technical education throughout the state. The development and dissemination of research products and curriculum materials for use in the reimbursed programs and activities in vocational and technical education throughout the state shall be accomplished through a joint agreement between the Office of Vocational and Technical Education and the Research and Curriculum Unit for Vocational and Technical Education at Mississippi State University. Priorities shall be determined through state-wide needs assessments and those identified by the Office of Vocational and Technical Education.

Technical committees shall be established by the Associate Superintendent for the Office of Vocational and Technical Education for advising the development and implementation of state curriculum framework for use in reimbursed programs. The Associate Superintendent shall approve the technical committees. All technical committees appointees' terms of service shall expire on June 30 of each fiscal year. The Associate Superintendent may reappoint committees or members at its discretion. Legal Reference: MS Code 37-31-103.

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DESCRIPTOR TERM: Acquisition/Accountability Instructional Equipment	CODE: 8801
ADOPTION DATE: June 25, 1985	REVISION: August 20, 1999

STATE BOARD POLICY

Acquisition and Accountability of Instructional Equipment

The Office of Vocational and Technical Education shall develop and maintain a management and control system for capitalized equipment that shall include guidelines and procedures in the areas of record maintenance, equipment tracking, acquisition, and warehousing. Equipment purchased with vocational funds shall become the property of the local educational agency. Equipment for vocational education shall be approved for lease, purchase, or transfer to a local educational agency only for a specific training program or support program for vocational education. All basic equipment necessary to initiate an approved training program may be considered for approval for purchase, lease, or transfer. Any use of vocational equipment for other than its approved intended purposes shall be prohibited. An agreement specifying the responsibilities of both parties must be signed by the local educational agency and the State Board of Education prior to the request for any equipment by the local educational agency. This agreement shall be maintained on a permanent file by both parties. Local educational agencies shall request reimbursement for expenditures of equipment according to established procedures. The local educational agency shall follow procedures for maintaining a correct, current and complete inventory control system for all capitalized equipment, and for any disposition of equipment to include transfer, salvage, and abandonment.

The local educational agency shall be responsible for the equipment as agreed upon in the signed equipment agreement. All items shall be inventoried according to the Mississippi Department of Audit's guidelines. Any removal or diversion to other purposes must have prior approval from the Office of Vocational and Technical Education. All equipment which is no longer being utilized for its approved purpose shall be approved for transfer or disposal by the Office of Vocational and Technical Education. The LEAs master inventory shall consist of all items which have a purchase price of \$500 or more, and any other items specified by the state auditor. All items will be listed according to the district, school, and approved program. The Office of Vocational and Technical Education shall maintain a master equipment tracking system of each item. The local educational agency shall replace lost or broken items. The local educational agency shall have the sole responsibility of all items inventoried as per the state auditor. The Office of Vocational and Technical Education shall assist local educational agencies in replacement of obsolete, stolen, burned, and worn-out equipment according to policies and procedures.

A warehouse for vocational education equipment not in use shall be operated under the direct supervision and guidelines of the equipment section of the State Department of Education/Office of

Vocational and Technical Education. The major functions within the warehouse shall be for the purpose of depositing, storing, and releasing appropriate items of instructional equipment to local educational agencies for use in approved vocational and technical programs.

The Office of Vocational and Technical Education will coordinate inventory audits with the Mississippi Department of Audit, to annually conduct on-site physical inventories of the local educational agencies where equipment has been purchased with vocational funds. The inventory process shall include identifying, and locating all vocational equipment. Local educational agencies shall have thirty (30) days to respond to the written notification from the Office of Vocational and Technical Education concerning the findings of the inventory. Missing items shall be handled according to established procedure guidelines. An inventory follow-up will be conducted to finalize negotiations and disposition. Funds shall be recovered for the state on items of equipment for which a satisfactory accounting cannot be made.

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DESCRIPTOR TERM: Equipment Sales	CODE: 8802
ADOPTION DATE: May 18, 2001	REVISION:

STATE BOARD POLICY

Equipment Sales

Districts that have accumulated obsolete equipment purchased with State Funds with a combined value of more than \$25,000, may petition the Office of Vocational and Technical Education for permission to sell this equipment at an auction. Prior to such a sale, the district must have an appraisal conducted by a certified organization to determine the fair market value of the equipment. The district must then file proposal with the Office of Vocational and Technical Education detailing how the district will reinvest the monies gained from the auction back into the Vocational Programs. The Director of the Office of Instructional Development must approve this plan.

Once the auction has been completed, the district may deduct any expenses related to the appraisal and auctioning of the equipment. The district shall submit records to the Office of Vocational and Technical Education detailing the amounts of money raised at the auction, minus any related expenses.

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DESCRIPTOR TERM: Construction of Area Centers	CODE: 8901
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Construction of Area Vocational Centers

Any educational agency desiring to construct, expand, alter, or remodel an area vocational center, facilities housing vocational programs including comprehensive high schools and others, shall develop a local construction plan. The construction plan shall be preceded by a needs assessment study of the area to be served and shall also follow procedures as identified by the Office of Vocational and Technical Education. The application for approval for building construction and renovation shall be completed with all appropriate and necessary documents and submitted through the Office of Vocational and Technical Education to the State Board for final approval or disapproval.

The Office of Vocational and Technical Education shall develop and maintain a management and control system for facilities that shall include guidelines and procedures in the areas of facilities, standards and specifications, remodeling, construction, acquisition, usage, disposition, and inspection.

Legal Reference: Public Law 98-524, Section 251 (a)(10) and (20)

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DESCRIPTOR TERM: Use, Transfer of Title & Disposition of Local Phy. Fac.	CODE: 8902
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

The Use, Transfer of Title and Disposition of Local Physical Facilities Funded Through the State Board of Education

A. Use

All local physical facilities funded through the State Board of Education shall be utilized for the support and conduct of vocational and technical education programs approved by the State Board of Education. This includes, but is not limited to, the following occupational vocational and technical education programs: agriculture, trade and industry, occupational home economics, distributive education, business and office, health occupations, guidance services, technical education, cooperative education, customized industrial training and all other specialized occupational and support training not requiring a bachelor's degree, with the exception of programs of nursing education regulated under the provisions of section 37-129-1, Mississippi Code of 1972. Any other use or alteration of the facility other than previously specified shall require prior approval by the State Board of Education.

The facility shall be used for the originally authorized purpose as long as needed for that purpose. When no longer so needed, approval may be requested from the State Board of Education for other purposes. Use for other purposes shall be limited to:

1. Projects or programs supported by other federal grants assistance agreements.
2. Activities not supported by other federal grants or assistance agreements but having purposes consistent with those of the legislation under which the original grant was made.

B. Transfer of Title

Approval may be requested from the State Board of Education to transfer title to an eligible third party for continued use for authorized purposes in accordance with paragraph A. If approval is permissible under federal statutes and is given, the terms of the transfer shall provide that the transferee shall assume all rights and obligations of the transferor.

C. Disposition

When the facility is no longer to be used as provided in paragraphs A. and B., one of the following alternatives shall be followed.

1. The property shall be sold and the federal government's share shall be paid to the State Board of Education. That amount shall be computed by multiplying the federal share of the property times the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sale proceeds). Proper sales procedures shall be used that provide for competition to the extent practicable and result in the highest possible return.
2. The local educational agency shall have the option either of selling the property in accordance with paragraph C. 1. or of retaining title. If title is retained, the federal government's share shall be paid to the State Board of Education. That amount shall be computed by multiplying the market value of the property by the federal share of the property.
3. The State Board of Education shall transfer the title to either the federal government or an eligible non-federal party approved by the federal government. The local educational agency shall be entitled to be paid an amount computed by multiplying the market value of the property by the local educational agency's share of the property.

Legal Reference: Section 37-31-205 Mississippi Code of 1972; Volume 42, No. 191, Section 104.621, Federal Register, Oct. 3, 1977

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DESCRIPTOR TERM: Vocational Licensure	CODE: 9000
ADOPTION DATE: May 18, 2001	REVISION:

STATE BOARD POLICY

Vocational Licensure

All local vocational and technical personnel shall be vocational licensed in accordance with established requirements. Secondary vocational licensure shall be established through secondary licensure process and administered through the Office of Educator Licensure. Postsecondary licensure shall be established through a postsecondary licensure process and administered by the Office of Educator Licensure.

Legal Reference: MS Code Section 37-31-205 (1)(e)

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DESCRIPTOR TERM: Vocational, Professional Development	CODE: 9100
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Vocational Professional Development

Vocational and Technical personnel shall be encouraged to improve their occupational and teaching competencies. The Office of Vocational and Technical Education shall implement procedures for improving qualifications for personnel through:

- A. Long-term or special (short-term) arrangement with institutions of higher learning for graduate courses, both technical and professional, and non-credit workshops for teacher improvement;
- B. Workshops, conferences, individual visits and other means by members of the Office of Vocational and Technical Education staff;
- C. Exchange of teaching personnel with industries, etc.; and
- D. Organized and planned tours and visits to various businesses, industries, etc., and by solicitation of the services of occupational people to serve on committees for teacher improvement.

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DESCRIPTOR TERM: Local Reimbursable Expense-Equipment, Supplies, Etc.	CODE: 9201
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

Local Reimbursable Expense Items - Equipment, Supplies, and Other Expenses

The Office of Vocational and Technical Education shall reimburse local public secondary and community/junior college school districts and certain state institutions for specific approved equipment, supplies, and other expenses necessary for the provisions of vocational and technical education.

A. Equipment

1. Vocational Funds

Local program equipment necessary for the operation of a vocational complex/program may be considered as a 100% reimbursable expense.

2. Other Special Funds

Equipment necessary for the conduct of Special approved instructional programs may be 100% reimbursed subject to the approved project funding limitations.

B. Supplies

1. Vocational Funds

The Office of Vocational and Technical Education shall not reimburse supply expenses for programs approved for reimbursement with vocational funds. Exceptions to this may be negotiated on guidance programs, vocational programs funded from 85% Carl Perkins III, Special Populations, Tech Prep, some excessive cost programs where services are rendered to the Office of Vocational and Technical Education, and some special projects.

2. State Industrial Projects (MMDTA) Funds

The cost of supplies not provided by the local educational agency or the industry may be negotiated with the Office of Vocational and Technical Education for

reimbursement when providing industrial start-up training programs, and is included in the project.

3. Other Special Funds

The necessary supply cost for Special Fund programs are considered as a reimbursable expense and may be included in the project.

C. Other Expenses

Special Project funded programs may have other costs in an approved program in addition to the preceding list of items if these are necessary to the project.

Eighty-five percent (85%) Carl Perkins III, Special Populations, and Tech Prep funded projects may have limited other costs in an approved program in addition to the preceding list of items if those are excess cost items not provided to other vocational programs by the local educational agency.

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DESCRIPTOR TERM: Local Reimbursement Expense-Construction	CODE: 9202
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

Local Reimbursable Expense Items - Construction

A. Vocational Funds

The Office of Vocational and Technical Education may reimburse up to fifty percent (50%) of the cost from federal funds for construction and/or remodeling under State Board of Education approved plans for a complex designated as a vocational center (five [5] programs or more) if funds are available.

B. Other Special Funds

The Office of Vocational and Technical Education may reimburse up to the allowable fund limits for construction and/or remodeling under State Board of Education approved plans for a complex designated as a vocational center. Other facilities may be remodeled or renovated to house special programs provided prior written approval is obtained and not restricted by funding regulation. This funding is limited to availability of funds.

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DESCRIPTOR TERM: Local Reimbursement Expense-Travel	CODE: 9203
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

Local Reimbursable Expense Items - Travel

The Office of Vocational and Technical Education shall reimburse local public secondary and community/junior college school districts and certain state institutions for specific approved travel expenses necessary for the provisions of vocational and technical education.

A. Local Travel

1. Vocational Project Funds & 85% Funds

Travel reimbursement for vocational personnel funded by vocational project funds may be reimbursed for local travel not to exceed the state set mileage rate, provided this expense is approved in the project. 2. Other Special Funds

Special project personnel approved and funded by funds administered by the Office of Vocational and Technical Education may be reimbursed for official travel from the special funds not to exceed the state's maximum rates and the project approved amount.

B. Conference Travel

1. Vocational Funds

Conference travel/subsistence expenses may be reimbursed by the Office of Vocational and Technical Education directly to the approved local vocational personnel or the local education agency and to others who render a service to vocational education by serving on committees, councils, etc. All expenses shall be approved and authorized in advance by the Office.

Expenses approved for reimbursement may be limited to less than Mississippi Code of 1972 Annotated 25-3-41, but cannot be for more than allowed under this code.

2. Adult/Other Special Funds

Conference travel for special training workshops, etc., may be written into the individual projects for vocational funds. Prior written approval is to be requested for out-of-state travel. Approval or disapproval will be given by the Office.

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DESCRIPTOR TERM: Maintenance of Local Effort	CODE: 9204
ADOPTION DATE: June 21, 1991	REVISION: May 18, 2001

STATE BOARD POLICY

Maintenance of Local Effort

The State Board of Education shall not allow any payment to be made to any local educational agency unless the State Board finds the following to exist:

- A. In the case of a local educational agency, the combined fiscal effort per student, or the aggregate expenditures of that agency with respect to the provisions of vocational and technical education for the fiscal year preceding the fiscal year for which the determination is made, shall not be less than such combined fiscal effort per student or the aggregate expenditures for that purpose for the second preceding fiscal year.
- B. The Maintenance of Effort for secondary school programs will be collected through the Annual Financial Report submitted to the Mississippi Department of Education. The Office shall notify the local educational agency of its approval or of any noted discrepancies. If any noted discrepancies are not alleviated, funds shall be withheld on the basis of failure to provide/prove maintenance of effort.
- C. Postsecondary institutions shall file a Maintenance of Effort of Expenditure Form with the Office of Vocational and Technical education on or before November 15 of each year. The Office shall notify the local educational agency of its approval or of any noted discrepancies. If any noted discrepancies are alleviated, funds shall be withheld on the basis of failure to provide/prove maintenance of effort.
- D. Programs funded with non-plan funds are not required to file a Maintenance of Effort Expenditure form with the Office of Vocational and Technical Education.

Legal Reference: Public Law 101-392, Section 502

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DESCRIPTOR TERM: Vocational, State Education Agency Relations	CODE: 9300
ADOPTION DATE: June 25, 1985	REVISION: May 18, 2001

STATE BOARD POLICY

Utilization of Federal, State, and Local Designated Vocational Resources Under Contract with or by Other Agencies

The State Board of Education shall approve all vocational and technical education programs in the public school system and community/junior colleges or other agencies or institutions which receive state and federal funds for vocational and technical education programs as prescribed by the Mississippi Code of 1972, Annotated, Section 37-31-205.

The State Board of Education will accept written requests for the use of vocational resources for vocational programs not to be operated through the Office of Vocational and Technical Education from local school boards which receive state and federal funds under the authority of the State Board of Education.

The State Board of Education will approve or disapprove these written requests and any associated utilization costs of resources and other necessary items pertaining to the utilization of these resources.

Legal Reference: MS Code 37-31-205

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DESCRIPTOR TERM: Vocational, Student Activities	CODE: 9400
ADOPTION DATE: November 20, 1987	REVISION: May 18, 2001

STATE BOARD POLICY

Vocational and Technical Student Organizations

All students enrolled in vocational programs operated by postsecondary and secondary institutions shall have the opportunity to become members and participate in student organizational activities related to their instructional programs. Student organizations shall be conducted as an integral part of the program offering and shall extend the student activities in the area in which the program is providing training.

Legal Reference: Public Law 105-332, Sec. 3(29)(30)

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DESCRIPTOR TERM: Weapons	CODE: 9500
ADOPTION DATE: October 26, 1990	REVISION:

STATE BOARD POLICY

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.

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DESCRIPTOR TERM: Withholding Funds	CODE: 9600
ADOPTION DATE: May 19,1995	REVISION: June 20, 2003

STATE BOARD POLICY

WITHHOLDING OF FUNDS FOR FAILURE TO REMIT PREMIUMS, INTEREST PENALTIES, AND/OR LATE CHARGES UNDER THE PUBLIC SCHOOL EMPLOYEES' HEALTH INSURANCE PLAN

The State Superintendent shall withhold a payment of Mississippi Adequate Education Program funds to a school district which fails to remit premiums, interest penalties, and/or late charges as required by the Public School Employees' Health Insurance Plan administered by the Department of Finance and Administration, Office of the Governor.

Authority: Mississippi Code of 1972 as amended 1994 Section 37-19-34

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DESCRIPTOR TERM: WEAPON POSSESSION	CODE: 11000
ADOPTION DATE: OCTOBER 26, 1990	REVISION:

STATE BOARD POLICY

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.

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**MISSISSIPPI DEPARTMENT OF EDUCATION
ADMINISTRATIVE PROCEDURES RULES
(Scroll down to access the policy manual index)**

Part I – Administrative Rules

100 RESPONSIBILITIES OF THE MISSISSIPPI DEPARTMENT OF EDUCATION AND T

- 101 **Responsibilities of the Mississippi Department of Education.**
The State Department of Education (“Department”) shall be under the direction and supervision of the State Superintendent of Public Education. The State Department of Education shall be organized into functional divisions as established by the State Board of

Education, including any divisions established by law and prescribing the duties of the directors of such divisions.

- 102 **Responsibilities of the Mississippi Board of Education.** The Mississippi Board of Education (“Board”) establishes and maintains a system-wide plan of performance, policy and direction of public education and adopts and maintains a curriculum and a course of study to be used in the public schools that is designed to prepare the state’s children and youth to be productive, informed, creative citizens, workers and leaders. The Board also regulates all matters arising in the practical administration of the school system not otherwise provided for. The Board regulates issues such as curriculum, teacher standards and certification, student testing, accountability and school accreditation.
- 103 **Where and how the public may obtain information.** The text of all Board Policies, as well as information regarding pending rules and meetings, may be obtained by visiting the Department’s website at www.mde.k12.ms.us. The following is a list of categories of current policies adopted by the Board. Requests for Declaratory Opinions may be made pursuant to the following rules. Otherwise, requests for information may be made pursuant to and in accordance with the Mississippi Open Records Act and the Board policy by submitting written requests to:

State Superintendent
Mississippi Department of Education
P. O. Box 771
Jackson, MS 39205-0771
ATTN: PUBLIC RECORDS REQUEST

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