

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda
June 16, 2022

OFFICE OF SPECIAL EDUCATION
OFFICE OF ACCREDITATION

- I. Approval to begin the Administrative Procedures Act process: To revise Miss. Admin. Code 7-24: Mississippi Public School Accountability Standards, 2022 specifically Process Standard 17.4 – Special Education

Background Information: The Mississippi Department of Education is seeking to add the reference to Miss. Code Ann. § 37-11-57 to Process Standard 17.4 of the *Mississippi Public School Accountability Standards, 2022*. Mississippi Code Ann. § 37-11-57 mandates that a public-school teacher, assistant teacher, principal, assistant principal, or other school personnel is prohibited from using corporal punishment, on any student with a disability. Failure to comply may result in citations against the district and a downgrade of the district's accreditation status.

The Commission on School Accreditation (CSA) met in its regular scheduled meeting on June 2, 2022. The Commission considered the proposed revision and voted to recommend the revision to the State Board of Education (SBE) on June 16, 2022, to begin the Administrative Procedures Act process.

Recommendation: Approval

Back-up material attached

Proposed Revisions to Process Standard 17.4 of the
Mississippi Public School Accountability Standards, 2022


17. The school district is in compliance with state and/or federal requirements for the following programs:

- 17.1 Early Childhood Programs (kindergarten and teacher assistant). Miss. Code Ann. § 37-21-1, et seq., Miss. Admin. Code 7-3: 42.1, State Board Policy Chapter 42, Rule 42.1, and Miss. Admin. Code 7-3: 62.6, State Board Policy Chapter 62, Rule 62.6, Refer to the *Mississippi Kindergarten Guidelines*. Districts Meeting the Highest Levels of Performance are exempted from Miss. Code Ann. § 37-21-7(4).
- 17.2 Pre-Kindergarten. Miss. Code Ann. § 37-7-301(ss), Miss. Admin. Code 7-3: 28.4, State Board Policy Chapter 28, Rule 28.4. Refer to the *Mississippi Early Learning Guidelines*. Miss. Code Ann. § 37-7-301 (zz).
- 17.3 Career-Technical Education. Miss. Code Ann. § 37-31-1, et seq., Miss. Admin. Code 7-3: 83-96, State Board Policy Chapters 83 through 96, and Federal Code.
- 17.4 Special Education. Miss. Code Ann. § 37-11-57, § 37-23-1 through § 37-23-9, Miss. Admin. Code 7-3: 74.1, 74.3 through 74.6, 74.8, 74.10 through 74.14, and 74.19, State Board Policy Chapter 74, Rules 74.1, 74.3 through 74.6, 74.8, 74.10 through 74.14, and 74.19, and Federal Code. See State Policies Regarding Children with Disabilities under the *Individuals with Disabilities Education Act of 2004* (IDEA 2004).
- 17.5 Child Nutrition. Miss. Code Ann. § 37-11-7, Miss. Admin. Code 7-3: 17.1, 17.2, 17.4, 17.7, and 17.9, State Board Policy Chapter 17, Rules 17.1, 17.2, 17.4, 17.7, and 17.9 and Federal Code. 17.5.1 School Wellness Policy.
- 17.6 Elementary and Secondary Education Act: Titles I, II, III, IV, V, VI, X, and any other federally funded programs and grants. Miss. Admin. Code 7-3: 80.1-80.3, State Board Policy Chapter 80, Rules 80.1 through 80.3, and Federal Code.
- 17.7 Driver Education. Miss. Code Ann. § 37-25-1, et seq., Miss. Admin. Code 7-3: 29.1, State Board Policy Chapter 29, Rule 29.1.
- 17.8 Gifted Education. Miss. Code Ann. §§ 37-23-171 through 181, Miss. Admin. Code 7-3: 35.1, State Board Policy Chapter 35, Rule 35.1. Refer to the current edition of the *Regulations for Gifted Education Programs in Mississippi* and the *Gifted Education Program Standards*.

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- 17.2 Pre-Kindergarten. Miss. Code Ann. § 37-7-301(ss), Miss. Admin. Code 7-3: 28.4, State Board Policy Chapter 28, Rule 28.4. Refer to the *Mississippi Early Learning Guidelines*. Miss. Code Ann. § 37-7-301 (zz).
- 17.3 Career-Technical Education. Miss. Code Ann. § 37-31-1, et seq., Miss. Admin. Code 7-3: 83-96, State Board Policy Chapters 83 through 96, and Federal Code.
- 17.4 Special Education. Miss. Code Ann. § 37-11-57, § 37-23-1 through § 37-23-9, Miss. Admin. Code 7-3: 74.1, 74.3 through 74.6, 74.8, 74.10 through 74.14, and 74.19, State Board Policy Chapter 74, Rules 74.1, 74.3 through 74.6, 74.8, 74.10 through 74.14, and 74.19, and Federal Code. See State Policies Regarding Children with Disabilities under the *Individuals with Disabilities Education Act of 2004* (IDEA 2004).
- 17.5 Child Nutrition. Miss. Code Ann. § 37-11-7, Miss. Admin. Code 7-3: 17.1, 17.2, 17.4, 17.7, and 17.9, State Board Policy Chapter 17, Rules 17.1, 17.2, 17.4, 17.7, and 17.9 and Federal Code. 17.5.1 School Wellness Policy.
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 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated Mississippi Code
Title 37. Education
Chapter 11. General Provisions Pertaining to Education (Refs & Annos)

Miss. Code Ann. § 37-11-57

§ 37-11-57. Immunity of school personnel; enforcement of rules; students with disabilities exempted

Effective: July 1, 2019

[Currentness](#)

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

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

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

Credits

Laws 1991, Ch. 539, § 5; Laws 1994, Ch. 607, § 16; Laws 1997, Ch. 512, § 1, eff. July 1, 1997. Amended by Laws 2013, Ch. 497 (H.B. No. 369), § 57, eff. July 1, 2013; Laws 2019, Ch. 354 (H.B. No. 1182), § 1, eff. July 1, 2019.

Notes of Decisions (12)

Miss. Code Ann. § 37-11-57, MS ST § 37-11-57

The Statutes and Constitution are current with laws from the 2022 Regular Session effective through April 26, 2022. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

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