

OFFICE OF CHIEF OPERATIONS OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda

OFFICE OF CHILD NUTRITION

- K. Approval to revise selected policies and procedures for programs within the Office of Child Nutrition
(Has cleared the Administrative Procedures Act process without public comments)

Background Information: The Office of Child Nutrition provides guidance to local school districts, daycare centers, head start centers and Residential Child Care Institutions (RCCI's) regarding the purchase, preparation, and delivery of healthy foods. This item also revises the guidance and policy relating the School Nursing Program and Nutrition Standards.

The following policies are recommended for revision and approval:

01. Mississippi Admin. Code 7-3: State Board Policy Chapter 17, Rule 17.1 – Administrators
02. Mississippi Admin. Code 7-3: State Board Policy Chapter 17, Rule 17.2 – Competitive Food
03. Mississippi Admin. Code 7-3: State Board Policy Chapter 17, Rule 17.3 – Family Day Care Homes
04. Mississippi Admin. Code 7-3: State Board Policy Chapter 17, Rule 17.4 – Day Care Homes Management Plans
05. Mississippi Admin. Code 7-3: State Board Policy Chapter 17, Rule 17.5 – District Application
06. Eligibility Monitoring and Management (Child Care Program) (Mississippi Admin. Code 7-3: State Board Policy Chapter 17, Rule 17.6)
07. Mississippi Admin. Code 7-3: State Board Policy Chapter 17, Rule 17.7 – Family Day Care
08. Mississippi Admin. Code 7-3: State Board Policy Chapter 17, Rule 17.8 – Purchasing System, Food Purchasing System for Public Schools
09. Mississippi Admin. Code 7-3: State Board Policy Chapter 17, Rule 17.10 – Smart Snacks Standards for All Foods and Beverages Sold in Mississippi Schools
10. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.1 – School Violence Reporting

11. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.2 – Behavior Modification Programs
12. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.3 – Beverage Regulations - **REPEALED**
13. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.4 – Snack Regulations - **REPEALED**
14. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.8 – School Nurse Procedures and Standards of Care
15. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.9 – Criteria for School Nurse (Registered Nurse) & Licensed Practical Nurse Working in the School Setting
16. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.10 – Recommended Non-Binding Mississippi School Nurse Salary Schedule
17. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.11 – Nutrition Standards
18. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.12 – Physical Education/Comprehensive Health Education Rules and Regulations
19. Mississippi Admin. Code 7-3: State Board Policy Chapter 38, Rule 38.12.1 – Appendix

Recommendation: Approval

Back-up material attached

Part 3 Chapter 17: Child Nutrition

Rule 17.1 Administrators.

1. In order to provide a menu planning system that ensures the food served at school meets the nutrition objectives for the nation as outlined in the current *Dietary Guidelines for Americans*, and the *Healthy People 2020* objectives, the ~~Mississippi Department of Education MDE is authorized to~~shall create the following educational standards for food service staff in all schools participating in the National School Lunch Program:
 - a. Food Service Program Manager
 - b. Food Service Satellite Manager
 - c. Food Service Administrator I
 - d. Food Service Administrator II
 - e. Food Service Administrator III
 - f. Food Service Administrator IV

2. Qualifications

The following qualifications shall be established:

- a. Food Service Program Manager:
a high school diploma or equivalent
- b. Food Service Satellite Manager:
a high school diploma or equivalent
- c. Food Service Administrator I:
a high school diploma, six (6) college level hours of food and nutrition or food systems management, and six (6) college level hours of educational administration, business, management, or accounting.
- d. Food Service Administrator II:
a baccalaureate degree from an accredited ~~four-year~~four-year college or university including a minimum of nine (9) hours food and nutrition or food systems management, and six hours of educational administration, business, management or accounting.
- e. Food Service Administrator III:
a master's degree from an accredited ~~four-year~~four-year college or university including a minimum of twelve (12) hours food and nutrition or food systems management, and six (6) hours of educational administration, business, management or accounting.

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

3. Administration

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

4. Process

The process shall be as follows:

- a. Food Service Program or Satellite Manager
Any newly appointed Food Service Manager employed after July 1, 1992, shall meet the minimum qualifications of the Food Service Manager. In the event a special need arises and written justification is submitted, a two year provisional certificate may be granted. The minimum qualifications must be met within the first twenty-four (24) months of employment.
- b. Food Service Administrator
Any newly appointed Food Service Administrator employed after July 1, 1992, shall meet the minimum qualifications for a Level II Food Service Administrator. In the event a special need arises the superintendent of the local district may request a ~~two-year~~two-year provisional certificate for an individual. In order for an individual to obtain this provisional certificate, proof must be provided that the minimum qualifications can be met within twenty-four (24) months of employment.
- c. Continuing Training
The continuing training requirements passed by the State Board of Education in 1953 shall remain in place. In summary, that policy requires that Managers and Food Service Administrators attend a twenty-four (24) clock-hour course during the first year of employment and complete an additional twenty-four (24) clock-hours course every three years. The twenty-four clock-hours are obtained by attending a course designed by the Office of Child Nutrition based on current program needs.
- d. Rule and Regulation Authority
The ~~State Department of Education~~MDE ~~is authorized to~~shall promulgate rules and regulations necessary to implement this policy.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010 09/2022)*

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

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

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

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2007*09/2022)

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

1. SECTION I

~~If a home provider receives a “no” for the items listed below, they~~In the event of noncompliance with any of the required conditions listed below, a provider will be allowed 90 days from the date of the inspection report to provide proof that the conditions ~~that created the unsatisfactory report~~not in compliance have been corrected. Required cConditions are as follows:

- a. All fuel-fired or natural gas room heaters are vented to the outside.
- b. The water supply is under pressure or adequately protected.
- c. The sewage system functions properly.
- d. There are operable smoke detectors in corridors and children’s sleeping rooms.
- e. There is at least one fully charged ~~5-pound~~5-pound ABC fire extinguisher properly mounted in the kitchen area.
- f. Heating equipment in spaces occupied by children is protected to keep children away from hot surfaces and properly installed.?
- g. Special protective covers are provided for electrical receptacles.

2. SECTION II

~~In the event of noncompliance with If a home (provider) received a “no” for~~ five or more of the required conditions ~~items~~-listed below, the inspection report will be immediately declared unsatisfactory. Required cConditions are as follows:

- a. Refuse is properly stored in an outside area that is drained and free of potentially hazardous objects or conditions and vector harborage.
- b. The inside area is clean and in good repair and free of insects, rodents and unnecessary articles.
- c. Toilet facilities are clean and in good repair.
- d. The food preparation area contains safe and adequately protected food supply.
- e. Acceptable dishwashing procedures and facilities are present.
- f. Staff practice good hygiene and, if infection is present, take proper precautions.
- g. Hot water is available.
- h. Toxic items are used and stored properly.
- i. Mixed occupancy buildings are protected by a (1) ~~one-hour~~ one-hour fire barrier.
- ~~i.j.~~ i.j. The dwelling has two remote exits.
- ~~j.k.~~ j.k. Traveling distance to exits is less than 150 feet, and the egress is adequately lighted.
- ~~k.l.~~ k.l. Each room where children are cared for has two means of escape.
- ~~l.m.~~ l.m. _____ Doors are a minimum of 24 inches wide.
- ~~m.n.~~ m.n. _____ Closet door latches are operable from inside.
- ~~n.o.~~ n.o. Bathroom doors are designed to permit opening from outside in an emergency.
- ~~o.p.~~ o.p. Corridors, stairways, lobbies, exits and all other interior finishes are Class A or B materials.
- ~~p.q.~~ p.q. If a vent hood is present, grease filters are clean.
- ~~q.r.~~ q.r. No portable heaters and fans are in use.
- ~~r.s.~~ r.s. Protective covers are in place around functioning heating systems.

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010* **09/2022)**

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

1. Sponsor will define plans for maintaining financial records in accord with generally accepted accounting principles. The plan shall include written procedures for documentation of daily accounting functions.
2. Sponsor will provide job descriptions and resumes which demonstrate staff has education or experience appropriate to task to be performed. The staff shall have education or experience in the following areas: Management, Accounting, Child Care and Nutrition.
3. Sponsor will provide one monitor or full-time equivalent staff for each 50 homes. For each home over/under 50, five hours per month shall be added/subtracted as appropriate to the monitoring staff.
4. Sponsor will establish and implement administrative plans to:
 - a. train sponsor staff, train providers,
 - b. monitor providers,
 - c. document provider approval,
 - d. document changes in provider application, and
 - e. make available to providers access to sponsor staff from the start of the first day care home meal service to the end of the last meal service.
5. Sponsor will define the geographical area (counties) in which providers under their sponsorship will operate, and the management plan shall outline a means for daily contact with providers.

Source: *Miss. Code Ann. § 37-1-3 (Revised ~~10/2010~~09/2022)*

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

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

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

Source: *Miss. Code Ann. § 37-1-3(Adopted 3/1991 Revised*
09/2022)

Rule 17.6 Eligibility Monitoring and Management (Child Care Program)

1. Sponsor Requirements:

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

2. Provider Requirements

- a. The primary or substitute caregiver shall be at least eighteen years of age.
- b. A substitute for the primary provider can be utilized only in event of a short-term emergency, and the sponsor must be given advance notice.
- c. All changes in information provided to the sponsor on the provider application shall be submitted to the sponsor for approval in advance of the change date.
- d. When the state agency audits/reviews a sponsor, a provider is labeled "Seriously Deficient" if the following occurs:
 - i. Children or provider are not present as scheduled,
 - ii. Provider has no required records on site,

- iii. Provider is serving meals that do not meet the meal pattern requirements,
- e. A corrective action plan must be implemented. Failure of the provider to permanently correct the problem will result in termination by the sponsor.
 - i. Breakfast will not be approved for Day Care Home Providers where the enrolled children attend a school, ~~child care~~ childcare center, or head start that offers the Breakfast Program under another Child Nutrition Program.
 - ii. Minimum hours of care shall be provided in order to claim reimbursement for a meal type as follows:
 - 2 Hours - One Meal Type
 - 4 Hours - Two Meal Types
 - 6 Hours - Three Meal Type
 - iii. A minimum of 2 ½ hours shall lapse between the beginning service time of any meal type and the service of the next meal type.
 - iv. All providers shall have an operable telephone on site during hours of operation.

3. Service Area Requirements

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

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

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/2010 09/2022)*

Rule 17.7 Family Day Care

- 1. The ~~State Department of Education~~ MDE shall:
 - a. Develop readiness training for Day Care Home Sponsors for children ages 0-4
 - i. Train sponsors on readiness for 0-4 years old
 - ii. Provide training to sponsor representatives on use of readiness training program
 - iii. How to present readiness training
 - iv. Utilization/effectiveness checklist
 - b. Family Day Care Home Sponsors shall:
 - i. Attend training provided by ~~State Department of Education~~ MDE on readiness
 - ii. Adopt and implement readiness training in every family day care home under sponsorship

- iii. Annually train all providers on readiness
- iv. Train new family day care home providers prior to approval
- v. Employ a ~~child-care~~childcare director who is at least 21 years of age with a minimum of two years' experience as director or caregiver
- vi. Establish a referral program for low literacy providers
- c. Family Day Care Home Providers shall:
 - i. Attend annual training on the readiness as a condition of approval
 - ii. Implement training in the family ~~child-care~~childcare setting
 - iii. Involve parents in training, send/handout progress reports home with children
- d. Parents shall:
 - i. Reinforce training by using materials sent home with children
- e. Sponsoring organizations shall implement in all homes under sponsorship by October 1, 2000 and each year thereafter.

Source: *Miss. Code Ann. § 37-1-3 (Revised ~~10/2010~~ 09/2022)*

Rule 17.8 Purchasing System, Food Purchasing System for Public Schools

1. Awards for Price of Product
 - a. All awards for price of product, whether obtained by formal bids, competitive negotiations, or noncompetitive negotiation shall be approved by the State Board of Education.
 - b. In the event an unusual set of circumstances makes it necessary for a decision to be made between meetings of the State Board of Education, the State Superintendent of Education is authorized to make the decision and report at the next Board of Education meeting.
2. Product Identification and Brand Approval
 - a. All decisions related to product identifications and brands to be approved shall be made by the purchasing management committee composed of representatives of the member organizations.
 - b. The addition or deletion of items from the request for pricing shall be made by the product committee.
 - c. Prior to approval, all products shall be tested in a school environment with children as the test panel.

- d. Member organizations, when purchasing items covered by this contract, shall be required to utilize only the brands approved from the specified distributor.
- e. In the event it is necessary for a member organization to purchase an item not on the state contract, the organization shall be responsible for developing the identification for the product.

3. Purchasing Management Committee

- a. The purchasing management committee shall consist of one representative for private schools, one representative for headstarts, one representative for superintendents of public school districts and one representative from each geographical region of the member school districts.
- b. The members of the purchasing management committee shall be elected by a majority vote of the members of the category or region they represent.
- c. A representative of a school district can be nominated for a position on the purchasing management committee by presenting the Bureau of Child Nutrition in the ~~State Department of Education~~ MDE with a letter requesting your name be placed on the ballot.
- d. Members of the purchasing management committee shall serve staggered ~~three-year~~ three-year terms, with one third of the terms expiring each year.
- e. The expiration date of members' terms shall be June 30.
- f. The Director of the Division of School District Purchasing shall serve as the Executive Secretary for the Purchasing Management Committee.
- g. The members of the purchasing management committee shall annually elect a chairperson.
- h. During the initial year of ~~start-up~~ startup, the purchasing committee shall be appointed by the State Board of Education. Initial appointments shall be staggered so that three appointments expire in each of the next three years.
- i. In the event a Member of the Purchasing Management Committee cannot be present at a meeting of the Purchasing Management Committee, the member can confer his vote by proxy to another member of the Food Purchasing System under the following conditions:
 - i. The member casting the proxy vote must be a current member of the Food Purchasing System and a member of the category or region that the Purchasing Management Committee member represents.
 - ii. The proxy is valid for one meeting only and must be accompanied by a letter from the Purchasing Management Committee member conferring the proxy status.
 - iii. The proxy vote is applicable only to the items listed on the official agenda for that meeting. The agenda shall be mailed to all members of the Purchasing Management

Committee no later than one week before the meeting of the Purchasing Management Committee. The proxy vote will not apply to any new business presented at the meeting.

4. Other

- a. A onetime fee shall be assessed to each organization when they choose to join the purchasing system. The purpose of this fee is to cover the ~~start-up~~startup cost for the system.
- b. Annual fees shall be assessed in amounts as necessary to cover the cost of operation for the fiscal year. Any excess fees collected shall be utilized to cover a portion of the cost in the next year.
- c. The basis for assessing fees shall be the meal equivalents served in the prior year.
- d. An annual report of the revenue and expenditures shall be made to the State Board of Education, and the Board shall approve the fee structure for each fiscal year.

5. Vendor Deletions

- a. Vendors shall be removed from the qualified vendor list when a response has not been received in two successive applicable bid invitations. Removal shall be until the vendor can show reason why they should be reinstated.
- b. Vendors shall be removed from the qualified vendor list when a contract is canceled at the request of the vendor. In such cases the contractor shall be removed for the remainder of the contract period or ~~twenty-four~~twenty-four months whichever is greater.
- c. Vendors shall be removed from the qualified vendor list when due to default a contract is canceled by the State. The vendor shall be removed for not less than twenty four months or until the vendor shows evidence that the reason for the cancellation has been corrected.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2003*09/2022)

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

1. Criteria for termination of seriously deficient family day care home sponsors:
 - a. When a review is conducted of a sponsor and 10 percent of providers have site visits and 20 percent of the providers visited are not at home or have no outside children and do not appear on the sponsor telephone log as closed, the sponsor shall be declared seriously deficient and be given a minimum of 30 days from the date of review to implement corrective action.
 - b. A follow-up review shall be conducted after 30 days. During the follow-up review, a 10 percent sample of providers shall be visited and if over 10 percent of the providers

sampled are not at home or have no outside children present and do not appear on the sponsor telephone log as closed, the sponsor will be terminated.

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

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

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

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

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

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

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

2. FOOD Regulations for Mississippi Schools:

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

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

- a. Calories Limits:
 - i. Snack/Side items: No more than 200 calories
 - ii. Entrée items: No more than 350 calories
- b. Sodium Limits:
 - i. Snack/Side items: No more than 230 mg
 - ii. Entrée items: No more than 480 mg
- c. Fat Limits:
 - i. Total fat: No more than 35% of calories
 - ii. Saturated fat: < 10% of calories
 - iii. Trans fat: zero grams
- d. Sugar Limits:
 - i. No more than 35% of weight from total sugars in foods (excludes sugars naturally occurring in fruits, vegetables, and dairy). For smoothies (made with low-fat yogurt or other low-fat dairy alternatives and/or fruit/juice), yogurt and pudding, no more than 5 grams total sugar (added and naturally occurring) per ounce.
- e. Exemptions:
 - i. Dried/dehydrated fruits or vegetables with no added nutritive sweeteners; or
 - ii. Dried fruits with nutritive sweeteners for processing and/or palatability; or
 - iii. Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.
- f. Food Accompaniments
 - i. Accompaniments such as cream cheese, sugar, sweeteners, salad dressing, ketchup etc., must be included in the nutrient analysis as part of the food item sold.
 - ii. This helps control the amount of calories, fat, sugar and sodium added to foods.

3. BEVERAGE Regulations for Mississippi Schools:

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

Beverages for All Grades:

Beverage	Elementary School (K-5)	Middle School (6-8)	High School (9-12)

Plain Water, Carbonated or not	No Size Limit	No Size Limit	No Size Limit
Low-Fat Milk, Unflavored	≤ 8oz.	≤ 12oz.	≤ 12oz.
Non-Fat Milk, Unflavored or Flavored	≤ 8oz.	≤ 12oz.	≤ 12oz.
100% fruit/vegetable juice	≤ 8oz.	≤ 12oz.	≤ 12oz.

Other Flavored Beverages in High Schools ONLY:

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

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

4. CAFFEINE:

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

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

5. VENDING/SNACK Regulations for Mississippi Schools

Schools shall utilize the *Healthier Generation Alliance Product Calculator* to analyze all food and beverage products before they can be sold. This calculator is the most accurate tool to

use when analyzing products to determine if they meet the Smart Snack Standards for vending products, snack products, entrees, side dishes and beverages.

6. TEACHERS' Lounge Vending:

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

7. CULINARY Education Programs

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

RESOURCES:

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

Source: *United States Department of Agriculture (USDA), Food and Nutrition Service (FNS): Federal Law # 7 CFR 210.11 (Adopt 10/20150 Revised 9/2022)*

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Part 3 Chapter 17: Child Nutrition

Rule 17.1 Administrators.

1. In order to provide a menu planning system that ensures the food served at school meets the nutrition objectives for the nation as outlined in the current *Dietary Guidelines for Americans*, and the *Healthy People 2020* objectives, the MDE shall create the following educational standards for food service staff in all schools participating in the National School Lunch Program:
 - a. Food Service Program Manager
 - b. Food Service Satellite Manager
 - c. Food Service Administrator I
 - d. Food Service Administrator II
 - e. Food Service Administrator III
 - f. Food Service Administrator IV

2. Qualifications

The following qualifications shall be established:

- a. Food Service Program Manager:
a high school diploma or equivalent
- b. Food Service Satellite Manager:
a high school diploma or equivalent
- c. Food Service Administrator I:
a high school diploma, six (6) college level hours of food and nutrition or food systems management, and six (6) college level hours of educational administration, business, management, or accounting.
- d. Food Service Administrator II:
a baccalaureate degree from an accredited four-year college or university including a minimum of nine (9) hours food and nutrition or food systems management, and six hours of educational administration, business, management or accounting.
- e. Food Service Administrator III:
a master's degree from an accredited four-year college or university including a minimum of twelve (12) hours food and nutrition or food systems management, and six (6) hours of educational administration, business, management or accounting.

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

3. Administration

This process shall be administered through the MDE, Office of Child Nutrition.

4. Process

The process shall be as follows:

- a. Food Service Program or Satellite Manager
Any newly appointed Food Service Manager employed after July 1, 1992, shall meet the minimum qualifications of the Food Service Manager. In the event a special need arises and written justification is submitted, a two year provisional certificate may be granted. The minimum qualifications must be met within the first twenty-four (24) months of employment.
- b. Food Service Administrator
Any newly appointed Food Service Administrator employed after July 1, 1992, shall meet the minimum qualifications for a Level II Food Service Administrator. In the event a special need arises the superintendent of the local district may request a two-year provisional certificate for an individual. In order for an individual to obtain this provisional certificate, proof must be provided that the minimum qualifications can be met within twenty-four (24) months of employment.
- c. Continuing Training
The continuing training requirements passed by the State Board of Education in 1953 shall remain in place. In summary, that policy requires that Managers and Food Service Administrators attend a twenty-four (24) clock-hour course during the first year of employment and complete an additional twenty-four (24) clock-hours course every three years. The twenty-four clock-hours are obtained by attending a course designed by the Office of Child Nutrition based on current program needs.
- d. Rule and Regulation Authority
The MDE shall promulgate rules and regulations necessary to implement this policy.

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

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

- 1. No food items will be sold on the school campus for one (1) hour before the start of any meal services period.

2. The school food service staff shall serve only those foods which are components of the approved federal meal patterns being served (or milk products) and such additional foods as necessary to meet the caloric requirement of the age group being served.
3. Except for water and milk products, a student may purchase individual components of the meal only if the full meal unit also is being purchased.
4. Students who bring their lunch from home may purchase water and milk products.

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

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

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

1. SECTION I

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

- a. All fuel-fired or natural gas room heaters are vented to the outside.
- b. The water supply is under pressure or adequately protected.
- c. The sewage system functions properly.
- d. There are operable smoke detectors in corridors and children's sleeping rooms.
- e. There is at least one fully charged 5-pound ABC fire extinguisher properly mounted in the kitchen area.
- f. Heating equipment in spaces occupied by children is protected to keep children away from hot surfaces and properly installed.
- g. Special protective covers are provided for electrical receptacles.

2. SECTION II

In the event of noncompliance with five or more of the required conditions listed below, the inspection report will be immediately declared unsatisfactory. Required conditions are as follows:

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

- b. The inside area is clean and in good repair and free of insects, rodents and unnecessary articles.
- c. Toilet facilities are clean and in good repair.
- d. The food preparation area contains safe and adequately protected food supply.
- e. Acceptable dishwashing procedures and facilities are present.
- f. Staff practice good hygiene and, if infection is present, take proper precautions.
- g. Hot water is available.
- h. Toxic items are used and stored properly.
- i. Mixed occupancy buildings are protected by a (1) one-hour fire barrier.
- j. The dwelling has two remote exits.
- k. Traveling distance to exits is less than 150 feet, and the egress is adequately lighted.
- l. Each room where children are cared for has two means of escape.
- m. Doors are a minimum of 24 inches wide.
- n. Closet door latches are operable from inside.
- o. Bathroom doors are designed to permit opening from outside in an emergency.
- p. Corridors, stairways, lobbies, exits and all other interior finishes are Class A or B materials.
- q. If a vent hood is present, grease filters are clean.
- r. No portable heaters and fans are in use.
- s. Protective covers are in place around functioning heating systems.

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

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

1. Sponsor will define plans for maintaining financial records in accord with generally accepted accounting principles. The plan shall include written procedures for documentation of daily accounting functions.
2. Sponsor will provide job descriptions and resumes which demonstrate staff has education or experience appropriate to task to be performed. The staff shall have education or experience in the following areas: Management, Accounting, Child Care and Nutrition.
3. Sponsor will provide one monitor or full-time equivalent staff for each 50 homes. For each home over/under 50, five hours per month shall be added/subtracted as appropriate to the monitoring staff.
4. Sponsor will establish and implement administrative plans to:
 - a. train sponsor staff, train providers,
 - b. monitor providers,
 - c. document provider approval,
 - d. document changes in provider application, and
 - e. make available to providers access to sponsor staff from the start of the first day care home meal service to the end of the last meal service.
5. Sponsor will define the geographical area (counties) in which providers under their sponsorship will operate, and the management plan shall outline a means for daily contact with providers.

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

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

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

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

Rule 17.6 Eligibility Monitoring and Management (Child Care Program)

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

- b. All sponsors will maintain a continuous log which indicates any change in the days or hours a provider is scheduled to provide care, any days when a substitute caregiver is utilized and the name of the substitute.
- c. All changes in information provided to the State Agency on the provider application shall be submitted to the State Agency for approval in advance of the change date.
- d. All required sponsor monitoring visits must be conducted during meal service, annually shall cover all approved meal types, i.e., breakfast, a.m. snack, lunch, p.m. snack, supper, and shall be unannounced.
- e. Homes caring for children on weekends or on split shifts (breakfast, child leaves for school/center/head start, then returns for snack and supper) shall be monitored a minimum of six times a program year.
- f. If a provider is keeping an outside child all day and is not claiming lunch for reimbursement, this provider shall be monitored by the sponsor a minimum of six times a program year.
- g. Homes claiming reimbursement for meals served on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day shall be monitored during meal service on each named holiday.
- h. Inform providers of their right to request an administrative review of intent to terminate and the procedures to appeal.

2. Provider Requirements

- a. The primary or substitute caregiver shall be at least eighteen years of age.
- b. A substitute for the primary provider can be utilized only in event of a short-term emergency, and the sponsor must be given advance notice.
- c. All changes in information provided to the sponsor on the provider application shall be submitted to the sponsor for approval in advance of the change date.
- d. When the state agency audits/reviews a sponsor, a provider is labeled “Seriously Deficient” if the following occurs:
 - i. Children or provider are not present as scheduled,
 - ii. Provider has no required records on site,
 - iii. Provider is serving meals that do not meet the meal pattern requirements,
- e. A corrective action plan must be implemented. Failure of the provider to permanently correct the problem will result in termination by the sponsor.

- i. Breakfast will not be approved for Day Care Home Providers where the enrolled children attend a school, childcare center, or head start that offers the Breakfast Program under another Child Nutrition Program.
- ii. Minimum hours of care shall be provided in order to claim reimbursement for a meal type as follows:
 - 2 Hours - One Meal Type
 - 4 Hours - Two Meal Types
 - 6 Hours - Three Meal Type
- iii. A minimum of 2 ½ hours shall lapse between the beginning service time of any meal type and the service of the next meal type.
- iv. All providers shall have an operable telephone on site during hours of operation.

3. Service Area Requirements

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

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

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

Rule 17.7 Family Day Care

- 1. The MDE shall:
 - a. Develop readiness training for Day Care Home Sponsors for children ages 0-4
 - i. Train sponsors on readiness for 0-4 years old
 - ii. Provide training to sponsor representatives on use of readiness training program
 - iii. How to present readiness training
 - iv. Utilization/effectiveness checklist
 - b. Family Day Care Home Sponsors shall:
 - i. Attend training provided by MDE on readiness
 - ii. Adopt and implement readiness training in every family day care home under sponsorship
 - iii. Annually train all providers on readiness
 - iv. Train new family day care home providers prior to approval
 - v. Employ a childcare director who is at least 21 years of age with a minimum of two years' experience as director or caregiver

- vi. Establish a referral program for low literacy providers
- c. Family Day Care Home Providers shall:
 - i. Attend annual training on the readiness as a condition of approval
 - ii. Implement training in the family childcare setting
 - iii. Involve parents in training, send/handout progress reports home with children
- d. Parents shall:
 - i. Reinforce training by using materials sent home with children
- e. Sponsoring organizations shall implement in all homes under sponsorship by October 1, 2000 and each year thereafter.

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

Rule 17.8 Purchasing System, Food Purchasing System for Public Schools

1. Awards for Price of Product

- a. All awards for price of product, whether obtained by formal bids, competitive negotiations, or noncompetitive negotiation shall be approved by the State Board of Education.
- b. In the event an unusual set of circumstances makes it necessary for a decision to be made between meetings of the State Board of Education, the State Superintendent of Education is authorized to make the decision and report at the next Board of Education meeting.

2. Product Identification and Brand Approval

- a. All decisions related to product identifications and brands to be approved shall be made by the purchasing management committee composed of representatives of the member organizations.
- b. The addition or deletion of items from the request for pricing shall be made by the product committee.
- c. Prior to approval, all products shall be tested in a school environment with children as the test panel.
- d. Member organizations, when purchasing items covered by this contract, shall be required to utilize only the brands approved from the specified distributor.
- e. In the event it is necessary for a member organization to purchase an item not on the state contract, the organization shall be responsible for developing the identification for the product.

3. Purchasing Management Committee

- a. The purchasing management committee shall consist of one representative for private schools, one representative for headstarts, one representative for superintendents of public school districts and one representative from each geographical region of the member school districts.
- b. The members of the purchasing management committee shall be elected by a majority vote of the members of the category or region they represent.
- c. A representative of a school district can be nominated for a position on the purchasing management committee by presenting the Bureau of Child Nutrition in the MDE with a letter requesting your name be placed on the ballot.
- d. Members of the purchasing management committee shall serve staggered three-year terms, with one third of the terms expiring each year.
- e. The expiration date of members' terms shall be June 30.
- f. The Director of the Division of School District Purchasing shall serve as the Executive Secretary for the Purchasing Management Committee.
- g. The members of the purchasing management committee shall annually elect a chairperson.
- h. During the initial year of startup, the purchasing committee shall be appointed by the State Board of Education. Initial appointments shall be staggered so that three appointments expire in each of the next three years.
- i. In the event a Member of the Purchasing Management Committee cannot be present at a meeting of the Purchasing Management Committee, the member can confer his vote by proxy to another member of the Food Purchasing System under the following conditions:
 - i. The member casting the proxy vote must be a current member of the Food Purchasing System and a member of the category or region that the Purchasing Management Committee member represents.
 - ii. The proxy is valid for one meeting only and must be accompanied by a letter from the Purchasing Management Committee member conferring the proxy status.
 - iii. The proxy vote is applicable only to the items listed on the official agenda for that meeting. The agenda shall be mailed to all members of the Purchasing Management Committee no later than one week before the meeting of the Purchasing Management Committee. The proxy vote will not apply to any new business presented at the meeting.

4. Other

- a. A onetime fee shall be assessed to each organization when they choose to join the purchasing system. The purpose of this fee is to cover the startup cost for the system.
- b. Annual fees shall be assessed in amounts as necessary to cover the cost of operation for the fiscal year. Any excess fees collected shall be utilized to cover a portion of the cost in the next year.
- c. The basis for assessing fees shall be the meal equivalents served in the prior year.
- d. An annual report of the revenue and expenditures shall be made to the State Board of Education, and the Board shall approve the fee structure for each fiscal year.

5. Vendor Deletions

- a. Vendors shall be removed from the qualified vendor list when a response has not been received in two successive applicable bid invitations. Removal shall be until the vendor can show reason why they should be reinstated.
- b. Vendors shall be removed from the qualified vendor list when a contract is canceled at the request of the vendor. In such cases the contractor shall be removed for the remainder of the contract period or twenty-four months whichever is greater.
- c. Vendors shall be removed from the qualified vendor list when due to default a contract is canceled by the State. The vendor shall be removed for not less than twenty four months or until the vendor shows evidence that the reason for the cancellation has been corrected.

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

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

- 1. Criteria for termination of seriously deficient family day care home sponsors:
 - a. When a review is conducted of a sponsor and 10 percent of providers have site visits and 20 percent of the providers visited are not at home or have no outside children and do not appear on the sponsor telephone log as closed, the sponsor shall be declared seriously deficient and be given a minimum of 30 days from the date of review to implement corrective action.
 - b. A follow-up review shall be conducted after 30 days. During the follow-up review, a 10 percent sample of providers shall be visited and if over 10 percent of the providers sampled are not at home or have no outside children present and do not appear on the sponsor telephone log as closed, the sponsor will be terminated.
- 2. On any review, if the sponsor has violations of federal regulations, the sponsor shall be declared seriously deficient. Should any of these same federal regulations be violated on the next regular review, the sponsor will be automatically terminated following USDA process and procedures.

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

Rule 17.10 Smart Snacks Standards for All Foods and Beverages Sold in Mississippi Schools.

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

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

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

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

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

2. FOOD Regulations for Mississippi Schools:

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

1. Be a Whole Grain-Rich (WGR) product; or
2. Have as the first ingredient a fruit, vegetable, a dairy product, or a protein food; or
3. Be a combination food that contains at least ¼ cup of fruit and/or vegetable; or
4. Contain 10% of the Daily Value (DV) of one of the nutrients of public health concern in the 2010 Dietary Guidelines for Americans (calcium, potassium, vitamin D, or dietary fiber).
 - a. Calories Limits:
 - i. Snack/Side items: No more than 200 calories
 - ii. Entrée items: No more than 350 calories
 - b. Sodium Limits:
 - i. Snack/Side items: No more than 230 mg
 - ii. Entrée items: No more than 480 mg

- c. Fat Limits:
 - i. Total fat: No more than 35% of calories
 - ii. Saturated fat: < 10% of calories
 - iii. Trans fat: zero grams
- d. Sugar Limits:
 - i. No more than 35% of weight from total sugars in foods (excludes sugars naturally occurring in fruits, vegetables, and dairy). For smoothies (made with low-fat yogurt or other low-fat dairy alternatives and/or fruit/juice), yogurt and pudding, no more than 5 grams total sugar (added and naturally occurring) per ounce.
- e. Exemptions:
 - i. Dried/dehydrated fruits or vegetables with no added nutritive sweeteners; or
 - ii. Dried fruits with nutritive sweeteners for processing and/or palatability; or
 - iii. Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.
- f. Food Accompaniments
 - i. Accompaniments such as cream cheese, sugar, sweeteners, salad dressing, ketchup etc., must be included in the nutrient analysis as part of the food item sold.
 - ii. This helps control the amount of calories, fat, sugar and sodium added to foods.

3. BEVERAGE Regulations for Mississippi Schools:

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

Beverages for All Grades:

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

100% fruit/vegetable juice	≤ 8oz.	≤ 12oz.	≤ 12oz.
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Other Flavored Beverages in High Schools ONLY:

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

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

4. CAFFEINE:

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

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

5. VENDING/SNACK Regulations for Mississippi Schools

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

6. TEACHERS’ Lounge Vending:

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

7. CULINARY Education Programs

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

RESOURCES:

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

Source: *United States Department of Agriculture (USDA), Food and Nutrition Service (FNS): Federal Law # 7 CFR 210.11 (Revised 09/2022)*

Part 3 Chapter 38: Healthy and Safe Schools

Rule 38.1 School Violence Reporting. ~~The State Board of Education is implementing the requirements of Section Miss. Code Ann. § 37-11-29, Mississippi Code of 1972, as amended 1994, which requires the development of a form to report school violence; the required form is attached.~~ State Department of Education staff shall develop guidance materials to assist school districts in reporting school violence.

To obtain a Report of Unlawful Activity and Violent Act Form go to: MS Department of Education website, Office of ~~Healthy Schools.~~Safe and Orderly Schools.

Source: *Miss Code Ann. 37-11-29 (Adopted 8/1994 Revised 2022)*

Rule 38.2 Behavior Modifications Programs. ~~Section Miss. Code Ann. § 37-13-92, Mississippi Code of 1972,~~ requires the State Board of Education to establish the definition and components of a behavior modification program.

1. Definition:

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

2. Components:

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

- a. Include a (proactive) prevention component for all students;
- b. Include interventions designed to deal with common disciplinary problems;
- c. Provide an intensive intervention program for low-incidence behavior problems;
- d. Provide professional development for all team members and parents;
- e. Provide a safe and disciplined environment where teaching and learning can take place; and
- f. Permit implementation of the School Safety Plan.

Source: *Miss Code Ann. 37-13-92 (Adopted 1/2005 Revised 09/2022)*

~~**REPEALED** *Rule 38.3 Beverage Regulations.* The State Board of Education shall adopt beverage regulations for school district compliance of what products can be sold and when on a school campus.~~

~~Beverage Regulations for Mississippi Schools~~

~~The Mississippi Board of Education recognizes the critical role that adequate hydration plays in healthy weights, disease prevention, and dental health, as well as academic performance. The fluid and nutrition needs of young people at school are best met through well-balanced, nutrient-rich school meals provided through Child Nutrition Programs, planned by nutrition professionals following US Department of Agriculture (USDA) guidelines.~~

~~<http://www.en.mde.k12.ms.us/resources/pnp/CNPoliciesAndProceduresManual.pdf>~~

Source: *Miss. Code Ann. § 37-1-3 (Adopted: 10/2006)*

~~**REPEALED** Rule 38.4 *Snack Regulations.* The State Board of Education shall adopt snack regulations for school district compliance of what products can be sold and when on a school campus. For a copy of the updated regulations, go to: <http://www.en.mde.k12.ms.us/Regs&Policies/vending/vendingregs nk.pdf>.~~

Source: *Miss. Code Ann. § 37-1-3 (Adopted: 10/2006)*

Rule 38.5 Minimum Training Standards. Section 37-7-321, Mississippi Code of 1972 requires the State Board of Education to establish training standards for school safety personnel.

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

Rule 38.6 School Resource Officer Basic Course (Repealed 3/2012)

Rule 38.7 School Safety Officer Basic Course (Repealed 3/2012)

Rule 38.8 School Nurse Procedures and Standards of Care. In September 2007 the Mississippi Board of Education approved the Mississippi School Nurse Procedures & Standards of Care June 2007. These procedures and standards were developed through collaboration between the Mississippi Department of Education, the Mississippi Board of Nursing, the Mississippi Department of Health, and the Mississippi School Nurse Association. [The MDE Office of Healthy Schools shall revise the Procedures and Standards of Care as needed to reflect updated guidance and practices.](#)

Source: *Miss. Code Ann. § 37-1-3 (Adopted: 9/2007 Revised 09/2022)*

Rule 38.9 Criteria for School Nurse (Registered Nurse) & Licensed Practical Nurse Working in the School Setting.

1. QUALIFICATIONS:

- a. Possess a valid Mississippi Nursing License
- b. Possess a minimum of one year of work experience in the health care area
- c. Possess good verbal and written communication skills
- d. Possess organizational and time management skills, and the ability to communicate well with children, parents, school faculty and administration
- e. Possess the ability to work independently according to all nursing practice standards

- f. Such alternatives to the above qualifications as the District School Board may find appropriate and acceptable
- g. Attend annual training meetings sponsored by the Mississippi Department of Education/Office of Healthy Schools
 - i. It is the position of the Mississippi Board of Nursing that the scope of practice of the school nurse requires the knowledge of the RN (Registered Nurse). A LPN (Licensed Practical Nurse) may not function in the role of “school nurse.”
 - ii. A Licensed Practical Nurse working in the school setting is functioning within her scope when she is working under the direct supervision of a RN who is either physically present on the premises or available at all times to the LPN.

2. JOB GOAL: Ensure the health of all students as a means to ensure academic success

3. PERFORMANCE RESPONSIBILITIES:

The major focus of school nursing services is the prevention of illness and disabilities and the early detection and correction of health problems.

The school nurse promotes and protects the health status of students and staff through functions in all areas of Coordinated School Health.

g.h.HEALTH SERVICES

- i. Provide health assessments
 - a)b)___ Obtain a health history
 - b)c)___ Screen and evaluate vision, hearing, scoliosis, dental and others as directed
 - c)d)___ Observe students as required for development and health patterns/concerns.
 - d)e)___ Participate in school registration process to procure parental consent and health insurance information
- ii. Develop and implement health plans and procedures
 - a) Maintain a confidential cumulative health record for each student
 - b) Interpret the health status of students to parents and school personnel.
 - c) Initiate and follow referrals for intervention and/or remediation
 - d) Plan and implement health management protocols and modification of school programs and environment.

- iii. Provide direct nursing intervention
 - a) Administer appropriate level of first aid for illness and injury, including CPR
 - b) Administer/supervise medication and monitor the effects.
 - c) Provide individual health counseling concerning high-risk behaviors.
 - d) Perform skilled nursing functions

h.i. HEALTH EDUCATION

- i. Provide health education for students, staff and parents
 - a) Coordinate and participate in student support groups and activities.
 - b) Promote and interpret health careers which may include participation of school in ~~allied H~~health Science programs.
 - c) Teach health topics as outlined in the Mississippi Comprehensive Health Framework which will include but not be limited to tobacco, alcohol and substance abuse prevention
- i. Serve as a resource person in health education
 - a) Participate in health curriculum planning and evaluation.
 - b) Promote drop-out prevention programs

i.j. HEALTHY SCHOOL ENVIRONMENT

- i. Recommend provisions for a safe, healthy school environment.
- ii. Serve on school committees to develop and implement safety programs.
- iii. Promote and assist in control of communicable diseases.
- iv. Ensure that each student complies with the immunization requirements of the State of Mississippi
- v. Confirm that students have medical emergency cards on file.
- vi. Participate in wellness projects

j.k. PHYSICAL EDUCATION

- i. Promote healthy physical education, sports policies and practices
- ii. Serve as a health resource to the physical education staff

k.l. NUTRITION SERVICES

- i. Support healthy food service programs.
- ii. Serve as a health resource to school food service staff

~~l.m.~~ COUNSELING, PSYCHOLOGICAL & SOCIAL SERVICES

- i. Provide crisis intervention for emotional/physical disturbances.
- ii. Counsel students as needed

~~m.n.~~ HEALTH PROMOTION FOR STAFF

- i. Screen and counsel school employees as needed.
- ii. Administer/provide influenza vaccinations for staff upon request.
- iii. Provide staff with in-service training programs on health-related issues

~~n.o.~~ FAMILY/COMMUNITY INVOLVEMENT

- i. Work with agencies and civic clubs in providing assistance to indigent children
- ii. Make home visits as necessary

~~o.p.~~ COLLECT DATA AS ESTABLISHED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION/OFFICE OF HEALTHY SCHOOLS AND REPORT TO SAME ENTITY MONTHLY (See Program Evaluation & Measurement document.)

~~p.~~ ATTEND ANNUAL TRAINING MEETING SPONSORED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION/OFFICE OF HEALTHY SCHOOLS

- ~~i. — It is the position of the Mississippi Board of Nursing that the scope of practice of the school nurse requires the knowledge of the RN (Registered Nurse). A LPN (Licensed Practical Nurse) may not function in the role of “school nurse.”~~
- ~~ii. — A Licensed Practical Nurse working in the school setting is functioning within her scope when she is working under the direct supervision of a RN who is either physically present on the premises or available at all times to the LPN.~~

Source: *Miss. Code Ann. § 37-1-3 and 37-14-3 (Adopted 9/2007 Revised 09/2022)*

Rule 38.10 Recommended Non-Binding Mississippi School Nurse Salary Schedule. Pursuant to ~~House Bill 1132 as passed in the 2007 Legislative Session~~ Miss. Ann. Code Section 37-14-3, the Mary Kirkpatrick-Haskell – Mary Sprayberry Public School Nurse Act of 2007 states that, “the State Department of Education, through the Office of Healthy Schools, shall...develop recommended salary structure for school districts to use when hiring a school nurse.” In the absence of a salary scale of any kind for school nurses, the Office of Healthy Schools has recommended that districts either use the teacher salary scale when hiring school nurses, or – if recruitment dictates - pay based on a trend for their particular area. Most districts have used the teacher salary scale. The recommended non-binding salary schedule is *the teacher salary* scale simply adjusted for nursing degrees. It applies only to Registered Nurses. Licensed Practical

Nurses are considered non-exempt employees under the Fair Labor Standards Act and must be paid on an hourly basis.

Recommended Non-Binding Mississippi School Nurse Salary Schedule

Yrs. Exp.	2007-2008			
	Doctorate	Masters	BSN	Associate Degree RN
0	\$35,020	\$33,990	\$32,960	\$30,900
1	\$35,814	\$34,717	\$33,620	\$31,395
2	\$36,608	\$35,444	\$34,280	\$31,890
3	\$37,402	\$36,171	\$34,940	\$32,385
4	\$38,196	\$36,898	\$35,600	\$32,880
5	\$38,990	\$37,625	\$36,260	\$33,375
6	\$39,784	\$38,352	\$36,920	\$33,870
7	\$40,578	\$39,079	\$37,580	\$34,365
8	\$41,372	\$39,806	\$38,240	\$34,860
9	\$42,166	\$40,533	\$38,900	\$35,355
10	\$42,960	\$41,260	\$39,560	\$35,850
11	\$43,754	\$41,987	\$40,220	\$36,345
12	\$44,548	\$42,714	\$40,880	\$36,840
13	\$45,342	\$43,441	\$41,540	\$37,335
14	\$46,136	\$44,168	\$42,200	\$37,830
15	\$46,930	\$44,895	\$42,860	\$38,325
16	\$47,724	\$45,622	\$43,520	\$38,820
17	\$48,518	\$46,349	\$44,180	\$39,315
18	\$49,312	\$47,076	\$44,840	\$39,810

19	\$50,106	\$47,803	\$45,500	\$40,305
20	\$50,900	\$48,530	\$46,160	\$40,800
21	\$51,694	\$49,257	\$46,820	\$41,295
22	\$52,488	\$49,984	\$47,480	\$41,790
23	\$53,282	\$50,711	\$48,140	\$42,285
24	\$54,076	\$51,438	\$48,800	\$42,780
25 & above	\$56,930	\$54,225	\$51,520	\$44,840

1. This salary schedule is applicable to Registered Nurses (RN) only, classified as exempt employees under the Fair Labor Standards Act (FLSA).
2. Licensed Practical Nurses (LPN) are non-exempt employees under FLSA, and should be paid on an hourly basis.
3. Certified Nurse Assistants (CNA) will be paid on the same scale as Teacher Assistants (\$12,500 minimum).
4. Nationally Certified School Nurses will receive a \$6,000 salary supplement annually to the extent that funds are available.

Source: *Miss. Code Ann. § 37-1-3* and §37-61-33 (~~Adopted 8/2007~~ Revised 09/2022)

Rule 38.11 Nutrition Standards.

1. The Mississippi Department of Education recognizes that:
 - a. A crucial relationship exists between nutrition and health and nutrition and learning. The health and nutrition needs of growing students are met with USDA school meals programs.
 - b. As a minimum, school district ~~s~~ must shall follow all current and future requirements and recommendations of the USDA National School Lunch and School Breakfast Programs Meal Patterns and Nutrient Standards.
 - c. The 2005 Dietary Guidelines for Americans and, USDA's My Plate pyramid (www.mypyramid.gov MyPlate | U.S. Department of Agriculture) and the USDA Healthier U.S. School Challenge provides nutritional guidance for school meals.
 - d. Schools must shall offer equal access to all meals or items served or sold under the National School Lunch & Breakfast Programs.

- e. Students need adequate time to eat and enjoy meals served in schools.
- f. Moving recess before lunch, through a simple schedule change, may provide many benefits for students especially in grades K-12.
- g. Family education will be the key to building a healthy future for all Mississippians. Families must embrace nutrition and wellness; it is crucial to the success of our efforts. Mississippi public schools offer the best resources, facilities and structure to promote family nutrition education.
- h. Offering healthful foods and beverages in schools does not guarantee that students will choose them. Aggressive marketing techniques must inform students, teachers, administrative staff and most importantly, the public of the benefits of eating in the school cafeteria.
- i. School districts are encouraged to [participate in the Healthier U.S. School Challenge](#) ~~and~~ become a USDA Team Nutrition School.

2. The Mississippi Department of Education intends that:

- i. Healthy food and beverage choices:
 - i. Schools shall increase fresh fruits and vegetables offered to students. A minimum of one fresh fruit or vegetable choice should be offered to students each day.
 - ii. School menus shall offer a ~~minimum of three different~~ [variety of](#) fruits and ~~five different~~ vegetables weekly [in compliance with the NSLP Meal Pattern](#). Schools ~~should try to serve~~ [must also meet weekly minimums for](#) dark green leafy vegetables or broccoli and/or ~~and~~ [red/](#) orange vegetables ~~(high in vitamin A)~~ or fruits ~~three times per week~~. [A Vegetable Guidance List can be downloaded on the Office of Healthy Schools website at www.healthyschoolsms.org](#)
 - iii. Schools shall offer milk choices with a maximum milk fat of 1%, unless USDA Regulations require a lower milk fat content. Flavored nonfat or low-fat, or milk shall contain no more than 160 calories per 8-ounce serving.
 - iv. Schools shall only offer 100% fruit and vegetable juice with no added sugar.
- ii. Healthy food preparation.
 - i. Schools shall comply with the existing USDA NSLP/SBP meal pattern requirements. ~~This includes meeting the minimum nutrient standards for calories, protein, calcium, iron, vitamin A, vitamin C and the maximum levels of 30% calories from fat and less than 10% calories from saturated fat.~~ (USDA Food and Nutrition Services or www.fns.usda.gov [Nutrition Standards for School Meals | USDA-FNS](#))

MINIMUM NUTRIENT AND CALORIE LEVELS FOR SCHOOL LUNCHEES SCHOOL-WEEK AVERAGES	
MINIMUM REQUIREMENTS (LEVELS ARE MATCHED TO GRADES OF SCHOOLS)	

<u>NUTRIENTS AND ENERGY ALLOWANCES</u>	<u>Grades K-3</u>	<u>Grades 4-12</u>	<u>Grades K-6</u>	<u>Grades 7-12</u>
Energy allowances (calories)	633	785	664	825
Total fat (as a percentage of actual total food energy)	1,2	1,2	2	1,2
Saturated fat (as a percentage of actual total food energy)	1,3	1,3	3	1,3
RDA for protein (g)	9	15	10	16
RDA for calcium (mg)	267	370	286	400
RDA for iron (mg)	3.3	4.2	3.5	4.5
RDA for Vitamin A (RE)	200	285	224	300
RDA for Vitamin C (mg)	15	17	15	18

- ii. ~~The Dietary Guidelines recommend that after 2 years of age “...children should gradually adopt a diet that, by about 5 years of age, contains no more than 30 percent of calories from fat.”~~
 - iii. ~~Not to exceed 30 percent over a school week~~
 - iv. ~~Less than 10 percent over a school week~~
- iii. Schools shall develop and implement a food safety program by July 1, 2005. Every school shall develop a HACCP system plan as required by the Child Nutrition and WIC Reauthorization Act of 2004. (National School Lunch Act Section 9 (H)) Schools shall update their School Wellness Policy to include a food safety assurance program for all food offered to students through sale or service.
- iv. Schools shall secure a Food Service Operational Permit through the Mississippi State Department of Health for approval to operate under the National School Lunch/National School Breakfast Program.
- v. Mississippi State Department of Health conducts two School Food Facility Inspections per site each school year. The State Agency is required by federal regulations to submit a written report to the United States Department of Agriculture (USDA) Food and Nutrition Service reporting on the number of School Food Facility Inspections conducted per site. (Child Nutrition and WIC Reauthorization Act 2004, Section 15. 9(H), Implementation Memo SP-24).
- ~~vi.~~ Schools shall implement healthy school food preparation techniques using training materials developed through sources such as USDA, National Food Service Management Institute or Mississippi Department of Education. Training documentation and assessment records shall be retained for review by Mississippi Department of Education.
- ~~vi.vii.~~ Schools should limit fried foods whenever possible and practical. ~~Schools shall develop a long range plan for reducing and/or eliminating fried products in their lunch and breakfast menus. The long range plan should include preparation methods using existing equipment and/or goals to replace fryers with combi-oven/steamers as budgets allow. The long range plan (3 years) must be submitted to the Office of Child Nutrition by July 2010 and maintained on file in the school district. The long range plan must include preparations using existing equipment, and/or replace existing fryers with combi-oven/steamers.~~

~~vii.viii.~~

Marketing of healthy food choices to students and staff

- i. Train School Foodservice Administrators, Kitchen Managers, and Cooks in Marketing, New Cooking Techniques, and Garnishing using available or newly developed training tools, such as Marketing Sense – Mississippi Department of Education, Office of Child Nutrition
- ii. Use the Whole School Approach in Marketing the Local Wellness Policy. Administration, faculty, staff, students, and parents need to be solicited to be a part of the implementation of the Local Wellness Policy. Educating the family and the community is crucial to the success of our efforts.
 - a) Suggestions include:
 - 1) Establishing Community Partnerships. ~~With these groups on board with the program, Community organizations they~~ can provide physical and financial support.
 - A. ~~Junior League~~
 - B. ~~Service Organizations (Rotary, Kiwanis, etc.)~~
 - C. ~~Local Community Foundations~~
 - 2) Marketing New Foods. Research shows that it takes a number of times for an item to be served before it can be accepted. To facilitate the introduction of a new item, we suggest:
 - A. Tasting Parties
 - B. Serving Line Sampling
 - C. Serving Line Promotion

~~viii.ix.~~

Food preparation ingredients and products

- i. School districts shall adopt the Dietary Guideline recommendation that trans-fatty acids will be kept “as low as possible”.
- ii. Wherever possible and practical, school lunch and breakfast programs shall include products that are labeled “0” grams trans fat.
- iii. Schools shall incorporate whole grain products into daily and weekly lunch and breakfast menus ~~based on product availability and student acceptability. School Food Authorities are encouraged to increase the amount and variety of whole grain products and at a minimum must serve at least 1 serving of whole grain products. At a minimum, one grain/bread component must be whole grain at least three days per week at lunch. The same item may not be served each day in accordance with USDA MEal Pattern requirements.~~
- j. Minimum and maximum time allotment for students and staff lunch and breakfast periods

- i. Schools shall schedule ~~at least~~ a minimum of 24 minutes to ensure an adequate eating time for school lunch. The factors influencing the lunch period are wait time, consumption time, standard deviation/variability and social time.
 - ii. Since school breakfast is not factored into the regular school day, schools should take into consideration the recommended time of 10 minutes for a child to eat school breakfast after they have received the meal.
- k. The availability of food items during the lunch and breakfast periods of the Child Nutrition Breakfast and Lunch Programs.
- i. School districts shall comply with the Mississippi Board of Education Policy on Competitive Food Sales as outlined in the Mississippi Board of Education Policies.
 - ii. School districts shall update the wellness policy to address limiting the number of extra sale items that may be purchased with a reimbursable meal. This policy will exclude extra beverage purchases of milk, juice and/or water. ~~Schools may want to consider the following option~~ Recommended guidelines:
 - a. Example:
 - 1. Elementary School – 1 extra sale item other than beverage
 - 2. Middle School – 1 extra sale item other than beverage
 - 3. High School – 2 extra sale items other than beverage
 - iii. Schools may sell extra items in individual packages ~~not to exceed 200 calories. Example: ice cream, baked chips (grain), 100% juice bars, 100% fruit juice, or granola bars, or cereal bars.~~ in compliance with the Competitive Food Rule and Smart Snacks policies.
 - iv. Schools may sell extra items in portions not to exceed the menu portion serving size. Example: ½ cup of fruit, ½ cup of vegetable, 2oz. wheat roll or entrees with 2-3 oz. protein.
 - v. Schools will use marketing, pricing and nutrition education strategies to encourage healthy extra sale selections.
 - a. Example:
 - 1. Healthy selections such as fruit or vegetables priced lower than other selections
 - 2. Healthy selections positioned in a visibly prominent location
 - 3. Fun nutrition information marketing the healthy selections
- l. Methods to increase participation in the Child Nutrition School Breakfast and Lunch Programs
- i. Since school food service operates like a business with income and expenses, adequate marketing ensures a successful program operation. Child nutrition programs are usually highlighted once or twice a year during National School Lunch and

Breakfast Weeks. For marketing to be effective, it should occur more frequently. When devising a plan, remember the following:

- a. Define your business.
- b. Define your customers.
- c. Evaluate your plan and budget.
- d. Define your objectives.

~~m. Family education will be the key to building a healthy future for all Mississippians. Mississippi public schools offer the best resources, facilities and structure to promote family nutrition education.~~

~~n.m.~~ Schools are strongly encouraged to develop academic partnerships with appropriate governmental agencies to offer family nutrition education programs. Family education should be incorporated into each school's Wellness Policy.

~~o.n.~~ Schools will promote healthful eating and healthy lifestyles to students, parents, teachers, administrators and the community at school events.

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

~~3. House Bill 1078, of the 2010 Regular Session of the Mississippi Legislature, added a new section 37-11-8 to the Mississippi Code of 1972 requiring the Department of Education to provide financial incentives to schools recognized by the United States Department of Agriculture (USDA) through the Healthier US School Challenge Program. House Bill 1078 provided financial incentives up to \$200,000 per year allocated to schools receiving awards of: Bronze—\$2,000, Silver—\$4,000, Gold—\$6,000 and Gold with Distinction—\$8,000. The following procedures will be used to allocate the financial incentives provided under House Bill 1078.~~

~~i. House Bill 1078 Financial awards restricts eligibility is restricted to Public Schools.~~

~~— State funding is limited to \$200,000 per year.~~

~~ii. Schools recognized by USDA as achieving a Healthier US School Challenge level prior to March 1st will receive their allocation by June 30th of the same year.~~

~~ii. Schools recognized by USDA as achieving a Healthier US School Challenge level between March 1 and June 30 will receive their allocation in the next Budget Year.~~

~~ii. Funding of the financial incentives, established by House Bill 1078 Miss. Code Ann. § 37-11-8, will consist of both federal and state funds. Federal funds awarded to schools receiving an award level will be counted first towards the total dollar allocations established by House Bill 1078. State funds will be used to make up the additional incentive amount to equal the set award, up to the annual allocation of \$200,000 per year.~~

iii. ~~Funding of award levels will follow the USDA Healthier US School Challenge Program and is based on award criteria effective January 1, 2009. Schools receiving their award level after January 1, 2009 will be eligible to receive the financial incentive.~~

iv. ~~Funding Table:~~

Award Level	Federal Funds	State Funds	Total Award
Bronze	\$ 500	\$1,500	\$2,000
Silver	\$1,000	\$3,000	\$4,000
Gold	\$1,500	\$4,500	\$6,000
Gold Distinction	\$2,000	\$6,000	\$8,000

v. ~~USDA Healthier US School Challenge award levels are currently recognized for a period of four years. If a school improves its award level during the four year period of another award level, the school will receive funding for the new award level. Example: If a school is recognized for a Bronze level and two years later applies and is recognized at the Silver level they would receive financial incentives for Silver Level.~~

3. ~~In Summary:~~

~~School Nutrition Programs must play a central role in modeling good nutrition. These regulations offer schools a standard for improving the nutritional quality of school meals. These recommendations go above and beyond the established standards for the USDA National School Lunch Program. Healthy eating patterns and adequate nutrients are important for school-aged children to promote cognitive development, prevent health problems and reduce under nutrition which has been linked to increase behavioral and emotional functioning.~~

Source: *Miss. Code Ann. § 37-1-3 (Revised 10/201009/2022)*

Rule 38.12 Physical Education/Comprehensive Health Education Rules and Regulations. The Mississippi Department of Education understands the relationship between student health and academic achievement. Research supports the relationship between quality physical education programs and the development of social skills, academic performance, increased attendance, and a reduction in discipline referrals. In accordance with ~~Mississippi Code of 1972 Annotated Section~~ *Miss. Code Ann. § 37-13-134* (Mississippi Healthy Students Act) and the Mississippi Public School Accountability Standards, the State Board of Education has adopted the following rules and regulations to support the implementation of quality activity based and health education programs.

1. DEFINITIONS

- a. Physical Education is a sequentially planned, developmentally appropriate K-12 curriculum and instruction that promotes lifelong physical activity. It helps students

develop the knowledge, motor skills, self-management skills, social skills, attitudes and confidence needed to adopt and maintain physical activity throughout their lives.

Quality physical education programs provide opportunities for:

- i. students to learn the skills necessary to perform a variety of physical activities
 - ii. students to know the implications and benefits of participating regularly in physical activity
 - iii. students to be physically active
- b. Physical Activity is any movement of the body that expends energy, such as exercise, sports, dance, swimming, lifting weights or other body movements that result in an increased heart rate. Physical activity also includes daily activities like walking programs, recess, etc. Physical activity characterizes all types of human movement that leads to an expenditure of energy; associated with living, work, play, and exercise.
- c. Activity Based Instruction allows students to practice movements learned in a variety of settings that lead to an expenditure of energy and/or support other subject areas.

This instruction could be integrated into the regular classroom setting (See Appendix: Approved Curriculum). Comprehensive Health Education is a sequentially planned, developmentally appropriate curriculum and instruction based on the Mississippi Comprehensive Health Framework that promotes a healthy lifestyle. It guides students in developing the basic knowledge, decision making skills and ability to obtain valid health information.

2. IMPLEMENTATION I. Grades K-8

- a. Successful implementation of Physical Education and Comprehensive Health Education ~~must~~ shall include the following:
 - i. 150 minutes per week of instruction through a combination of physical education, physical activity, and ~~activity-based~~ activity-based instruction
 - ii. 45 minutes per week of health education
 - iii. Fitness testing in grade 5 (See Appendix)
- b. Standard 33 of the Mississippi Public School Accountability Standards requires physical education to be a part of the basic curriculum in any configuration of grades K-8. The total number of minutes in physical education must not be below 50 minutes per week.
- c. In grades 7-8 extracurricular activities, such as basketball, baseball, marching band, show choir, cheerleading, archery, softball, and football that are sanctioned by the Mississippi High School Activities Association and JROTC can be substituted for physical education if:

- i. attendance is kept; and
- ii. instruction is based on at least one competency from the Mississippi Physical Education Framework; and
- iii. Staff licensed by the Mississippi Department of Education supervises practices and games.

This instruction would be coded in MSIS as a physical education course (See Appendix: Course Codes).

- d. Suggested sample school schedules for elementary and middle schools to assist in complying with the mandated activity based instruction and health education for K-8 are as follows:

- e. Sample Elementary School Schedule

- i. Example 1

- Monday -25 minutes of physical education

- 10 minutes of recess

- 10 minutes of activity based instruction integrated by regular classroom teacher

- 9 minutes of instruction in health education

- Tuesday -10 minutes of recess

- 10 minutes of activity based instruction integrated by regular classroom teacher

- 9 minutes of instruction in health education

- Wednesday-25 minutes of Physical Education

- 10 minutes of recess

- 10 minutes of activity based instruction integrated by regular classroom teacher

- 9 minutes of instruction in health education

- Thursday -10 minutes of recess

- 10 minutes of activity based instruction integrated by regular classroom teacher

- 9 minutes of instruction in health education

- Friday-10 minutes of recess

- 10 minutes of activity based instruction integrated by regular classroom teacher

- 10 minutes of instruction in health education

- ii. Example 2

- Monday-30 minutes of physical education

12 minutes of instruction in health education

Tuesday –30 minutes of physical education
12 minutes of instruction in health education

Wednesday –30 minutes of physical education
12 minutes of instruction in health education

Thursday-30 minutes of physical education
12 minutes of instruction in health education

Friday –30 minutes of physical education

iii. Example 3

Monday-20 minutes of recess or other activity based program

Tuesday-20 minutes of recess or other activity based program
50 minutes of physical education

Wednesday -20 minutes of recess or other activity based program

Thursday -20 minutes of recess or other activity based program
45 minutes of health education

Friday-20 minutes of recess or other activity based program

iv. Example 4

Monday -10 minutes of activity based instruction integrated by regular
classroom teacher
15 minutes of instruction in health education

Tuesday-5 minutes of activity based instruction integrated by regular
classroom teacher
25 minutes of physical education

Wednesday- 10 minutes of activity based instruction integrated by regular
classroom teacher
20 minutes of recess or other activity based program
15 minutes of instruction in health education

Thursday-5 minutes of activity based instruction integrated by regular
classroom teacher
25 minutes of physical education

Friday-10 minutes of activity based instruction integrated by regular
classroom teacher

20 minutes of recess or other activity based program minutes of instruction in health education

f. Sample Middle School Schedule

i. Example 1

Monday -25 minutes of physical education
15 minutes of instruction in health education
10 minutes activity based program
5 minutes of activity based instruction provided by regular classroom teacher

Tuesday -10 minutes other activity based program
5 minutes of activity based instruction provided by regular classroom teacher

Wednesday - 15 minutes of instruction in health education
10 minutes of activity based program
25 minutes of physical education
5 minutes of activity based instruction provided by regular classroom teacher

Thursday - 15 minutes of activity based instruction provided by regular classroom teacher

Friday -15 minutes of instruction in health education
1. minutes activity based program
25 minutes of physical education
5 minutes of activity based instruction provided by regular classroom teacher

ii. Example 2

Monday -45 minutes of physical education (Group 1)
12 minutes of recess or other activity based program

Tuesday-45 minutes of physical education (Group 2)
12 minutes of recess or other activity based program

Wednesday -45 minutes of health education (Groups 1 and 2)

Thursday -45 minutes of physical education (Group 1)
12 minutes of recess or other activity based program

Friday -45 minutes of physical education (Group 2)
13 minutes of recess or other activity based program

3. Grades 9-12

- a. Successful implementation of Physical Education and Comprehensive Health Education must include the following:
 - i. ½ Carnegie unit of physical education provided by staff that possess a valid 9-12 teaching license with a physical education endorsement (See Waivers/Exemptions in Appendix, item 11.)
 - ii. Mississippi Public School Accountability Standards require ½ Carnegie unit requirement for health education provided by staff that possess a valid 9-12 teaching license with a health education endorsement (See Waivers/Exemptions in Appendix, item 11.)
 - iii. Fitness Testing in the grade which the student receives credit toward graduation
- b. Sample school schedules high schools to assist in complying with the mandated physical education and health education for 9-12 are as follows:
- c. Sample High School Schedule
 - i. Example 1
 Health One semester course
 Physical Education One semester course
 - ii. Example 2
 1st semester -Health
 3 days of physical education per week

 2nd semester Physical Education Physical Education
 2 days of health education per week
 3 days of health education per week

 Health
 2 days of physical education per week

Rule 38.12.1 Appendix

1. Adapted Physical Education
 Refer to the students Individualized Education Program and allow parents to provide input into their child's involvement in activity based programs.
2. Approved Curriculum
 - a. Instruction in physical education must be based on state standards for physical education as provided in the Mississippi Physical Education Framework.
 - b. Instruction integrated by the regular classroom teacher may include the Health in Action web based lesson plan resource provided by the Mississippi Department of Education's Office of Healthy Schools.

- c. Instruction in physical education or activity based instruction by regular education teacher or licensed physical education teacher can be based on curriculum identified in the Supplemental Resource Providers List that is based on state standards.
 - d. Instruction in health education must be based on state standards for health education as provided in the Mississippi Comprehensive Health Framework.
3. Class Size
- a. Grades K-5
 - i. It is recommended that in grades K-5 the student to teacher ratio for physical education shall not exceed 35 to 1. If there is a licensed teacher and a teacher assistant, it is recommended the maximum class size for physical education shall not exceed 70 students.
 - b. Grades 6-12
 - i. It is recommended that in Grades 6-12 the maximum class size for physical education shall not exceed 40 students per licensed staff. If there is a licensed teacher and a teacher ~~assistant~~assistant, it is recommended the maximum class size should not exceed 80 students.
 - ii. Class size should not apply to extracurricular activities such as band, JROTC, and show choir.
 - iii. Mississippi Public School Accountability Standard ~~34.5 28~~ does not apply to Physical Education or Health Education. This standard applies to core academic subjects (English, Reading, Language Arts, Math, Science, Social Studies, Foreign Language, and the Arts) as defined by No Child Left Behind and Level Four and Level Five No Child Left Behind~~NEED updated language here~~) and Level Four and Level Five schools meeting the highest two levels of performance are exempt from this standard.
4. Course Codes
- a. The following course codes should be used for instruction in physical education and health education:
 - i. 349902 Physical Education, Grades PK - 6
 - ii. 340111 Physical Education, Grades 7 – 8
 - iii. 340113 Physical Education, Grades 9 – 12
 - iv. 905143 Physical Education, Dual Credit
 - v. 349901 Health Education, Grades K-8
 - vi. 340131 Health Education, Grade 7
 - vii. 340132 Health Education, Grade 8
 - viii. 340133 Health Education Grades 9-12
 - ix. 340138 Distance Learning, Grades 9-12

x. 905133 Dual Credit 9-12

- b. Any instruction that meets the requirements of the Rules and Regulations for Physical Education or Health Education should be coded as such. This instruction also includes programs that are offered after school and meet the requirements for instruction in physical education.
- c. The dual credit physical education course code can only be used by those high schools that have a signed articulation agreement between the district and post-secondary institute using the template suggested by MDE. One high school Carnegie unit is equal to six college hours of credit.

5. Equipment

- a. The Suggested Equipment List is located on the MDE website. All teachers designated to provide instruction in physical education must have access to a computer.

6. Facility

a. Minimum

Designated area for instruction- If this is an outside area, the area must be adequately maintained to ensure safety and facilitate participation by all students. Storage space must also be provided for equipment.

b. Adequate

Indoor classroom, designated outside area, and storage space should be provided for equipment.

c. Exemplary

Gym space is available for physical education classes. Storage space must also be provided for equipment.

7. Fitness Testing

Students must participate in fitness testing using the FITNESSGRAM®, ACTIVITYGRAM®, President's Challenge to Physical Fitness, or other comparable program. This assessment must be conducted in grade 5 and the grade in which the student will earn the ½ Carnegie unit requirement for graduation. The time required to conduct the fitness assessment would count toward the minutes required for minimum implementation for physical education.

8. School Health Councils

All schools must have established a school health council and the physical education and comprehensive health staff must serve on this council. Duties of this council must include, but not be limited to, conducting a needs assessment and making recommendations based on a coordinated approach to school health. The Office of

Healthy Schools recommends the School Health Index as a resource/tool for each council to use for conducting this assessment.

9. Staff

- a. Physical education instruction in grades K-8 ~~may~~ shall be provided by a licensed physical education teacher, regular classroom teacher, or other staff licensed by the Mississippi Department of Education.
- b. Physical education instruction in grades 9-12 ~~must~~ shall be provided by a licensed physical education teacher.
- c. School districts are encouraged to develop ongoing relationships with Institutions of Higher Learning to allow students receiving degrees from an approved teacher preparation program an opportunity to assist with instruction in physical education programs.

10. Student Assessment

Staff ~~should~~ shall use the suggested assessment as provided in the Mississippi Physical Education and Comprehensive Health Education Frameworks and in the Health in Action ~~web-based~~ web-based resource.

11. Waivers/Exemptions

- b. In grades K-12 there shall be no exemptions from physical education except for a medical exemption provided by a physician. The following guidelines must be followed:
 - i. A physician must complete a Medical Release Form provided by the school.
 - a) the school must keep the completed form on file.
- b. In grades 7-12 extracurricular activities sanctioned by the MHSAA and JROTC can be substituted for physical education if:
 - i. attendance is kept; and
 - ii. instruction is based on at least one competency from the Mississippi Physical Education Framework; and
 - iii. Staff licensed by Mississippi Department of Education supervises practices and games.
- c. In grades 9-12 successful completion of the first two JROTC courses can substitute for the required ½ Carnegie unit in health education if:
 - i. instruction includes all of the health components included in the JROTC I and JROTC II curriculums; and,

- ii. the JROTC teachers are licensed by the Mississippi Department of Education with the 499 endorsement code.

Source: *Miss. Code Ann. § 37-1-3* and *§37-13-34* (Revised ~~10/2010~~09/2022)

Rule 38.13 Restraint and Seclusion

1. Introduction

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

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

systems that efficiently and effectively support the implementation of these practices, and (d) continuous collection and use of data for decision making.

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

2. Restraint and Seclusion Policy

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

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

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

3. Definitions

- a. Aversive behavioral interventions is defined as a physical or sensory intervention program intended to modify behavior that the implementer knows would cause physical trauma, emotional trauma, or both, to a student even when the substance or stimulus appears to be pleasant or neutral to others and may include hitting, pinching, slapping, water spray, noxious fumes, extreme physical exercise, loud auditory stimuli, withholding of meals, or denial of reasonable access to toileting facilities.
- b. Aversive procedure is defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to: infliction of bodily pain, (e.g., hitting, pinching, slapping), water spray, noxious fumes, extreme physical exercise, costumes, or signs.
- c. Aversive technique is defined as physical, emotional or mental distress as a method of redirecting or controlling behavior.

- d. Behavioral intervention is defined as the implementation of strategies to address behavior that is dangerous, inappropriate, detrimental, or otherwise impedes the learning of the students.
- e. Behavior Intervention Plan (BIP) is defined as a plan of action for managing a student's behavior. The BIP includes a set of strategies and supports intended to increase the occurrence of behaviors that school personnel encourage and to decrease behaviors that school personnel want to lessen or eliminate. The BIP shall include:
 - i. Observable and measurable description of the problem behavior;
 - ii. Identified purpose of the problem behavior as a result of the FBA;
 - iii. General strategy or combination of strategies for changing the problem behavior;
 - iv. Written description of when, where, and how often the strategy will be implemented; and
 - v. Consistent system of monitoring and evaluating the effectiveness of the plan.
- f. Chemical restraint is defined as “the administration of medication for the purpose of restraint.” Chemical restraint does not apply to medication prescribed by and administered in accordance with the directions of a licensed physician. The use of chemical restraint is prohibited in Mississippi Public Schools.
- g. Dangerous behavior is defined as behavior that presents an imminent danger of physical harm to self or others but does not include inappropriate behaviors such as disrespect, noncompliance, insubordination, or out-of-seat behaviors.
- h. De-escalation techniques are defined as strategically employed verbal or non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.
- i. Emergency situation is defined as spontaneous unpredictable events posing an imminent threat of serious bodily injury.
- j. Functional Behavioral Assessment (FBA) is defined as a school-based, collaborative process that includes the parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment.
 - i. The term includes direct assessments, indirect assessments and data analysis designed to assist the team to identify and define the problem behavior in concrete terms.
 - ii. Contextual factors (including affective and cognitive factors) are identified that contribute to the behavior, and a hypothesis is formulated regarding the general conditions under which a behavior usually occurs and the probable consequences that maintain the behavior.
 - iii. Formal documentation of the assessment by appropriately qualified individuals become part of the child's educational record.
 - iv. The FBA must include all of the following:
 - a. Clear description of the problematic behavior;
 - b. Identification of the antecedent events, times, and situations that predict when the

- problem behavior will and will not occur;
 - c. Identification of the consequences of the problem behavior;
 - d. Development of hypotheses and summary statements that describes the problem behavior and its functions; and
 - e. Collection of data from a variety of sources: interviews, direct observation data, etc.
- k. Imminent danger is defined as a danger which is impending, close at hand, threatening, or about to happen.
- l. Individualized Education Plan (IEP) is defined as a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§ 300.320-300.324.
- m. Mechanical restraint is defined as “any device that attaches to a student’s body that restricts movement and cannot be removed by the student.” Examples include: straps, tie downs, boards, and harnesses. Handcuffs are also considered mechanical restraints, but may only be used by certified school resource officers, as defined in Miss. Code Ann. §§ 37-7-321 and 37-7-323. The use of mechanical restraints is prohibited in Mississippi Public Schools, except as provided in §§ 37-7-321 and 37-7-323.

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

- n. Physical escort is defined as the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out (with minimal resistance) and able to respond to such physical prompt, to move to a safe location.
- o. Physical prompt is defined as a teaching technique that involves physical contact with the student and that enable the student to learn or model the physical movement necessary for the development of the desired competency.
- p. Physical Restraint is defined as “the use of physical force, without the use of any device or material that restricts the free movement of all or a portion of a student’s body.” Physical restraint does not include briefly holding a student’s hand or arm to calm them or escort them to another area. A physical restraint shall be removed as soon as the student is no longer a danger to himself/herself or others. The term physical restraint does not include:
 - i. Physical restraint that restricts the flow of air to the student’s lungs.
 - ii. Prone restraint in which a student is placed face down on the floor or other surface, and physical pressure is applied to the student’s body to keep the student in the prone position.

- q. Positive Behavior Interventions and Supports (PBIS) is defined as a proactive approach to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional and academic success. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all youth by making targeted misbehavior less effective, efficient, and relevant, and desired behavior more functional.
- r. Positive Behavior Support Plan is defined as the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.
- s. Seclusion is defined as “the confinement of a student in an enclosure from which the student’s egress is restricted.” Seclusion does not include in-school suspension, detention, or alternative school.
- t. Section 504 Plan is defined as an individualized plan of accommodations and modifications to provide a free appropriate public education to a student who has a disability that substantially limits a major life activity. A 504 plan spells out the modifications and accommodations that will be needed for a student to have the opportunity to perform at the same level as their peers.
- u. Written report is defined as a printed paper filings and electronic filings that can be printed.

4. General Procedures

Restraint

- a. Physical restraint is considered to be an emergency response after all other verbal and non-verbal de-escalation measures have failed in effectiveness based on the following criteria:
 - i. The student or other person is engaged in actions that would constitute a danger to themselves or others;
 - ii. The student or other person is engaged in actions that would constitute potential or actual destruction of property;
 - iii. To remove a non-compliant student or person from the scene of an incident;
 - iv. The restraint should be removed as soon as the student is no longer a danger to themselves or others.
- b. When using physical restraint for students who are a danger to themselves or others, staff should take precautions necessary to ensure the safety of the student and the staff members engaged in restraining the student. Physical restraints that restrict the flow of air are prohibited in all situations. When deemed it is necessary to restrain a student who is a danger to themselves or others, the following procedures shall be used:

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

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

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

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

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

- e. The use of chemical restraints is prohibited in Mississippi Public Schools.

Behavioral Interventions

- a. Behavioral intervention must be consistent with the child's right to be treated as an individual. Schools shall implement an evidence-based system of positive behavioral intervention strategies and support. Elements of the system of support shall include universal screening to identify potential students, teaching school-wide expected behaviors and social skills, and a system to monitor the effectiveness of the interventions and supports.
- b. Behavioral strategies, in conjunction with the school-wide system of positive behavioral interventions shall be used to help identify the causes of dangerous behavior and reduce the need for restraint or seclusion. Information about a student through interviews, observation, and records help identify the causes of the dangerous behavior and shall guide the development of a behavioral plan for the student. A complete plan shall include:
 - i. Addressing the characteristics of the setting and the event;
 - ii. If possible, removing the antecedents that triggered the event;
 - iii. Adding antecedents that promote appropriate behavior;
 - iv. Teaching appropriate behaviors to replace the dangerous behaviors.

Seclusion

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

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

- b. The room or space used for seclusion shall not contain any objects or fixtures with which a student could reasonably be harmed. Additionally, the room shall provide adequate lighting and ventilation.
- c. School personnel may use seclusion to address a student's behavior:
 - i. If the student's behavior constitutes an emergency and seclusion is necessary to protect a student or other person from imminent, serious physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;
 - ii. After less restrictive or alternative approaches have failed or have been determined to be inappropriate.

- d. Each time a student is placed in restraint or seclusion, the incident shall be documented in the student's educational record or cumulative folder. The documentation shall be available to the parent or guardian, and the parent or guardian shall be notified verbally or in writing on the day of the restraint or seclusion or no later than 48 hours following the incident. In the event a parent cannot be reached by telephone, a letter shall be sent informing the parent of the incident and the person who can be contacted at the school to address any questions the parent may have. This documentation shall be provided using an incident report that is completed for each student in each instance in which the student is restrained or placed in seclusion. This report shall include the following:
 - i. Date of incident and date submitted in MSIS;
 - ii. Student's name, age and grade level;
 - iii. Ethnicity, sex, and non-disabled/disabled status;
 - iv. Location of restraint;
 - v. Precipitating behavior/antecedent;
 - vi. De-escalation efforts tried;
 - vii. Type of restraint used;
 - viii. The student's behavior and physical status during the restraint/seclusion;
 - ix. Total time spent in restraint or seclusion. The student shall not be kept in seclusion for more than 20 minutes. If additional time is needed, school personnel shall reassess the student and document why the extra time is needed, or after this time, if the physical behavior is still manifested, the student shall be assessed for transport to a medical facility for evaluation by a physician and the parent notified;
 - x. Injuries to student or staff;
 - xi. Staff participating in the restraint/seclusion;
 - xii. Staff signatures, including the principal/administrator;
 - xiii. Name of school employee who the parent can contact; and
 - xiv. Date and time parent was contacted.

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

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

5. Administrative Procedures

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

- i. Staff and faculty training on the use of physical restraint;
 - ii. Parental notification when physical restraint is used to restrain their student not to exceed one school day from the use of the restraint;
 - iii. Documentation of the use of physical restraint or seclusion by staff or faculty participating in or supervising the restraint or seclusion event;
 - iv. Procedures for the periodic review of the use of restraint and seclusion policies;
 - v. Procedures by which a parent may submit a complaint regarding the physical restraint or seclusion of their child;
 - vi. Procedures for reporting the use of restraint or seclusion to the local board of education and to the Mississippi Department of Education.
 - b. The policies and procedures shall be reviewed with all staff on an annual basis.
 - c. Teachers and other district personnel shall be trained on how to collect and analyze student data to determine the effectiveness of these procedures in increasing appropriate behavior.
 - d. All parents shall receive, at least annually, written information about the policies and procedures for restraint and seclusion issued by the local school district or school. The written policies are to be included in each local education agencies code of conduct, student handbook, or other appropriate school publication.
 - e. A review of the use of a restraint and seclusion process shall be conducted by the school to determine if a revision of behavioral strategies are in place to address dangerous behavior or if positive behavioral strategies were not in place at the time of the restraint or seclusion.
 - f. School districts shall not only establish and disseminate policies and procedures on the use of seclusion and restraint, but also shall periodically review and update them as appropriate. The school district or school shall maintain records of its review of seclusion and restraint data and any resulting decisions or actions regarding the use of seclusion and restraint.
 - g. In any situation in which a student is a danger to themselves or others, and it becomes necessary to contact law enforcement or emergency medical personnel, nothing in this policy guidance shall be construed to interfere with the duties of law enforcement or emergency medical personnel.
 - h. The school district shall report the restraint and/or seclusion incident to the local school district and the Mississippi Department of Education annually.
6. Parental Notification
- a. All parents shall receive, at least annually, written information about the policies for restraint and seclusion issued by the local school district or school.

- b. All parents shall be notified when physical restraint is used to restrain their student before the close of school on the day the restraint was used or within 48 hours following the incident.

| *Source: Miss. Code Ann. §§ 37-1-3, 37-7-321, 37-7-323, 37-9-69, 37-11-57- (Adopted 04/2016)*

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Part 3 Chapter 38: Healthy and Safe Schools

Rule 38.1 School Violence Reporting. Miss. Code Ann. § 37-11-29, requires the development of a form to report school violence. State Department of Education staff shall develop guidance materials to assist school districts in reporting school violence.

To obtain a Report of Unlawful Activity and Violent Act Form go to: MS Department of Education website, Office of Safe and Orderly Schools.

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

Rule 38.2 Behavior Modifications Programs. Miss. Code Ann. § 37-13-92 requires the State Board of Education to establish the definition and components of a behavior modification program.

1. Definition:
Policies, procedures and research-based strategies that teach students the skills needed to make positive decisions concerning behavior and learning.
2. Components:
The program will contain procedures and research-based strategies that:
 - a. Include a (proactive) prevention component for all students;
 - b. Include interventions designed to deal with common disciplinary problems;
 - c. Provide an intensive intervention program for low-incidence behavior problems;
 - d. Provide professional development for all team members and parents;
 - e. Provide a safe and disciplined environment where teaching and learning can take place; and
 - f. Permit implementation of the School Safety Plan.

Source: *Miss Code Ann. 37-13-92 (Revised 09/2022)*

REPEALED

REPEALED

Rule 38.5 Minimum Training Standards. Section 37-7-321, Mississippi Code of 1972 requires the State Board of Education to establish training standards for school safety personnel.

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

Rule 38.6 School Resource Officer Basic Course (Repealed 3/2012)

Rule 38.7 School Safety Officer Basic Course (Repealed 3/2012)

Rule 38.8 School Nurse Procedures and Standards of Care. In September 2007 the Mississippi Board of Education approved the Mississippi School Nurse Procedures & Standards of Care June 2007. These procedures and standards were developed through collaboration between the Mississippi Department of Education, the Mississippi Board of Nursing, the Mississippi Department of Health, and the Mississippi School Nurse Association. The MDE Office of Healthy Schools shall revise the Procedures and Standards of Care as needed to reflect updated guidance and practices.

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

Rule 38.9 Criteria for School Nurse (Registered Nurse) & Licensed Practical Nurse Working in the School Setting.

1. QUALIFICATIONS:

- a. Possess a valid Mississippi Nursing License
- b. Possess a minimum of one year of work experience in the health care area
- c. Possess good verbal and written communication skills
- d. Possess organizational and time management skills, and the ability to communicate well with children, parents, school faculty and administration
- e. Possess the ability to work independently according to all nursing practice standards
- f. Such alternatives to the above qualifications as the District School Board may find appropriate and acceptable
- g. Attend annual training meetings sponsored by the Mississippi Department of Education/Office of Healthy Schools
 - i. It is the position of the Mississippi Board of Nursing that the scope of practice of the school nurse requires the knowledge of the RN (Registered Nurse). A LPN (Licensed Practical Nurse) may not function in the role of “school nurse.”
 - ii. A Licensed Practical Nurse working in the school setting is functioning within her scope when she is working under the direct supervision of a RN who is either physically present on the premises or available at all times to the LPN.

2. JOB GOAL: Ensure the health of all students as a means to ensure academic success

3. PERFORMANCE RESPONSIBILITIES:

The major focus of school nursing services is the prevention of illness and disabilities and the early detection and correction of health problems.

The school nurse promotes and protects the health status of students and staff through functions in all areas of Coordinated School Health.

h. HEALTH SERVICES

- i. Provide health assessments
 - b) Obtain a health history
 - c) Screen and evaluate vision, hearing, scoliosis, dental and others as directed
 - d) Observe students as required for development and health patterns/concerns.
 - e) Participate in school registration process to procure parental consent and health insurance information
- ii. Develop and implement health plans and procedures
 - a) Maintain a confidential cumulative health record for each student
 - b) Interpret the health status of students to parents and school personnel.
 - c) Initiate and follow referrals for intervention and/or remediation
 - d) Plan and implement health management protocols and modification of school programs and environment.
- iii. Provide direct nursing intervention
 - a) Administer appropriate level of first aid for illness and injury, including CPR
 - b) Administer/supervise medication and monitor the effects.
 - c) Provide individual health counseling concerning high-risk behaviors.
 - d) Perform skilled nursing functions

i. HEALTH EDUCATION

- i. Provide health education for students, staff and parents
 - a) Coordinate and participate in student support groups and activities.
 - b) Promote and interpret health careers which may include participation of school in Health Science programs.
 - c) Teach health topics as outlined in the Mississippi Comprehensive Health Framework which will include but not be limited to tobacco, alcohol and substance abuse prevention
- i. Serve as a resource person in health education
 - a) Participate in health curriculum planning and evaluation.

- b) Promote drop-out prevention programs
- j. HEALTHY SCHOOL ENVIRONMENT
 - i. Recommend provisions for a safe, healthy school environment.
 - ii. Serve on school committees to develop and implement safety programs.
 - iii. Promote and assist in control of communicable diseases.
 - iv. Ensure that each student complies with the immunization requirements of the State of Mississippi
 - v. Confirm that students have medical emergency cards on file.
 - vi. Participate in wellness projects
- k. PHYSICAL EDUCATION
 - i. Promote healthy physical education, sports policies and practices
 - ii. Serve as a health resource to the physical education staff
- l. NUTRITION SERVICES
 - i. Support healthy food service programs.
 - ii. Serve as a health resource to school food service staff
- m. COUNSELING, PSYCHOLOGICAL & SOCIAL SERVICES
 - i. Provide crisis intervention for emotional/physical disturbances.
 - ii. Counsel students as needed
- n. HEALTH PROMOTION FOR STAFF
 - i. Screen and counsel school employees as needed.
 - ii. Administer/provide influenza vaccinations for staff upon request.
 - iii. Provide staff with in-service training programs on health-related issues
- o. FAMILY/COMMUNITY INVOLVEMENT
 - i. Work with agencies and civic clubs in providing assistance to indigent children
 - ii. Make home visits as necessary

- p. COLLECT DATA AS ESTABLISHED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION/OFFICE OF HEALTHY SCHOOLS AND REPORT TO SAME ENTITY MONTHLY (See Program Evaluation & Measurement document.)

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

Rule 38.10 Recommended Non-Binding Mississippi School Nurse Salary Schedule. Pursuant to Miss. Ann. Code Section 37-14-3, the Mary Kirkpatrick-Haskell – Mary Sprayberry Public School Nurse Act of 2007 states that, “the State Department of Education, through the Office of Healthy Schools, shall...develop recommended salary structure for school districts to use when hiring a school nurse.” In the absence of a salary scale of any kind for school nurses, the Office of Healthy Schools has recommended that districts either use the teacher salary scale when hiring school nurses, or – if recruitment dictates - pay based on a trend for their particular area. Most districts have used the teacher salary scale. The recommended non-binding salary schedule is *the teacher salary* scale simply adjusted for nursing degrees. It applies only to Registered Nurses. Licensed Practical Nurses are considered non-exempt employees under the Fair Labor Standards Act and must be paid on an hourly basis.

Recommended Non-Binding Mississippi School Nurse Salary Schedule

Yrs. Exp.	2007-2008			
	Doctorate	Masters	BSN	Associate Degree RN
0	\$35,020	\$33,990	\$32,960	\$30,900
1	\$35,814	\$34,717	\$33,620	\$31,395
2	\$36,608	\$35,444	\$34,280	\$31,890
3	\$37,402	\$36,171	\$34,940	\$32,385
4	\$38,196	\$36,898	\$35,600	\$32,880
5	\$38,990	\$37,625	\$36,260	\$33,375
6	\$39,784	\$38,352	\$36,920	\$33,870
7	\$40,578	\$39,079	\$37,580	\$34,365
8	\$41,372	\$39,806	\$38,240	\$34,860
9	\$42,166	\$40,533	\$38,900	\$35,355
10	\$42,960	\$41,260	\$39,560	\$35,850
11	\$43,754	\$41,987	\$40,220	\$36,345

12	\$44,548	\$42,714	\$40,880	\$36,840
13	\$45,342	\$43,441	\$41,540	\$37,335
14	\$46,136	\$44,168	\$42,200	\$37,830
15	\$46,930	\$44,895	\$42,860	\$38,325
16	\$47,724	\$45,622	\$43,520	\$38,820
17	\$48,518	\$46,349	\$44,180	\$39,315
18	\$49,312	\$47,076	\$44,840	\$39,810
19	\$50,106	\$47,803	\$45,500	\$40,305
20	\$50,900	\$48,530	\$46,160	\$40,800
21	\$51,694	\$49,257	\$46,820	\$41,295
22	\$52,488	\$49,984	\$47,480	\$41,790
23	\$53,282	\$50,711	\$48,140	\$42,285
24	\$54,076	\$51,438	\$48,800	\$42,780
25 & above	\$56,930	\$54,225	\$51,520	\$44,840

1. This salary schedule is applicable to Registered Nurses (RN) only, classified as exempt employees under the Fair Labor Standards Act (FLSA).
2. Licensed Practical Nurses (LPN) are non-exempt employees under FLSA, and should be paid on an hourly basis.
3. Certified Nurse Assistants (CNA) will be paid on the same scale as Teacher Assistants (\$12,500 minimum).
4. Nationally Certified School Nurses will receive a \$6,000 salary supplement annually to the extent that funds are available.

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

Rule 38.11 Nutrition Standards.

1. The Mississippi Department of Education recognizes that:

- a. A crucial relationship exists between nutrition and health and nutrition and learning. The health and nutrition needs of growing students are met with USDA school meals programs.
 - b. As a minimum, school districts shall follow all current and future requirements and recommendations of the USDA National School Lunch and School Breakfast Programs Meal Patterns and Nutrient Standards.
 - c. The Dietary Guidelines for Americans and USDA's My Plate ([MyPlate | U.S. Department of Agriculture](#)) provide nutritional guidance for school meals.
 - d. Schools shall offer equal access to all meals or items served or sold under the National School Lunch & Breakfast Programs.
 - e. Students need adequate time to eat and enjoy meals served in schools.
 - f. Moving recess before lunch, through a simple schedule change, may provide many benefits for students especially in grades K-12.
 - g. Family education will be the key to building a healthy future for all Mississippians. Families must embrace nutrition and wellness; it is crucial to the success of our efforts. Mississippi public schools offer the best resources, facilities and structure to promote family nutrition education.
 - h. Offering healthful foods and beverages in schools does not guarantee that students will choose them. Aggressive marketing techniques must inform students, teachers, administrative staff and most importantly, the public of the benefits of eating in the school cafeteria.
 - i. School districts are encouraged to become a USDA Team Nutrition School.
2. The Mississippi Department of Education intends that:
- i. Healthy food and beverage choices:
 - i. Schools shall increase fresh fruits and vegetables offered to students. A minimum of one fresh fruit or vegetable choice should be offered to students each day.
 - ii. School menus shall offer a variety of fruits and vegetables weekly in compliance with the NSLP Meal Pattern. Schools must also meet weekly minimums for dark green and red/orange vegetables.
 - iii. Schools shall offer milk choices with a maximum milk fat of 1%, unless USDA Regulations require a lower milk fat content. Flavored nonfat or low-fat, or milk shall contain no more than 160 calories per 8-ounce serving.
 - iv. Schools shall only offer 100% fruit and vegetable juice with no added sugar.

- ii. Healthy food preparation.
 - i. Schools shall comply with the existing USDA NSLP/SBP meal pattern requirements. (USDA Food and Nutrition Services or [Nutrition Standards for School Meals | USDA-FNS](#))

- iii. Schools shall develop and implement a food safety program by July 1, 2005. Every school shall develop a HACCP system plan as required by the Child Nutrition and WIC Reauthorization Act of 2004. (National School Lunch Act Section 9 (H)) Schools shall update their School Wellness Policy to include a food safety assurance program for all food offered to students through sale or service.
- iv. Schools shall secure a Food Service Operational Permit through the Mississippi State Department of Health for approval to operate under the National School Lunch/National School Breakfast Program.
- v. Mississippi State Department of Health conducts two School Food Facility Inspections per site each school year. The State Agency is required by federal regulations to submit a written report to the United States Department of Agriculture (USDA) Food and Nutrition Service reporting on the number of School Food Facility Inspections conducted per site. (Child Nutrition and WIC Reauthorization Act 2004, Section 15. 9(H), Implementation Memo SP-24).
- vi. Schools shall implement healthy school food preparation techniques using training materials developed through sources such as USDA, National Food Service Management Institute or Mississippi Department of Education. Training documentation and assessment records shall be retained for review by Mississippi Department of Education.
- vii. Schools should limit fried foods whenever possible and practical.
- viii. Marketing of healthy food choices to students and staff

- i. Train School Foodservice Administrators, Kitchen Managers, and Cooks in Marketing, New Cooking Techniques, and Garnishing using available or newly developed training tools, such as Marketing Sense – Mississippi Department of Education, Office of Child Nutrition
- ii. Use the Whole School Approach in Marketing the Local Wellness Policy. Administration, faculty, staff, students, and parents need to be solicited to be a part of the implementation of the Local Wellness Policy. Educating the family and the community is crucial to the success of our efforts.
 - a) Suggestions include:
 - 1) Establishing Community Partnerships. Community organizations can provide physical and financial support.
 - 2) Marketing New Foods. Research shows that it takes a number of times for an item to be served before it can be accepted. To facilitate the introduction of a new item, we suggest:
 - A. Tasting Parties
 - B. Serving Line Sampling
 - C. Serving Line Promotion
- ix. Food preparation ingredients and products
 - i. School districts shall adopt the Dietary Guideline recommendation that trans-fatty acids will be kept “as low as possible”.
 - ii. Wherever possible and practical, school lunch and breakfast programs shall include products that are labeled “0” grams trans fat.
 - iii. Schools shall incorporate whole grain products into daily and weekly lunch and breakfast menus in accordance with USDA Meal Pattern requirements.
- j. Minimum and maximum time allotment for students and staff lunch and breakfast periods
 - i. Schools shall schedule a minimum of 24 minutes to ensure an adequate eating time for school lunch. The factors influencing the lunch period are wait time, consumption time, standard deviation/variability and social time.
 - ii. Since school breakfast is not factored into the regular school day, schools should take into consideration the recommended time of 10 minutes for a child to eat school breakfast after they have received the meal.
- k. The availability of food items during the lunch and breakfast periods of the Child Nutrition Breakfast and Lunch Programs.
 - i. School districts shall comply with the Mississippi Board of Education Policy on Competitive Food Sales as outlined in the Mississippi Board of Education Policies.

- ii. School districts shall update the wellness policy to address limiting the number of extra sale items that may be purchased with a reimbursable meal. This policy will exclude extra beverage purchases of milk, juice and/or water. Recommended guidelines:
 - a. Example:
 - 1. Elementary School – 1 extra sale item other than beverage
 - 2. Middle School – 1 extra sale item other than beverage
 - 3. High School – 2 extra sale items other than beverage
- iii. Schools may sell extra items in individual packages in compliance with the Competitive Food Rule and Smart Snacks policies.
- iv. Schools may sell extra items in portions not to exceed the menu portion serving size. Example: ½ cup of fruit, ½ cup of vegetable, 2oz. wheat roll or entrees with 2-3 oz. protein.
- v. Schools will use marketing, pricing and nutrition education strategies to encourage healthy extra sale selections.
 - a. Example:
 - 1. Healthy selections such as fruit or vegetables priced lower than other selections
 - 2. Healthy selections positioned in a visibly prominent location
 - 3. Fun nutrition information marketing the healthy selections
- l. Methods to increase participation in the Child Nutrition School Breakfast and Lunch Programs
 - i. Since school food service operates like a business with income and expenses, adequate marketing ensures a successful program operation. Child nutrition programs are usually highlighted once or twice a year during National School Lunch and Breakfast Weeks. For marketing to be effective, it should occur more frequently. When devising a plan, remember the following:
 - a. Define your business.
 - b. Define your customers.
 - c. Evaluate your plan and budget.
 - d. Define your objectives.
 - m. Schools are strongly encouraged to develop academic partnerships with appropriate governmental agencies to offer family nutrition education programs. Family education should be incorporated into each school’s Wellness Policy.
 - n. Schools will promote healthful eating and healthy lifestyles to students, parents, teachers, administrators and the community at school events.

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

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

Rule 38.12 Physical Education/Comprehensive Health Education Rules and Regulations. The Mississippi Department of Education understands the relationship between student health and academic achievement. Research supports the relationship between quality physical education programs and the development of social skills, academic performance, increased attendance, and a reduction in discipline referrals. In accordance with Miss. Code Ann. § 37-13-134 (Mississippi Healthy Students Act) and the Mississippi Public School Accountability Standards, the State Board of Education has adopted the following rules and regulations to support the implementation of quality activity based and health education programs.

1. DEFINITIONS

- a. Physical Education is a sequentially planned, developmentally appropriate K-12 curriculum and instruction that promotes lifelong physical activity. It helps students develop the knowledge, motor skills, self-management skills, social skills, attitudes and confidence needed to adopt and maintain physical activity throughout their lives.

Quality physical education programs provide opportunities for:

- i. students to learn the skills necessary to perform a variety of physical activities
 - ii. students to know the implications and benefits of participating regularly in physical activity
 - iii. students to be physically active
- b. Physical Activity is any movement of the body that expends energy, such as exercise, sports, dance, swimming, lifting weights or other body movements that result in an increased heart rate. Physical activity also includes daily activities like walking programs, recess, etc. Physical activity characterizes all types of human movement that leads to an expenditure of energy; associated with living, work, play, and exercise.
 - c. Activity Based Instruction allows students to practice movements learned in a variety of settings that lead to an expenditure of energy and/or support other subject areas.

This instruction could be integrated into the regular classroom setting (See Appendix: Approved Curriculum). Comprehensive Health Education is a sequentially planned, developmentally appropriate curriculum and instruction based on the Mississippi Comprehensive Health Framework that promotes a healthy lifestyle. It guides students in developing the basic knowledge, decision making skills and ability to obtain valid health information.

2. IMPLEMENTATION I. Grades K-8

- a. Successful implementation of Physical Education and Comprehensive Health Education shall include the following:
 - i. 150 minutes per week of instruction through a combination of physical education, physical activity, and activity-based instruction
 - ii. 45 minutes per week of health education
 - iii. Fitness testing in grade 5 (See Appendix)
- b. Standard 33 of the Mississippi Public School Accountability Standards requires physical education to be a part of the basic curriculum in any configuration of grades K-8. The total number of minutes in physical education must not be below 50 minutes per week.
- c. In grades 7-8 extracurricular activities, such as basketball, baseball, marching band, show choir, cheerleading, archery, softball, and football that are sanctioned by the Mississippi High School Activities Association and JROTC can be substituted for physical education if:
 - i. attendance is kept; and
 - ii. instruction is based on at least one competency from the Mississippi Physical Education Framework; and
 - iii. Staff licensed by the Mississippi Department of Education supervises practices and games.

This instruction would be coded in MSIS as a physical education course (See Appendix: Course Codes).

- d. Suggested sample school schedules for elementary and middle schools to assist in complying with the mandated activity based instruction and health education for K-8 are as follows:
- e. Sample Elementary School Schedule
 - i. Example 1
 - Monday -25 minutes of physical education
 - 10 minutes of recess
 - 10 minutes of activity based instruction integrated by regular classroom teacher
 - 9 minutes of instruction in health education

 - Tuesday -10 minutes of recess
 - 10 minutes of activity based instruction integrated by regular classroom teacher
 - 9 minutes of instruction in health education

Wednesday-25 minutes of Physical Education
10 minutes of recess
10 minutes of activity based instruction integrated by regular classroom teacher
9 minutes of instruction in health education

Thursday -10 minutes of recess
10 minutes of activity based instruction integrated by regular classroom teacher
9 minutes of instruction in health education

Friday-10 minutes of recess
10 minutes of activity based instruction integrated by regular classroom teacher
10 minutes of instruction in health education

ii. Example 2

Monday-30 minutes of physical education
12 minutes of instruction in health education

Tuesday –30 minutes of physical education
12 minutes of instruction in health education

Wednesday –30 minutes of physical education
12 minutes of instruction in health education

Thursday-30 minutes of physical education
12 minutes of instruction in health education

Friday –30 minutes of physical education

iii. Example 3

Monday-20 minutes of recess or other activity based program

Tuesday-20 minutes of recess or other activity based program
50 minutes of physical education

Wednesday -20 minutes of recess or other activity based program

Thursday -20 minutes of recess or other activity based program
45 minutes of health education

Friday-20 minutes of recess or other activity based program

iv. Example 4

Monday -10 minutes of activity based instruction integrated by regular classroom teacher

15 minutes of instruction in health education

Tuesday-5 minutes of activity based instruction integrated by regular classroom teacher

25 minutes of physical education

Wednesday- 10 minutes of activity based instruction integrated by regular classroom teacher

20 minutes of recess or other activity based program

15 minutes of instruction in health education

Thursday-5 minutes of activity based instruction integrated by regular classroom teacher

25 minutes of physical education

Friday-10 minutes of activity based instruction integrated by regular classroom teacher

20 minutes of recess or other activity based program minutes of instruction in health education

f. Sample Middle School Schedule

i. Example 1

Monday -25 minutes of physical education

15 minutes of instruction in health education

10 minutes activity based program

5 minutes of activity based instruction provided by regular classroom teacher

Tuesday -10 minutes other activity based program

5 minutes of activity based instruction provided by regular classroom teacher

Wednesday - 15 minutes of instruction in health education

10 minutes of activity based program

25 minutes of physical education

5 minutes of activity based instruction provided by regular classroom teacher

Thursday - 15 minutes of activity based instruction provided by regular classroom teacher

Friday -15 minutes of instruction in health education

1. minutes activity based program

25 minutes of physical education

5 minutes of activity based instruction provided by regular classroom teacher

- ii. Example 2
Monday -45 minutes of physical education (Group 1)
12 minutes of recess or other activity based program

Tuesday-45 minutes of physical education (Group 2)
12 minutes of recess or other activity based program

Wednesday -45 minutes of health education (Groups 1 and 2)

Thursday -45 minutes of physical education (Group 1)
12 minutes of recess or other activity based program

Friday -45 minutes of physical education (Group 2)
13 minutes of recess or other activity based program

3. Grades 9-12

- a. Successful implementation of Physical Education and Comprehensive Health Education must include the following:
 - i. ½ Carnegie unit of physical education provided by staff that possess a valid 9-12 teaching license with a physical education endorsement (See Waivers/Exemptions in Appendix, item 11.)
 - ii. Mississippi Public School Accountability Standards require ½ Carnegie unit requirement for health education provided by staff that possess a valid 9-12 teaching license with a health education endorsement (See Waivers/Exemptions in Appendix, item 11.)
 - iii. Fitness Testing in the grade which the student receives credit toward graduation
- b. Sample school schedules high schools to assist in complying with the mandated physical education and health education for 9-12 are as follows:

c. Sample High School Schedule

- i. Example 1
Health One semester course
Physical Education One semester course
- ii. Example 2
1st semester -Health
3 days of physical education per week

2nd semester Physical Education Physical Education
2 days of health education per week
3 days of health education per week

Health
2 days of physical education per week

Rule 38.12.1 Appendix

1. Adapted Physical Education

Refer to the students Individualized Education Program and allow parents to provide input into their child's involvement in activity based programs.

2. Approved Curriculum

- a. Instruction in physical education must be based on state standards for physical education as provided in the Mississippi Physical Education Framework.
- b. Instruction integrated by the regular classroom teacher may include the Health in Action web based lesson plan resource provided by the Mississippi Department of Education's Office of Healthy Schools.
- c. Instruction in physical education or activity based instruction by regular education teacher or licensed physical education teacher can be based on curriculum identified in the Supplemental Resource Providers List that is based on state standards.
- d. Instruction in health education must be based on state standards for health education as provided in the Mississippi Comprehensive Health Framework.

3. Class Size

a. Grades K-5

- i. It is recommended that in grades K-5 the student to teacher ratio for physical education shall not exceed 35 to 1. If there is a licensed teacher and a teacher assistant, it is recommended the maximum class size for physical education shall not exceed 70 students.

b. Grades 6-12

- i. It is recommended that in Grades 6-12 the maximum class size for physical education shall not exceed 40 students per licensed staff. If there is a licensed teacher and a teacher assistant, it is recommended the maximum class size should not exceed 80 students.
- ii. Class size should not apply to extracurricular activities such as band, JROTC, and show choir.
- iii. Mississippi Public School Accountability Standard 28 does not apply to Physical Education or Health Education. This standard applies to core academic subjects (English, Reading, Language Arts, Math, Science, Social Studies, Foreign Language, and the Arts) as defined by No Child Left Behind and Level Four and

Level Five schools meeting the highest two levels of performance are exempt from this standard.

4. Course Codes

- a. The following course codes should be used for instruction in physical education and health education:
 - i. 349902 Physical Education, Grades PK - 6
 - ii. 340111 Physical Education, Grades 7 – 8
 - iii. 340113 Physical Education, Grades 9 – 12
 - iv. 905143 Physical Education, Dual Credit
 - v. 349901 Health Education, Grades K-8
 - vi. 340131 Health Education, Grade 7
 - vii. 340132 Health Education, Grade 8
 - viii. 340133 Health Education Grades 9-12
 - ix. 340138 Distance Learning, Grades 9-12
 - x. 905133 Dual Credit 9-12
- b. Any instruction that meets the requirements of the Rules and Regulations for Physical Education or Health Education should be coded as such. This instruction also includes programs that are offered after school and meet the requirements for instruction in physical education.
- c. The dual credit physical education course code can only be used by those high schools that have a signed articulation agreement between the district and post-secondary institute using the template suggested by MDE. One high school Carnegie unit is equal to six college hours of credit.

5. Equipment

- a. The Suggested Equipment List is located on the MDE website. All teachers designated to provide instruction in physical education must have access to a computer.

6. Facility

- a. Minimum
Designated area for instruction- If this is an outside area, the area must be adequately maintained to ensure safety and facilitate participation by all students. Storage space must also be provided for equipment.
- b. Adequate
Indoor classroom, designated outside area, and storage space should be provided for equipment.
- c. Exemplary
Gym space is available for physical education classes. Storage space must also be provided for equipment.

7. Fitness Testing

Students must participate in fitness testing using the FITNESSGRAM®, ACTIVITYGRAM®, President's Challenge to Physical Fitness, or other comparable program. This assessment must be conducted in grade 5 and the grade in which the student will earn the ½ Carnegie unit requirement for graduation. The time required to conduct the fitness assessment would count toward the minutes required for minimum implementation for physical education.

8. School Health Councils

All schools must have established a school health council and the physical education and comprehensive health staff must serve on this council. Duties of this council must include, but not be limited to, conducting a needs assessment and making recommendations based on a coordinated approach to school health. The Office of Healthy Schools recommends the School Health Index as a resource/tool for each council to use for conducting this assessment.

9. Staff

- a. Physical education instruction in grades K-8 shall be provided by a licensed physical education teacher, regular classroom teacher, or other staff licensed by the Mississippi Department of Education.
- b. Physical education instruction in grades 9-12 shall be provided by a licensed physical education teacher.
- c. School districts are encouraged to develop ongoing relationships with Institutions of Higher Learning to allow students receiving degrees from an approved teacher preparation program an opportunity to assist with instruction in physical education programs.

10. Student Assessment

Staff shall use the suggested assessment as provided in the Mississippi Physical Education and Comprehensive Health Education Frameworks and in the Health in Action web-based resource.

11. Waivers/Exemptions

- b. In grades K-12 there shall be no exemptions from physical education except for a medical exemption provided by a physician. The following guidelines must be followed:
 - i. A physician must complete a Medical Release Form provided by the school.

- a) the school must keep the completed form on file.
- b. In grades 7-12 extracurricular activities sanctioned by the MHSAA and JROTC can be substituted for physical education if:
 - i. attendance is kept; and
 - ii. instruction is based on at least one competency from the Mississippi Physical Education Framework; and
 - iii. Staff licensed by Mississippi Department of Education supervises practices and games.
- c. In grades 9-12 successful completion of the first two JROTC courses can substitute for the required ½ Carnegie unit in health education if:
 - i. instruction includes all of the health components included in the JROTC I and JROTC II curriculums; and,
 - ii. the JROTC teachers are licensed by the Mississippi Department of Education with the 499 endorsement code.

Source: *Miss. Code Ann. § 37-1-3 and §37-13-34 (Revised 09/2022)*

Rule 38.13 Restraint and Seclusion

1. Introduction

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

Research indicates that the most effective response to school violence is to establish a school culture that emphasizes prevention, early identification, teaching, reinforcement of appropriate behavior and continuous data-based problem solving. One primary method is to structure the environment using a non-aversive effective behavioral system, such as Positive Behavior Interventions and Supports (PBIS). Effective positive behavioral systems are comprehensive, in that they are comprised of a framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavioral outcomes for all students. The PBIS prevention-oriented framework or approach applies to all students, all staff, and all settings. When integrated with effective academic instruction, such systems can help provide the supports children need to become actively engaged in their own learning and academic success. Schools successfully implementing comprehensive behavioral systems create school-wide environments that reinforce appropriate behaviors while reducing instances of dangerous behaviors that may lead to the need to use restraint or seclusion. In schools implementing comprehensive behavioral systems, trained school staff use preventive assessments to identify where, under what conditions, with whom,

and why specific inappropriate behavior may occur, as well as implement de-escalation techniques to defuse potentially violent dangerous behavior. Preventive assessments should include (1) a review of existing records; (2) interviews with parents, family members, and students; and (3) examination of previous and existing behavioral intervention plans. Using these data from such assessments helps schools identify the conditions when inappropriate behavior is likely to occur and the factors that lead to the occurrence of these behaviors; and develop and implement preventive behavioral interventions that teach appropriate behavior and modify the environmental factors that escalate the inappropriate behavior. The use of comprehensive behavioral systems significantly decreases the likelihood that restraint or seclusion would be used, supports the attainment of more appropriate behavior, and, when implemented as described, can help to improve academic achievement and behavior. In order to reduce the use of aversive techniques in response to student behavior, restraint and seclusion, school wide behavior systems should include a comprehensive behavior management system that includes: (a) socially valued and measurable outcomes, (b) empirically validated and practical practices (c) systems that efficiently and effectively support the implementation of these practices, and (d) continuous collection and use of data for decision making.

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

2. Restraint and Seclusion Policy

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

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

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

3. Definitions

- a. Aversive behavioral interventions is defined as a physical or sensory intervention program intended to modify behavior that the implementer knows would cause physical trauma, emotional trauma, or both, to a student even when the substance or stimulus appears to be pleasant or neutral to others and may include hitting, pinching, slapping, water spray, noxious fumes, extreme physical exercise, loud auditory stimuli, withholding of meals, or denial of reasonable access to toileting facilities.

- b. Aversive procedure is defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to: infliction of bodily pain, (e.g., hitting, pinching, slapping), water spray, noxious fumes, extreme physical exercise, costumes, or signs.
- c. Aversive technique is defined as physical, emotional or mental distress as a method of redirecting or controlling behavior.
- d. Behavioral intervention is defined as the implementation of strategies to address behavior that is dangerous, inappropriate, detrimental, or otherwise impedes the learning of the students.
- e. Behavior Intervention Plan (BIP) is defined as a plan of action for managing a student’s behavior. The BIP includes a set of strategies and supports intended to increase the occurrence of behaviors that school personnel encourage and to decrease behaviors that school personnel want to lessen or eliminate. The BIP shall include:
 - i. Observable and measurable description of the problem behavior;
 - ii. Identified purpose of the problem behavior as a result of the FBA;
 - iii. General strategy or combination of strategies for changing the problem behavior;
 - iv. Written description of when, where, and how often the strategy will be implemented; and
 - v. Consistent system of monitoring and evaluating the effectiveness of the plan.
- f. Chemical restraint is defined as “the administration of medication for the purpose of restraint.” Chemical restraint does not apply to medication prescribed by and administered in accordance with the directions of a licensed physician. The use of chemical restraint is prohibited in Mississippi Public Schools.
- g. Dangerous behavior is defined as behavior that presents an imminent danger of physical harm to self or others but does not include inappropriate behaviors such as disrespect, noncompliance, insubordination, or out-of-seat behaviors.
- h. De-escalation techniques are defined as strategically employed verbal or non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.
- i. Emergency situation is defined as spontaneous unpredictable events posing an imminent threat of serious bodily injury.
- j. Functional Behavioral Assessment (FBA) is defined as a school-based, collaborative process that includes the parent and, as appropriate, the child, to determine why a child

engages in challenging behaviors and how the behavior relates to the child's environment.

- i. The term includes direct assessments, indirect assessments and data analysis designed to assist the team to identify and define the problem behavior in concrete terms.
- ii. Contextual factors (including affective and cognitive factors) are identified that contribute to the behavior, and a hypothesis is formulated regarding the general conditions under which a behavior usually occurs and the probable consequences that maintain the behavior.
- iii. Formal documentation of the assessment by appropriately qualified individuals become part of the child's educational record.
- iv. The FBA must include all of the following:
 - a. Clear description of the problematic behavior;
 - b. Identification of the antecedent events, times, and situations that predict when the problem behavior will and will not occur;
 - c. Identification of the consequences of the problem behavior;
 - d. Development of hypotheses and summary statements that describes the problem behavior and its functions; and
 - e. Collection of data from a variety of sources: interviews, direct observation data, etc.
- k. Imminent danger is defined as a danger which is impending, close at hand, threatening, or about to happen.
- l. Individualized Education Plan (IEP) is defined as a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§ 300.320-300.324.
- m. Mechanical restraint is defined as "any device that attaches to a student's body that restricts movement and cannot be removed by the student." Examples include: straps, tie downs, boards, and harnesses. Handcuffs are also considered mechanical restraints, but may only be used by certified school resource officers, as defined in Miss. Code Ann. §§ 37-7-321 and 37-7-323. The use of mechanical restraints is prohibited in Mississippi Public Schools, except as provided in §§ 37-7-321 and 37-7-323.

Devices not considered mechanical restraints include: adaptive equipment, protective devices, or assistive technology devices documented in a student's individualized education plan (IEP), Section 504 plan, behavior intervention plan, or otherwise prescribed for the student by a medical or related service provider, seatbelts, and other safety equipment when used to secure students during transportation.
- n. Physical escort is defined as the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out (with minimal resistance) and able to respond to such physical prompt, to move to a safe location.

- o. Physical prompt is defined as a teaching technique that involves physical contact with the student and that enable the student to learn or model the physical movement necessary for the development of the desired competency.
- p. Physical Restraint is defined as “the use of physical force, without the use of any device or material that restricts the free movement of all or a portion of a student’s body.” Physical restraint does not include briefly holding a student’s hand or arm to calm them or escort them to another area. A physical restraint shall be removed as soon as the student is no longer a danger to himself/herself or others. The term physical restraint does not include:
 - i. Physical restraint that restricts the flow of air to the student’s lungs.
 - ii. Prone restraint in which a student is placed face down on the floor or other surface, and physical pressure is applied to the student’s body to keep the student in the prone position.
- q. Positive Behavior Interventions and Supports (PBIS) is defined as a proactive approach to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional and academic success. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all youth by making targeted misbehavior less effective, efficient, and relevant, and desired behavior more functional.
- r. Positive Behavior Support Plan is defined as the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.
- s. Seclusion is defined as “the confinement of a student in an enclosure from which the student’s egress is restricted.” Seclusion does not include in-school suspension, detention, or alternative school.
- t. Section 504 Plan is defined as an individualized plan of accommodations and modifications to provide a free appropriate public education to a student who has a disability that substantially limits a major life activity. A 504 plan spells out the modifications and accommodations that will be needed for a student to have the opportunity to perform at the same level as their peers.
- u. Written report is defined as a printed paper filings and electronic filings that can be printed.

4. General Procedures

Restraint

- a. Physical restraint is considered to be an emergency response after all other verbal and non-verbal de-escalation measures have failed in effectiveness based on the following criteria:
 - i. The student or other person is engaged in actions that would constitute a danger to themselves or others;
 - ii. The student or other person is engaged in actions that would constitute potential or actual destruction of property;
 - iii. To remove a non-compliant student or person from the scene of an incident;
 - iv. The restraint should be removed as soon as the student is no longer a danger to themselves or others.

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

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

Absent an imminent danger to health or safety, physical restraint shall only be practiced by staff trained in the physical restraint approach adopted by the local school district. The Mississippi Department of Education does not endorse a particular training

program. The local school district shall select programs which are approved by the MDE and those that are founded on evidence-based techniques which focus on:

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

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

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

Behavioral Interventions

- a. Behavioral intervention must be consistent with the child's right to be treated as an individual. Schools shall implement an evidence-based system of positive behavioral intervention strategies and support. Elements of the system of support shall include universal screening to identify potential students, teaching school-wide expected behaviors and social skills, and a system to monitor the effectiveness of the interventions and supports.
- b. Behavioral strategies, in conjunction with the school-wide system of positive behavioral interventions shall be used to help identify the causes of dangerous behavior and reduce the need for restraint or seclusion. Information about a student through interviews, observation, and records help identify the causes of the dangerous behavior and shall guide the development of a behavioral plan for the student. A complete plan shall include:
 - i. Addressing the characteristics of the setting and the event;
 - ii. If possible, removing the antecedents that triggered the event;
 - iii. Adding antecedents that promote appropriate behavior;
 - iv. Teaching appropriate behaviors to replace the dangerous behaviors.

Seclusion

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

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

- b. The room or space used for seclusion shall not contain any objects or fixtures with which a student could reasonably be harmed. Additionally, the room shall provide adequate lighting and ventilation.
- c. School personnel may use seclusion to address a student's behavior:
 - i. If the student's behavior constitutes an emergency and seclusion is necessary to protect a student or other person from imminent, serious physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate;
 - ii. After less restrictive or alternative approaches have failed or have been determined to be inappropriate.
- d. Each time a student is placed in restraint or seclusion, the incident shall be documented in the student's educational record or cumulative folder. The documentation shall be available to the parent or guardian, and the parent or guardian shall be notified verbally or in writing on the day of the restraint or seclusion or no later than 48 hours following the incident. In the event a parent cannot be reached by telephone, a letter shall be sent informing the parent of the incident and the person who can be contacted at the school to address any questions the parent may have. This documentation shall be provided using an incident report that is completed for each student in each instance in which the student is restrained or placed in seclusion. This report shall include the following:
 - i. Date of incident and date submitted in MSIS;
 - ii. Student's name, age and grade level;
 - iii. Ethnicity, sex, and non-disabled/disabled status;
 - iv. Location of restraint;
 - v. Precipitating behavior/antecedent;
 - vi. De-escalation efforts tried;
 - vii. Type of restraint used;
 - viii. The student's behavior and physical status during the restraint/seclusion;
 - ix. Total time spent in restraint or seclusion. The student shall not be kept in seclusion for more than 20 minutes. If additional time is needed, school personnel shall reassess the student and document why the extra time is needed, or after this time, if the physical behavior is still manifested, the student shall be assessed for transport to a medical facility for evaluation by a physician and the parent notified;
 - x. Injuries to student or staff;
 - xi. Staff participating in the restraint/seclusion;
 - xii. Staff signatures, including the principal/administrator;
 - xiii. Name of school employee who the parent can contact; and
 - xiv. Date and time parent was contacted.

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

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

5. Administrative Procedures

- a. Local school districts that utilize physical restraint and seclusion for all students shall develop written policies and procedures that govern the use of restraint and/or seclusion and shall periodically review and update them as appropriate. The written policies and procedures shall be designed to ensure the safety of all students, school personnel, and visitors and include the following provisions:
 - i. Staff and faculty training on the use of physical restraint;
 - ii. Parental notification when physical restraint is used to restrain their student not to exceed one school day from the use of the restraint;
 - iii. Documentation of the use of physical restraint or seclusion by staff or faculty participating in or supervising the restraint or seclusion event;
 - iv. Procedures for the periodic review of the use of restraint and seclusion policies;
 - v. Procedures by which a parent may submit a complaint regarding the physical restraint or seclusion of their child;
 - vi. Procedures for reporting the use of restraint or seclusion to the local board of education and to the Mississippi Department of Education.
- b. The policies and procedures shall be reviewed with all staff on an annual basis.
- c. Teachers and other district personnel shall be trained on how to collect and analyze student data to determine the effectiveness of these procedures in increasing appropriate behavior.
- d. All parents shall receive, at least annually, written information about the policies and procedures for restraint and seclusion issued by the local school district or school. The written policies are to be included in each local education agencies code of conduct, student handbook, or other appropriate school publication.
- e. A review of the use of a restraint and seclusion process shall be conducted by the school to determine if a revision of behavioral strategies are in place to address dangerous behavior or if positive behavioral strategies were not in place at the time of the restraint or seclusion.
- f. School districts shall not only establish and disseminate policies and procedures on the use of seclusion and restraint, but also shall periodically review and update them as

appropriate. The school district or school shall maintain records of its review of seclusion and restraint data and any resulting decisions or actions regarding the use of seclusion and restraint.

- g. In any situation in which a student is a danger to themselves or others, and it becomes necessary to contact law enforcement or emergency medical personnel, nothing in this policy guidance shall be construed to interfere with the duties of law enforcement or emergency medical personnel.
- h. The school district shall report the restraint and/or seclusion incident to the local school district and the Mississippi Department of Education annually.

6. Parental Notification

- a. All parents shall receive, at least annually, written information about the policies for restraint and seclusion issued by the local school district or school.
- b. All parents shall be notified when physical restraint is used to restrain their student before the close of school on the day the restraint was used or within 48 hours following the incident.

Source: Miss. Code Ann. § 37-1-3, 37-7-321, 37-7-323, 37-9-69, 37-11-57 (Revised 09/2022)