

Chapter 38: Healthy and Safe Schools

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

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

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

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

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)*

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.cn.mde.k12.ms.us/resources/pnp/CNPoliciesAndProceduresManual.pdf>

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

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.cn.mde.k12.ms.us/Regs&Policies/vending/vendingregsнк.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.

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

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
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.
- a. HEALTH SERVICES
 - i. Provide health assessments
 - a) Obtain a health history
 - b) Screen and evaluate vision, hearing, scoliosis, dental and others as directed
 - c) Observe students as required for development and health patterns/concerns.
 - d) 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
- b. 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 health 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
 - ii. Serve as a resource person in health education
 - a) Participate in health curriculum planning and evaluation.
 - b) Promote drop-out prevention programs
- c. 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
- d. PHYSICAL EDUCATION
- i. Promote healthy physical education, sports policies and practices
 - ii. Serve as a health resource to the physical education staff
- e. NUTRITION SERVICES
- i. Support healthy food service programs.
 - ii. Serve as a health resource to school food service staff
- f. COUNSELING, PSYCHOLOGICAL & SOCIAL SERVICES
- i. Provide crisis intervention for emotional/physical disturbances.

- ii. Counsel students as needed
- g. **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
- h. **FAMILY/COMMUNITY INVOLVEMENT**
 - i. Work with agencies and civic clubs in providing assistance to indigent children
 - ii. Make home visits as necessary
- i. **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.)
- j. **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 (Adopted 9/2007)*

Rule 38.10 Recommended Non-Binding Mississippi School Nurse Salary Schedule. Pursuant to House Bill 1132 as passed in the 2007 Legislative Session, 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

		2007-2008		
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Yrs. Exp.	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.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/2007)*

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 must follow all current and future requirements and recommendations of the USDA National School Lunch Program Meal Patterns and Nutrient Standards.
 - c. The 2005 Dietary Guidelines for Americans, USDA's My Pyramid (www.mypyramid.gov) and the USDA Healthier U.S. School Challenge provides nutritional guidance for school meals.
 - d. Schools must 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 fruits and five different vegetables weekly. Schools should try to serve dark green leafy vegetables or broccoli and/or 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)

MINIMUM NUTRIENT AND CALORIE LEVELS FOR SCHOOL LUNCHES SCHOOL WEEK AVERAGES				
NUTRIENTS AND ENERGY ALLOWANCES	MINIMUM REQUIREMENTS (LEVELS ARE MATCHED TO GRADES OF SCHOOLS)			
	Grades K-3	Grades 4-12	Grades K-6	Grades 7-12
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.
- 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.
- 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, 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
 - 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.
 - 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 options:
 - 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.
 - 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:
 - ii. Define your business.

- iii. Define your customers.
 - iv. Evaluate your plan and budget.
 - v. 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. 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. Schools will promote healthful eating and healthy lifestyles to students, parents, teachers, administrators and the community at school events.
 - p. 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 restricts eligibility to Public Schools.
 - ii. State funding is limited to \$200,000 per year.
 - iii. 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.
 - iv. 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.
 - v. Funding of the financial incentives, established by House Bill 1078, 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.
 - vi. 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.
 - vii. 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

- viii. 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.

4. 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 10/2010)*

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 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 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 34.5 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 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 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 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 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 (Revised 10/2010)*

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.

However, at times, some students exhibit behaviors which place themselves and others in imminent danger. Schools must implement proactive strategies and interventions to reduce the likelihood of these situations, and they must have clearly identified responses to address such situations when they occur. Additionally, schools should 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 policies and procedures that define appropriate means of restraint and seclusion to provide for a safe and orderly education. These policies and procedures should apply to all students in the local school district and must 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 is 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. Under no circumstances shall restraint or seclusion 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 nor negate the obligation of the district to provide a safe work environment.

3. Definitions

- a. 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 calm.

- b. Physical escort is the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out and able to respond to such physical prompt, to move to a safe location.
- c. 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 be used by certified school resource officers, as defined in Miss. Code Ann. §§ 37-7-321 and 37-7-323. Except for certified school resource officers, the use of mechanical restraints is prohibited in Mississippi Public Schools.
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.
- d. 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.
- e. Seclusion is defined as “the confinement of a student in an enclosure from which the student’s egress is restricted.” Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques is physically present in the same unlocked room as the student, in-school suspension, detention, or alternative school.
- f. Individualized Education Plan (IEP) means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with State Board Policy 7219 §§ 300.320-300.324.
- g. 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.
- h. Behavior Intervention Plan (BIP) is 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.

4. General Procedures

- a. Physical restraint is considered to be an emergency response after all other 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 should be used:
- i. Restraint should be conducted by staff who are trained in the restraint procedures adopted by the school district;
 - ii. Staff should 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 should be removed as soon as the student is no longer a danger to himself/herself or others;
 - v. As soon as possible after the restraint is removed, the staff should discuss the incident leading up to the restraint and discuss alternative behaviors that could have been utilized;
 - vi. When the student is able, he/she should be returned to the instructional activity, or to a less restrictive environment;
 - vii. Parents must be notified within one school day of the incident.
- c. School districts that permit restraint and seclusion must ensure that staff members are trained in the use of restraint. This training should be provided as a part of a program which addresses a full continuum of positive behavioral intervention strategies, crisis intervention, and de-escalation techniques.

Absent a clear and present danger to health or safety, physical restraint may 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 that are founded on evidence based techniques that 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 should monitor the use of physical restraint to ensure fidelity of implementation. Additional and follow-up training should be provided on an ongoing basis and any situations in which procedures are not followed should be immediately addressed.

- d. Behavioral intervention must be consistent with the child's right to be treated as an individual. Schools should implement an evidence-based system of positive behavioral intervention and support. Elements of the system of support should 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.
- e. Behavioral strategies, in conjunction with the school-wide system of behavioral interventions should be used to help identify the causes of dangerous behavior and could reduce the need for restraint or seclusion. Information on a student through interviews, observation, and records help identify the causes of the dangerous behavior and should guide the development of a behavioral plan for the student. A complete plan should 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.
- f. 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. Seclusion shall cease once the student regains control of his or her behavior.

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

- g. The room used for seclusion must not contain any objects or fixtures with which a student could be harmed. Additionally, the room must provide adequate lighting and ventilation.
- h. The room used for seclusion may not be locked and staff must be present to monitor the student's safety and to know when the student has regained control of their behavior.
- i. School personnel may use seclusion to address a student's behavior:
 - i. If the student's behavior unreasonably interferes with the student's learning or the learning of others;
 - ii. 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;
 - iii. After less restrictive or alternative approaches have failed or have been determined to be inappropriate.
- j. Each time a student is placed in restraint or seclusion, the incident must be documented in the student's educational record. The documentation must be available to the parent or guardian, and the parent or guardian must be notified verbally or in writing by the next school day, unless the student's behavior plan, IEP, or Section 504 Plan requires some other arrangement. This documentation should 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 must include the following:
 - i. Date;
 - 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 must reassess the student and document why the extra time is needed, or after this time, if the physical behavior is still manifested, the student should 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;
- xiii. Name of school employee that the parent can contact; and
- xiv. Date and time parent was contacted.

After an incident of restraint 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 five school days following the imposition of physical restraint or seclusion.

- k. If restraint or seclusion is used for a student who is not identified as a student with a disability, the student shall immediately be referred to the school's intervention team. The team shall determine if the student shows a pattern of behavior that would indicate the need for an intervention plan.
- l. If restraint or seclusion is used for a student with a disability, and the student's IEP, Section 504 Plan, or behavior intervention plan does not include the use of restraint or seclusion, the IEP or 504 team shall meet, within 10 school days of the incident to consider:
 - i. The need for a functional behavioral assessment;
 - ii. Developing appropriate behavioral interventions;
 - iii. Implementing a behavioral intervention plan.

5. Administrative Procedures

- a. Local school districts that utilize physical restraint and seclusion for all students must develop written policies and procedures that govern its use. The written policies and procedures must 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.
- b. The policies and procedures should be reviewed with all staff on an annual basis.
 - c. Teachers and other district personnel should be trained on how to collect and analyze student data to determine the effectiveness of these procedures in increasing appropriate behavior.
 - d. All parents should 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 must be conducted to determine if a revision of behavioral strategies in place to address dangerous behavior or if positive behavioral strategies are not in place when:
 - i. There is repeated use for an individual student;
 - ii. Multiple uses within the same classroom;
 - iii. Used multiple times by the same individual
 - f. School districts should not only establish and disseminate policies and procedures on the use of seclusion and restraint, but also should periodically review and update them as appropriate. The school district or school should 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 should be construed to interfere with the duties of law enforcement or emergency medical personnel.

Source: Miss. Code Ann. §§ 37-9-69; 37-11-57; 37-7-321; 37-7-323 (Adopt 6/2015)