

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JAA - Equal Educational Opportunities

### **EQUAL EDUCATIONAL OPPORTUNITIES**

Every pupil of the district will have equal educational opportunities regardless of race, color, creed, sex, handicap, religion or marital status. No student shall be excluded on such basis from participating in or having access to any course offerings, athletics, counseling, employment assistance, and extra-curricular activities.

As provided under Title IX of the Education Amendments of 1972, no person in the U.S. shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance.

The Mississippi Public School Accountability Standard for this policy is standard 1.

### **HARASSMENT PROHIBITED**

This school district affirms employee protection provided under Title VII, and therefore "shall not tolerate verbal or physical conduct by any employee, male or female, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment."

Further, this school district prohibits sexual harassment of or by any student. This policy applies to conduct during and relating to school and school-sponsored activities. Sexual harassment is inappropriate behavior and offensive. Any student who engages in the sexual harassment of anyone in the school setting may be subject to disciplinary action up to and including expulsion.

### **LEGAL REF.: MS CODE 37-15-35**

*Mississippi Public School Accountability Standards*  
1972 Education Amendments, Title IX; 45 CFR Part 86;  
1964 Civil Rights Act, Title VI; 45 CFR Part 84;  
1973 Rehabilitation Act, Section 503;  
1973 Rehabilitation Act, Section 504;  
Brown v. Board of Education, 347 U.S. 483 (1954)

**CROSS REF.:** Policies BA - Board Operations Goals and Objectives Mission Statement  
CA - General School Administration Goals and Objectives  
IB - Instructional Goals

Last Review Date: May 17, 2021

**Adopted Date:** 12/11/2017  
**Approved/Revised Date:**

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JAB - Equal Access Student Organizations

**EQUAL ACCESS (STUDENT ORGANIZATIONS)**

The Newton Municipal School District Board of Education is aware that the Equal Access Act (Title VIII of Public Law 98-377) requires that school districts grant equal access to student groups who wish to meet for religious, political, or philosophical purposes, if the school allows other types of non-curriculum-related student groups to meet. The superintendent will establish whatever procedures are necessary to ensure equal access to student groups in this district and will approve student groups use of facilities to conduct meetings provided that:

1. The meeting will take place during open forum. Open forum is defined as non-instructional time during lunch hour, after school or as determined by the building principal.
2. The meeting is voluntary and student initiated. The superintendent and appropriate principal will be assured that only students are promoting such activities and that the students are participating of their own volition. Only students enrolled in the particular school may request meetings at the school.
3. School authorities or district employees do not promote, lead or participate in such meetings. The superintendent or appropriate principal may assign personnel to supervise the meetings. Such supervision will not constitute sponsorship by the district of such meetings.
4. The presence of school authorities or district employees or district personnel at student religious meeting is non participatory in nature. Any presence of school authorities will be for the purpose of observation only.
5. The meeting will not in any way interfere with the conduct of regular instructional activities of the schools. The school may deny facilities to students if such activities or meetings interfere, or are likely to interfere, with the instructional program.

LEGAL REF.: Equal Access Act (Title VIII of Public Law 98-377)

CROSS REF.: Policy EBG School Facility Rental

Last Review Date: May 17, 2021

**Adopted Date:** 11/29/2016

**Approved/Revised Date:** 11/29/2016

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JB - Students Complaints of Sexual Discrimination / Harassment -- Title IX

## STUDENTS COMPLAINTS OF SEXUAL DISCRIMINATION/HARASSMENT -- TITLE IX

As provided under Title IX of the Education Amendments of 1972, no person in the U.S. shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Students in the Newton Municipal School District are protected from sexual discrimination, including sexual harassment, by Title IX of the Education Amendment of 1972 to the Civil Rights Act. It is the intent of the Board to maintain an environment free from sexual harassment of any kind. Therefore, unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature amounting to or constituting harassment are prohibited. Complaints of sexual discrimination/harassment shall be handled in accordance with Policy JB-P C Students Complaints of Sexual Discrimination/Harassment -- Title IX Procedures.

The District has a Title IX Compliance Officer designated to handle any complaints regarding Title IX issues. Since this policy, Policy JB, is not amended each time the administrator serving as the Title IX Compliance Officer changes, please contact the superintendent, the federal programs director, or any principal to request the name of the current Title IX Compliance Officer. Also, the Title IX Compliance Officer is identified with specificity in the District Student Handbook and on the District website. Contact the Title IX Compliance Officer immediately to make a complaint regarding discrimination based on sex with respect to any District educational program or District activity receiving federal financial assistance or with respect to complaints of sex discrimination and /or sexual harassment.

### HARASSMENT PROHIBITED

This school district affirms employee protection provided under Title VII, and therefore "shall not tolerate verbal or physical conduct by any employee, male or female, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment."

Further, this school district prohibits sexual harassment of or by any student. This policy applies to conduct during and relating to school and school-sponsored activities. Sexual harassment is inappropriate behavior and offensive. Any student who engages in the sexual harassment of anyone in the school setting may be subject to disciplinary action up to and including expulsion.

### SEXUAL MISCONDUCT PROHIBITED

If any person eighteen (18) years or older who is employed by any public school district or private school in this state is accused of fondling or having any type of sexual involvement with any child under the age of eighteen (18) years who is enrolled in such school, the principal of such school and the superintendent of such school district shall timely notify the district attorney with jurisdiction where the school is located of such accusation, the Mississippi Department of Education and the Department of Human Services, provided that such accusation is reported to the principal and to the school superintendent and that there is a reasonable basis to believe that such accusation is true.

Any superintendent, or his designee, who fails to make a report required by this section shall be subject to the penalties provided in Section 37-11-35. Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed. ' 97-5-24

If any teacher and any pupil under eighteen (18) years of age of such teacher, not being married to each other, shall have sexual intercourse, each with the other, they shall, for every such offense, be fined in any sum, not more than five hundred dollars (\$500.00) each, and the teacher may be imprisoned not less than three (3) months nor more than six (6) months. ' 97-29-3 (1980)

### INDIVIDUALS AND CONDUCT COVERED

These policies apply to all students and employees of the Newton Municipal School District and third parties such as persons hired to provide contracted services and persons volunteering at school activities. Conduct prohibited by these policies is unacceptable in all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs occur on campus, on a bus, or at another location away from campus. Individuals who violate these policies will be subject to disciplinary action, up to and including suspension or expulsion (if a student) or suspension or termination of employment (if an employee), and in egregious situations, law enforcement officials will be notified. Further, the Mississippi Department of Education will be notified as required with regard to any violations of Standard 4 of the Mississippi Educator Code of Ethics and Standards of Conduct. It is also prohibited to knowingly make a false discrimination, harassment, or retaliation report or provide false information in an investigation. Individuals who knowingly file a false or misleading complaint alleging harassment, discrimination or retaliation or provide false information in an investigation are subject to appropriate disciplinary actions.

### INVESTIGATION OF HARASSMENT

In accordance with its obligations under federal law, the Newton Municipal School District reserves the right to investigate reports of harassment occurring between students and other members of the school community, regardless of whether the alleged harassment occurred on or off school grounds; during or outside school hours; or using school-owned or personally-owned electronic devices (e.g., postings to digital media and electronic forums such as Twitter and Facebook or text messages).

Courts have struggled to strike a balance between safeguarding students' First Amendment rights and protecting the authority of school administrators to maintain an appropriate learning environment. However, in keeping with the Newton Municipal School District's mission to educate ALL students, and in accordance with provisions in the school's Acceptable Use Policy, students are prohibited from using school computers or the school network to harass others, whether the harassment occurs on or off campus. The full range of disciplinary actions outlined in the Student Handbook may be applied, including demerits, restrictions on computer use, suspension and expulsion.

### RETALIATION IS PROHIBITED

The Newton Municipal School District encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Newton Municipal School District to investigate such reports. The Newton Municipal School District prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Retaliation against an individual for reporting harassment or discrimination or for participation in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will subject an individual to disciplinary action. Acts of retaliation should be reported immediately and will be investigated and corrective action taken promptly. Corrective action may include suspension, expulsion and in egregious situations, the involvement of law enforcement officials.

#### OTHER REPORTING

Nothing in this policy or any policy impedes or precludes a student, the student's parents, an employee, or school officials from directly reporting to law enforcement officials any behavior that constitutes a violation of criminal law or any applicable laws.

LEGAL REF.: 1972 Education Amendments, Title VII & Title IX

CROSS REF.: Policies JAA Equal Educational Opportunities

JB- P Students Complaints of Sexual Discrimination/Harassment --Title IX Procedures

JCA Student Conduct

Last Review Date: May 17, 2021

Review History:[1/1/1900][1/1/1901]

[JB-P Students Complaints of Sexual Discrimination Harassment.pdf](#)

**Adopted Date:** 6/1/2011

**Approved/Revised Date:** 9/16/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JB-P - Students Complaints of Sexual Discrimination / Harassment -- Title IX Procedures

Employees and students in the Newton Municipal School District are protected from sexual discrimination, including sexual harassment, by Title IX of the Education Amendment of 1972 to the Civil Rights Act. It is the intent of the Board to maintain an environment free from sexual harassment of any kind. Therefore, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature amounting to or constituting harassment are prohibited.

Each employee in the district is a mandatory reporter of child abuse. The district will respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment.

The district will ensure reasonable prompt timeframes are met for the completion of the grievance process, this includes filing and resolving appeals while accounting for delays such as law enforcement involvement, absence of a witness, party, etc. with written notice to both parties explaining the reasons for delay.

Parents/guardians of students have the right to act on behalf of the complainant, the respondent, or other individuals at any time.

#### GENERAL RESPONSE

The district will respond promptly to actual knowledge of sexual harassment in an educational program or activity in a manner that is not deliberately indifferent. The records should reflect that the district's response was not deliberately indifferent and that measures were taken to restore or preserve equal access to the educational program or activity. The district will treat complainants and respondents equitably by:

1. Offering supportive measures to a complainant, and
2. Following a grievance process before imposing any disciplinary sanctions on a respondent.

The Title IX Coordinator is required to contact the complainant promptly, even if a formal complaint has not been filed, to:

1. Discuss the availability of supportive measures,
2. Consider the complainant's wishes regarding supportive measures,
3. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and
4. Explain the process for filing a formal complaint.

The district will provide the equitable treatment of the parties which includes:

1. Providing remedies to a complainant after a determination of responsibility against a respondent, and
2. Following a grievance process before imposing any disciplinary sanctions or other actions that are not supportive measures.
3. Remedies may include supportive measures but may also include punishing the respondent.

#### INFORMAL RESOLUTION

At any point during the formal complaint process, the district may offer to facilitate an informal process that does not require a full investigation as long as both parties receive written notice of their rights and the parties provide written, voluntary consent.

The district will obtain consent from the parents/guardians of a student in order to initiate an investigation where the complainant or alleged victim is under the age of eighteen (18), and will inform parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure. If the complainant, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the parents/guardians could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's parents/guardians.

The district will ensure that no conflict of interest exists against a complainant or respondent by the Title IX Coordinator, investigator, decision-maker or any person designated to facilitate an informal process.

1. These individuals will be trained on the definition of sexual harassment, the scope of the district's program or activity, how to conduct an investigation and grievance process, hearings, appeals, and informal processes.
2. Investigators will be trained on how to prepare an investigation report.
3. Decision-makers will be trained on issues of evidence and questioning.

No offer can be made to facilitate an informal resolution process unless a formal complaint has been filed.

No offer can be made for an informal resolution in the context of a complaint alleging that an employee harassed a student.

#### FORMAL COMPLAINT PROCESS

- For all formal complaints, clear and convincing standards will be used.
- The Title IX Coordinator shall contact the parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.
- The complainant may file a formal complaint with the Title IX Coordinator by any method made available by the district. At the time of filing, the complainant must be participating in or attempting to participate in the educational program or activity of the educational institution. The Title IX Coordinator may sign a complaint which would trigger an investigation, however, this does not make the Title IX Coordinator a part of the grievance process. A formal grievance procedure in some cases may need to be implemented over the complainant's objection. Even if the complainant is not a willing participant in the investigation, the complainant will be informed of supportive measures and will be provided written notice of the steps in the grievance procedure
- No hearing is required. School officials may determine that hearings will be held in certain circumstances. With or without a hearing, the district will provide each party the opportunity to submit, after completion of the investigative report, written, relevant questions that the party wants asked of another party or witness, provide each party with the answers, and provide for limited follow-up questions. No evidence or questions will be allowed that constitute or seek legally privileged information, unless that privilege is waived.
- The district will:
  1. Ensure that the burden of proof and gathering evidence rests on the district rather than the parties
  2. Provide an equal opportunity for the parties to present witnesses and evidence.
  3. Not restrict either party's ability to discuss the allegations or gather and present evidence.
  4. Provide the same opportunity to have others present during interviews or other proceedings, including an advisor.
  5. Provide written notice to a party who is invited or expected to attend, the date, time, participants, purpose, and location of any investigative interview or other meeting with enough time to allow the party to prepare or participate.
  6. Provide both parties and their advisors, if any, an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint, including evidence on which the educational institution does not intend to rely and any exculpatory or inculpatory evidence from any source; must be provided prior to the completion of the final investigative report and in time to give the parties at least ten (10) days to prepare a written response, which investigator must consider before completing the investigation report
  7. Prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to the parties and their advisors at least ten (10) days before a determination of responsibility.
- The district will also provide written notice to all known parties, and the parents/guardians of known parties, where applicable, upon receipt of a formal complaint in sufficient time to give the respondent time to prepare a response before an initial interview. Notice will include the following:

1. Notice of the grievance process, including any informal resolution process.
2. Notice of the allegations with sufficient detail to allow the respondent to prepare a response (names, dates, conduct, location, etc.)

3. A statement that the respondent is presumed not responsible for the conduct and responsibility will be determined at the conclusion of the grievance process.
4. Notice of the parties' right to have an advisor (may be an attorney) and to inspect and review evidence.
5. Notice of any provision in the code of conduct that prohibits knowingly making false statements or providing false information.

## Appeal

- The district will offer both parties the right to appeal a determination of responsibility and the district's dismissal of a complaint or any allegations for the following:
  1. A procedural irregularity that affected the outcome
  2. New evidence that was not reasonably available at the time of the determination and could affect the outcome, or
  3. Conflict of interest on the part of the Title IX Coordinator, investigator, or decision-maker that affected the outcome.
- The district will ensure that any appeal process is conducted in a timely manner and that the appeal decision-maker is free from any bias or conflicts of interest.
- The decision-maker cannot be the investigator or the Title IX Coordinator. The decision-maker must issue a written determination of responsibility that:
  1. Identifies the allegations that potentially constitute sexual harassment
  2. Describes the district's procedural steps taken from the receipt of the complaint to the determination
  3. Includes findings of fact supporting the determination
  4. Includes conclusions regarding application of the code of conduct to the facts
  5. Includes a statement of, and a rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the district's program or activity will be provided to the complainant, and
  6. Includes procedures for appeals.
- The district will issue a written decision describing the result of the appeal and the rationale for the result. The district will also ensure that written notice is provided to both parties of the appeal and provide both parties an equal opportunity to submit a written statement in support of, or challenging, the determination. A written statement will be provided to both parties simultaneously.

## RESPONDENT

A presumption will be given to the respondent that he/she is not responsible for the alleged conduct until a determination has been made at the conclusion of the grievance process. The district will objectively evaluate all available evidence without making credibility determinations based on a party's status as a complainant, respondent, or witness.

Title IX regulations allow the district to immediately remove a respondent from the education program or activity on an emergency basis if:

1. The district conducts an individualized safety and risk analysis, and
2. Determines that an emergency removal is necessary to protect a student or other individual from an immediate threat to physical health or safety
3. The district must provide the respondent with notice and an opportunity to challenge the decision immediately after removal.

## CONSOLIDATION

Where allegations arise out of the same facts or circumstances, formal complaints can be consolidated against more than one respondent, by more than one complainant against one or more respondents, or by one party against another party.

## DISMISSAL



The formal complaint must be dismissed if the allegations do not constitute sexual harassment as defined, the action did not occur in the district's program or activity, or the action did not occur against a person in the United States.

The formal complaint may be dismissed if:

1. The complainant notifies the Title IX Coordinator at any time that he/she wishes to withdraw the complaint or allegation,
2. If the respondent's enrollment or employment ends, or
3. If specific circumstances prevent the district from gathering evidence.

Notice of dismissal must be provided to both parties, including the reasons for dismissal.

**Adopted Date:** 5/17/2021

**Approved/Revised Date:** 8/9/2021

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JBA - Compulsory School Attendance/School Age

### **COMPULSORY SCHOOL ATTENDANCE**

The term "minor" when used in any statute, shall include any person, male or female, under twenty-one years of age. MS Code ' 1-3-27

This school district shall comply with the requirements of the "Mississippi Compulsory School Attendance Law" (' 37-13-91). Appropriate reports as required by law shall be provided to the Mississippi Department of Education's Office of Compulsory School Attendance Enforcement.

#### **COMPULSORY- SCHOOL-AGE CHILD**

"Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. ' 37-13-91 (2) (f) (2013)

Compulsory-school-age children must be enrolled in school unless the child is:

1. Physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation;
2. Enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children; or
3. Being educated in a legitimate home instruction program. ' 37-13-91 (3)

#### **REPORTS**

If a compulsory-school-age child has not been enrolled in school within fifteen (15) calendar days after the first day of the school year or if a child has accumulated five (5) unlawful absences during the school year, the superintendent shall or his designee, within two (2) school days or within five (5) calendar days, whichever is less, report, on the form provided by the State Department of Education, the absences to the school attendance officer. The superintendent, or his designee, shall report any student suspensions or student expulsions to the school attendance officer when they occur. ' 37-13-91 (6)

School districts shall maintain accurate records documenting enrollment and attendance in a manner that allows the State Department of Education to make an assessment of changes in enrollment and attendance, including dropout rates.

The State Department of Education shall compile annually a statewide report on school district effectiveness in reducing absentee problems, dropout rates, and other attendance-related problems during the previous school year, incorporate the information into the annual Mississippi Report Card required by Section 37-3-53, Mississippi Code of 1972, on school district performance and offer technical assistance and coordination services to assist districts in improving performance.

#### **UNLAWFUL ABSENCES / VALID EXCUSES**

An "unlawful absence" is an absence during a school day by a compulsory-school-age child, which absence is not due to a valid excuse for temporary nonattendance. Days missed from school due to disciplinary suspension shall not be considered an "excused" absence under this section. Each of the following shall constitute a valid excuse for temporary nonattendance, provided satisfactory evidence of the excuse is provided to the superintendent or his designee:

1. Attendance at an authorized school activity with the prior approval of the superintendent of the school district or his designee.
2. Illness or injury which prevents the student from being physically able to attend school.
3. When isolation is ordered by the county health officer, by the State Board of Health or appropriate school official.
4. Death or serious illness of a member of the immediate family, which includes children, spouse, grandparents, parents, brothers, sisters, stepbrothers and stepsisters.
5. A medical or dental appointment with prior approval of the superintendent or his designee, except in the case of emergency.
6. Attendance at the proceedings of a court or an administrative tribunal if the student is a party to the action or under subpoena as a witness.
7. Observance of a religious event, with the prior approval of the superintendent or his designee. (Approval should not be withheld unless, in the professional judgment of the superintendent or his designee, the extent of the absence would adversely affect the student's education.)
8. Participation in a valid educational opportunity, such as travel including vacations or other family travel, with the prior approval of the superintendent or his designee. (Approval shall be based on the professional judgment of the superintendent or his designee but shall not be withheld unless the extent of the absence would adversely affect the student's education.)
9. Other conditions sufficient to warrant nonattendance, with prior approval of the superintendent or his designee. However, no absences shall be excused when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law. ' 37-13-91 (4)
10. An absence is excused when it results from the attendance of a compulsory-school-age child participating in official organized events sponsored by the 4-H or Future Farmers of America (FFA). The excuse for the 4-H or FFA event must be provided in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor.
11. An absence is excused when it results from the compulsory-school-age child officially being employed to serve as a page at the State Capitol for the Mississippi House of Representatives or Senate.

NOTE: According to a 1998 Attorney General Opinion, automatic fail provision of an absences policy may not apply against legal, excused absences. Such absences policies may not be applied against absences resulting from disciplinary suspensions if absences policies are applied to truant children who are otherwise passing, the district must afford the child procedural due process. (Attorney General Opinion, Carter, 1-9-98) (#183) (97-0817)

#### SCHOOL ATTENDANCE OFFICER

The superintendent and principals shall cooperate with the school attendance officer employed by the State Department of Education, pursuant to ' 37-13-85.

The Mississippi Public School Accountability Standards for this policy are standards 10 and 11.

LEGAL REF.: MS CODE as cited

*Mississippi Public School Accountability Standards*

CROSS REF.: Policies JBAC - Truancy

JBD - Attendance, Tardiness and Excuses

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JBAB - Home Schooling/Transfer Student Testing

#### HOME SCHOOLING / TRANSFER STUDENT TESTING

All students seeking to transfer from any school, public, private or homeschool within or outside of the boundaries of the State of Mississippi, to a public school within the state may be required to take a test to determine the grade and class to which the pupil shall be assigned at the time of pupil transfer.

The administrative head of each public school shall administer the test or tests to such pupil or pupils as shall apply for transfer to such public school. Such test or tests shall be administered within thirty days after the filing of each such application for transfer. Notice of the giving of such test shall be given the applicant not less than five days prior to the date of administration of such test. No transfer of a pupil shall be effected until the test has been given and the pupil is assigned according to the grade and class for which the test shows he is best suited.

No pupil shall be assigned to a grade and class more than three (3) grades above or below the grade or class that the pupil would have been assigned to had the pupil remained in the school from which the transfer is being made. Pending the administration of the test herein provided for and its grading and an assignment based thereon the superintendent of the school district or the attendance center principal to which the pupil seeks admission may assign the pupil temporarily to a grade and class comparable to that in which the pupil would have been had the pupil continued in the school from which the transfer was being made. ' 37-15-33

The Mississippi Public School Accountability Standard for this policy is standard 7.

LEGAL REF.: MS CODE as cited  
*Mississippi Public School Accountability Standards*  
CROSS REF.: Policies JBCCA Assignment of Pupils  
MB Relations With Nonpublic Schools

Last Review Date: May 17, 2021

**Adopted Date:** 8/1/2004  
**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JBAC - Truancy

### TRUANCY

"Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. ' 37-13-91 (2) (f)

A "truant" is a student who is absent without a valid excuse as identified in Policy JBA, Compulsory School Attendance.

"Truancy" also includes absence without permission from any class, study hall or school-related activity for which a student is scheduled during the school day.

Disciplinary action shall be taken against students who are truant. Continued truancy may lead to academic failure, placement in the alternative school program and/or suspension or expulsion from the regular and/or alternative school programs.

Reports of truancy shall be made in accordance with the Mississippi Compulsory School Attendance Law (MS CODE ' 37-13-91) and Policy JBA.

The Mississippi Public School Accountability Standards for this policy are standards 10.

LEGAL REF.: MS CODE as cited

*Mississippi Public School Accountability Standards*

CROSS REF.: Policies JBA Compulsory School Attendance

JCD Alternative School Program

Last review date: May 17, 2021

**Adopted Date:** 9/30/2014

**Approved/Revised Date:** 11/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JBB - Entrance Age

### ENTRANCE AGE

The term minor when used in any statute, shall include any person, male or female, under twenty-one years of age. MS Code ' 1-3-27

### COMPULSORY- SCHOOL-AGE CHILD

"Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. ' 37-13-91

### EVIDENCE OF AGE

It shall be the responsibility of the person in charge of each school to enforce the requirement for evidence of the age of each pupil before enrollment. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

- (a) A certified birth certificate;
- (b) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by a parent, grandparent or custodian;
- (c) An insurance policy on the child's life which has been in force for at least two (2) years;
- (d) A bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent, grandparent or custodian;
- (e) A passport or certificate of arrival in the United States showing the age of the child;
- (f) A transcript of record of age shown in the child's school record of at least four (4) years prior to application, stating date of birth; or
- (g) If none of these evidences can be produced, an affidavit of age sworn to by a parent, grandparent or custodian. Any child enrolling in Kindergarten or Grade 1 shall present the required evidence of age upon enrollment. Any child in Grades 2 through 12 not in compliance at the end of sixty (60) days from enrollment shall be suspended until incompliance. ' 37-15-1

The Mississippi Public School Accountability Process Standard for this policy is standard 6.

LEGAL REF.: MS CODE as cited

*Mississippi Public School Accountability Standards*

ROSS REF.: Policy JBC School Admission

Last Review Date: May 17, 2021

**Adopted Date:** 8/1/2003  
**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JBC - School Admission

## SCHOOL ADMISSION

The term "minor" when used in any statute, shall include any person, male or female, under twenty-one years of age. MS Code ' 1-3-27

### ENROLLMENT AGE

Except as provided in subsection (2) and subject to the provisions of subsection (3) of MS Code ' 37-15-9, no child shall be enrolled or admitted to any kindergarten which is a part of the free public school system during any school year unless such child will reach his fifth birthday on or before September 1 of said school year, and no child shall be enrolled or admitted to the first grade in any school which is a part of the free public school system during any school year unless such child will reach his sixth birthday on or before September 1 of said school year. No pupil shall be permanently enrolled in a school in the State of Mississippi who formerly was enrolled in another public or private school within the state until the cumulative record of the pupil shall have been received from the school from which he transferred. Should such record have become lost or destroyed, then it shall be the duty of the superintendent or principal of the school where the pupil last attended school to initiate a new record. ' 37-15-9 (1)

### EVIDENCE OF AGE

It shall be the responsibility of the person in charge of each school to enforce the requirement for evidence of the age of each pupil before enrollment. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

- a. A certified birth certificate;
- b. A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by a parent, grandparent or custodian;
- c. An insurance policy on the child's life which has been in force for at least two (2) years;
- d. A bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent, grandparent or custodian;
- e. A passport or certificate of arrival in the United States showing the age of the child;
- f. A transcript of record of age shown in the child's school record of at least four (4) years prior to application, stating date of birth; or
- g. If none of these evidences can be produced, an affidavit of age sworn to by a parent, grandparent or custodian. Any child enrolling in Kindergarten or Grade 1 shall present the required evidence of age upon enrollment. Any child in Grades 2 through 12 not in compliance at the end of sixty (60) days from enrollment shall be suspended until in compliance. ' 37-15-1 (2002)

### PARENT, LEGAL GUARDIAN OR LEGAL CUSTODIAN

Whenever any minor child seeks or applies to enroll or gain entrance to any public school in this state, and the child is not accompanied by an adult or is accompanied by an adult who is not the child's parent, guardian, if a legal guardian has been appointed for the child, or legal custodian, the school official or officials or teacher to whom the child applies or reports for enrollment or admission may delay consideration of the enrollment or enlistment of the minor child and require the child's parent, legal guardian or legal custodian to accompany the child and apply for enrollment and admission into the school for and on behalf of the minor child. ' 37-15-11 (2002)

### GENERAL ELIGIBILITY

1. This school district shall admit into its free public schools all minor-age children (MS Code ' 1-3-27) and all compulsory school age children as defined by in MS Code ' 37-13-91 (2) (f).
2. Each minor child shall attend school in the school district of his/her residence unless legally transferred to another school district by the school board pursuant to MS Code ' 37-15-29.
3. Except for those students who have been legally transferred, each minor child seeking to enroll in this school district shall be a school district resident. All students shall register at the school they are assigned to attend. ' 37-15-29; ' 37-15-13
4. Any new student enrolling in this school district or any continuing student whose residence has changed shall be accompanied to enrollment by a parent, guardian, adult custodian or adult agent of a social service agency of the district who shall register the minor child for admission, except students who have been legally transferred. The accompanying adult shall be required to verify his/her residence as herein provided as part of the registration process. ' 37-15-11
5. The person in charge of each school shall require any child enrolling in kindergarten or grade 1 to present a certified birth certificate and valid immunization certificate upon enrollment. No child will be allowed to enroll in or attend any school without a certified birth certificate or valid immunization certificate. ' 37-15-1
6. Subject to the provisions of MS Code 37-15-9, subsection (3), [see item 7 below] any child who transfers from an out-of-state public or private school in which that state's law provides for a first grade or kindergarten enrollment date subsequent to September 1, shall be allowed to enroll in this school district at the same grade level as their prior out-of-state enrollment, if:
  - a. The parent, legal guardian or custodian of such child was a legal resident of the state from which the child is transferring;
  - b. The out-of-state school from which the child is transferring is duly accredited by that state's appropriate accrediting authority;
  - c. Such child was legally enrolled in a public or private school for a minimum of four (4) weeks in the previous state; and
  - d. The superintendent of schools of this school district has determined that the child was making satisfactory educational progress in the previous state. ' 37-15-9
7. When any child applies for admission or enrollment in any public school in the state, the parent, guardian or child, in the absence of an accompanying parent or guardian, shall indicate on the school registration form if the enrolling child has been expelled from any public or private school or is currently a party to an expulsion proceeding. If it is determined from the child's cumulative record or application for admission or enrollment that the child has been expelled, the school district may deny the student admission and enrollment until the superintendent of the school or his designee has reviewed the child's cumulative record and determined that the child has participated in

successful rehabilitative efforts including, but not limited to, progress in an alternative school or similar program. If the child is a party to an expulsion proceeding, the child may be admitted to a public school pending final disposition of the expulsion proceeding. If the expulsion proceeding results in the expulsion of the child, the public school may revoke such admission to school. If the child was expelled or is a party to an expulsion proceeding for an act involving violence, weapons, alcohol, illegal drugs or other activity that may result in expulsion, the school district shall not be required to grant admission or enrollment to the child before one (1) calendar year after the date of the expulsion. ' 37-15-9 (3)

8. No child shall be allowed to enroll in or attend any school without a valid immunization certificate. ' 37-15-1 Valid certificates include:

- a. Form 121 -- Certificate of Compliance
- b. Form 121-A -- Medical Exemption Certificate
- c. Form 121-T -- Temporary Compliance Certificate

The Temporary Compliance Certificate, Form 121-T, is not valid after the date shown. After that date, the principal shall deny school attendance by such child unless or until the principal is furnished another Temporary Compliance Certificate, Form 121 T, or a Certificate of Compliance, Form 121, or a Medical Exemption Certificate, Form 121-A.

#### RESIDENCE VERIFICATION PROCEDURE

Definition of residence for school attendance purposes: The student physically resides full time week days/nights and weekends, at a place of abode located within the limits of this school district.

Residency may be determined in the following manner:



1. STUDENTS LIVING WITH PARENT(S) OR GUARDIAN(S) The parent(s) or legal guardian(s) of a student seeking to enroll must provide this school district with at least two of the items numbered 1 through 10 below as verification of their address, except that a document with a post office box as an address will not be accepted.

- a. Filed Homestead Exemption Application form
- b. Mortgage documents or property deed
- c. Apartment or home lease
- d. Utility bills
- e. Driver's license
- f. Voter precinct identification
- g. Automobile registration
- h. Affidavit and/or personal visit by a designated school district official
- i. Any other documentation that will objectively and unequivocally establish that the parent or guardian resides within the school district
- j. Certified copy of filed petition for guardianship if pending and final decree when granted

2. HOMELESS CHILDREN - When a child is determined to be homeless as defined by the Stewart B. McKinney Act 42 USC Section 11431 (1), 11432 (e) and 11302 (a), this school district shall consider and take enrollment action that is in the best interest of the child pursuant to 42 USC 11432 (e) (3).

3. STUDENTS LIVING WITH ADULTS OTHER THAN PARENTS OR LEGAL GUARDIANS:

- a. The non-parent(s) claiming district residency must meet the criteria of subparagraph 1 (a) through (j) above, required of a parent or legal guardian.
- b. The district resident must provide the school with an affidavit stating his or her relationship to the student, and that the student will be living at his/her abode full time, and provide documentation fully explaining the reason(s) (other than school attendance zone or district preference) for this arrangement. The superintendent or his/her designee will make the necessary factual determinations as required under this policy. Examples of situations where "in loco parentis" authority of an adult will be recognized to establish residency of the minor include but are not limited to the following:
  - Death or serious illness of the child's parent(s) or guardian(s);
  - Abandonment of the child;
  - Child abuse or neglect;
  - Unstable family relationships or undesirable conditions in the home of the child's parents or guardians having a detrimental effect on the child;
  - Students enrolled in recognized exchange programs residing with host families.
- c. Whenever appropriate the person who has assumed responsibility for the care and custody of the child shall be encouraged to obtain legal guardianship of the child.

4. STUDENTS OF MILITARY FAMILIES

- a. A pupil complies with the residency requirements for school attendance in a school district if the parent of the pupil is transferred to, or is pending transfer to, a military installation with this state while on active military duty pursuant to an official military order. A school district shall accept an application for enrollment and course registration by electronic means for a pupil who meets these requirements, including enrollment in a specific school or program within the school district.
- b. The parent of a pupil who meets these requirements shall provide proof of residence to the school district within ten (10) days after the published date provided on official documentation.
- c. The parent may use the address of any of the following as proof of residence.
  - A temporary on-base billeting facility.
  - A purchased or leased home or apartment.
  - Any federal government housing or off-base military housing, including off-base military housing that may be provided through a public-private venture.

The school district may require additional documentation and verification at any time.

At the minimum, this school district shall maintain in a file a written instrument identifying the types of documents used to verify each student's residency and copies of any relevant guardianship petition or decree.

The provisions of this policy do not apply to students who reside outside the school district, but who have legally transferred into the school district.

Any court ordered procedure shall take precedent over any procedure contained herein.

#### TRANSFER STUDENTS

(See also Policy JBCD Transfers and Withdrawals of Students)

1. No student is to be enrolled in this school district until any and all questions regarding residence or immunizations have been resolved.
2. Students suspended or expelled from another school or school district may not be allowed to enroll. ' 37-15-9 (3)
3. No pupil shall be permanently enrolled in a school in this school district who formerly was enrolled in another school within the state or outside the state until the cumulative record of said pupil shall have been received from the school from which he transferred. Should such record have become lost or destroyed, then it shall be the duty of the superintendent or principal of the school where the pupil last attended school to initiate a new record. ' 37-15-9 (1)
4. Unless a transfer student is tested in the manner provided in paragraph 5 below, the student will be permanently enrolled and placed in a grade or class on the basis of an official transcript of credits from the last school attended. ' 37-15-33
5. All students seeking to transfer from any school, public, private or home school, within or outside of the boundaries of the State of Mississippi, to this school district shall be required to take a standardized test to determine the grade and class to which the pupil shall be assigned at the time of pupil transfer.

The administrative head of the school shall administer the test or tests to such pupil or pupils as shall apply for transfer to such public school. Such test or tests shall be administered within thirty days after the filing of each such application for transfer. Notice of the giving of such test shall be given the applicant not less than five days prior to the date of the administration of such test.

No transfer of a pupil shall be affected until the test has been given and the pupil is assigned to the grade and class for which the test shows he is best suited. No pupil shall be assigned to a grade and class more than three (3) grades above or below the grade or class that the pupil would have been assigned to had the pupil remained in the school from which the transfer is being made. Pending the administration of the test herein provided for and its grading and an assignment based thereon the superintendent of this school district or the attendance center principal to which the pupil seeks admission may assign the pupil temporarily to a grade and class comparable to that in which the pupil would have been had the pupil continued in the school from which the transfer was being made.

If any student is transferred or reassigned within this school district by an order of the board of trustees of this school district as designated by law of the State of Mississippi and not at his own request, the requirement of that pupil's taking the standardized test shall be waived. Likewise, if a pupil shall transfer from one school district to another school district in the manner provided and required by the laws of the State of Mississippi, the requirement of such pupil taking the standardized test shall be waived. ' 37-15-33

6. Any legal guardianship formed for the purpose of establishing residency for school district attendance purposes shall not be recognized by this school board. ' 37-15-31 (1) (d)

The Mississippi Public School Accountability Process Standard for this policy is standard 7.

LEGAL REF.: MS CODE " 37-15-1; 37-15-3; 37-15-9; 37-15-11;  
37-15-13; 37-15-29; 37-15-31; 37-13-33; and 41-23-37; 42  
United States Code Sections 11431 - 11434 State Board of Education:  
Residency Verification Process

CROSS REF.: Policy JQN Education for Homeless Children and Youth

Last Review Date: October 10, 2022

Review History: 05/17/2021

**Adopted Date:** 12/11/2017

**Approved/Revised Date:** 10/10/2022

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JBCCA - Assignment of Pupils

### **ASSIGNMENT OF PUPILS**

The term "minor" when used in any statute, shall include any person, male or female, under twenty-one years of age. MS Code ' 1-3-27

Every Student Succeeds Act (ESSA)

In the event a district school is identified for school improvement, corrective action or restructuring under the Every Student Succeeds Act (ESSA), the district shall, no later than the first day of the school year following such identification, provide all students enrolled in the school the option to transfer to a safe district school meeting adequate yearly progress standards as defined by law. Transfer priority will be given to the lowest achieving students from low income families. A transferring student will be permitted to remain in the school until he/she completes the highest grade in that school.

A student who becomes a victim of a violent criminal offense, as determined by state law, while in or on the grounds of a school the student attends, or any student attending a district school that is identified by the Mississippi Department of Education (MDE) as persistently dangerous, may transfer to a safe district school that has not been identified as in need of improvement.

The district will provide transportation, as provided by Board policy EDA, Student Transportation. That obligation will end at the completion of the school year for students transferring from a school identified for improvement or as persistently dangerous, if the school from which the student has transferred is no longer identified for improvement, subject to corrective action or restructuring or persistently dangerous.

Notice to parents of their right to request the transfer of their student as provided by this policy will be provided as required by law.

### **BOARD POWER AND AUTHORITY**

When any child qualified under the requirements of Section 37-15-9 shall apply or present himself for enrollment in or admission to the schools of this school district, the school board of this school district shall have the power and authority to designate the particular school or attendance center of the district in which such child shall be enrolled and which he shall attend; no enrollment of a child in a school shall be final or permanent until such designation shall be made by said school board. No child shall be entitled to attend any school or attendance center except that to which he has been assigned by the school board; however, the principal of a school or superintendent of this district may, in proper cases, permit a child to attend a school temporarily until a permanent assignment is made by this school board. ' 37-15-13 (1994)

### **FACTORS TO BE CONSIDERED**

In making assignments of children to schools or attendance centers, this school board shall take into consideration the educational needs and welfare of the child involved, the welfare and best interest of all the pupils attending the school or schools involved, the availability of school facilities, sanitary conditions and facilities at the school or schools involved, health and moral factors at the school or schools, and in the community involved, and all other factors which this school board may consider pertinent, relevant or material in their effect on the welfare and best interest of this school district and the particular school or schools involved. All such assignments shall be on an individual basis as to the particular child involved and, in making such assignment, this school board shall not be limited or circumscribed by the boundaries of any attendance areas which may have been established by this board. ' 37-15-15 (1987)

### **PARENTAL REQUEST FOR REVIEW**

If the parent, guardian or other person having custody of any child shall feel aggrieved by the assignment of such child to a school or attendance center by this school board, then such parent, guardian or other person may, at any time within thirty (30) days after such assignment, make application in writing to this school board for a review or reconsideration of such assignment. Upon receiving any such application, this school board shall set a time and place for the hearing thereof which time shall be not more than fifteen (15) days after the regular meeting of said board next succeeding the date of the filing of said application. At the time and place so fixed, the person filing such application shall have the right to appear and present evidence in support of said application. After hearing said evidence, this school board shall determine whether said application is well taken and supported by the evidence and shall enter an order either affirming its previous action or modifying or changing same as this school board shall find proper. ' 37-15-17 (1987)

If any parent, guardian or other person having custody of any child affected by the assignment of such child to a school or attendance center by this school board shall feel aggrieved at the order of this school board provided for in Section 37-15-17, such person may, at any time within thirty (30) days from the date of such order, appeal therefrom by filing a petition for appeal in the circuit court of the county in which this school district is located. Upon the filing of such petition for an appeal, process shall be issued for and served upon the president of this school board. Upon being served with process, it shall be the duty of this school board to transmit promptly to the court a certified copy of the entire record of the proceedings as shown by the file of this school board. From the judgment of the circuit court, an appeal may be taken to the Supreme Court in the same manner as other appeals are taken from other judgments of such court. ' 37-15-21 (1987)

### **EXCEPTIONS**

1. Except as provided in subsections (2), (3) and (4) of this section, no minor child may enroll in or attend any school except in the school district of his residence, unless such child be lawfully transferred from the school district of his residence to a school in another school district in accord with the statutes of this state now in effect or which may be hereafter enacted.
2. Those children whose parent(s) or legal guardian(s) are instructional personnel or certificated employees of a school district may at such employee's discretion enroll and attend the school or schools of their parent's or legal guardian's employment regardless of the residence of the child.
3. No child shall be required to be transported in excess of thirty (30) miles on a school bus from his or her home to school, or in excess of thirty (30) miles from school to his or her home, if there is another school in an adjacent school district located on a shorter school bus transportation route by the nearest traveled road. Those children residing in such geographical situations may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the nearer school, regardless of the residence of the child. In the event the parent or legal guardian of such child and the school board are unable to agree on the school bus mileage required to transport the child from his or her home to school, an appeal shall lie to the State Board of Education, or its designee, whose decision shall be final.

4. Those children lawfully transferred from the school district of his residence to a school in this school district prior to July 1, 1992, may, at the discretion of their parent(s) or legal guardian(s), continue to enroll and attend school in this school district. Provided further, that the brother(s) and sister(s) of said children lawfully transferred prior to July 1, 1992, may also, at the discretion of their parent(s) or legal guardian(s), enroll and attend school in this school district. ' 37-15-29 (1992)

The Mississippi Public School Accountability Process Standards for this policy are standards 6 and 7.

LEGAL REF.: MS CODE as cited; P. L. 107-110 (NCLB)

*Mississippi Public School Accountability Standards*

CROSS REF.: Policy JBAB - Home Schooling / Transfer Student Testing

Last Review Date: May 17, 2021

**Adopted Date:** 11/29/2016

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JBCD - Transfers and Withdrawals of Students

### **TRANSFERS AND WITHDRAWALS OF STUDENTS**

The term "minor" when used in any statute, shall include any person, male or female, under twenty-one years of age. MS Code ' 1-3-27

#### Every Student Succeeds Act (ESSA)

Students who attend a district school identified for improvement, corrective action or restructuring under the Every Student Succeeds Act (ESSA) may, as required by law, transfer to another public school in the district which has not been identified for improvement or as persistently dangerous.

Additionally, students who attend a district school identified as persistently dangerous, or who are victims of a violent criminal offense occurring in or on the grounds of the school the student attends, may transfer to a safe public school in the district that has not been identified as in need of improvement.

The Board recognizes there may be circumstances that arise under the Every Student Succeeds Act, when it is necessary to release a student who resides within the boundaries of the district to attend school in another district that agrees to accept the student. No other interdistrict transfer of resident students will be permitted. Interdistrict transfers of resident students for other purposes may be permitted, subject to criteria established by the district.

The superintendent will develop administrative regulations, as necessary, to implement these requirements under the No Child Left Behind Act.

#### MISSISSIPPI STATE LAW

##### 1. PETITION

- a. Except as provided in subsection (2) through (5) of this section, upon the petition in writing of a parent or guardian, resident of the school district of an individual student, filed or lodged with the president or secretary of the school board of a school district in which the pupil has been enrolled or is qualified to be enrolled as a student under Section 37-15-9, or upon the aforesaid petition or the initiative of the school board of a school district as to the transfer of a grade or grades, individual students living in one school district or a grade or grades of a school within the districts may be legally transferred to another school district, by the mutual consent of the school boards of all school districts concerned, which consent must be given in writing and spread upon the minutes of such boards.
- b. The school board of the transferring school district to which such petition may be addressed shall act thereon not later than its next regular meeting subsequent to the filing or lodging of said petition, and a failure to act within that time shall constitute a rejection of such request. The school board of the other school district involved (the transferee board) shall act on such request for transfer as soon as possible after the transferor board shall have approved or rejected such transfer and no later than the next regular meeting of the transferee board, and a failure of such transferee board to act within such time shall constitute a rejection of such request. If such a transfer is approved by the transferee board, then such decision shall be final. If such a transfer should be refused by the school board of either school district, then such decision shall be final.
- c. Any legal guardianship formed for the purpose of establishing residency for school district attendance purposes shall not be recognized by the affected school board. ' 37-15-31 (1)

##### 2. SCHOOL DISTRICT EMPLOYEES

- a. Upon the petition in writing of any parent or guardian who is a resident of Mississippi and is an instructional or licensed employee of a school district, but not a resident of such district, the school board of the employer school district shall consent to the transfer of such employee's dependent school-age children to its district and shall spread the same upon the minutes of the board. Upon the petition in writing of any parent or guardian who is not a resident of Mississippi and who is an instructional or licensed employee of a school district in Mississippi, the school board of the employer school district shall consent to the transfer of such employee's dependent school-age children to its district and shall spread the same upon the minutes of the board.
- b. The school board of any school district, in its discretion, may adopt a uniform policy to allow the enrollment and attendance of the dependent children of noninstructional and nonlicensed employees, who are residents of Mississippi but are not residents of their district. Such policy shall be based upon the employment needs of the district, implemented according to job classification groups and renewed each school year.
- c. The employer transferee school district shall notify in writing the school district from which the pupil or pupils are transferring, and the school board of the transferor school district shall spread the same upon its minutes.
- d. Any such agreement by school boards for the legal transfer of a student shall include a provision providing for the transportation of the student. In the absence of such a provision the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian.
- e. Any school district which accepts a student under the provisions of this subsection shall not assess any tuition fees upon such transferring student in accordance with the provisions of Section 37-19-27, MS Code of 1972. ' 37-15-31 (2)

##### 3. ADJACENT SCHOOL DISTRICTS

Upon the petition in writing of any parent or legal guardian of a school-age child who is a resident of an adjacent school district residing in the geographical situation described in Section 37-15-29(3), Mississippi Code of 1972, the school board of the school district operating the school located in closer proximity to the residence of the child shall consent to the transfer of the child to its district, and shall spread the same upon the minutes of the board. Any such agreement by school boards for the legal transfer of a student under this subsection shall include a provision for the transportation of the student by either the transferor or the transferee school district. In the event that either the school board of the transferee or the transferor school district shall object to the transfer, it shall have the right to appeal to the State Board of Education whose decision shall be final. However, if the school boards agreeing on the legal transfer of any student shall fail to agree on which district shall provide

transportation, the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian. ' 37-15-31 (3)

#### 4. SIBLINGS

Upon the petition in writing of any parent or legal guardian of a school-age child who was lawfully transferred to another school district prior to July 1, 1992, as described in Section 37-15-29(4), Mississippi Code of 1972, the school board of the transferee school district shall consent to the transfer of such child and the transfer of any school-age brother and sister of such child to its district, and shall spread the same upon the minutes of the board. ' 37-15-31 (4)

5. Those children whose parent(s) or legal guardian(s) are active members of the United States Armed Forces or civilian military personnel and reside on a military base, may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the school district of their parent's or legal guardian's choosing, regardless of the residence of the child, provided the school district where the student resides or in an adjacent school district and the parent's or guardian's choice of school district does not violate the prohibition of the transportation of students in excess of thirty (30) miles.

#### 6. TESTING

All students seeking to transfer from any school, public, private or homeschool, within or outside of the boundaries of the State of Mississippi, to this school district may be required to take a standardized test to determine the grade and class to which the pupil shall be assigned at the time of pupil transfer.

The administrative head of each public school shall administer the test or tests to such pupil or pupils as shall apply for transfer to such public school. Such test or tests shall be administered within thirty days after the filing of each such application to transfer. Notice of the giving of such test shall be given the applicant not less than five days prior to the date of the administration of such test.

No transfer of a pupil shall be effected until the test has been given and the pupil is assigned according to the grade and class for which the test shows he is best suited. No pupil shall be assigned to a grade and class more than three (3) grades above or below the grade or class that the pupil would have been assigned to had the pupil remained in the school from which the transfer is being made. Pending the administration of the test herein provided for and its grading and an assignment based thereon the superintendent of this school district or the attendance center principal to which the pupil seeks admission may assign the pupil temporarily to a grade and class comparable to that in which the pupil would have been had the pupil continued in the school from which the transfer was being made. ' 37-15-33 7.

#### 7. TESTING WAIVER

If any student is transferred or reassigned within the school district by order of the school board of this school district as designated by law of the State of Mississippi and not at his own request, the requirement of that pupil's taking the standardized test shall be waived. Likewise, if a pupil shall transfer from one school district to another school district in the manner provided and required by the laws of the State of Mississippi, the requirement of such pupil taking the standardized test shall be waived. ' 37-15-33

#### 8. ALLOTMENTS AND LOCAL MAINTENANCE FUNDS

Legally transferred students going from one school district to another shall be counted for adequate education program allotments by the school district wherein the pupils attend school, but shall be counted for transportation allotment purposes in the school district which furnishes or provides the transportation. The school boards of the school districts which approve the transfer of a student under the provisions of Section 37-15-31 shall enter into an agreement and contract for the payment or nonpayment of any portion of their local maintenance funds which they deem fair and equitable in support of any transferred student. Except as provided in 37-151-93, subsection (2), [see item (9) below] local maintenance funds shall be transferred only to the extent specified in the agreement and contract entered into by the affected school districts. The terms of any local maintenance fund payment transfer contract shall be spread upon the minutes of both of the affected school district school boards. The school district accepting any transfer students shall be authorized to accept tuition from such students under the provisions of Section 37-15-31(1) and such agreement may remain in effect for any length of time designated in the contract. The terms of such student transfer contracts and the amounts of any tuition charged any transfer student shall be spread upon the minutes of both of the affected school boards. No school district accepting any transfer students under the provisions of Section 37-15-31(2), which provides for the transfer of certain school district employee dependents, shall be authorized to charge such transfer students any tuition fees.

#### 9. BASE STUDENT COST

Local maintenance funds shall be paid by the home school district to the transferee school district for students granted transfers under the provisions of Sections 37-15-29(3) and 37-15-31(3), Mississippi Code of 1972, not to exceed the "base student cost" as defined in Section 37-151-5, Mississippi Code of 1972, multiplied by the number of such legally transferred students. ' 37-151-93

The Mississippi Public School Accountability Standard for this policy is standard 7.

LEGAL REF.: MS CODE as cited; P. L. 107-110 (No Child Left Behind Act of 2001)

CROSS REF.: Policies JBAC - Home Schooling / Transfer Student Testing

JBCD-E - Transfers and Withdrawals of Students (Agreement Form)

JBCDA - Intradistrict Transfer Procedures

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JBCDA - Intradistrict Transfer Procedures

**INTRA-DISTRICT TRANSFER PROCEDURES** The following procedure will govern consideration of a request by a parent for his/her student to attend a district school c

#### GENERAL PARENT/STUDENT REQUESTS FOR INTRA-DISTRICT TRANSFER

1. Resident students and their parents will be notified on an annual basis of intra-district transfer options available;
2. Requests to transfer will be considered on a space-available basis and subject to the following criteria:

- A financial, educational, safety or health condition affecting the student would likely be improved as a result of the transfer. Would likely be improved means :
- Attendance at the school is nearer to the parent's place of work or to the location of child care;
- The parent has moved and the place of residence is now located outside the attendance boundary of the student's assigned school, but remains within district b
- There is some other special hardship or detrimental condition affecting the student or his/her immediate family which would be alleviated as a result of the tran
- A program/activity is offered only at the receiving school.

1. Requests that a student attend a district school other than the student's assigned school within his/her regular attendance boundary must be made by the parent (or em include a clear statement as to how the requested transfer meets district criteria;
2. The building principals of the sending and receiving schools will consult and must mutually agree to the transfer. If either principal objects, the request will be denie
3. The sending school principal or designee will notify the parent [in writing] that the request has been granted or denied, no later than [June 1];
4. 6. Students who apply for an intra-district transfer and are not accepted at the time of application because of space availability, transfers will be placed on a wait
5. Transportation will be the responsibility of the parent. In certain circumstances, district transportation may be appropriately provided, on a space-available basis. Ex
6. Once a student transfer is approved, the district will, to the extent practicable, continue the student in the receiving school through the highest grade in that building, behavior, attendance, academic performance or failure to continue an educational program for which the transfer request was originally approved];
7. In the event building capacity is reached with attendance area residents, transfer students may be asked to enroll in another school or return to their school of origin;
8. An approved transfer granted to a student will not obligate the district to approve subsequent requests from another student in the same family;
9. Student violations of Board policy, administrative regulation or school rules may result in revocation of the transfer at any time at the discretion of the district, in add

#### PUBLIC SCHOOL CHOICE TRANSFER REQUESTS

In the event a district school receiving Title I funds has been identified as in need of improvement, corrective action or restructuring, and there is another school in the distr

1. The district will provide notification to parents of a student attending a school receiving Title I funds, of a student's right to transfer. The notification will:
  - Be in writing, provided prior to the beginning of the school year and will be in a comprehensive, easy-to-understand format and, to the extent practicable, in a l
  - Inform parents that their student is eligible to attend another public school in the district due to the less than adequate performance of his/her current school;
  - Identify each public school in the district, including public charter schools, that the parent may select;
  - Explain why the choices made available have been limited including, as applicable, that no choices are currently available; and
  - Describe the performance and quality of those schools of choice. Parents may request more detailed information and may ask to see a school's academic repor
1. The transfer will be to a safe district school that is making adequate yearly progress and has not been identified as in need of improvement, corrective action or restru
2. Building capacity will not be used as a determining factor in transfer decisions;
3. Priority will be given to the lowest achieving, disadvantaged students, as required by law. A waiting list for all others will be established. Students may be rank orde
4. When intra-district transfers are available, more than one district school of choice will be offered, as practicable. Parent preferences will be considered;
5. In implementing its public school choice responsibilities, the district shall not be required to:
  - Make alterations in the structure, arrangement or function of a requested school or rooms within a requested school;
  - Establish and offer any particular program in a requested school if such program is not currently offered in the school;
  - Alter or waive any established eligibility criteria for participation in a particular program including age requirements, course prerequisites and required levels of perf
1. Requests to transfer must be in writing (standard mail, fax or E-mail) and submitted to the school office in accordance with timelines established by the district. The
2. Approved transfers will be made by the district in a timely manner to ensure parents have ample information, time and opportunity to take advantage of the option to
3. The transfer will remain in effect until the student has completed the highest grade in the school;
4. The opportunity to transfer will end when the school is no longer identified for improvement;
5. Transportation will be provided by the district. In the event there is not another school in the district for the student to transfer because all schools at a grade level are

## SAFE PUBLIC SCHOOL CHOICE TRANSFER REQUESTS

In the event a district school is identified by the Mississippi Department of Education (MDE) as persistently dangerous, or a student has been a victim of a violent criminal

1. The district will provide notification to parents of all students attending a school identified as persistently dangerous of their student's right to transfer. The notice will
  - Be in writing, provided within [10] school days from the time the district becomes aware that the school has been identified by MDE as persistently dangerous
  - Inform parents that their student is eligible to attend another public school in the district due to the identification of the school as persistently dangerous, or inform
  - Identify each public school in the district, including public charter schools, that the parent may select;
  - Explain why the choices made available may have been limited including, as applicable, that no choices are currently available; and
  - Describe the performance and quality of those schools of choice. Parents may request more detailed information and may ask to see a school's academic report
1. The transfer will be to a safe district school and to the extent possible, to a district school that is making adequate yearly progress and that has not been identified as i
2. Requests to transfer must be in writing (standard mail, fax or E-mail) and submitted to the school office for consideration generally no later than [20] school days fro
3. The district will consider the education needs and preferences of the student and parent. Parents may decline the assigned school;
4. Approved transfers will generally occur within [30] school days from the time the district learns that the school has been identified as persistently dangerous. A stud
5. Transfers may be temporary or permanent but will minimally be in effect as long as the student's original school is identified as persistently dangerous. Transfers for returned to the transferring school;
6. The district may provide transportation using federal funds or through cooperative agreements with local victims assistance units.

In the event a district school is identified by MDE as persistently dangerous, or a student has been a victim of a violent criminal offense while in or on the grounds of a school established Board policy and administrative regulation.

## SPECIAL EDUCATION AND PUBLIC SCHOOL CHOICE

The district will ensure that students with disabilities are provided a free appropriate public education (FAPE) in their school of choice, consistent with the Individuals with student with FAPE.

## MISCELLANEOUS GENERAL PROVISIONS FOR ALL TRANSFERS

1. Students who wish to return to their home school or to transfer to a different district school must reapply in accordance with established request procedures.
2. Students granted permission to attend a district school other than the school in their assigned attendance area will have the same curricular and extracurricular status as
3. Students are expected to preregister and complete final registration and scheduling for the school in their assigned attendance area pending disposition of a transfer request
4. Students may not sign up for or practice with athletic teams or other activity groups in the school they are requesting to transfer until the transfer is approved.
5. Recruitment of students by district employees is strictly prohibited.
6. Students whose place of residence changes within the district during the school year must notify the district. Students may be required to attend the school of their new
7. Parents may appeal decisions to deny intra-district transfer requests to the superintendent and Board, through established district procedures. RECORD KEEPING T

CROSS REF.: Policies JBCD Transfers and Withdrawal of Students

JBCD-E Transfers and Withdrawal of Students (Agreement Form)

Last Review Date: May 17, 2021

**Adopted Date:** 11/29/2016

**Approved/Revised Date:** 11/29/2016



**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JBD - Attendance, Tardiness and Excuses

# **STUDENT ATTENDANCE, REPORTING OF STUDENT ATTENDANCE, TARDINESS AND EXCUSES**

The school board believes that good attendance, with a minimum of tardiness and absenteeism, is essential if students are to gain maximum benefit from the school district's instructional program. The school board thusly directs the superintendent to develop administrative regulations governing tardiness and absences (excused and non-excused).

The administrative regulations shall be based on all applicable state laws governing absenteeism and tardiness and shall include (but not limited to) the counting and reporting of students to the Mississippi Department of Education for attendance purposes, expectations for good student attendance, parent responsibility, excused and unexcused absences, and tardiness. Initial administrative regulations and any future changes to such administrative regulations shall be reviewed (approved) by the school board before implementation.

**Make-up Assignments:** The administrative regulations shall specify that no absence will be excused when it is due to suspension, expulsion or other disciplinary action. However, to avoid adopting a policy or administrative rule that would ensure a student's failure, the district shall (may) adopt a provision that permits or requires suspended students who are not immediately placed in an alternative school program to make up work within specified deadlines.

**Attendance Reporting:** In order for a student to be considered as having attended school for a full day, the school board specifies that each student must be present for 63% of his or her individual instructional day as fixed by the local school board for each individual school. For purposes of reporting absenteeism, a student who has an absence that is more than thirty-seven percent (37%) of the student's instructional day, as fixed by the school board for the school at which the student is enrolled, shall be considered absent the entire school day.

The superintendent shall develop and submit for board adoption a policy which includes:

1. a definition of the instructional day for each individual school so that the 63% of the instructional day can be computed for each student within the school district's individual schools, and
2. a process for computing 63% of the instructional day for each student within the school district's individual schools.

## **Definitions**

**Full Day Attendance:** When a student is present for 63% of his or her individual instructional day as fixed by the local school board for each individual school.

**Unlawful Absence:** An absence for an entire school day or during part of a school day when such absence is not due to a valid excuse.

**Attorney General Opinion:** According to a 1998 Attorney General Opinion, automatic fail provision of an absences policy may not apply against legal, excused absences. Such absences policies may not be applied against absences resulting from disciplinary suspensions if absences policies are applied to truant students who are otherwise passing, the district must afford the student procedural due process. (Attorney General Opinion, Carter, 1-9-98) (#183) (97-0817)

LEGAL REF.: Mississippi Compulsory School Attendance Law, MS CODE 37-13-91  
 Mississippi Public School Accountability Standard 10 and 11

CROSS REF.: Policies CED - Duties of Superintendent  
 JBA - Compulsory School Attendance  
 JBAC - Truancy XXXX- Student Instructional Day

MDE Memo on Implementation of House Bill 1530, Kent 5/17/13)

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014  
**Approved/Revised Date:** 6/10/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JBDE - Reporting Attendance for Virtual Learning

### **Reporting Attendance for Virtual Learning**

The Newton Municipal School District will operate on one of three learning models, or any combination thereof, during the 2020-2021 school year, depending on health department recommendations and statistical data related to the spread of COVID-19. These options consist of a traditional (in-person) model, a hybrid (mix of traditional and virtual learning) model, and a virtual (completely online/distance learning) model.

### **Definitions**

**Synchronous Instruction** – Model that involves two-way, real-time/live, virtual instruction between teachers and students when students are not on campus.

**Asynchronous Instruction** – Instruction that does not require having the instructor and student engaged at the same time.

**Asynchronous Offline Mode** – Model that is typically used for students who do not have access to content via an electronic device and who are present for class off-site, completing assignments via pencil and paper.

### **Student Attendance**

Student attendance data will be collected and reported in accordance with state and the Mississippi Department of Education requirements. Detail of the amount and type of instruction being provided shall be given. The collection and reporting of student attendance may vary depending on which learning model is in place in order to account for the changes in the COVID-19 pandemic.

Based on a waiver granted by the State Board of Education for MS Code 37-13-67 and Process Standard 13.1 of the Mississippi Public School Accountability Standards, 2019, districts are required to provide a minimum of 240 instructional minutes per day to students for the 2020 – 2021 school year. The daily instructional minutes need not be consecutive, but shall occur within the same day. Minutes may be reduced to allow for altered transportation schedules, health screenings, class transitions, modified food service schedules, and other activities to maximize health and safety of staff and students.

Student attendance data will be collected and reported specific to each learning model as follows:

1. **Traditional School Model** – Daily in-person attendance for traditional students will be collected and reported as follows:
  - a. Consistent with existing regulations, a student will be marked as present or absent in the Local SIS (Student Information System) on a daily basis based upon hours present at school.
  - b. Absent students will be entered as either excused or unexcused consistent with MS Code, MDE State Board Policy, and district policy.
  - c. Unexcused absences will result in the same reporting of truancy referrals.
  - d. Attendance will be reported to MSIS (Mississippi Student Information System) on a monthly basis.
2. **Hybrid School Model** – The hybrid model consists of a combination of both traditional and virtual instruction. The district will designate in MSIS which days of attendance are counted via which mode (daily or weekly).
  - a. Attendance for traditional instructional days will be recorded and reported for each student according to the procedures outlined above under Traditional School Model.
  - b. Attendance for virtual instructional days will be recorded and reported for each student according to the procedures outlined below underneath the Virtual School Model.
3. **Virtual School Model** – The virtual model applies to all students attending school on the virtual school model as well as all students attending school on virtual days under the hybrid school model. Under this model, students will be assigned a minimum of 4 hours (240 minutes) of school work. Students will be marked as absent if they fail to meet the required minimum of 240 minutes as outlined below:

- a. Students with reliable internet connectivity participating in the Digital-Virtual Mode (Synchronous Online) will be marked as present or absent for each school day on a daily basis and reported in SIS daily. Reports will be made MSIS on a monthly basis. In order to be marked present, students must meet the following criteria that equals a minimum of 240 minutes of daily instruction:
  - i. Student attends scheduled daily virtual interactions with district faculty/staff (time engaged with faculty/staff will count towards required 240 minutes of daily attendance), AND
  - ii. Student is authenticated and engaged in accessing software, completing daily assignments, and participating in required activities with the district's learning management system.
- b. Students with reliable internet connectivity participating in the Digital-Virtual Mode (Asynchronous Online) will be marked as present or absent for each school day on a daily basis and reported in SIS daily. Reports will be made MSIS on a monthly basis. In order to be marked present, students must meet the following criteria that equals a minimum of 240 minutes of daily instruction:
  - i. Student attends scheduled weekly virtual interactions, one-on-one or in groups, with district faculty/staff (time engaged with faculty/staff will count towards required 240 minutes of daily attendance), AND/OR
  - ii. Student is authenticated and engaged in accessing software, completing daily assignments, and participating in required activities with the district's learning management system.
- c. Students with reliable internet connectivity participating in the Digital-Virtual Mode (Asynchronous Offline) will be marked as present or absent for each school day on a weekly basis and reported in SIS weekly. Reports will be made MSIS on a monthly basis. In order to be marked present, students must meet the following criteria that equals a minimum of 240 minutes of daily instruction:
  - i. Student attends daily/weekly virtual interactions, one-on-one or in groups, with district faculty/staff (time engaged with faculty/staff will count towards required 240 minutes of daily attendance), AND/OR
  - ii. Student is authenticated and engaged in accessing software, completing daily assignments, and participating in required activities with the district's learning management system.
- d. Students without a reliable internet connectivity participating in the District Learning Packets Mode (Asynchronous Offline Mode) will be marked as present or absent for each school day on a weekly basis and reported in SIS weekly. Reports will be made MSIS on a monthly basis. Students will be marked present if meet any combination of the criteria listed below that equals a minimum of 240 minutes of daily instruction:
  - i. Student completes daily assignment in learning packet (will count toward required 240 minutes of daily attendance), AND
  - ii. Student attends scheduled daily interactions, one-on-one contact between students and school staff, to provide daily evidence of engagement with learning packet materials.

#### Dual Enrollment

When dually enrolled, the student may be counted, for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school. Therefore, during dual credit class periods on days when the college schedule does not align with the district's schedule, students will not be counted as absent.

LEGAL REF: Miss. Code Ann. §§ 37-1-3, 37-13-91, and 37-151-5(j); State Board of Education Chapter 9, Rule 9.2.

Last Review Date: May 17, 2021

**Adopted Date:** 12/14/2020

**Approved/Revised Date:** 12/14/2020

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCA - Student Conduct

### **STUDENT CONDUCT**

The term minor when used in any statute, shall include any person, male or female, under twenty-one years of age. MS Code ' 1-3-27

All employees will be provided with an explanation of both their responsibilities and their rights under law in terms of actions they may take to maintain order, discipline, and an appropriate educational environment. Training will be provided that defines approved actions, and informs employees that they may be liable for harm when they engage in criminal, grossly negligent or reckless conduct, or act with flagrant indifference to the rights and safety of another person who suffers harm as a result. The superintendent will develop rules that prescribe the circumstances under which the district administration and/or parents/guardians are to be notified of actions taken, any written documentation of actions taken that is necessary, and other appropriate procedures including staff training.

A student code of conduct, developed under the leadership of the district administration, and in cooperation with staff, will be made available and distributed to parents and students outlining student conduct expectations and possible disciplinary actions, including consequences for disorderly conduct. In addition, each school may publish a student/parent handbook detailing additional rules specific to that school. *[All rules applying to student conduct shall be posted in a prominent place in each school building.]*

Students in violation of Board policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. Students may be denied participation in extracurricular activities. Titles and/or privileges available to or granted to students may also be denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). A referral to law enforcement may also be made.

### **SECONDARY SCHOOLS**

The administration of Newton Municipal School District is based on the theory that junior and senior high students are young ladies and young gentlemen and, as such, should be capable of conducting themselves in accordance with accepted standards of conduct. Every student is expected at all times to keep in mind that his conduct should not interfere with others, rather that it should be an example to others.

The primary emphasis of this school system is to provide the best quality education for the boys and girls of the district. The school system feels strongly that a basic prerequisite for any successful instructional program is that a clear understanding of the operation is based upon the policies and resulting rules. Therefore, it is imperative that policies and resulting rules be understood and followed without exception.

### **ELEMENTARY SCHOOLS**

Helping children to develop self-discipline and to conduct themselves in an acceptable manner is a major behavioral objective of the school as well as of the home. Parents may assume that a student's behavior is satisfactory or better unless they are notified by telephone or by letter. In most cases it is believed that the call or letter will suffice -- if not, the parents may be asked to come to the school for a conference in order to affect an acceptable solution to the problem.

The school will expect and demand nothing less than good conduct on the part of students. It is believed that the above described procedure will be effective in achieving a desirable learning atmosphere and in guiding students toward assuming a greater degree of responsibility for their behavior. It should be fully understood that any student whose conduct interferes with the learning process of others will be removed from the classroom and dealt with accordingly.

### **GENERAL RULES OF STUDENT CONDUCT**

1. Students are expected to conduct themselves in all school activities in such a manner that will promote development rather than inhibit it.
2. A teaching situation which is conducive to learning must be maintained. Therefore, any student whose actions make it impossible for the teacher to devote full attention to the class will be disciplined, including but not limited to being sent to the principal's office. The counselor and principal will review the case and try to resolve the problem. A student who has been sent from class repeatedly will be suspended from school.
3. Any student who starts a disturbance or who participates in one will be suspended from school immediately and will be able to re-enter only after satisfactory assurance has been given in writing to the principal by the student and by his parents or guardians that there will not be a recurrence of this sort of behavior.
4. Corridor courtesy requires that students walk in an orderly manner on the right side of the corridor.
5. Profanity, cheating, stealing, and gambling can never be accepted by the schools of this system. Such offenses can result in suspension or expulsion.
6. Radios and/or other sound reproducers shall be forbidden on campus unless specifically requested by the teacher in charge.
7. All schools in the District are smoke-free zones. Smoking is prohibited on property owned or used by the school, whether during school, after school or at school-related events. Students caught smoking in unauthorized areas will be suspended.
8. A student is strictly prohibited by law from possessing a weapon, as identified in Policy JCDAE, while on school property, going to school, going from school or during school-related activities. Any student violating this rule shall be subject to immediate suspension and recommendation of expulsion by the principal, his designee or the superintendent and subject to all other penalties and requirements provided by law and District policies.
9. A student is strictly prohibited by law from possessing, using or selling any controlled substance, including drugs and alcohol as identified in Policy JCDAC, while on school property, going to school, going from school or during school-related activities. Any student violating this rule shall be subject to immediate suspension and recommendation of expulsion by the principal, his designee or the superintendent and subject to all other penalties and requirements provided by law and District policies.
10. A student who uses or is under the influence of any alcohol or drugs shall be subject to an immediate suspension for a minimum of 3 days or expulsion and subject to all other penalties and requirements provided by law and District policies.
11. A student who commits an unlawful or violent act, as defined by Policy JCBE, shall be subject to immediate suspension and recommendation of expulsion by the principal, his designee or the superintendent and subject to all other penalties and requirements provided by law and District policies.
12. A student who carries or otherwise has in his possession a firearm on campus, in violation of Policy JCBH, shall be subject to immediate suspension and recommendation of expulsion for a minimum of one calendar year by the principal, his designee or the superintendent and subject to all other penalties and requirements provided by law and District policies.
13. A student, upon his second suspension for a disciplinary reason, will be informed that his third such suspension may result in expulsion.
14. Student behavior that harasses or threatens other students or school personnel will not be tolerated. This district shall treat hazing, as defined in MS Code 97-3-105 and stalking, as defined in MS Code 97-3-107, as serious offenses subject to criminal prosecution.
15. Student-to-student sexual harassment will not be tolerated. Complaints of student-to-student sexual harassment will be handled in accordance with Policy JB-P, Students Complaints of Sexual Discrimination/Harassment C Title IX Procedures.
16. Any student in any school who possesses any controlled substance in violation of the Uniform Controlled Substance Law, a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on educational property as defined in Section 97-37-17, Mississippi Code of 1972, shall be subject to automatic expulsion for a calendar year by the superintendent or principal of the school in which the student is enrolled; provided, however, that the superintendent is authorized to modify the period of time for such expulsion on a case by case basis. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board. ' 37-11-18
17. Any student who looks through a window, hole or opening, or otherwise views by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, drones, camera, motion-picture camera, camcorder or mobile phone, into the interior of a bathroom, changing room, fitting room, locker room, dressing room, spa, massage room or therapy room or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside and without the consent or knowledge of every person present, for the lewd, licentious and indecent purpose of spying upon the occupant or occupants thereof, shall be Subject to immediate suspension and recommendation of expulsion by the principal, his designee or the superintendent subject to all other penalties provided by law and District policies.

#### SEXUAL MISCONDUCT PROHIBITED

If any person eighteen (18) years or older who is employed by any public school district or private school in this state is accused of fondling or having any type of sexual involvement with any child under the age of eighteen (18) years who is enrolled in such school, the principal of such school and the superintendent of such school district shall timely notify the district attorney with jurisdiction where the school is located of such accusation, the Mississippi Department of Education and the Department of Human Services, provided that such accusation is reported to the principal and to the school superintendent and that there is a reasonable basis to believe that such accusation is true.

Any superintendent, or his designee, who fails to make a report required by this section shall be subject to the penalties provided in Section 37-11-35. Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed. ' 97-5-24

If any teacher and any pupil under eighteen (18) years of age of such teacher, not being married to each other, shall have sexual intercourse, each with the other, they shall, for every such offense, be fined in any sum, not more than five hundred dollars (\$500.00) each, and the teacher may be imprisoned not less than three (3) months nor more than six (6) months. ' 97-29-3

## HARASSMENT PROHIBITED

This school district affirms employee protection provided under Title VII, and therefore shall not tolerate verbal or physical conduct by any employee, male or female, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment.

Further, this school district prohibits sexual harassment of or by any student. This policy applies to conduct during and relating to school and school-sponsored activities. Sexual harassment is inappropriate behavior and offensive. Any student who engages in the sexual harassment of anyone in the school setting may be subject to disciplinary action up to and including expulsion.

## SPECIAL EDUCATION STUDENTS

Special education students are responsible for adhering to the same rules of conduct as nondisabled students. All special education students are entitled to a free appropriate public education, even those who have been suspended or expelled. Whenever a special education student is removed for disciplinary reasons from his/her current education setting and placed in an interim alternative setting, the setting must be one which enables the student to continue to participate in the general curriculum, to continue to receive those services and modifications described in the student's current IEP, and to receive services and modifications designed to address the student's behavior. The special education director/coordinator or designee should be contacted immediately when a special education student commits a violation of the rules of conduct which may result in the removal from the classroom by suspension or expulsion. All procedural safeguards described in the IDEA shall be followed whenever a special education student is disciplined.

As provided under '37-23-135, Educational services for children with disabilities who have been suspended or expelled from school shall be provided based on the requirements of IDEA, applicable federal regulations and state regulations.

## STUDENT CONDUCT AND GRADES

Criteria used in the evaluation process to determine a student's grade must be supported by rationale. The criteria must be in writing and must include the following:

1. Course content (goals, objectives, materials, etc.) as outlined in the curriculum guides
2. Methods of evaluation grades will reflect some combination of the areas listed below:
  - a. Class work
  - b. Homework
  - c. Test scores
  - d. Participation
  - e. Skill application
  - f. Preparation for class
3. The effect of absence on grades
4. Procedures for making up assigned work and tests
5. Other criteria as may be approved by the superintendent and school board

This school board affirms the role of community-based organizations in responding to the needs of students whose serious behavior problems in school places them at risk of becoming juvenile and adult offenders. Appropriate activities can help to reduce student delinquency and improve academic

performance. This board directs the superintendent to cooperate with neighborhood- and community-based groups that provide quality programs to students in this district through the Support Our Students (S.O.S.) Program.

The purpose of the S.O.S. Program is "to award grants to neighborhood- and community-based organizations to establish local S.O.S. programs that provide high quality after-school mentoring activities for school-aged children and provide for comprehensive, collaborative delivery of mentoring services by public and nonpublic agencies to these children."

The goals of the S.O.S. Program are to:

1. Reduce juvenile crime;
2. Recruit community positive role models;
3. Reduce the number of so-called "latchkey" children;
4. Improve student academic performance;
5. Improve student attitude and behavior; and
6. Improve coordination of existing resources.

#### DISCIPLINARY ACTION / THE SCHOOL SAFETY ACT OF 2001

For information related to student conduct, disciplinary action, and the School Safety Act of 2001, please refer to MS CODE '37-11-55 and policy JCB, Code of Conduct.

LEGAL REF: MS CODE as cited; '37-11-29 (1996) and '37-23-133

Mattie T Consent Decree; *Davis v. Monroe County Board of Education* (1999)

Individuals with Disabilities Education Act, 20 U.S.C. '1400 *et seq.*

1972 Education Amendments, Title VII and Title IX  
(Attorney General Opinion, *Carter*, 1-9-98) (#183) (97-0817)

CROSS REF.: Policies JB Students Complaints of Sexual Discrimination/Harassment

JCB Code of Conduct

JCBE Unlawful or Violent Acts

JCBH Gun-Free Schools

JCD-2 Student Conduct -- Discipline Plan

JCDAC Drugs and Alcohol

JCDAE Weapons

JDD Suspension

JDE Expulsion

**Last Review Date: October 10, 2022**

**Adopted Date:** 11/29/2016

**Approved/Revised Date:** 10/10/2022

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCAA - Due Process

### **DUE PROCESS**

A student who has been suspended for more than ten (10) days or expelled has the right to due process. All aspects, circumstances and records of the student's case shall be confidential and available only to authorized school officials dealing directly with the student or to the student's parents, legal guardians or attorneys for the student or for the Board. The following procedures provide notice and opportunity to be heard in such matters.

The superintendent of schools and the principal of a school shall have the power to suspend or expel a pupil for good cause, including misconduct in the school or on school property, as defined in the Mississippi Code of 1972 Section 37-11-29, on the road to and from school, or at any school-related activity or event when such conduct by a pupil, in the determination of the superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, or for any reason for which such pupil might be suspended, dismissed or expelled by the school board under state or federal law or any rule, regulation or policy of the school district.

For any suspension of more than ten (10) days or expulsions, a student shall have the right to

- a due process hearing,
- be represented by legal counsel, to present evidence and,
- cross-examine witnesses presented by the district.

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

All consideration of student disciplinary actions shall be conducted in accordance with standard board procedure. All decisions by the board shall be final.

The superintendent or designee shall establish procedures for informal and formal hearings consistent with this policy.

LEGAL REF.: MS CODE ' 37-9-71; ' 37-15-9; ' 37-13-92; Attorney General Opinion, *Carter*, 1-9-98 (#183) (97-0817)

CROSS REF.: Policies JCD Alternative School Program

JDA Discipline Plan

Last Review Date: May 17, 2021

**Adopted Date:** 12/14/2020

**Approved/Revised Date:** 12/14/2020



**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCB - Code of Conduct

## **CODE OF CONDUCT**

### **NO CHILD LEFT BEHIND ACT**

A student code of conduct, developed under the leadership of the district administration, and in cooperation with staff, will be made available and distributed to parents and students outlining student conduct expectations and possible disciplinary actions, including consequences for disorderly conduct, as required by the No Child Left Behind Act of 2001 (NCLBA). In addition, each school may publish a student/parent handbook detailing additional rules specific to that school. [All rules applying to student conduct shall be posted in a prominent place in each school building.]

Students in violation of Board policy, administrative regulation and/or code of conduct provisions will be subject to discipline up to and including expulsion. Students may be denied participation in extracurricular activities. Titles and/or privileges available to or granted to students may also be denied and/or revoked (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). A referral to law enforcement may also be made.

The superintendent shall establish and the board shall adopt a code of student conduct that shall be provided to all teachers, school personnel, students and parents, legal guardians or custodians at the beginning of each school year. The superintendent shall develop the code of conduct in consultation with principals, teachers, school personnel, students and parents, legal guardians or custodians.

The code of conduct shall be based upon but not limited to the rules of student conduct including policies JCA, JCB, JCB, JCB and the rules of discipline including policies JD, JDA, JDB, JDC, JDD, and JDE and any and all related policies adopted subsequent hereto. The code shall be made available in the student handbook or other similar publication. The code of conduct shall include, but not be limited to the following items:

1. Specific grounds for disciplinary action under the school district's discipline plan;
2. Procedures to be followed for acts requiring discipline, including suspensions and expulsion, which comply with due process requirements; and
3. Explanations of the rights and responsibilities of students with regard to:
  - a. Attendance;
  - b. Respect for persons and property;
  - c. Knowledge and observation of rules of conduct;
  - d. Free speech and student publications;
  - e. Assembly;
  - f. Privacy; and
  - g. Participation in school programs and activities.
4. The School Safety Act of 2001 provides a procedure for disciplining students whose behavior, as determined by the principal or designated administrator of each school, seriously interferes with the school environment as defined by the Act. The Superintendent is authorized to more fully develop and implement the following procedures in the school district. These provisions of the School Safety Act of 2001 are cumulative and in addition to existing school district discipline procedures.
  - a. The teacher is the authority in the classroom and, as such, is charged with classroom management. The administration will continue to support the teacher in decisions made in compliance with the written discipline code of conduct, school policies and procedures.
  - b. Teachers continue to have the authority to remove students from their classrooms under existing policies and statutes for certain behaviors and/or actions, and such behavior would not necessarily constitute "disruptive behavior" as defined in the School Safety Act of 2001 ("Act"). In accordance with the Act and the Attorney General opinion dated June 25, 2001, this District designates the [building principal or assistant principal] of each school to make the determination as to whether a student's behavior seriously interferes with the school environment. Every removal from the classroom does not constitute an instance of "disruptive behavior" as defined by the Act.
  - c. "Disruptive Behavior" means conduct of a student that is so unruly, disruptive or abusive that it seriously interferes with a school teacher's or school administrator's ability to communicate with the students in a classroom, with a student's ability to learn, or with the operation of a school or a school-related activity, and which is not covered by other laws related to violence or possession of weapons or controlled substances on school property, school vehicles or at school-related activities. Such behaviors include, but are not limited to: foul, profane, obscene, threatening, defiant or abusive language or action toward teachers or other school employees; defiance, ridicule or verbal attack of a teacher; and willful, deliberate and overt acts of disobedience of the directions of a teacher.
  - d. "Habitually disruptive" refers to such actions of a student which cause disruption in a classroom, on school property or vehicles or at a school-related activity on more than two (2) occasions during a school year, and to disruptive behavior that was initiated, willful and overt on the part of the student and which required the attention of school personnel to deal with the disruption.
  - e. Should a student be removed from the classroom by a teacher because a teacher, in his or her professional judgment, has determined that the student is disrupting the learning environment under this Act, the teacher should describe the student's behavior in the information provided to the [principal or assistant principal]. If the [principal or assistant principal] disagrees with the teacher's decision to remove the student, the principal may return the student to the classroom. The teacher may request that the [principal or assistant principal] provide justification for returning the student to the classroom. A student does not have to be engaged in disruptive behavior as defined by Mississippi Code Annotated ' 37-11-54 (or the Act) to be removed from the classroom. A student may be removed from the classroom for other qualifying behavior under the school district's discipline plan.
  - f. Should the [principal or assistant principal] determine that the student's conduct does rise to the level of "disruptive behavior" required in the Act or in accordance with existing procedures addressing the removal of the students from class, the parent/guardian will be contacted and a conference held with the parent/guardian by the most effective and/or efficient means available, including but not limited to, telephone, e-mail, written notice via mail or delivery. After the conference and application of the appropriate discipline under the school discipline plan, the student may return to class.

- g. After the second incident of disruptive behavior as determined by the [principal or assistant principal], the [principal or assistant principal], the student's parent or guardian and the reporting teacher or teachers shall develop a behavior modification plan. The conference to develop the plan may be held in person or via telephone. If the parent/guardian does not respond or refuses to participate, the teacher(s) and the [principal or assistant principal] shall prepare the plan and mail a copy to the parent/guardian.
- h. Once determination has been made by the [principal or assistant principal] that the student has not complied with the behavior modification plan, the [principal or assistant principal] shall follow the procedure for disciplining the student according to the student code of conduct and discipline plan, which may include expulsion to the alternative school for applicable offenses. The Act limits the expulsion remedy to students age 13 and above. However, under board policy and other discipline procedures, expulsion may also apply to students under age 13.
- i. If a student under age 13 has two instances of behavior that the [principal or assistant principal] classifies as "disruptive behavior," the District will appoint trained personnel to evaluate the child's behavior through an appropriate behavioral assessment. The assessment will not be one such that it is in conflict with federal laws requiring parental notification of certain types of evaluations.
- j. Any discipline, including expulsion, for "habitually disruptive" behavior under the Act, must follow existing procedures to ensure that the student is afforded his / her due process protections. (Section 37-11-55 (b))

5. The school district will more fully develop and implement procedures for devising behavior modification plans under the School Safety Act.

6. It is this school district's policy to have procedures for dealing with a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities. These procedures will specifically address discipline measures for gang-related activity in the school, on school property or vehicles, or at school related activities.

LEGAL REF: School Safety Act of 2001 (Senate Bill No. 2239)  
(Miss. Code Annotated ' 37-11-53, ' 37-11-54, ' 37-11-55) (Supp. 2001)  
P. L. 107-110 (No Child Left Behind Act)  
Attorney General Opinion to Thompson dated June 25, 2001

Last Review Date: May 17, 2021

**Adopted Date:** 7/1/2007  
**Approved/Revised Date:** 12/9/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCBA - Student Restraint & Seclusion

## STUDENT RESTRAINT AND SECLUSION POLICY

The Newton Municipal School District Board of Trustees 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.

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. The use of excessive force or cruel and unusual punishment regarding student management is prohibited. Restraint and/or seclusion shall not be utilized as a punitive measure.

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.

This policy in no way shall inhibit the right of staff to reasonable self-defense in accordance with the provisions of the 5<sup>th</sup> and 14<sup>th</sup> 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.

In any situation in which a student is a danger to himself/herself 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.

### Restraint

Physical restraint is considered to be an emergency response after all other verbal and non-verbal de-escalation measures have failed in effectiveness. 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.

1. Physical restraints that restrict the flow of air are prohibited in all situations.
2. The use of mechanical restraints is prohibited, except by law enforcement.
3. The use of chemical restraints is prohibited.

### Seclusion

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.

### Administrative Procedures

This policy and the supporting procedures are designed to ensure the safety of all students, school personnel, and visitors. The following provisions shall be adhered to:

- a. Staff and faculty shall be trained at least annually on the use of physical restraint and seclusion. 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.
- b. Administrators shall document incidents of the use of physical restraint or seclusion by staff or faculty participating in or supervising the restraint or seclusion event.
- c. A review of the use of a restraint and seclusion process shall be conducted by the school to determine if revisions 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.
- d. The school board shall review this policy and incidents of seclusion and restraint data at a minimum, annually. At a minimum, the Superintendent shall make quarterly reports of incidents of restraint and/or seclusion to the school board. The school district shall report the incidents to Mississippi Department of Education annually.

- e. This policy and supporting procedures shall be reviewed with all staff on an annual basis.
- f. The superintendent or designee shall develop procedures for reporting the use of restraint or seclusion to the local board of education and to the Mississippi Department of Education.
- g. After reviewing the district reports of incidents in which restraint and seclusion were used, if necessary, the superintendent shall make recommendations to the board for possible revisions to this policy. The review and/or revisions to this policy shall be documented on the school board meeting agenda and the subsequent minutes of the school board meeting. The school district or school shall maintain records of its review of and any resulting decisions or actions regarding the use of seclusion and restraint.

#### Parental Notification

- a. All parents shall receive, at least annually, written information about the policies and procedures for restraint and seclusion issued by this school district. The written policies shall be included in the code of conduct, student handbook, school board policy manual, and any other appropriate school publication.
- b. Parents or guardians 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. At the time the parent is notified, the school shall schedule a debriefing with the parent to discuss the incident.
- c. The superintendent or designee shall develop procedures by which a parent may submit a complaint regarding the physical restraint or seclusion of their child; the procedures shall be printed in the Student Handbook.

The superintendent or designee shall establish and disseminate all procedures relevant to the implementation of this policy and the guidelines set forth by the Mississippi Department of Education.

This policy and all revisions to the policy shall at a minimum be disseminated to all parents and staff annually, and listed in the staff and student handbooks, as well as the school board policy manual.

LEGAL REF.: MS CODE: 37-9-69; 37-11-57

CROSS REF.: Policies EBBB Safety Program

EBCB Security

JGFB Student Safety

JCA Student Conduct

Last Review Date: May 17, 2021

**Adopted Date:** 11/29/2016

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCBB - Gang Activity

### **GANG ACTIVITY**

This school district is committed to maintaining a safe school environment for its students and staffs. Students are expected to adhere to the school's and district's standards of conduct that promote well-being and supports the learning process. Gang activity will not be tolerated in any form. Where gang activity is suspected or confirmed a complaint will be filed in accordance with the "Mississippi Streetgang Act" (MS Code '97-44-1 et seq.).

LEGAL REF.: MS CODE as cited

CROSS REF.: Policies JCA - Student Conduct

JCB - Code of Conduct

JCBE - Unlawful or Violent Acts

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999

**Approved/Revised Date:** 5/11/2020

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCBD - Vandalism/ Destruction of Property

### **VANDALISM**

If any student shall willfully destroy, cut, deface, damage or injure any school building, equipment or other school property, he shall be subject to suspension or expulsion and his parents, legal guardians or custodians shall be liable for all damages.

#### **I. LIABILITY FOR DAMAGES**

The District may institute legal proceedings against and recover damages provided by law from parents of minor students who maliciously and willfully damage or destroy school property. The discipline plan of each school shall contain a statement of parental responsibilities in this regard as required by Policy JDA - Discipline Plan.

#### **II. REPORTING VANDALISM**

Citizens, students and law enforcement are urged by the board to cooperate in reporting any incidents of vandalism in District property and the name(s) of the person(s) believed to be responsible.

All District employees shall notify the principal of the school when they have knowledge that an act of vandalism has or may have occurred.

The principal shall notify the superintendent or his designee of all reports of vandalism.

The superintendent is authorized to sign a criminal complaint and to press charges against perpetrators of vandalism against school property. He is further authorized to delegate authority to perform these functions.

LEGAL REF.: MS CODE Sections 37-11-19 & 37-11-53

CROSS REF.: Policies JCA - Student Conduct

JCB - Code of Conduct

JCBE - Unlawful or Violent Acts

JDA - Discipline Plan

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999  
**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCBE - Unlawful or Violent Acts

## UNLAWFUL OR VIOLENT ACTS

Any unlawful or violent act is absolutely prohibited on school property or during school-related activities.

The term firearm includes, but is not limited to, any weapon designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device. The term destructive device means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any or the devices described herein.

## DISCIPLINARY ACTION

A student shall be subject to automatic suspension and/or recommendation of expulsion by the superintendent or principal when there exists reasonable grounds to believe that a student has committed an unlawful or violent act on school property, during school-related activities or otherwise when the commission of the unlawful or violent act has or threatens a disruptive effect on the educational process or threatens the safety of the student or others. Such suspension pending expulsion shall take effect immediately subject to the procedures of due process stated in Policy JDE Expulsion.

Any student who possesses any controlled substance, a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on school property shall be subject to automatic expulsion by the superintendent or principal of the school in which the student is enrolled. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board.

## REPORTING

All school employees shall report unlawful activities and violent acts in accordance with Policies JCBF and JCBF-P.

## DEFINITIONS

An "unlawful activity" means any of the following:

1. Possession or use of a deadly weapon;
2. Possession, sale or use of any controlled substance;
3. Aggravated assault;
4. Simple assault upon any school employee;
5. Rape;
6. Sexual battery;
7. Murder;
8. Kidnapping;
9. Fondling, touching, handling, etc. of a child for lustful purposes.

A "violent act" is one which results in or is an attempt to cause death or physical harm of another person.

"School property" includes any school building, bus, campus, grounds, recreational area, athletic field or other property owned, used or operated by the District.

## DISRUPTION TO THE EDUCATIONAL PROCESS

The superintendent and principal of a school shall have the power to suspend or expel a pupil for good cause, including misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, in the determination of the superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, or for any reason for which such pupil might be suspended, dismissed, or expelled by the school board under state or federal law or any rule, regulation or policy of the local school district.

For any suspension of more than ten (10) days or expulsions, a student shall have the right to a due process hearing,

- be represented by legal counsel,
- to present evidence and
- cross-examine witnesses presented by the district.

The student and the student's parent, legal guardian or person in custody of the student may appeal suspension of more than ten (10) days and expulsions to the school board. The standard of proof in all disciplinary proceedings shall be substantial evidence. The parent or guardian of the child shall be advised of this right to a hearing by the appropriate superintendent or principal and the proper form shall be provided for requesting such a hearing. 37-9-71

NOTE: MS Code Section 97-3-19 includes in the definition of capital murder; murder which is perpetrated on educational property as defined in Section 97-37-17.

Please refer to MS Code 37-3-83 for information on how school districts may apply for grant funds under the School Violence Prevention Grant Program.

The Mississippi Public School Accountability Standard for this policy is standard 31.

LEGAL REF.: MS CODE 37-11-18; 37-11-29 (6); 43-21-605 (4); 37-9-71

*Mississippi Public School Accountability Standards*

CROSS REF.: Policies EBBA School Safety Plan

JCBF Reporting of Unlawful or Violent Acts

JCDAC Drugs and Alcohol

JCDAE Weapons

JDE Expulsion

**Last Review Date: October 10, 2022**

**Adopted Date:** 4/4/2018

**Approved/Revised Date:** 10/10/2022



**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCBF - Reporting of Unlawful or Violent Acts

### **REPORTING OF UNLAWFUL OR VIOLENT ACTS**

District employees shall comply with all requirements imposed by law with regard to reporting unlawful or violent acts which have or may have occurred on school property or during school-related activities or for which students have been expelled.

The following reports shall be made in accordance with the law and with Policy JCBF-P - Reporting of Unlawful or Violent Acts -- Procedures.

#### **NOTIFICATION TO PRINCIPAL**

Any school employee shall notify his/her principal immediately upon obtaining knowledge that one of the following unlawful activities or a violent act has or may have occurred on school property or during a school-related activity:

1. Aggravated assault, including but not limited to
  - a. Assault resulting in serious physical injury or
  - b. Assault involving use of weapon;
2. Assault on a school employee, simple or aggravated;
3. Indecent liberties with a minor;
4. Possession of a firearm or other weapon;
5. Possession, use or sale of any controlled substance;
6. Rape;
7. Sexual battery;
8. Other sexual offense;
9. Murder or other homicide;
10. Kidnapping; or
11. Other violent act.

When an emergency situation exists and the principal is not available for immediate notification, the employee shall immediately notify the appropriate law enforcement agency and, as soon as possible thereafter, shall notify the principal or other school administrator.

#### **NOTIFICATION TO SUPERINTENDENT**

A principal receiving an employee's report or having personal knowledge of such acts shall immediately notify the superintendent or his/her designee.

#### **NOTIFICATION TO LAW ENFORCEMENT AGENCY**

A principal shall orally notify the appropriate law enforcement agency when he has a reasonable belief that one of the above-stated acts has occurred and shall thereafter notify the appropriate local law enforcement agency in writing.

#### **NOTIFICATION TO MISSISSIPPI DEPARTMENT OF EDUCATION**

In accordance with the provisions of MS Code ' 37-11-29, ALL crimes committed on campus must be reported to MDE. The vehicle for reporting is the MSIS system. The code also carries a penalty for failure to report.

#### **NOTIFICATION TO PARENTS, YOUTH COURT AND LAW ENFORCEMENT AGENCY**

The superintendent shall notify the parents/legal guardians, the youth court and appropriate local law enforcement agency when a student is expelled because of unlawful or violent activity.

The superintendent shall notify the parents/legal guardians, youth court and appropriate local law enforcement agency when a crime has been committed by a student on school property or during a school-related event.

#### **NOTIFICATION TO DISTRICT ATTORNEY**

The superintendent or principal shall notify the district attorney of an accusation of fondling or sexual involvement with a minor student (under 18) by a school employee (18 or older) upon determination that there is a reasonable basis to believe that the accusation is true.

It is recommended that law enforcement be immediately notified because sexual activity between staff and student is a felony. Also, an administrative investigation may not reveal misconduct but a criminal investigation may. In most cases the law enforcement agency will defer the investigation to the school district, particularly if a School Resource Officer (SRO) is the investigator.

#### **DEFINITIONS**

1. "School property" means any school building, bus, campus, grounds, recreational area, athletic field, or other property owned, used or operated by the District.
2. A "violent act" means any action which results in death or physical harm to another or an attempt to cause death or physical harm to another.
3. The "appropriate law enforcement agency" is the agency with jurisdiction in the place where the unlawful activity or violent act occurs.
4. The "appropriate local law enforcement agency" is the [insert agency with jurisdiction in the place where the school or district is located, i.e. City Police Department, County Sheriff's Department].
5. The crimes which must be reported are defined by the applicable Mississippi law.

LEGAL REF.: MS CODE ' 37-11-29; ' 37-9-14(2)(w) and (x); ' 43-21-605(4)

CROSS REF.: Policies JCBE - Unlawful or Violent Acts  
 JCA - Student Conduct

JDA - Discipline Plan

Last Review Date: \_\_\_\_\_  
Review History:[1/1/1900][1/1/1901]

**Adopted Date:** 11/14/2019  
**Approved/Revised Date:** 11/14/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCBF-P - Reporting of Unlawful or Violent Acts - - Procedures

#### REPORTING OF UNLAWFUL OR VIOLENT ACTS -- PROCEDURES

The reports of unlawful or violent acts required by Policy JCBF shall be made in accordance with the following procedures:

##### A. ACTION BY DISTRICT PERSONNEL

When any school employee, principal or the superintendent has knowledge that an unlawful or violent act has or may have occurred on school property or at a school-related event:

##### 1. IMMEDIATELY UPON RECEIVING INFORMATION OF SUCH ACT, the following oral reports shall immediately be made:

- a. The employee shall notify his principal.
- b. The principal shall notify the superintendent or his designee.

##### 2. ORAL NOTICE TO LAW ENFORCEMENT

- a. IF AN EMERGENCY ("911-LIFE THREATENING") SITUATION EXISTS AND THE PRINCIPAL IS NOT IMMEDIATELY AVAILABLE, the employee is authorized to immediately contact the appropriate law enforcement official and, as soon as possible thereafter, to notify the principal or other school administrator.
- b. IF THE PRINCIPAL HAS A REASONABLE BELIEF THAT AN UNLAWFUL OR VIOLENT ACT HAS BEEN COMMITTED, the principal shall also orally notify law enforcement officials immediately following receipt of the employee's report.

##### 3. AS SOON AS POSSIBLE, and in no event more than 24 hours of the oral report, the following written reports shall be made:

- a. An employee making the oral report shall complete and submit to the principal a written report on a form provided by the superintendent for such purposes.
- b. If the principal has a reasonable belief that an unlawful or violent act has been committed, he shall complete and submit to the appropriate local law enforcement agency and to the superintendent a written report on a form provided by the State Board of Education for such purposes.
- c. If a crime was committed by a student, the superintendent shall complete and submit to the youth court and the appropriate local law enforcement agency an affidavit in a form prescribed for such purposes. If expulsion resulted from a student's unlawful activity or violent act, the affidavit shall contain such notice.
- d. If the offense involved possession of a firearm in violation of the Policy JCBH - Gun-Free Schools, the superintendent shall also submit the written report to the appropriate division of the State Department of Education. PLEASE NOTE: In accordance with the provisions of MS Code ' 37-11-29, ALL crimes committed on campus must be reported to MDE. The vehicle for reporting is the MSIS system. The code also carries a penalty for failure to report.

##### 4. Copies of all written reports and notices shall be retained by the principal and the superintendent.

##### B. SEXUAL MISCONDUCT

When there is an allegation against an employee of sexual misconduct with a student:

1. WITHIN 5 DAYS OF THE OCCURRENCE OR KNOWLEDGE OF SUCH MISCONDUCT, a student, parent, employee or other person shall orally notify the principal, Title IX Coordinator or the superintendent of all allegations against the employee.
2. IMMEDIATELY UPON RECEIPT OF SUCH ALLEGATION(S), the principal or Title IX Coordinator shall orally notify the superintendent. PLEASE NOTE: It is recommended that law enforcement be immediately notified because sexual activity between staff and student is a felony. Also, an administrative investigation may not reveal misconduct but a criminal investigation may. In most cases the law enforcement agency will defer the investigation to the school district, particularly if a School Resource Officer (SRO) is the investigator.
3. SUCH ALLEGATIONS SHALL BE PROCESSED IN ACCORDANCE WITH THE TITLE IX GRIEVANCE PROCEDURE, POLICY.
4. UPON CONCLUSION OF THE TITLE IX GRIEVANCE PROCESS, the Title IX Coordinator shall complete and submit a written report to the superintendent.
5. WITHIN 2 DAYS OF RECEIVING THE TITLE IX GRIEVANCE REPORT, the superintendent shall determine whether there exists a reasonable basis to believe that the accusation is true and, if so, shall as soon as possible thereafter orally notify the district attorney of such accusation.
6. Copies of all written reports shall be retained by the superintendent.

LEGAL REF.: MS CODE Sections 37-11-29; 37-9-14(2)(w) and (x); 43-21-605(4) CROSS REF.: Policy JCBE - Unlawful or Violent Acts

Last Review Date: \_\_\_\_\_  
 Review History:[1/1/1900][1/1/1901]

**Adopted Date:** 11/14/2019  
**Approved/Revised Date:** 11/14/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCBH - Gun-Free Schools

## GUN-FREE SCHOOLS

The term firearm includes, but is not limited to, any weapon designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device. The term destructive device means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any or the devices described herein.

### MISSISSIPPI STATE LAW

Any student who possesses a knife, handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commits a violent act on school property as defined in Section 97-37-17, Mississippi Code of 1972, shall be subject to automatic expulsion by the superintendent or principal of the school in which the student is enrolled. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the local school board.

### I. FIREARMS PROHIBITED

No student is permitted to bring a firearm on school property.

The school district may use video camera equipment in classrooms for the purpose of monitoring school disciplinary problems.

This school board may authorize a reward of up to \$500.00 to any person who provides information that leads to the confiscation by the school district or by a law enforcement agency of any illegal firearm on school property. The name of any person who provides such information leading to the confiscation of an illegal firearm shall remain confidential. The superintendent is charged with the responsibility of insuring that procedures are in place to maintain such confidentiality. ' 37-3-84

### II. DISCIPLINARY ACTION

"School property" includes any school building, bus, campus, grounds, recreational area, athletic field or other property owned, used or operated by the District.

The penalty for bringing a firearm on school property shall be expulsion from the school program and all of its activities for a minimum period of one calendar year.

Any student who is charged with bringing a firearm on school property shall be automatically suspended for ten days and recommended for expulsion for a minimum period of one calendar year by the principal. The suspension shall take effect immediately following the provision of initial due process and pending the conclusion of due process on the recommendation of expulsion, all in accordance with Policies *[JCAA, JCD, JD, JDD, JDE]* and all others subsequently adopted by the board.

The superintendent who receives a recommendation for expulsion may determine, based upon the particular circumstances of a given case, that other disciplinary action or alternative placement is appropriate and may make such recommendation to the board.

### III. READMISSION

A student who is expelled for bringing a firearm on school property must apply for readmission to the regular school program as provided by Policies *[JCAA, JCD, JD, JDD, JDE]*. Readmission may be granted by the board upon a documented showing that the student has participated in successful rehabilitative efforts including but not limited to progress in an alternative school or similar program.

### IV. REPORTING

Violations of the firearm prohibition stated in this policy shall be reported in accordance with Policies JCBF and JCBF-P.

### V. USE OF METAL DETECTORS

In an effort to promote the safety of the students, teachers, administrators, and other employees of this school district, and to discourage violation of state law and school policy, metal detectors either stationary or hand held, or both, may be used at the discretion of the building level principal at each school building and school facility in this school district.

The principal, or his/her designee in each school, and the chief administrator in each facility, shall be responsible for utilizing the metal detectors at the principal's discretion, and in such a way as not to discriminate on the basis of race, color, age, or sex.

If a stationary metal detector is activated, the person involved shall be subject to a further examination by a hand held detector in order to pinpoint the specific location of the object activating the detector. That person will then be requested to produce the object for inspection.

If the person declines to do so, and (a) if such person is a student, the student's parent(s), or person in loco parentis, shall be requested by phone to come to the school and participate in the further inspection; and if such student continues to refuse to produce the object for inspection, appropriate disciplinary action, including possible expulsion, shall be taken; (b) if such person is a school district employee, appropriate disciplinary action, including possible termination, shall be taken; and (c) if such person is a visitor, such person shall be denied admittance to the school building or facility.

Any student or employee who feels aggrieved by the action taken shall have the right to appeal to the school board.

The Mississippi Public School Accountability Standard for this policy is standard 31.

LEGAL REF.: MS Code as cited and ' 37-3-83; ' 37-11-18; ' 97-37-17

*Mississippi Public School Accountability Standards*

CROSS REF.: Policies EBBA School Safety Plan

JCBE Unlawful or Violent Acts

JCD Alternative School Program

JCDAE (2) Possession of Weapons on School Property

**Adopted Date:** 7/26/2016

**Approved/Revised Date:** 11/8/2021

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCD - Alternative School Program

### ALTERNATIVE SCHOOL PROGRAM

The school board of this district shall establish, maintain and operate, in connection with the regular programs of said school district, an alternative school program. The alternative school program shall be operated as part of and in accordance with the regulations applicable to the regular school program and with all requirements of federal and state law (MS Code of 1972 Section 37-13-91, et al) and the guidelines of the State Department of Education

-

1. The alternative school program shall serve compulsory-school-age children:
  - a. Who have been suspended for more than ten (10) days or expelled from school, except that such placement may be denied when the expulsion was for possession of a weapon or other felonious conduct;
  - b. Who are referred for placement based upon a documented need by the parent, legal guardian or custodian because of disciplinary problems;
  - c. Who are referred by order of a chancellor or youth court judge, but only with the consent of the principal; and
  - d. Whose presence in the classroom, in the determination of the school superintendent or principal, is a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and teacher of such class as a whole.
2. Before placement in the alternative school program, the principal or program administrator of the alternative school program shall obtain verification of the child's suitability for the program from the appropriate guidance counselor. Before a student can be removed to an alternative school education program, the superintendent shall determine that the written and distributed disciplinary policy of this district is being followed and that the policy includes standards for:
  - a. The removal of a student to an alternative education program that will include a process of educational review to develop the student's individual instruction plan and the evaluation at regular intervals of the student's educational progress; the process shall include classroom teachers and/or other appropriate professional personnel, as defined by district policy, to ensure a continuing program for the removed student;
  - b. The duration of the alternative placement; and
  - c. The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process, as defined in the district policy.
3. The superintendent shall provide for the continuing education of a student who has been removed to an alternative school program. Students placed in the alternative school program are subject to the policies and rules of conduct and discipline as well as any other rules of conduct and discipline deemed appropriate by the superintendent and/or principal.
4. This district shall ensure the following components are included in the alternative school program:
  - a. Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and general educational development (GED) placement;
  - b. Clear and consistent goals for students and parents;
  - c. Curricula addressing cultural and learning style differences;

- d. Direct supervision of all activities on a closed campus;
  - e. Attendance requirements that allow for education and workforce development opportunities
  - f. Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;
  - g. Continual monitoring and evaluation and formalized passage from one step or program to another;
  - h. A motivated and culturally diverse staff;
  - i. Counseling for parents and students;
  - j. Administrative and community support for the program; and
  - k. Clear procedures for annual alternative school program review and evaluation.
5. Any student who becomes involved in any criminal or violent behavior shall be removed from the alternative school program and, if probable cause exists, a case shall be referred to the youth court. The removal of a student from the alternative school program on these grounds shall be reported in accordance with the applicable school board policies.
6. This school district shall submit a report by July 31 of each calendar year to the State Department of Education describing the results of its annual alternative school program review and evaluation undertaken pursuant to MS Code of 1972 Section 37-13-92. The report shall include a detailed account of any actions taken by the school district during the previous year to comply with substantive guidelines promulgated by the State Board of Education under MS Code of 1972 Section 37-13-92.

#### SPECIAL EDUCATION STUDENTS

Educational services for children with disabilities who have been suspended or expelled from school shall be provided based on the requirements of IDEA, applicable federal regulations and state regulations.

#### STUDENT CONDUCT AND GRADES

Criteria used in the evaluation process to determine a student's grade must be supported by rationale. The criteria must be in writing and must include the following:

- 1. Course content (goals, objectives, materials, etc.) as outlined in the curriculum guides
- 2. Methods of evaluation of grades will reflect some combination of the areas listed below:
  - a. Class work
  - b. Homework
  - c. Test scores
  - d. Participation
  - e. Skill application
  - f. Preparation for class



3. The effect of absence on grades
4. Procedures for making up assigned work and tests
5. Other criteria as may be approved by the superintendent and school board

This school district, in its discretion, may provide a program of general educational development (GED) preparatory instruction in the alternative program.

The Mississippi Public School Accountability Standard for this policy is standard 22.

LEGAL REF.: MS CODE ' 37-13-92

*Mississippi Public School Accountability Standards*

CROSS REF.: Policies IDDF Special Education Programs

IFB Instructional Services

JCD-1 GED Program

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014

**Approved/Revised Date:** 11/11/2017

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCD(1) - GED Program

### **GED PROGRAM**

This school district shall provide a General Education Development (GED) Option preparatory instruction as part of the Alternative School Program. The GED program shall be administered in accord with Mississippi Code of 1972 Section, 37-35-3 and with State Board Policy IDDI-2 -- Alternative Programs.

As mandated by Mississippi Code of 1972 Section, 37-35-3 the following shall apply:

1. Any student participating in an approved General Educational Development (GED) Option program administered by a local school district or a local school district with an approved contractual agreement with a community college or other local entity shall not be considered a dropout. Students in such a program administered by a local school district shall be considered as enrolled within the school district of origin for the purpose of enrollment for minimum program funding only. Such students shall not be considered as enrolled in the regular school program for academic or programmatic purposes.
2. Students participating in an approved General Educational Development (GED) Option program shall have an individual career plan developed at the time of placement to insure that the student's academic and job skill needs will be met.
3. Students participating in an approved General Educational Development (GED) Option program may participate in existing job and skills development programs or in similar programs developed in conjunction with the GED Option program and the vocational director.
4. General Educational Development (GED) Option programs may be operated by local school districts or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education.

This program will also comply with all applicable provisions of the Mississippi Code of 1972, Annotated including but not limited to Section 37-13-92 and 37-35-1 through 11 as amended, and with all other applicable federal and state laws, regulations, and the Mississippi Public School Accountability Standards.

The GED Program shall meet the "Minimum Guidelines for Implementing a GED Program in Mississippi School Districts" specified in State Board Policy IDDI-2.

The Mississippi Public School Accountability Standard for this policy is standard 11

LEGAL REF.: MS CODE ' 37-13-92 and ' 37-35-1 through 11

CROSS REF.: Policies IB Instructional Goals

JCD Alternative School Program

Last Review Date: May 17, 2021

**Adopted Date:** 4/4/2018

**Approved/Revised Date:**

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCD(2) - Student Conduct -- Discipline Plan

## **STUDENT CONDUCT -- DISCIPLINE PLAN**

### **1. DISTRIBUTION OF DISCIPLINE PLAN**

A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 6 of Senate Bill No. 2239, 2001 Regular Session, shall be fully incorporated into the school district's discipline plan and code of student conduct.

### **2. INCLUSIONS**

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

- a. A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible financially for his or her minor child's destructive acts against school property or persons;
- b. A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district may be requested to appear at school by the school attendance officer or an appropriate school official for a conference regarding acts of the child specified in paragraph (a) of this subsection, or for any other discipline conference regarding the acts of the child;
- c. Any parent, guardian or custodian of a compulsory-school-age child enrolled in a school district who refuses or willfully fails to attend such discipline conference specified in paragraph (b) of this section may be summoned by proper notification by the superintendent of schools or the school attendance officer and be required to attend such discipline conference; and
- d. A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible for any criminal fines brought against such student for unlawful activity occurring on school grounds or buses.

### **3. DISCIPLINE CONFERENCE WITH PARENT**

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

### **4. DISTRICT RIGHT TO RECOVER DAMAGES**

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

### **5. ALTERNATE OPTION**

A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district. ' 37-11-53 (2001)

## **CODE OF STUDENT CONDUCT / THE SCHOOL SAFETY ACT OF 2001**

For information related to student conduct, disciplinary action, and the School Safety Act of 2001, please refer to MS CODE ' 37-11-55 and sample policy JCB.

## **CORPORAL PUNISHMENT**

Except in the case of excessive force or cruel and unusual punishment, a teacher, principal or assistant principal shall not be civilly or criminally liable for any action carried out in conformity with state or federal law or rules or regulations of the State Board of Education or the local school board regarding the control, discipline, suspension and expulsion of students. The local school board shall provide any necessary legal defense to a teacher, principal or assistant principal in any action which may be filed against such school personnel.

Corporal punishment administered in a reasonable manner by a teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board does not constitute assault, simple assault, aggravated assault, battery, negligence or child abuse. No teacher, principal or assistant principal so acting shall be named as an individual defendant or be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, unless the court determines that the teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety.

"Corporal punishment" means the reasonable use of physical contact by a teacher, principal or assistant principal as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students. Corporal punishment in the form of paddling shall be witnessed at all times by at least one (1) school employee, and all other acts of corporal punishment, as defined herein, shall be witnessed at all times, if possible, by a school employee. ' 37-11-57 (1997)

## STUDENT CONDUCT AND GRADES

Criteria used in the evaluation process to determine a student's grade must be supported by rationale. The criteria must be in writing and must include the following:

1. Course content (goals, objectives, materials, etc.) as outlined in the curriculum guides
2. Methods of evaluation - grades will reflect some combination of the areas listed below:
  - a. Class work
  - b. Homework
  - c. Test scores
  - d. Participation
  - e. Skill application
  - f. Preparation for class
3. The effect of absence on grades
4. Procedures for making up assigned work and tests
5. Other criteria as may be approved by the superintendent and school board

LEGAL REF.: MS CODE as cited

CROSS REF.: Policies JCA- Student Conduct  
JCB - Code of Conduct

Last Review Date: May 17, 2021

STUDENT CONDUCT -- DISCIPLINE PLAN

## 1. DISTRIBUTION OF DISCIPLINE PLAN

A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 6 of Senate Bill No. 2239, 2001 Regular Session, shall be fully incorporated into the school district's discipline plan and code of student conduct.

## 2. INCLUSIONS

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

- a. A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible financially for his or her minor child's destructive acts against school property or persons;
- b. A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district may be requested to appear at school by the school attendance officer or an appropriate school official for a conference regarding acts of the child specified in paragraph (a) of this subsection, or for any other discipline conference regarding the acts of the child;
- c. Any parent, guardian or custodian of a compulsory-school-age child enrolled in a school district who refuses or willfully fails to attend such discipline conference specified in paragraph (b) of this section may be summoned by proper notification by the superintendent of schools or the school attendance officer and be required to attend such discipline conference; and
- d. A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible for any criminal fines brought against such student for unlawful activity occurring on school grounds or buses.

## 3. DISCIPLINE CONFERENCE WITH PARENT

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

## 4. DISTRICT RIGHT TO RECOVER DAMAGES

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

## 5. ALTERNATE OPTION

A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by

the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district. ' 37-11-53 (2001)

#### CODE OF STUDENT CONDUCT / THE SCHOOL SAFETY ACT OF 2001

For information related to student conduct, disciplinary action, and the School Safety Act of 2001, please refer to MS CODE ' 37-11-55 and sample policy JCB.

#### CORPORAL PUNISHMENT

Except in the case of excessive force or cruel and unusual punishment, a teacher, principal or assistant principal shall not be civilly or criminally liable for any action carried out in conformity with state or federal law or rules or regulations of the State Board of Education or the local school board regarding the control, discipline, suspension and expulsion of students. The local school board shall provide any necessary legal defense to a teacher, principal or assistant principal in any action which may be filed against such school personnel.

Corporal punishment administered in a reasonable manner by a teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board does not constitute assault, simple assault, aggravated assault, battery, negligence or child abuse. No teacher, principal or assistant principal so acting shall be named as an individual defendant or be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, unless the court determines that the teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety.

"Corporal punishment" means the reasonable use of physical contact by a teacher, principal or assistant principal as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students. Corporal punishment in the form of paddling shall be witnessed at all times by at least one (1) school employee, and all other acts of corporal punishment, as defined herein, shall be witnessed at all times, if possible, by a school employee. ' 37-11-57 (1997)

#### STUDENT CONDUCT AND GRADES

Criteria used in the evaluation process to determine a student's grade must be supported by rationale. The criteria must be in writing and must include the following:

1. Course content (goals, objectives, materials, etc.) as outlined in the curriculum guides
2. Methods of evaluation - grades will reflect some combination of the areas listed below:
  - a. Class work
  - b. Homework
  - c. Test scores
  - d. Participation
  - e. Skill application
  - f. Preparation for class
3. The effect of absence on grades
4. Procedures for making up assigned work and tests
5. Other criteria as may be approved by the superintendent and school board

LEGAL REF.: MS CODE as cited

CROSS REF.: Policies JCA- Student Conduct  
JCB - Code of Conduct

**Adopted Date:** 8/1/2001

**Approved/Revised Date:**

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCDA - School Searches

## SCHOOL SEARCHES

The Newton Municipal School District is committed to providing a safe environment wherein students can learn and teachers can provide focused instruction. A safe learning climate supports high academic achievement and fosters the best in students and staff.

The Fourth Amendment to the United States Constitution and Article 3, §23 of the Mississippi Constitution provides all people with the right to be secure in their persons, houses, papers, and effects against unreasonable searches. However, circumstances will arise where searches of students' persons, possessions, book bags, lockers, desks and vehicles will be necessary. Administrators in the Newton Municipal School District have the authority and obligation to exercise discretion in the implementation of this policy, balancing the district's responsibility to maintain discipline, order, and a safe environment conducive to education with the student's legitimate expectations of privacy.

### Requirements

All searches must be pre-approved by the superintendent, principal, assistant principal or acting principal. No other district employee may authorize a search except where an emergency situation exists. At least two district employees must be present while a search is conducted. If, in the discretion of the administrator or employee conducting the search, the search is particularly intrusive, the person conducting the search and the witnesses, or at least one of them, should be the same sex as the student. No student other than the student who is the subject of the search may be present during the search. All searches must be reasonable in scope.

### Searches Permitted

Searches are permitted as follows:

#### 1. **Person, Book Bag, Possessions, Lockers**

Searches of a student's person, book bag, possessions or lockers may be conducted if a district employee has prior individualized reasonable suspicion that a student has violated or is violating a district policy, school rules or regulations or the law and that the search will result in discovery of evidence of such violations.

#### 2. **Desks, Other School Property**

Searches of desks and other school property (except lockers) may be conducted at any time, with or without reasonable suspicion of a violation.

#### 3. **Vehicles**

Searches of vehicles driven to school by or for students may be searched by visual inspection with or without reasonable suspicion of a violation. If a visual search results in individualized reasonable suspicion of a violation, a more intrusive search of the vehicle may be conducted at the discretion of the principal.

#### 4. **Canine Searches**

The district may at any time utilize canines to search vehicles, possessions not on the student's person, desks, lockers and other school property, with or without reasonable suspicion of a violation. A canine response indicating the presence of contraband constitutes reasonable suspicion and a more intrusive search may be conducted at the discretion of the principal.

#### 5. **Group Searches**

Caution shall be exercised when a search involving a number of students is conducted. In most instances, in order to justify a search, the district's reasonable suspicion must be particularized to an individual student. Exceptions to this requirement are appropriate only where the intrusiveness of the search is minimal, such as canine searches of lockers, desks or book bags or automobile searches, etc.

#### 6. **Strip Search**

No student shall be subjected to a strip search except where an emergency situation which may endanger or result in bodily injury exists and with pre-approval of the school principal. No student shall be asked to remove any article of clothing in the presence of a member of the opposite sex or of other students.

### Definitions

"Reasonable in scope" means that the degree of the intrusion must be consistent with the objective of the search. Factors to be considered in whether the scope of a search is reasonable include, but are not limited to, the following:

1. The student's age, maturity, and gender;
2. The nature or level of seriousness of the suspected violation; and
3. The intrusiveness of the search, e.g. a canine search is less intrusive than a locker search; a locker search is less intrusive than a "pat down", etc.

"Reasonable suspicion" refers to flexible concept requiring the application of experience and common sense. Determinations of whether reasonable suspicion to support a search exists shall be made on a case-by-case basis with due consideration of all circumstances. In all cases, "reasonable suspicion" must be supported by facts.

Factors to be considered in making this determination include, but are not limited to, the following:

1. The reliability of the information indicating that evidence of a violation may be discovered;
2. The existence of reasonable suspicion that such evidence will be discovered;
3. The individualization of the suspicion toward the person to be the subject of the search;
4. The prevalence or seriousness of the problem to which the search is directed;
5. The exigency of the circumstances; and
6. In some circumstances, the student's history and record in school.

An "emergency situation" exists if the destruction of evidence or use of contraband is an immediate possibility. In such a case, an administrator must be notified immediately. However, if an emergency situation does not exist, employees should take steps to prevent the possible destruction of evidence or use of contraband while securing approval for a search.

### Disciplinary Action

If a search reveals grounds for a reasonable belief that a violation of a district policy, school rule or regulation or the law, the student will be subject to

disciplinary action as provided by district policy.

#### Metal Detector Policy

The superintendent and staff of the Newton Municipal School District are authorized to purchase, install, and utilize metal detecting devices, including portable metal detecting devices, to enforce the district's weapons policy. See Policy JCDAE and JCBH

The staff of the school district is authorized to use metal detecting and/or scanning devices for the search of students when there is reasonable suspicion that a particular student possesses a firearm, knife, or other object that could be used as a weapon. In addition, the staff is authorized to set up a metal detector scanning post at the alternative school for the purpose of searching each student as he/she enters the classroom wings. The utilization of the metal detector scanning post at the alternative school shall be conducted daily. No single student shall be singled out and searched unless there is reasonable suspicion to do so. However, all students entering the building shall be scanned.

The following procedure shall be followed in the use of the metal detector scanning device:

1. Students shall be told to remove all metal objects after it has been explained to them that a scanning device will be utilized to determine if they possess guns, knives, or other weapons.
2. If a student activates the scanning device, the student will then be again asked to remove all metal objects.
3. If the student again activates the scanning device, he/she will be asked to remove all metal objects for a third time. This will be followed by a pat-down search.

The use of the metal scanning post shall be utilized only to search for weapons. If a weapon is found, the district weapons policy shall be followed. See Policy JCDAE and JCBH

#### Video Surveillance

School officials are authorized to use video taping of school property to assist in the supervision of student conduct and safety. Monitoring devices (cameras) are placed on school buses, in school buildings, and in other school campus locations to provide one source of observation for school officials to help with the maintenance of discipline and safety.

#### Drug Dogs in School

The threat of or the use, possession, and sale of illegal drugs must be prohibited. The board recognizes that law enforcement officials make use of specially trained canines to detect the presence of illegal drugs. This practice has its benefits when used in harmony with handling of the animals and within the scope of proper use.

1. No drug dogs will be used in the schools without the specific approval of the superintendent/assistant superintendent, principal, assistant principal, acting principal or Newton Police Department.
2. The district may, at any time, utilize canines to search vehicles, possessions not on the student's person, desks, lockers, and other school property, with or without reasonable suspicion. Canines utilized under the procedures of this policy will not be allowed to indiscriminately approach students or staff members.
3. Prior to entering a classroom to conduct a search using a canine, students will be instructed to leave the room.

#### Police Searches

School officials are obligated to cooperate with law enforcement authorities who are validly carrying out their official duties. In such cases involving a student, the district shall make an immediate attempt to notify the student's parent, guardian, or custodian. The principal or principal's designee shall attend the search if conducted and shall take any disciplinary action necessary as a result of the search.

*New Jersey v. T.L.O.*, 469 U.S. 325 (1985); *Horton v. Goose Creek Independent School Dist.*, 690 F.2d 470 (5th Cir. 1982), cert. denied, 103 S. Ct. 35 (1983); *Tarter v. Raybuck*, 742 F.2d 977 (6th Cir. 1984), cert. denied, 105 S. Ct. 1749 (1985)

**Adopted Date:** 10/1/2002

**Approved/Revised Date:** 11/8/2021

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCDAC - Drugs and Alcohol (Possession or Reasonable Suspicion)

### **DRUGS AND ALCOHOL**

Students are absolutely prohibited from carrying, possessing in any manner, using or selling alcoholic beverages, morphine, marijuana, cocaine, opium, heroin or their derivatives or compounds, drugs commonly called LSD, "pep" pills, tranquilizers, or any other narcotic drug, barbiturate, substance ingredient or compound which, when taken orally, intravenously, inhaled or in any other manner, may cause the person to be under the influence thereof or any other controlled substance regulated by law.

The provisions of this policy shall not apply to any student who is under the care of a licensed physician and who is taking medication which is under the supervision and direction of such physician. The district does not allow the use of medical cannabis while on district property. With regard to prescription medications, Policy JGCD applies.

The provisions of this policy shall apply to all students during all of the period of time that they are under and subject to the jurisdiction of this school district, while participating in or going to or from any school-related activity, while under the supervision and direction of any teacher, principal or other authority of this school district or when such conduct does or may threaten to interfere with or disrupt the educational process or pose a threat to the safety of the student or others.

Any student violating any of the provisions of this policy shall be automatically suspended and recommended for expulsion by the superintendent or principal of the school in which the student is enrolled. The suspension shall be effective immediately subject to the procedures of due process as stated in JCAA Policy. In the event of violation of this policy, all reporting requirements of Policy JCBE shall be applicable.

This policy is for the discipline and protection of the students of this school district and their general welfare. Nothing herein contained shall be construed to avoid any prosecution under any pertinent criminal statute of the State of Mississippi.

### **TOBACCO USE PROHIBITED**

### **DEFINITIONS**

1. Adult: any natural person at least eighteen (18) years old.
2. Minor: any natural person under the age of eighteen (18) years old.
3. Person: any natural person.
4. Tobacco product: any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco or smokeless tobacco.
5. Educational property: any public school building or bus, public school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, or directors for the administration of any public educational institution or during a school-related activity; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a public school building, public school campus, public school recreational area or public school athletic field. Educational property shall not include property owned or operated by the state institutions of higher learning, the public community and junior colleges, or vocational-technical complexes where only adult students are in attendance.

### **PENALTY FOR VIOLATION**

No person shall use any tobacco product on any educational property as defined in this act. Any adult who violates this section shall be subject to a fine and shall be liable as follows:

1. for the first conviction, a warning;
2. for a second conviction, a fine of Seventy-Five Dollars (\$75.00); and
3. for a all subsequent convictions, a fine not to exceed One Hundred Fifty Dollars (\$150.00) shall be imposed.

### **ISSUANCE OF CITATION**

Any adult found in violation of this section shall be issued a citation by a law enforcement officer, which citation shall include notice of the date, time and location for hearing before the justice court having jurisdiction where the violation is alleged to have occurred. For the purposes of this section, "subsequent convictions" are violations committed on any educational property within the State of Mississippi. ' 97-32-27 through 97-32-29

LEGAL REF.: MS CODE Sections 37-11-18; 41-29-101 et seq.; 97-32-27 thru 97-32-29

CROSS REF.: Policies JCAA - Due Process

JCBE - Unlawful or Violent Acts

JGCD - Student Health Services -- Medicines

Last Review Date: October 10, 2022

**Adopted Date:** 10/12/2017

**Approved/Revised Date:** 10/10/2022



**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCDAD - Bus Conduct

## BUS CONDUCT

### RESPONSIBILITIES

While Mississippi law requires the district to furnish transportation to eligible students, parents are responsible for supervising their children until they board the bus in the morning and after they depart the bus at the end of the school day. Furthermore, students have the responsibility to obey all rules of conduct while waiting for, riding, and leaving the bus.

The school bus driver is authorized and responsible for maintaining student order and insuring safety at all times. Therefore, he/she is authorized to instruct and otherwise control students while they are on the bus.

The principal is responsible for disciplining students reported by the driver; therefore, questions regarding discipline should be directed to him/her. Questions regarding stops, routes, and student eligibility should be directed to the transportation supervisor.

Students may be filmed with video cameras at any time during their ride. The tapes may be utilized to determine violations of the Code of Student Conduct. Violations of these standards, the Code of Student Conduct, or any action or behavior by a student(s) to substantially distract the driver and causes or has the potential to cause a safety hazard on a moving bus may be the basis for suspension from school and /or expulsion from bus riding privileges.

### RULES OF CONDUCT

The right of students to ride a bus is a privilege and is conditional upon good behavior. Students who do not conduct themselves properly will be subject to disciplinary action specified in district policies including, but not limited to, suspension and expulsion from school and/or the bus. Security cameras, for surveillance purposes, may be installed and utilized on transportation vehicles owned and operated by the Newton Municipal School District.

While riding a school bus, students must conform to all rules of conduct established by district policies and the student code of conduct adopted by their schools. The principal shall provide each student with a list of rules, including but not limited to, the following:

#### Safety rules

1. Students should exercise extreme caution in getting to and from their bus stop.
2. Students should look in both directions before stepping from behind parked cars.
3. Students should stay well off the roadway until the bus comes to a complete stop and the bus driver indicates that it is safe to board.
4. Students should not play on or near the road while waiting for the bus to arrive.
5. Students should look in both directions before crossing any roadway.
6. Students should never walk on the road when there is a sidewalk or pathway available.
7. Students should always walk on the left side of the road facing oncoming traffic and step off the road when a motor vehicle approaches.
8. Students should use the handrail when getting on and off the bus.
9. If possible, students should wear white or light-colored clothing or carry a flashlight when they walk on the roadway in the dark so the motoring public is aware of them.
10. When students must cross the road to enter the bus, or after leaving the bus, they should always cross in front of the bus and walk approximately 10 feet ahead of the bumper.

#### General Rules for Riding the Bus

1. Students should be on time at the designated bus stop and should wait until the bus comes to a complete stop before attempting to load.
2. Students should not leave books, lunches, or other articles on the bus.
3. Students are not permitted to leave their seats while the bus is in motion.
4. Students are expected to be courteous to fellow students and the bus driver.
5. All buses to athletic games or field trips should be scheduled through the school under the direction of a faculty member. Students are required to return to the school on their assigned bus, except with prior parental permission and a note from the parent before leaving the school. Reasonable dress and conduct appropriate to the situation are expected of students.
6. Students must ride their assigned bus. Exceptions must be at the written request of the parent and approved by a building administrator.

#### Specific Rules for Riding the Bus (Violation could result in injury to students or the bus)

1. Students must keep their hands and heads inside the bus at all times.
2. Students should not indulge in loud talking or laughing that may divert the driver's attention and make safe driving difficult.
3. Students should never tamper with the bus in any manner.
4. Students should not throw anything out the window.
5. Students should be absolutely quiet when the bus approaches a railroad crossing.
6. Eating, drinking, chewing gum, or using tobacco products will not be allowed on buses.
7. Horseplay, including pushing and shoving, will not be allowed on the bus.
8. Fighting will not be allowed on the bus and will result in the sanctions described under the fighting policy.
9. Unauthorized and/or dangerous objects are not permitted on the bus. A dangerous object is any object that could injure students or be destructive to the bus.
10. Students will not threaten or be disrespectful to the bus driver. The bus driver's directions must be followed at all times.
11. Students should not open emergency doors and/or activate emergency alarms.
12. Harassment, of any kind, will not be tolerated

All bus rules also apply to field trips. Students who violate bus rules on field trips or while waiting on the bus at school and/or district-established bus stops will be subject to disciplinary measures. MS Code 37-41-2 (a) It shall be unlawful for any individual, other than a student scheduled to be a passenger upon that particular bus, a member of the public school administration or faculty, or a law enforcement official, to directly or indirectly interfere in any way with passenger ingress and egress or the operation, including unauthorized boarding thereof, of a bus used in public school student transportation unless permission has been obtained as prescribed by pertinent rules and regulations promulgated by the state board of education or the

local school authorities.

REFERENCE: Pupil Transportation Guide

CROSS REF.: Policies JC – Code of Conduct

JCA – Student Conduct

Mississippi Code 37-41-2 Interference with operation of school bus; penalty.

Last Review Date: May 17, 2021

**Adopted Date:** 2/11/2019

**Approved/Revised Date:** 2/11/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCDAE - Weapons

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCDAE - Weapons [UB1](#)

## **WEAPONS**

No student, employee or visitor may possess a weapon in, on or about school buildings, grounds, athletic fields or any other property used for school-related purposes, except as permitted by law. No student, employee or visitor may possess or carry any weapon within a vehicle brought onto school property.

No weapons, whether real or look-alike, shall be possessed on campus or at any other school-related event and shall not be used in any school sponsored or school sanctioned ceremony. This includes, but is not limited to, the theatrical performances and band demonstrations.

### **A. DEFINITION OF PROHIBITED WEAPONS**

Prohibited weapons include, but may not be limited to, the following:

- 1. Gun, rifle, pistol, other firearm
- 2. Dynamite cartridge, bomb, grenade, mine or other explosive
- 3. BB gun, air rifle, air pistol
- 4. Bowie knife, dirk, dagger, switchblade, pocketknife or other knife
- 5. Slingshot
- 6. Lead cane, blackjack
- 7. Metallic or other artificial knuckles
- 8. Razors, razor blades

Any sharp-pointed or edged instrument (except instructional supplies, unaltered nail files and clips and tools used only to prepare food or for instruction and maintenance of school property)

Any look-alike instrument which has the effect or appearance of a weapon (including utensils, imitation firearms or knives, etc.)

### **B. PERMITTED USES**

The superintendent or principal, as appropriate and in his discretion, may give prior approval for weapons to be on or about campus under the following circumstances:

Law enforcement officers and other government officials may carry weapons onto school grounds as permitted by law.

Those used within the Junior Reserve Officers Training Corps (JROTC) program in conducting training when such training is a normal element of such programs; such programs may include training in the use of pneumatic guns. Such training shall occur only at a location or locations approved by the Superintendent;

Replica firearms by a ceremonial color guard; and

Approved safety classes. This approval must be in writing and granted prior to the weapon being brought to school.

### **C. PENALTIES FOR VIOLATIONS**

Any student who violates this policy will be suspended and recommended for expulsion in accordance with Policy JDE-Expulsion.

Any employee who violates this policy will be subject to disciplinary action in accordance with Policy [UB2](#) GBK-Professional/Personnel Suspension/Dismissal.

Any visitor who violates this policy will be asked to leave school property immediately and further action, including but not limited to filing criminal charges, may be taken as necessary.

Any person violating this policy may be subject to criminal action and penalties as provided in Miss. Code Ann. '97-37-17.

### **D. REPORTING VIOLATIONS**

Violations of this policy shall be reported to the appropriate law enforcement officials in accordance with Policies JCBF and JCBF-P.

### **E. NOTICE**

A copy of Miss. Code Ann. '97-37-17 shall be posted in public view at each school in the district.

NOTE: Please refer to MS Code '37-3-83 for information on how school districts may apply for grant funds under the "School Violence Prevention Grant Program."

LEGAL REF.: MS CODE Section 97-37-17 (1995)

CROSS REF.: Policies JCBE - Unlawful or Violent Acts

JCDA - School Searches

Last Review Date: May 17, 2021

---

[\[UB1\]](#) We have policy JCDAE(2) but not JCDAE.

[\[UB2\]](#) Policy GBK- Professional Personnel Suspension/Dismissal?

**Adopted Date:** 3/19/2020

**Approved/Revised Date:** 3/19/2020

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCDAE(2) - Possession of Weapons on School Property

**POSSESSION OF WEAPONS ON SCHOOL PROPERTY**

**A. GUNS**

Any student who has in his/her possession any type of gun, operable or inoperable, while he/she is in school, on school property, on the school bus, on the way to and from school, or at any school function or activity will immediately be suspended and recommended for expulsion by the superintendent or principal of the school where the offending student is assigned.

**B. OTHER WEAPONS - USE OF**

Any student who uses or threatens to use any hard or sharp object, regardless of its original purpose, for a weapon while he/she is in school, on school property, on the school bus, on the way to and from school or any school function or activity will immediately be suspended and recommended for expulsion. Examples of such weapons, but not limited to, include knife, bully club, brass knuckles, ammunition, throwing stars, pipe club, brick, bat, chain, razors, box cutters, etc. Weapons used by students shall be seized and turned over to the school district's security officer, Principals shall exercise their own discretion in each instance concerning the necessity of the notification of the appropriate law enforcement authorities.

**C. OTHER WEAPONS - POSSESSION OF**

Possession, by students, of any hard or sharp object, regardless of its original purpose, that may be considered a weapon while he/she is in school, on school property, on the school bus, on the way to and from school or any school function or activity shall be considered in violation of this policy. Suspensions or other punishment for violation of this section of the policy shall be awarded by the principal who shall deal with each individual case based on the circumstances.

The superintendent is hereby authorized to purchase, install and utilize metal detecting devices to enforce this policy.

Students who violate this policy shall be afforded all due process rights and procedures provided by any and all policies of the school district. However, suspensions awarded by the provisions of this policy shall not be delayed or postponed because of tests and/or examinations.

The school district may use video camera equipment in classrooms for the purpose of monitoring school disciplinary problems.

This school board authorizes a reward of up to \$500.00 to any person who provides information that leads to the confiscation by the school district or by a law enforcement agency of any illegal firearm on school property. The name of any person who provides such information leading to the confiscation of an illegal firearm shall remain confidential. The superintendent is charged with the responsibility of insuring that procedures are in place to maintain such confidentiality. ' 37-3-84 (1997)

NOTE: MS Code Section 97-3-19 has been amended to include in the definition of capital murder "Murder which is perpetrated on educational property as defined in Section 97-37-17." NOTE: Please refer to MS Code ' 37-3-83 for information on how school districts may apply for grant funds under the "School Violence Prevention Grant Program."

LEGAL REF.: MS CODE as cited and Sections 37-3-83 (1997); 37-11-18 (1996); 97-37-17 (1995)  
CROSS REF.: Policy JCBH - Gun-Free Schools

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999  
**Approved/Revised Date:** 12/16/2013

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JCDB - Dress Code for Students

#### DRESS CODE - STUDENTS/Security Personnel/Administrators

##### School Colors:

The official school colors of the Newton Municipal School District are recognized to be blue, black, or white. In addition to these official school colors, uniforms and clothing of athletic teams, band, etc... may also include the blended colors of black, grey, blue, and silver.

##### Student Personal Appearance Regulations:

In preparing students to become productive adult citizens, it is necessary to hold an expectation of high standards of behavior, appearance, and grooming in order to meet the philosophy of the school district.

All students are expected to observe certain minimum standards of hygiene, sanitation and personal appearance. The following regulations are to be observed by all students. Any student violating any such regulations will be subject to appropriate disciplinary action.

Please refer to the Newton Municipal School District Handbook for specific dress code regulations.

##### Administration:

The Newton Municipal School Board assigns school officials, while on duty at extra-curricular activities, to wear clothing identifying them as officials of the Newton Municipal School District. Such appropriate clothing may be monograms, emblems, or badges on shirts, jackets, or coats that identifies them specifically as a school official representing the school district.

**Adopted Date:** 5/9/2022

**Approved/Revised Date:** 5/9/2022

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCDBAA - Student Identification Badges

### **STUDENT PHOTO IDENTIFICATION CARDS**

To further insure the safety and security of its students and staff, the Newton Municipal School District requires that all students display a photo identification while attending Newton Municipal School District campuses and while riding buses.

The purpose of the ID Card is to identify a person who is a student or employee of the Newton Municipal School District and to exclude those individuals who have no legitimate business on the grounds of the Newton Municipal School District during school hours, including being on school district transportation. The ID Cards will help to enhance security on all our school campuses.

Student ID Badges are issued to all students at Newton Municipal District to assist the administration in operating safe and orderly schools.

#### **ID Badge Requirements**

Each student shall have in his/her possession an ID Badge while at school and/or school-sponsored activities.

ID Badges shall be shown or surrendered to any administrator, teacher, school resource officer, or other staff member upon request.

Upon withdrawal from the Newton Municipal School District, the ID Badge must be returned to the Newton Municipal School District, the ID Badge must be returned to the school office.

The cost of a replacement ID Badge is \$5.00. The cost of a replacement lanyard is \$2.00.

**Adopted Date:** 11/8/2021  
**Approved/Revised Date:**

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JCDBB - School Bookbags

### **SCHOOL BOOKBAGS**

This school district is committed to providing a safe environment wherein students can learn and teachers can provide focused instruction. A safe learning climate supports high academic achievement and fosters the best in students and staff. To promote safe schools throughout the district, the school board has adopted the following policy on school bags:

Effective 10/14/2021, all school bags (including bookbags, backpacks, satchels, etc.) must be constructed of a clear plastic so that their contents are clearly visible. Only school bags meeting this standard will be allowed in school buildings and on school grounds.

Admission to school shall not be denied to a student because of noncompliance with this policy; however, the student will be counseled so that the cause/s of noncompliance can be determined and resolved.

This policy is part of the district's overall effort to prevent school violence and to provide safe schools for our students, staff, and community.

The Mississippi Public School Accountability Standard for this policy is standard 37.

LEGAL REF.: MS CODE as cited  
Mississippi Public School Accountability Standards  
CROSS REF.: Policies JCBH - Gun-Free Schools  
JCDA - School Searches

Last Review Date: May 17, 2021

**Adopted Date:** 9/1/2006  
**Approved/Revised Date:** 10/14/2021



**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JD - Student Discipline

## **STUDENT DISCIPLINE**

An organized disciplinary program supports teachers' efforts to teach and addresses the growth of positive student attitudes and behavior. The board has responsibility and authority to establish school rules and procedures for the purpose of maintaining a nondisruptive educational environment.

The discipline policies of this District are in compliance with both federal and state law. The discipline policy incorporates the student code of conduct required by Policy JCB and the policies and procedures set forth in Policies JDA, JDB, JDC, JDD, and JDE and as supplemented by all others adopted subsequent thereto.

### DISCIPLINE PLAN

1. The superintendent shall develop a discipline plan which, upon board approval, shall be implemented and distributed to each student enrolled in the District. The parents, legal guardian or custodian of each student shall sign a statement verifying that they have been given notice of the discipline plan.
2. All discipline plans shall include, but not be limited to, the student code of conduct required by Policy JCB - Code of Conduct and the following statements:
  - a. A parent, guardian or custodian of a compulsory-school-age child enrolled in this District shall be responsible financially for his or her minor child's destructive acts against school property or persons;
  - b. A parent, guardian or custodian of a compulsory-school-age child enrolled in this District may be requested to appear at school by the school attendance officer or an appropriate school official, for a conference regarding the destructive acts of their child, or for any other discipline conference regarding the acts of the child.
  - c. Any parent, guardian or custodian of a compulsory-school-age child enrolled in this District who refuses or willfully fails to attend such discipline conference specified in paragraph (b) of this section may be summoned by proper notification by the superintendent of schools or the school attendance officer and be required to attend such discipline conference; and
  - d. A parent, guardian or custodian of a compulsory-school-age child enrolled in this district shall be responsible for any criminal fines brought against such student for unlawful activity occurring on school grounds or buses.
3. Any parent, guardian or custodian of a compulsory-school-age child who (a) fails to attend a discipline conference to which such parent, guardian or custodian has been summoned under the provisions of this section, or (b) refuses or willfully fails to perform any other duties imposed upon him or her under the law shall be guilty of a misdemeanor and, upon conviction, shall be fined not to exceed an amount as provided by law.
4. This District shall be entitled to recover damages in an amount not to exceed an amount as provided by law, plus necessary court costs, from the parents of any minor (7-17) who maliciously and willfully damages or destroys property belonging to this school district. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree.
5. A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district.

A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions.

### CORPORAL PUNISHMENT

Reasonable corporal punishment of a student is permitted as a disciplinary measure in order to preserve an effective educational environment which is free from disruption and is conducive to furthering the educational mission of the board. The superintendent shall establish and enforce rules and regulations governing the administration of corporal punishment which are consistent with the following requirements:

1. Corporal punishment shall be administered only after less stringent measures such as counseling, parental conferences and other forms of discipline have failed to produce the desired results, unless the conduct of a student is of such an extreme nature that corporal punishment is the only reasonable form of discipline under the circumstances.
2. Any corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age and condition of the student, the type of instrument to be used, and the amount of force to be used and the part of the body to be struck shall be considered before administering any corporal punishment.
3. Corporal punishment may be administered by the school principal, assistant principal, or a teacher.
4. When corporal punishment is administered, it shall be done in the presence of another certified employee.

Except in the case of excessive force or cruel and unusual punishment, a teacher, principal or assistant principal shall not be civilly or criminally liable for any action carried out in conformity with state or federal law or rules or regulations of the State Board of Education or the local school board regarding the control, discipline, suspension and expulsion of students. The local school board shall provide any necessary legal defense to a teacher, principal or assistant principal in any action which may be filed against such school personnel.

Corporal punishment administered in a reasonable manner by a teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board does not

constitute assault, simple assault, aggravated assault, battery, negligence or child abuse. No teacher, principal or assistant principal so acting shall be named as an individual defendant or be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, unless the court determines that the teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety.

"Corporal punishment" means the reasonable use of physical contact by a teacher, principal or assistant principal as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students. Corporal punishment in the form of paddling shall be witnessed at all times by at least one (1) school employee, and all other acts of corporal punishment, as defined herein, shall be witnessed at all times, if possible, by a school employee. ' 37-11-57 (1997)

#### STUDENT CONDUCT AND GRADES

Criteria used in the evaluation process to determine a student's grade must be supported by rationale. The criteria must be in writing and must include the following:

1. Course content (goals, objectives, materials, etc.) as outlined in the curriculum guides
2. Methods of evaluation - grades will reflect some combination of the areas listed below:
  - a. Class work
  - b. Homework
  - c. Test scores
  - d. Participation
  - e. Skill application
  - f. Preparation for class
3. The effect of absence on grades
4. Procedures for making up assigned work and tests
5. Other criteria as may be approved by the superintendent and school board

This school board affirms the role of community-based organizations in responding to the needs of students whose serious behavior problems in school places them at risk of becoming juvenile and adult offenders. Appropriate activities can help to reduce student delinquency and improve academic performance. This board directs the superintendent to cooperate with neighborhood- and community-based groups that provide quality programs to students in this district through the Support Our Students (S.O.S.) Program.

The purpose of the S.O.S. Program is "to award grants to neighborhood- and community-based organizations to establish local S.O.S. programs that provide high quality after-school mentoring activities for school-aged children and provide for comprehensive, collaborative delivery of mentoring services by public and nonpublic agencies to these children."

The goals of the S.O.S. Program are to:

1. Reduce juvenile crime;
2. Recruit community positive role models;
3. Reduce the number of so-called "latchkey" children;
4. Improve student academic performance;
5. Improve student attitude and behavior; and
6. Improve coordination of existing resources.

#### DISCIPLINARY ACTION / THE SCHOOL SAFETY ACT OF 2001

For information related to student conduct, disciplinary action, and the School Safety Act of 2001, please refer to MS CODE ' 37-11-55 and sample policy JCB.

LEGAL REF: MS Code Annotated Section 37-11-53 (Supp. 2001)  
MS CODE ' 37-3-85 ("Support Our Students" Program)

CROSS REF: Policies JCA - Student Conduct  
JD - Discipline Plan  
JCB - Code of Conduct

Last Review Date: May 17, 2021

**Adopted Date:** 2/11/2013  
**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JDA - Discipline Plan

### **DISCIPLINE PLAN**

1. The superintendent shall develop a discipline plan which, upon board approval, shall be implemented and distributed to each student enrolled in the District. The parents, legal guardian or custodian of each student shall sign a statement verifying that they have been given notice of the discipline plan.
2. All discipline plans shall include, but not be limited to, the student code of conduct required by Policy JCB - Code of Conduct and the following statements:
  - a. A parent, guardian or custodian of a compulsory-school-age child enrolled in this District shall be responsible financially for his or her minor child's destructive acts against school property or persons;
  - b. A parent, guardian or custodian of a compulsory-school-age child enrolled in this District may be requested to appear at school by the school attendance officer or an appropriate school official, for a conference regarding the destructive acts of their child, or for any other discipline conference regarding the acts of the child.
  - c. Any parent, guardian or custodian of a compulsory-school-age child enrolled in this District who refuses or willfully fails to attend such discipline conference specified in paragraph (b) of this section may be summoned by proper notification by the superintendent of schools or the school attendance officer and be required to attend such discipline conference; and
  - d. A parent, guardian or custodian of a compulsory-school-age child enrolled in this district shall be responsible for any criminal fines brought against such student for unlawful activity occurring on school grounds or buses.
3. Any parent, guardian or custodian of a compulsory-school-age child who (a) fails to attend a discipline conference to which such parent, guardian or custodian has been summoned under the provisions of this section, or (b) refuses or willfully fails to perform any other duties imposed upon him or her under the law shall be guilty of a misdemeanor and, upon conviction, shall be fined not to exceed an amount as provided by law.
4. This District shall be entitled to recover damages in an amount not to exceed an amount as provided by law, plus necessary court costs, from the parents of any minor (7-17) who maliciously and willfully damages or destroys property belonging to this school district. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree.
5. A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by having the parent, guardian or custodian, with the consent of the student's teacher or teachers, attend class with the student for a period of time specifically agreed upon by the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district.

The board shall have its discipline plan and student code of conduct legally audited on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions.

LEGAL REF.: MS Code Annotated Section 37-11-53 (Supp. 2001)

CROSS REF.: Policies JCA - Student Conduct  
JCB - Code of Conduct

Last Review Date: May 17, 2021

**Adopted Date:** 2/11/2013

**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JDABA - Prohibition of Sexual Activity on School Property /Events

**PROHIBITION OF SEXUAL ACTIVITY ON SCHOOL PROPERTY /EVENTS**

Students in this school district shall not engage in any sexual activity on school property or at any school-sponsored activity. For the purposes of this policy, sexual activity shall include but is not limited to:

- a. intercourse;
- b. oral sex;
- c. groping sexual parts; or
- d. simulated sexual acts.

**Prohibited Actions:**

**A. Consensual Sexual Activity:** A student shall not engage in a consensual sexual activity. "Consensual" means all parties are willing participants in the activity.

**B. Offensive Touching:** A student shall not engage in touching of an offensive or sexual nature.

**C. Sexual Harassment:** A student shall not engage in unwanted verbal or physical (e.g. gesturing) conduct of a sexual nature which may reasonably be regarded as intimidating, hostile, or offensive. This includes the communication of (by digital or other means) or the intentional display of sexually explicit material.

**D. Indecent Exposure:** A student shall not intentionally expose private body parts, including but not limited to the display of the buttocks (mooning).

**F. Sexual Battery:** A student shall not attempt to engage in sexual activity against another person by force, threat, or fear. Non-consensual activity is also prohibited.

**G. Possession of Pornographic Materials:** A student shall not be in possession of pornographic or obscene materials.

Violations of this policy are subject to disciplinary action according to the policies of this district. The superintendent or designee shall develop procedures to support this policy.

Last Review Date: May 17, 2021

**Adopted Date:** 11/29/2016  
**Approved/Revised Date:** 11/29/2016

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JDB - Corporal Punishment

### CORPORAL PUNISHMENT

Reasonable corporal punishment of a non-disabled student is permitted as a disciplinary measure in order to preserve an effective educational environment which is free from disruption and is conducive to furthering the educational mission of the board. The superintendent shall establish and enforce rules and regulations governing the administration of corporal punishment which are consistent with the following requirements:

1. School personnel is prohibited from using corporal punishment on any student with a disability. A student with a disability is any student who has an IEP or Section 504 plan.
2. Corporal punishment shall be administered only after less stringent measures such as counseling, parental conferences and other forms of discipline have failed to produce the desired results, unless the conduct of a student is of such an extreme nature that corporal punishment is the only reasonable form of discipline under the circumstances.
3. Any corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age and condition of the student, the type of instrument to be used, and the amount of force to be used and the part of the body to be struck shall be considered before administering any corporal punishment.
4. Corporal punishment may be administered by the school principal, assistant principal, or a teacher.
5. When corporal punishment is administered, it shall be done in the presence of another school employee.

Except in the case of excessive force or cruel and unusual punishment, a teacher, principal or assistant principal shall not be civilly or criminally liable for any action carried out in conformity with state or federal law or rules or regulations of the State Board of Education or the local school board regarding the control, discipline, suspension and expulsion of students. The local school board shall provide any necessary legal defense to a teacher, principal or assistant principal in any action which may be filed against such school personnel.

A public school teacher, assistant teacher, principal, assistant principal, or other school personnel shall not be granted immunity from liability for the use of corporal punishment on a student with a disability.

Corporal punishment administered in a reasonable manner by a teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board does not constitute assault, simple assault, aggravated assault, battery, negligence or child abuse. No teacher, principal or assistant principal so acting shall be named as an individual defendant or be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, unless the court determines that the teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety.

Corporal punishment means the reasonable use of physical contact by a teacher, principal or assistant principal as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students. Corporal punishment in the form of paddling shall be witnessed at all times by at least one (1) school employee, and all other acts of corporal punishment, as defined herein, shall be witnessed at all times, if possible, by a school employee. ' 37-11-57 (1997)

LEGAL REF.: MS Code ' 37-11-57 and ' 11-46-9 (1) (x)

*Ingraham v. Wright*, 97 S. Ct. 1401 (1977)

CROSS REF.: Policy JD - Student Discipline

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014

**Approved/Revised Date:** 5/13/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JDC - Detention of Students

**DETENTION OF STUDENTS**

Detention of students for disciplinary purposes is permissible. The superintendent and principal shall establish guidelines for detention. All detention shall be supervised by district personnel. The planning and scheduling of students to be kept after school in detention should reflect this district's philosophy of student-centered instruction and his/her individual worth.

CROSS REF.: Policies JCA - Student Conduct  
JDA - Discipline Plan

Last Review Date: May 17, 2021

**Adopted Date:** 2/11/2013  
**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JDD - Suspension

## SUSPENSION

When unacceptable behavior cannot be corrected by the resources of the teacher or school administration, the board hereby authorizes the school principal or his designee to suspend any student for violation of any published rule or regulation or for any other act of misconduct or insubordination as a final effort to influence the student's future behavior.

## DEFINITIONS

"Suspension" is the denial of the privilege of attending school in the district imposed after due process upon any student of the district at the direction of the principal of the school in which the student is enrolled. A suspended student may return to school following the expiration of the suspension period without application for readmission but may be required to be accompanied, on return to school, by a parent, legal guardian or custodian.

A "suspension" includes the denial of the privilege of participating in or attending any school-related activity for the period of the suspension. Further, suspended students shall not trespass upon any other school campus or enter into any other school building except for a pre-arranged conference with a principal.

## AUTHORITY TO SUSPEND

As provided by statute, the superintendent has the power, authority and duty to delegate student disciplinary matters to appropriate school personnel. ' 37-9-14 (r)

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

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

' 37-9-71

-

## BOARD AUTHORITY

As provided by statute, this school board has the power, authority and duty:

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

' 37-7-301 (e)

2. To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school. ' 37-7-301 (g)

## NOTICE

The student handbooks shall include specific grounds for disciplinary action and procedures to be followed for acts requiring discipline. Students and legal guardians shall be required to provide the school with a written statement verifying that they have received notice of the discipline plan, in accordance with Policy JDA. In all cases of suspension the parent, legal guardian, or custodian shall be notified in writing within 24 hours of such suspension giving the reason therefor. If a student is to be sent home during normal school hours, a parent or guardian shall be notified before the student is dismissed. No student shall be sent home during normal school hours unless a parent, guardian, or custodian has first been notified.

## DUE PROCESS

All suspensions shall be handled in accordance with the procedures in the student handbook.

## SPECIAL EDUCATION STUDENTS

As provided under '37-23-135, A Educational services for children with disabilities who have been suspended or expelled from school shall be provided based on the requirements of IDEA, applicable federal regulations and state regulations.

## REPORTS

The superintendent, or his designee, shall report any student suspensions or student expulsions to the school attendance officer when they occur. ' 37-13-91 (6)

Principals shall make a written report of each suspension to the superintendent each grading period to include:

1. Name of student, address; name of parent or guardian.
2. Statement of the reasons for the suspension including the date, time and place.

## RETURN TO SCHOOL

A student on suspension for 3 or more days must return to school accompanied by a parent, legal guardian or custodian before he will be readmitted to school.

NOTE: According to a 1998 Attorney General Opinion, automatic fail provision of an absences policy may not apply against legal, excused absences. Such absences policies may not be applied against absences resulting from disciplinary suspensions if absences policies are applied to truant children who are otherwise passing, the district must afford the child procedural due process. (Attorney General Opinion, *Carter*, 1-9-98) (#183) (97-0817)

LEGAL REF.: MS CODE ' 37-7-301 (e) and (g) (1994); ' 37-13-91 (6) (1995);

*Goss v. Lopez*, 419 U.S. 565 (1975)

CROSS REF.: Policies JCAA Due Process

JDA Discipline Plan

JDE Expulsion

Last Review Date: May 17, 2021

**Adopted Date:** 6/1/2000

**Approved/Revised Date:** 12/11/2017



**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JDDA - Bullying

## **BULLYING OR HARASSING BEHAVIOR**

The Board of Trustees of the Newton Municipal School District prohibits bullying or harassing behavior of students, school employees, or volunteers. (HB 263- A) The Newton Municipal School District will make every reasonable effort to ensure that no person or school employee is subjected to bullying or harassing behavior by other students or other school employees.

1. Definitions Bullying or harassing behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic that:

(a) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property, or

(b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's education, including but not limited to educational performance, opportunities, or benefits.

A "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The above conduct constitutes bullying if that conduct interferes with a student's education or substantially disrupts the operation of a school. (HB 263 - 6)

Bullying or harassing behavior will not be condoned or tolerated when it takes place on school property, at any school-sponsored function, or on a school bus, or when it takes place off school property when such conduct, in the determination of the school superintendent or principal, renders the offending person's presence a disruption to the operation of the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole.

The District encourages anyone who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior to report the incident to the appropriate school official. Retaliation or reprisal against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying or harassing behavior, is prohibited. (HB 263 - B)

The Newton Municipal School District recognizes the fundamental right of every student to take "reasonable actions" as may be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing.

"Reasonable action" includes, but is not limited to, promptly reporting the bullying or harassing behavior to a teacher, principal, counselor, or other school employee.

These procedures shall be appropriately placed in District personnel policy handbooks, school handbooks that include discipline policies and procedures, and any other policy or procedure that deals with student or employee behavior.

The School Board directs the superintendent or designee to design and implement procedures for reporting, investigating, and addressing bullying and harassing behaviors.

Legal Reference: MS Code of 1972 37-11-67 and 37-11-69

## **STUDENT COMPLAINTS OF BULLYING OR HARASSING BEHAVIOR - PROCEDURES**

### **I. Procedures for Reporting a Complaint**

A. Any student, school employee, or volunteer who feels he/she has been a victim of bullying or harassing behavior, or has witnessed or who has reliable information that a student, school employee, or volunteer has been subject to bullying or harassing behavior shall report such conduct to a teacher, principal, counselor, or other school official. The report shall be made promptly, but no later than five (5) calendar days after the alleged act or acts occurred. (HB 263-D)

B. The school official shall complete a "Bullying/Harassing Behavior" complaint form which shall include the name of the reporting person, the specific nature and date of the misconduct, the name(s) of the victim(s) of the misconduct, the name(s) of any witness(es) and any other information that would assist in the investigation of the complaint. The report shall be given promptly to the principal or superintendent who shall institute an immediate investigation. Complaints against the principal shall be made to the superintendent, and complaints against the superintendent shall be made to the Board chairman. The complaint shall be investigated promptly. (HB 263-F)

C. Parents or guardians will be notified of the nature of any complaint involving their student. The District official will arrange such meetings as may be necessary with all concerned parties within five (5) working days after initial receipt of the complaint by the District. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to

writing. The District official conducting the investigation shall notify the victim and parents as appropriate when the investigation is completed and a decision regarding disciplinary action, as warranted, is determined. (HB 263 - C)

D. If the victim is not satisfied with the decision of the District official, he/she may submit a written appeal to the superintendent. Such appeal shall be filed within ten (10) working days after receipt of the results of the initial decision. The superintendent will arrange such meetings with the victim and other affected parties as deemed necessary to discuss the appeal. The superintendent shall provide a written decision to the victim's appeal within ten (10) working days.

E. If the victim is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board. Such appeal shall be filed within ten (10) working days after receipt of the decision of the superintendent. The Board shall, within twenty (20) working days, allow the victim and parents as appropriate to appear before the Board to present reasons for dissatisfaction with the decision of the superintendent. The Board shall provide a written decision within ten (10) working days following the victim's appearance before the Board.

F. If, after an investigation, a student is found to be a victim of bullying, such student shall not face disciplinary action on the basis of that student's use of "reasonable self-defense was in response to the bullying." (HB 263-G & 2).

G. If the victim of bullying is a student with disabilities, disciplinary action for the offender shall comply with the requirements of federal law including the Individuals with Disabilities Education Act (20 USCS Section 1400 et seq.) (HB 263-H)

The school district shall maintain and make available a list of counseling services to any student who is a victim of or a witness to bullying, or who engages in bullying. The following list of the types of counseling and support services are available to any victim of or a witness to bullying. This list is presented as a guide that by no means limits this school district from including other additional support services. (HB 263-E)

- *School/District Counseling*
- *Conflict resolution training*
- *Anger Management training*
- *Problem solving skills training (proactive, constructive, relationship-building)*
- *Social skills training*

*Support may be provided by the school district through the assistance of the any of the following agencies:*

- *Mississippi Department of Education*
- *Mississippi Department of Health*
- *Mississippi Department of Human Services - Juvenile Services Department*
- *Community/Family Public or private community-based mental health services*
- *Faith-based services*
- *Law enforcement agencies*

The procedures for reporting bullying shall also be posted on the district website. (HB 263-3)

Legal Reference: MS Code of 1972 37-11-67 and 37-11-69

Last Review Date: May 17, 2021

**Adopted Date:** 2/13/2013

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JDDA-P - Bullying Procedures

## **PROCEDURES STUDENT BULLYING**

### **STUDENT COMPLAINTS OF BULLYING OR HARASSING BEHAVIOR**

Students and employees in the Newton Municipal School District are protected from bullying or harassing behavior by other students or employees. It is the intent of the Board and the administration to maintain an environment free from bullying and harassing behavior. This complaint procedure provides a process for filing, processing and resolving complaints of such conduct. Adherence to these procedures is mandatory. The failure of any person to follow these procedures will constitute a waiver of the right to pursue a complaint at any level, including review by the Board.

#### **I. Definitions**

Bullying or harassing behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic that (a) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property, or (b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits.

A "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior will not be condoned or tolerated when it takes place on school property, at any school-sponsored function, or on a school bus, or when it takes place off school property when such conduct, in the determination of the school superintendent or principal, renders the offending person's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole.

#### **II. Procedures for Processing a Complaint**

Any student, school employee or volunteer who feels he/she has been a victim of bullying or harassing behavior, or has witnessed or who has reliable information that a student, school employee or volunteer has been subject to bullying or harassing behavior shall report such conduct to a teacher, principal, counselor or other school official. The report shall be made promptly but no later than five (5) calendar days after the alleged act or acts occurred. The school official shall complete a "Bullying/Harassing Behavior" complaint form which shall include the name of the reporting person, the specific nature and date of the misconduct, the names of the victim of the misconduct, the names of any witnesses and any other information that would assist in the investigation of the complaint. The report shall be given promptly to the principal or superintendent who shall institute an immediate investigation. Complaints against the principal shall be made to the superintendent and complaints against the superintendent shall be made to the Board chairman.

The complaint shall be investigated promptly. Parents will be notified of the nature of any complaint involving their student. The District official will arrange such meetings as may be necessary with all concerned parties within five (5) working days after initial receipt of the complaint by the District. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The District official conducting the investigation shall notify the victim and parents as appropriate when the investigation is completed and a decision regarding disciplinary action, as warranted, is determined.

If the victim is not satisfied with the decision of the District official, he/she may submit a written appeal to the superintendent. Such appeal shall be filed within ten (10) working days after receipt of the results of the initial decision. The superintendent will arrange such meetings with the victim and other affected parties as deemed necessary to discuss the appeal. The superintendent shall provide a written decision to the victim's appeal within ten (10) working days.

If the victim is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board. Such appeal shall be filed within ten (10) working days after receipt of the decision of the superintendent. The Board shall, within twenty (20) working days, allow the victim and parents as appropriate to appear before the Board to present reasons for dissatisfaction with the decision of the superintendent. The Board shall provide a written decision within ten (10) working days following the victim's appearance before the Board.

**Last Review Date:** May 17, 2021

**Adopted Date:** 2/11/2013  
**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JDE - Expulsion

## EXPULSION

A student may be expelled for committing any of the offenses identified as expellable offenses in the discipline plan.

## DEFINITIONS

1. "Expulsion" is the denial of school attendance for a specified minimum period of time or for an unspecified period of time, but in no event less than one calendar year, after which time a student may be readmitted only upon application and with approval by the board in accordance with Policy JDG.
2. "Limited expulsion" is the denial of school attendance for the remainder of the school year. A principal may recommend a limited expulsion when a student who has been suspended 3 times during the same school year commits a fourth offense or in circumstances otherwise proper for such action. The student may be readmitted the following school year only upon application and with approval by the board in accordance with Policy JDG.

## AUTHORITY TO EXPEL

As provided by statute, this superintendent has the power, authority and duty to delegate student disciplinary matters to appropriate school personnel. 37-9-14 (r)

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

For any suspension of more than ten (10) days or expulsions, a student shall have the right to a due process hearing, be represented by legal counsel, to present evidence and cross-examine witnesses presented by the district. The student and the student's parent, legal guardian or person in custody of the student may appeal suspension of more than ten (10) days and expulsions to the school board. The standard of proof in all disciplinary proceedings shall be substantial evidence.

The parent or guardian of the child shall be advised of this right to a hearing by the appropriate superintendent or principal and the proper form shall be provided for requesting such a hearing. 37-9-71

As provided by statute, this school board has the power, authority and duty:

1. To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or home-bound program for misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, or for conduct occurring on property other than school property or other than at a school-related activity or event when such conduct by a pupil, in the determination of the school superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, and to delegate such authority to the appropriate officials of the school district. 37-7-301 (e)
2. To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school. 37-7-301 (g)

The board shall review and make a final decision on all recommendations of expulsion made by the superintendent or a principal.

## NOTICE

The student handbooks shall include specific grounds for disciplinary action and procedures to be followed for acts requiring discipline. Students and legal guardians shall be required to provide the school with a written statement verifying that they have received notice of the discipline plan in accordance with Policy JDA.

## DUE PROCESS

All expulsions shall be handled in accordance with the procedures in the student handbook

## SPECIAL EDUCATION STUDENTS

As provided under 37-23- 135, Educational services for children with disabilities who have been suspended or expelled from school shall be provided based on the requirements of IDEA, applicable federal regulations and state regulations.

## REPORTS

When a student is expelled, the parent, legal guardians or custodians must be notified immediately on a form provided by the superintendent for such purpose. When a student is expelled for the commission of a crime or other unlawful activity or violent act, the reporting requirements of Policies JCBF and JCBF-P are applicable.

The superintendent or his designee shall report all expulsions to the school attendance officer when they occur.

## READMISSION

Any student who has been expelled, for whatever reason, must apply to the board for readmission to the regular school program in accordance with Policy JDG.

LEGAL REF.: MS CODE as cited; 37-11-18; 37-11-29; 37-9-71; 37-13-91 (6)

37-23-135; *Goss v. Lopez*, 419 U.S. 565 (1975)

Attorney General Opinion, *Carter*, 1-9-98 (#183) (97-0817)

CROSS REF.: Policies JCAA Due Process

JDA Discipline Plan

**Last Review Date: October 10, 2022**

**Adopted Date:** 6/1/2000

**Approved/Revised Date:** 10/10/2022

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JDG - Readmission and Denial of Admission

### READMISSION AND DENIAL OF ADMISSION

A student who has been expelled from this District must apply and be approved for readmission to the regular school program. The application for readmission shall be in a form provided by the superintendent for such purpose.

A student who has been denied admission based on a pending or current expulsion may be approved for readmission to the District by the board according to the procedures in this policy.

#### 1. TIME FOR READMISSION APPLICATION

(Applicable to expulsions from this District only)

- A. If the expulsion was for a specified period of time, application for readmission should be made at least 2 weeks before the conclusion of the expulsion period.
- B. If the expulsion was for an unspecified period of time, application for readmission may be made at any time after one year from the date of expulsion.
- C. When the student is enrolled in another regular school program or participating in an alternative school or similar program during the expulsion period and at the time of application, application may be made any time after the conclusion of specified expulsion period or after one year from the date of expulsion.

#### 2. PROCEDURES

The procedures set forth in the student handbook shall apply to requests for readmission.

#### 3. STANDARD FOR READMISSION/ADMISSION

The board may grant readmission or admission upon a documented statement showing that the student has participated in successful rehabilitative efforts including but not limited to progress in an alternative school or similar program.

CROSS REF.: Policies JCAA Due Process

JCD Alternative School Program

JDD Suspension

JDE Expulsion

Last Review Date: May 17, 2021

[APPLICATION FOR READMISSION.pdf](#)

**Adopted Date:** 11/14/2019

**Approved/Revised Date:** 11/14/2019

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JF - Academic Achievement

## ACADEMIC ACHIEVEMENT

Consistent recognition of student accomplishments promotes positive attitudes and motivates teaching and learning.

The district's administrative staff shall develop and implement a system of recognition and rewards for students.

Criteria used in the evaluation process to determine a student's grade must be supported by rationale. The criteria must be in writing and must include the following:

1. Course content (goals, objectives, materials, etc.) as outlined in the curriculum guides
2. Methods of evaluation of grades will reflect some combination of the areas listed below:
  - a. Class work
  - b. Homework
  - c. Test scores
  - d. Participation
  - e. Skill application
  - f. Preparation for class
3. The effect of absence on grades
4. Procedures for making up assigned work and tests
5. Other criteria as may be approved by the superintendent and school board

According to a 1998 Attorney General Opinion, automatic fail provision of an absences policy may not apply against legal, excused absences. Such absences policies may not be applied against absences resulting from disciplinary suspensions if absences policies are applied to truant children who are otherwise passing, the district must afford the child procedural due process. (Attorney General Opinion, *Carter*, 1-9-98) (#183) (97-0817)

LEGAL REF: MS CODE as cited

CROSS REF: Policies BA Board Operations Goals and Objectives Mission Statement

CA General School Administration Goals and Objectives

IB Instructional Goals

Last Review Date: May 17, 2021

**Adopted Date:** 6/1/1999

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JG - School Wellness Policy

**District:** Newton Municipal School District  
**Section:** J-Students  
**Policy Code:** JG-School Wellness Policy

### **SCHOOL WELLNESS POLICY**

The Newton Municipal School Board affirms its commitment to providing a healthy environment for students and staff. The board directs the superintendent to coordinate the components of the district's wellness policy. The wellness policy shall be developed with the involvement of the school health council. This wellness policy shall be reviewed and approved by the school board annually.

All students in Newton Municipal School shall possess the knowledge and skills necessary to make healthy choices that promote healthy lifestyles. All staff members in Newton Municipal School District are encouraged to model a lifestyle of healthy eating patterns and moderate physical activity as a valuable part of their lives.

To meet this goal, The Newton Municipal School adopts this school wellness policy with the following commitments to implementing a coordinated approach to school health. This policy is designed to effectively utilize school and community resources and to equitably serve the needs and interest of all students and staff, taking into consideration differences in culture.

- Goals for nutrition education, physical activity, and other school-based activities that are designed to promote school wellness in a manner that the local education agency determines is appropriate;
- Nutrition guidelines selected by the local education agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;
- Assurances that guidelines for reimbursable meals are not less restrictive than the regulations issued by the USDA;
- Ways of measuring how well the school wellness policy is being implemented, including designation of one or more person at each school with the operational responsibility for ensuring that the school is meeting the policy;
- Involvement of parents, students, representatives of the school food authority, the school board, school administrators, and the public in developing the wellness policy.

### **Nutrition Environment and Services**

The Newton Municipal School District will:

- Offer a school lunch program with menus that meet the meal patterns and nutrition standards established by the U.S. Department of Agriculture and the Mississippi Department of Education, Office of Child Nutrition Programs.
- Offer school breakfast and snack programs (where approved and applicable) with menus that meet the meal patterns and nutrition standards established by the U. S. Department of Agriculture and the Mississippi Department of Education, Office of Child Nutrition Programs.
- Promote participation in school meal programs to families and staff.
- Operate all Child Nutrition Programs with school foodservice staff who are properly qualified according to current professional standards (Mississippi Board of Education Policy, Code 17.1).
- Follow State Board of Education policies on competitive foods and extra food sales (Mississippi Board of Education Policy 17.2).
- Include goals for nutrition promotion, nutrition education, physical activity and other school-based activities to promote student wellness.
- Implement Nutrition Standards as adopted by the State Board of Education in accordance with the Mississippi Healthy Students Act (State Board of Education Policy Rule 38.11),
- Healthy food and beverage choices
- Healthy food preparation;
- Marketing of healthy food choices to students and staff;
- Food preparation ingredients and products;
- Minimum/maximum time allotted for students and staff lunch and breakfast;
- Availability of food items during the lunch and breakfast periods of the Child Nutrition Breakfast and Lunch Programs;
- Methods to increase participation in the Child Nutrition School Breakfast and Lunch Programs
- Establish guidelines in accordance with the Mississippi Beverage and Snack Regulations for all foods available on the school campus during the school day with the objective of promoting student health and reducing childhood obesity.
- Establish guidelines in accordance with USDA Smart Snacks in Schools for the sale of food items for fundraising.
- Use Smart Snacks Resources to educate the school community about the importance of offering healthy snacks for students and staff members.  
<http://www.fns.usda.gov/healthierschoolday/tool-schools-focusing-smart-snacks>



**Smart Snack Product Calculator:**

The Alliance for Healthier Generation Smart Snack Product Calculator is an effective online instrument that has been determined by the USDA, Food and Nutrition Service to be accurate in assessing product compliance with the federal requirements for Smart Snacks in Schools. The calculator can be used for food and beverage products. [https://www.healthiergeneration.org/take\\_action/school/snacks\\_and\\_beverages/smart\\_snack/alliance\\_product\\_calculator](https://www.healthiergeneration.org/take_action/school/snacks_and_beverages/smart_snack/alliance_product_calculator)

**Food Safety in Schools**

- Implement a food safety program based on HACCP principles for all school meals, as required by the USDA and the Mississippi Department of Education, Office of Child Nutrition Programs and ensure that the food service permit is current for the school site.
- Develop a food safety education plan for all staff and students, consistent with Fight Bac® ([www.fightbac.org](http://www.fightbac.org)) and other national standards for safe food handling at home and in school.
- Ensure that all staff have viewed the video developed by the Office of Healthy Schools to support food safety on the school campus. For compliance with the Nutrition Standards all staff must complete and sign pre and posttest developed by the Office of Healthy Schools and maintain documentation of completion. The video and Pre/Post Test can be downloaded at: [www.mde.k12.ms.us/ohs/home](http://www.mde.k12.ms.us/ohs/home).
- All school personnel will receive copies of the Local School Wellness Policy to include food safety policies and procedures and relevant professional development.
- Adequate access to hand washing facilities and supplies will be available whenever and wherever students, staff, and families prepare, handle, or consume food.
- The food safety assurance plan must address strategies that minimize risks for students and staff who have food allergies and intolerances. The Newton Municipal School District follows the guidelines in Feeding Children with Special Dietary Needs.

**Physical Education/Physical Activity**

The Newton Municipal School District will:

- Provide 150 minutes per week of activity-based instruction for all students in grades K-8 in accordance with Section 37-13-134, Mississippi Code of 1972, ann., reference 2014 Mississippi Public Schools Accountability Standards 27.1.
- Provide Physical Education/Activity in accordance with the Physical Education Rules and Regulations as approved by the State Board of Education in compliance with the Mississippi Healthy Students Act (State Board of Education Policy Rule 38.12).
- Offer a planned sequential program of physical education instruction incorporating individual and group activities, which are student centered and taught in a positive environment.
- Instruction must be based on Mississippi Physical Education Framework.
- Implement the requirements of the Mississippi Healthy Students Act of 2007. Graduation requirements for 9th through 12th grade students shall include ½ Carnegie unit in physical education.
- Provide instruction in Cardiopulmonary Resuscitation (CPR) and use of Automated External Defibrillator (AED) for students in grades 9-12 in the school year they earn their 1/2 Carnegie Unit for physical education or health education, MS Code 37-13-134.
- Address concussions by adopting and implementing a policy for students in grades 7-12 who participate in activities sanctioned by the Mississippi High School Activities Association (MHSAA). This policy will include a concussion recognition course that has been endorsed by the Mississippi Department of Health. This course will provide information on the nature and risks of concussions for students participating in athletics. Also included in the policy, parent/guardians will be provided with a concussion policy before the start of regular athletic season.

**Health Education**

- The Newton Municipal School District will:
- Provide ½ Carnegie unit of comprehensive health education for graduation (Mississippi Public School Accountability Standards).
- Instruction must be based on the Mississippi Comprehensive Health Framework for grades 9-12 (Mississippi Public School Accountability Standards).
- Implement the requirements of the Mississippi Healthy Students Act of 2007, which requires 45 minutes per week of health education instruction as defined by the State Board of Education for grades K through 8.
- Instruction must be based on the Mississippi Contemporary Health for grades K-8.
- Implement the requirements of MS Code 37-13-171, which requires the development of a sex related education policy and instruction on medically accurate or evidenced based abstinence-only or abstinence-plus curricula. Provide instruction in Cardiopulmonary Resuscitation (CPR) and use of Automated External Defibrillator (AED) for students in grades 9-12 in the school year they earn their 1/2 Carnegie Unit for health education or physical education, MS Code 37-13-134.

**Physical Environment**

The Newton Municipal School District will:

- Ensure that there are no pad locks or chains on exit doors; exits should never be obstructed (in accordance with Mississippi State Fire Code). Ensure that all exit signs are illuminated and clearly visible.
- Ensure that all chemicals are stored properly (in accordance with the Material Safety Data Sheet [www.msdssearch.com](http://www.msdssearch.com)).

- Refer to the U.S. Consumer Product Safety Commission's Handbook for Public Playground Safety ([www.cpsc.com](http://www.cpsc.com)); for federal guidelines for playground safety.
- Ensure that fire extinguishers are inspected each year and properly tagged.
- Complete yearly maintenance of the heating and cooling system in your school; check coils, filters, belts, etc. in order to maintain safe operation and healthy air quality.
- Conduct at least one emergency evacuation drill per month.
- Every school will have an anti-bullying policy that outlines procedures for dealing with bullying situation in the school.
- Ensure that two means of egress are available in each classroom in case of an emergency; if there is only one door, designate a window (properly sized) as a means of egress.
- Never use extension cords as a permanent source of electricity anywhere on a school campus.
- Comply with the applicable rules and regulations of the State Board of Education in the operation of its transportation program (in accordance with the MS Code 37-41-53; State Board of Education Policies Rule 81.3 and 81.4, and Accreditation Standard #29).
- Inspect all buses on a quarterly basis and ensure that they are well maintained and clean.
- Require that all bus drivers have a valid bus driver certificate and a commercial driver's license and operates the bus according to all specified safety procedures. Maintain a record of yearly motor vehicle reports on each bus driver and evidence that each driver has received two hours of in-service training per semester. (SB Policy Rule 81.3)
- Ensure arrival of all buses at their designated school sites prior to the start of the instructional day.
- Conduct bus evacuation drills at least two times each year. (SB Policy Rule 81.4)
- Provide facilities that meet the criteria of: (MS Code 37-7-301 (c) (d) (j); 37-11-5, 49 and 45-11-101; and Accreditation Standard #29).
- Provide facilities that are clean.
- Provide facilities that are safe.
- Provide proper signage that explains tobacco, weapons, and drugs are prohibited on the school campus and at school functions.
- Provide operational facilities that are equipped and functional to meet the instructional needs of students and staff (in accordance with the Mississippi School Design Guidelines at [www.edi.msstate.edu/guidelines/design.php](http://www.edi.msstate.edu/guidelines/design.php)).
- Provide air conditioning in all classrooms, Code §37-17-6(2) (2000).
- Comply with the requirements for Safe and Healthy Schools:
- Maintain a comprehensive School Safety Plan on file that has been approved annually by the local school board. (MS Code 37-3-81 and 37-3-82(2); and Accreditation Standard #37.1); see the School Safety Manual and the MDE School Occupational Safety and Crisis Response Plan at: [http://www.healthyschoolsms.org/healthy\\_school\\_environment/school\\_safety.htm](http://www.healthyschoolsms.org/healthy_school_environment/school_safety.htm).
- State Board Policy EBB (1990) prohibits the possession of pistols, firearms or weapons by any person on school premises or at school functions. Code §37-11-18 requires any student who possesses a knife, a handgun, other firearm or any other instrument considered to be dangerous and capable of causing bodily harm or who commit a violent act on educational property be subject to automatic expulsion for one calendar year. The superintendent of the school is authorized to modify the period of time for expulsion on a case-by-case basis.
- Prohibits students from possessing tobacco on any educational property, Criminal Code §97-32-9 (2000). Code §97-32-29 (2000) further prohibits the use of tobacco on any educational property for adults who, if in violation, would be subject to a fine and issued a citation by a law enforcement officer. Educational property is defined as any public school building or bus, campus, grounds, athletic field, or other property used or operated during a school-related activity.

#### Health Services

The Newton Municipal School District will:

- Ensure all school nurses are working under the guidelines of the 2013 Mississippi School Nurse Procedures and Standards of Care.
- Provide teachers and staff training regarding signs and symptoms of asthma (MS Code Section 37-11-71 and 73-25-37)
- Every child who has been diagnosed with asthma must have an asthma action plan on file in the school office.
- Know the district anaphylaxis policy. Provide training by a healthcare professional, preferably a school nurse, for the individual that will be responsible for implementing the policy at the school site. (MS Code Section 37-11-71 and 73-25-37)

#### Counseling, Psychological and Social Services/Social and Emotional Climate

The Newton Municipal School District will:

- Adhere to the details outlined in the Licensure Guidelines (436 and 451) when hiring guidance counselors and psychologists. The state does not have a policy specifically outlining the requirements for a school social worker. For licensure as a social worker in the state of Mississippi, a candidate must: provide verification of a baccalaureate degree in social work from a college or university accredited by the Council on Social Work Education (CSWE) or Southern Association of Colleges and Schools (SACS) and scores a minimum of 70 on the ASWB basic exam.
- Abide by Mississippi Code 37-9-79 as the school provides for counseling and guidance for students.
- Hire school guidance counselors with a minimum of a Master's Degree in Guidance and Counseling, or in an emergency situation, an appropriate certification as determined by the Commission on Teacher and Administrator Education, Certification and Licensure and Development. MS Code 37-9-79
- Hire school counselors who agree to abide by the American School Counselor Association Code of Ethics.
- Ensure that all school guidance counselors provide comprehensive counseling services such as:
- Academic and personal/social counseling.
- Student assessment and assessment counseling.
- Career and educational counseling.
- Individual and group counseling.
- Crisis intervention and preventive counseling.
- Provide all licensed teachers and administration with health education on the topic of suicide prevention training as directed by MS Code 37-3-101.
- Referrals to community agencies.
- Educational consultations and collaborations with teachers, administrators, parents and community leaders.
- Education and career placement services.

- Follow-up counseling services.
- Conflict resolution.
- Professional school counselors must spend a minimum of 80% of their contractual time to the delivery of services to students as outlined by the American School Counselor Association.

### Family Engagement and Community Involvement

The Newton Municipal School District will:

- Invite parents and community members to participate in school health planning by serving on the local School Health Council

### Implementation

The Newton Municipal School District will:

- Establish a plan for implementing of the school wellness policy.
- Designate one or more persons to insure that the school wellness policy is implemented as written.
- Establish and support a School Health Council (SHC) that addresses all aspects of a coordinated school health program, including a school wellness policy (Mississippi Code of 1972 Annotated, Section 37-13-134).
- Conduct a review of the progress towards school wellness policy goals each year to identify areas for improvement.
- Prepare and submit a yearly report to the school board regarding the progress towards implementation of the school wellness policy and recommendations for any revisions to the policy as necessary.

### Classroom Parties

The Newton Municipal School District will:

- The Mississippi Healthy Schools Act, Senate Bill 2369, states that schools shall develop a food safety program to include all food offered to students through sale or service.
- Classroom parties shall be held after lunch service and follow the guidelines:
- Classroom parties will be held for Fall Festival, Christmas, Valentine's Day, and State Testing Kickoff only. All parties will be held after lunch to allow children the opportunity to have breakfast and lunch in the school cafeteria.
- All faculty and students have access to proper hand washing facilities before eating.
- Parents are encouraged to purchase items for parties instead of baking from scratch. Purchase food from reputable vendors with current food service permits posted.
- Food items served to children will be in single ready-to-serve packaging when practical and possible.
- Parents and teachers are encouraged to provide fresh fruit when practical and possible.
- When providing food for classroom parties, please follow the following food safety rules:
- Keep hot food hot. For food to remain safe, it should be held at 135 degree or above.
- Keep cold food cold. For food to remain safe, it should be held at 41 degree or lower.

### Additional Policies:

#### Vending Machines and School Stores

All snacks and beverages sold to students must meet the nutritional guidelines stated in Vending Regulations for MS Public Schools as approved by State Board of Education October 20, 2006.

#### Offer vs. Serve

Offer vs. Serve is the regulation which allows students to choose less than all the food items within the lunch meal pattern, is known at the "Offer versus Serve Provision". All schools in the Newton Municipal School District implement "offer vs. serve". All five food components of the National School Lunch Program must be offered and students must choose at least three of these items and **ONE** of the three must be a fruit or vegetable for the meal to be reimbursable. The mandate allows students to refuse two of the five meal components they do not intend to eat, therefore reducing plate waste. The choice of three or four items does not relieve the non-needy child from paying full price for the meal.

The "offer vs. serve" provision applies also in the National School Breakfast Program. All four food items on the school breakfast menu must be offered and students must choose at least three items and **ONE** of the three must be a fruit or fruit juice for the breakfast to be reimbursable. All food is served attractively to entice the students to choose all food items in both the lunch and breakfast program.

#### A la Carte

A la Carte meal service for students and/or adults is not permitted. Each meal must be priced and served as a unit. Any food item that is not a meal component cannot be sold. Extra food sales are meal components that may be sold in addition to the school lunch to participating students.

#### Food Substitutions

Substitutions may be made in foods listed in the meal pattern if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority

that includes recommended alternate foods. A copy of this medical statement shall be kept in the cafeteria of the school the child attends and the original maintained in the Food Service Office.

Canned Drinks and Fast Food in the Cafeteria

It is recommended that neither children nor adults bring canned or bottled drinks into the cafeteria, without the label being removed or covered with aluminum foil.

It is further recommended that children or adults bring no “fast food” into the cafeteria. If a parent brings his or her child “fast food”, the food should be placed in a container other than the original container that promotes product which are in direct competition with the National School

Lunch /Breakfast Program.

Food shall not be delivered to children or adults. “Fast Food” deliveries could be an introduction point for alcohol, drugs, or weapons to the campus. “Fast Food” deliveries could also pose a sanitation problem by introducing food borne illness or pest.

Policy on Competition and Extra Food Sales

On February 22, 1985, the State Board of Education passed the following policy on the selling of foods in competition with the National School Food Service Programs and on the nutritional quality if foods sold extra:

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

- No food is to be sold on the school campus for one (1) hour before the start of any meal service period.
- The school food service staff shall serve only those foods, which are components of the approved federal meal patterns being served (or milk products) and such additional foods as necessary to meet the caloric requirements of the age group being served.
- With the exceptions of milk products and bottled water, a student may purchase individual components of the meal only if the full meal unit also is being purchased.
- Students who bring lunch from home may purchase milk products and bottled water only.
- This policy should be viewed as a minimum standard. Local boards of education are encouraged to develop more comprehensive restrictions.

Clarification and/or Interpretation of Competitive Foods Rule

- No food is to be sold on campus for one hour before breakfast or one hour before lunch and until the end of either serving period. Any food may be sold after breakfast and until one hour before lunch.
- After the full meal has been served, a student may purchase individual components or milk products and bottled water as extra sales.
- Students who bring lunch can purchase only milk, ice cream and bottled water.
- Food service for profit or sales in competition with the National School Lunch Program shall not be operated in the cafeteria at any time during the day. Snack item, such as soft drinks, candies, nabs, potato chips, popcorn, popsicles, etc., including those meeting nutritional requirements, cannot be sold in the cafeteria at any time during the school day and cannot be sold in the school during the designated meal service period.

In accordance with Federal law and U.S. Department of Agriculture (USDA) policy, discrimination is prohibited on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Last Review Date: May 17, 2021

**Adopted Date:** 12/1/2005  
**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGA - Pandemic / Epidemic Emergencies

**PANDEMIC / EPIDEMIC EMERGENCIES**

The Board recognizes that a pandemic/epidemic outbreak is a serious threat that stands to affect students, staff, and the community as a whole. With this consideration in mind, the Board establishes this policy in the event the town/municipality and/or school district is affected by a pandemic/epidemic outbreak. At all times the health, safety and welfare of the students shall be the first priority.

**PLANNING AND COORDINATION**

The Superintendent shall designate one or more employees to serve as a liaison between the school district and local and state health officials. This designee is responsible for connecting with health officials to identify local hazards, determine what crisis plans exist in the school district and community, and to establish procedures to account for student well-being and safety during such a crisis. The designee shall work with local health officials to coordinate their pandemic/epidemic plans with that of the school district.

The principal and/or school nurse or other designee shall develop a curriculum component to health classes that is designed to teach students about preventing or limiting the spread of communicable diseases.

With fiscal concerns in mind, the district shall purchase and store supplies necessary for an epidemic/pandemic outbreak, including but not limited to disinfectant products, face masks, water, examination gloves, and other supplies as recommended by the school nurse.

The Superintendent shall develop procedures and plans for the transportation of students in the event of an evacuation. Such procedures shall include provisions for students who cannot be transported to home at the time of the evacuation.

**RESPONSE**

In the event anyone within the school is discovered or suspected to have a communicable disease that may result in an epidemic/pandemic, that person shall be immediately quarantined pending further medical examination. Local and state health officials shall be notified immediately.

In conjunction with local and state health officials, the Superintendent shall ascertain whether an evacuation, lockdown, or shelter-in-place needs to be established. As soon as such a decision has been made, the school district shall attempt to notify the parents of all students.

In the event of an evacuation, the Superintendent is charged with determining when the school shall re-open. In the event of a lockdown or shelter-in-place, the Superintendent shall notify all proper authorities and relief agencies seek their assistance for the duration of the lockdown or shelter-in-place.

**INFECTION CONTROL**

Any student or staff member found to be infected with a communicable disease that bears risk of pandemic/epidemic will not be allowed to attend school until medical clearance is provided by that individual's primary care physician or other medical personnel indicating that that person does not bear the risk of transmitting the communicable disease.

Students with excessive absences due to a communicable disease shall be given a reprieve from other Board policies relative to excessive student absences. Efforts will be made by the staff to determine what, if any, school work the student can complete while absent.

Staff members who are forced to miss excessive days of work shall first use any leave entitled to them through the Family and Medical Leave Act and/or accrued sick leave. If a staff member has still not received medical clearance to resume his/her work duties, absences in excess of a staff member's allotted leave will not affect the employees right to continued employment.

**CONTINUANCE OF EDUCATION**

The Superintendent shall develop a plan of alternate means of educating students in the event of prolonged school closings and/or extended absences. Such a plan may include providing students with assignments via mail, local access cable television, or the school district's website.

The Superintendent is authorized to amend the traditional class schedule and schedule of days. Such a plan may include extending the school day, having school days held on Saturdays, the use of previously scheduled vacation days, and/or extend the school year beyond the previously established end of school year.

CROSS REF.: Policy JGCCB Communicable Diseases

**Last Review Date:** May 17, 2021

**Adopted Date:** 9/1/2006  
**Approved/Revised Date:** 9/14/2020

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGAA - Return to School During COVID-19

### **Return to School During COVID-19**

The Board is implementing this policy in an effort to minimize the risk that COVID-19 will impact the school district going forward. The Board recognizes that every employee and student of the Newton Municipal School District has a personal responsibility to help mitigate the risk of COVID-19's impact on staff, students, and visitors.

#### **Accessing Campus**

Each employee and student is expected to return to campus in accordance with federal, state, and local guidance. Depending on the circumstances at that time, different schedules may be used, such as:

1. **Traditional Schedule** – Requires students to be physically present in school with scheduling modifications to follow CDC and the Mississippi State Department of Health recommendations.
2. **Hybrid Schedule** – Combines online and face-to-face instruction for students. Schools must meet distance learning requirements.
3. **Virtual Schedule** – Provides instruction provided through distance learning. Schools must meet distance learning requirements.

These schedules may be interchanged throughout the school year. Traditional and Hybrid schedule requirements include avoiding unnecessary contact with surfaces and objects, maintaining a distance of at least six feet from others when possible, and practicing a heightened level of sanitation of district buildings and individual personal spaces. Unnecessary physical contact should be avoided.

Masks are Required for Students and Staff.

The Board understands that not all of these methods are possible at all times, such as remaining six feet apart while in classrooms; however, these directives shall be observed as closely as possible.

#### **Masks**

Masks are required for Students and Staff except for Students and Staff who cannot wear face coverings due to a medical or behavioral condition who have trouble breathing or are incapacitated, or whose healthcare professional has recommended that a face covering not be worn. Documentation from a healthcare professional recommending that a face mask or shield not be worn by the staff member or student shall be provided to the District.

Due to individual student needs, students may pick the type of face mask and/or shield that is comfortable and appropriate for them. Per the Newton Municipal School District Student Handbook, items may be printed or solid but must not disrupt the education process nor create any form of school disturbance.

#### **Campus and Vehicle Sanitation**

The Newton Municipal School District will continue normal cleaning operations while also following the guidelines from both the Mississippi State Department of Health and the Mississippi Department of Education. Each employee is required to regularly clean his/her workstations, bus/vehicle, phones, desks, and other office equipment and should avoid using other staff member's phones, desks, offices, equipment, etc. when possible. If necessary, these areas should be cleaned and disinfected frequently throughout the day.

All employees should either wash their hands or use hand sanitizer before using a copying machine, common scanner, printer, or fax machine.

Students should refrain from sharing personal supplies such as pencils, pens, calculators, etc.

The Board understands that some common classroom items such as books and computers must be shared among students. For these items, both employees and students shall observe proper sanitation methods before and after use when possible.

#### **Health Screenings**

Each employee and student will have his/her temperature checked daily before entering any school building. Employees with a temperature of 100.4 degrees or more shall be asked to return home. Students with a temperature of 100.4 degrees or more shall be isolated and shall be immediately picked up from school by a parent or a parent's designee.

Each employee and student must also be aware if he/she has come into contact with any person who has experienced these symptoms or those who have tested positive for COVID-19. If an employee or student feels sick or is experiencing symptoms, that person should stay at home and not report to school. Employees and students shall be aware of the following symptoms listed below:

- Fever
- Shortness of Breath
- Cough
- Chills
- Unexplained Muscle Pain
- Sore Throat
- Loss of Sense of Smell
- Nausea, Vomiting, and/or Diarrhea

#### **Reporting**

Both employees and students shall immediately report in accordance with the chain of command:

1. Possible symptoms of COVID-19,
2. Confirmed positive test of COVID-19, and/or
3. Exposure to someone who may have been diagnosed with COVID-19.

Quarantine may be required after this report. The reporting requirement includes employees and students, a family member of an employee or a student, a friend of an employee or student, or anyone with whom the employee or student has been in close contact with during a 14-day period.

**Student and Employee Absence**

Any student and/or staff member who has been infected with COVID-19 will not be allowed to attend school until medical clearance is provided by a licensed physician that states the individual does not bear the risk of transmission.

Each student will be required to attend school daily unless the school district is provided with a documented health reason for that student from a licensed health care provider as to why that student cannot attend. Distance learning options will be provided for students who cannot attend school due to a documented health reason.

Students with excessive absences due to COVID-19 shall be given a reprieve from other Board policies relative to excessive student absences. Efforts will be made by the staff to determine what, if any, school work the student can complete while absent. Distance learning methods may be used.

The school board may, in its discretion, provide additional administrative leave with pay for all employees (professional, certified, and classified) in the event of declared emergency closures.

Staff members who are forced to miss excessive days of work shall first use any leave entitled to them through accrued sick leave, the Family and Medical Leave Act, the Families First Coronavirus Response Act, and/or any other state or federal law that provides entitled leave to employees.

A staff member's right to continued employment will not be affected if the staff member has absences in excess of his/her allotted leave and still has not received medical clearance to resume his/her work duties.

**Large Gatherings and Extracurricular Activities**

All large gatherings, including assemblies and field trips, are prohibited. The Newton Municipal School District will follow all MHSAA guidelines and recommendations as it pertains to athletic events and activities.

Students participating in the distance learning option will not be allowed to participate in athletic or other extracurricular activities.

**Transportation**

The Newton Municipal School District strongly encourages parents to transport their children to and from school.

Bus drivers and students will be required to wear masks or an appropriate face covering while on the bus. Any student who refuses to wear a mask or an appropriate face covering will not be allowed on the bus. Buses shall be sanitized between each route.

**Cafeteria Use**

Each school shall create and implement a breakfast and lunch plan whereby all social distancing guidelines are met and routinely followed.

**Visitors to Campus**

Visitors should avoid coming to campus unless it is absolutely necessary. When necessary, visitors should practice social distancing by remaining at least six feet apart from all other people when possible. Visitors will also be required to use hand sanitizer and masks upon entering the building and shall use only the front entrance.

Each employee of the district will refer to and ensure compliance with policy KM "Visitors to the Schools".

CROSS REF: AFC – Authority for Emergency Closings

EBBD – Emergency Closings

GBRI – Absence from Duty

GBRIA – Family and Medical Leave Act

JBA – Compulsory School Attendance/School Age

JGA – Pandemic/Epidemic Emergencies

KM – Visitors to the Schools

MDE Considerations for Reopening Schools

Last Review Date: May 17, 2021

**[MDE Considerations for Reopening Schools](#)**

**Adopted Date:** 9/14/2020

**Approved/Revised Date:** 1/18/2021



**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JGC - Student Health Services

### **STUDENT HEALTH SERVICES**

Although the district's primary responsibility is to educate students, the student's health and general welfare is also a major Board concern. The Board believes school programs should be conducted in a manner that protects and enhances student and employee health and is consistent with good health practices.

In accordance with the requirements of the [Every Student Succeeds Act](#) (ESSA), the district recognizes its responsibility to notify parents in advance of any non emergency, invasive physical examination or screening that is required as condition of attendance; administered and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students.

The term "invasive physical examination," as defined by law, means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening. The term does not include any physical examination or screening that is permitted or required by state law, including physical examinations or screenings that are permitted without parental notification.

Notification will be provided at least annually at the beginning of the school year or when enrolling students for the first time in school and will include the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

Procedures shall be developed and implemented to carry out this policy. All district employees will be appraised of their responsibilities in this area. Parents shall have the opportunity to request their students be exempt from participation in [scoliosis,] vision or hearing screening. The district will abide by those requests.

### **HEAD LICE**

For any student who has had head lice on three (3) consecutive occasions during one (1) school year, the principal shall notify the county health department of the recurring problem of head lice with that student. The student shall not be allowed to attend school until proof of treatment is obtained. ' 41-79-21

### **GENERAL PROVISIONS**

The district shall maintain a prevention oriented health services program which provides:

1. Pertinent health information on the students, as required by Mississippi statutes or rules;
2. Health appraisal to include screening for possible vision or hearing problems [and also scoliosis];
3. Health counseling for students and parents when appropriate;
4. Health care and first-aid assistance that are appropriately supervised and isolates the sick or injured child from the student body;
5. Control and prevention of communicable diseases as required by Mississippi Department of Human Services, Health Services and the county health department;
6. Assistance for students in taking prescription and/or nonprescription medication according to established district procedures;
7. Services for students who are medically fragile or have special health care needs;
8. Integration of school health services with school health education programs.

*[The nurse(s) employed by the district shall be licensed to practice as a registered nurse or nurse practitioner in Mississippi and will function as an integral member of the instructional staff, serving as a resource person to teachers in securing appropriate information and materials on health-related topics.]*

The Board directs its district health staff to coordinate with health personnel from other public agencies in matters pertaining to health instruction or the general health of students and employees.

The local school board of each school district shall establish a local school health council for each school which shall ensure that local community values are reflected in the local school's wellness plan to address school health. Such councils shall be established no later than November 1, 2006. ' 37-13-134 (8) (2006)

The Mississippi Public School Accountability Standard for this policy is standard 6.

LEGAL REF.: MS CODE as cited; P. L. 107-110 (No Child Left Behind Act)

Mississippi Public School Accountability Standards

CROSS REF.: Policies ICI - Health / Physical Education Advisory Council

JGCC - Communicable Diseases

JGCD - Student Health Services -- Medicines

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGCA - Child Abuse and/or Neglect Reporting Procedures

The Newton Municipal District Board of Education recognizes its legal and ethical obligation in the reporting of suspected child abuse and neglect. Where there is "reasonable cause" to suspect a child has been abused and/or neglected or threatened with abuse as defined in MS Code §93-21-3 or 97-5-23 school personnel, as mandated reporters, shall act in accordance with the state laws and report incidents to the Mississippi State Department of Human Services or its successors, or other such duly constituted authorities. Reports of child abuse or neglect--including the name and address of the child, family, mandated reporter, or any other identifying information in the report--shall remain confidential and shall not be public information.

As provided in MS Code §43-21-355 and §93-21-23, any mandated reporter making a report or participating in judicial proceedings shall be presumed to be acting in good faith, and if found to have acted in good faith shall be immune from any liability, civil or criminal, that might be incurred or imposed. The reporting of an abused person shall not constitute a breach of confidentiality.

The board also believes in a positive and preventative approach toward child abuse and neglect. Therefore, the board endorses periodic in-service programs for all staff, in an effort toward making staff members more sensitive to the issues involved in child abuse and neglect. The superintendent, or designee, is directed to develop administrative guidelines necessary to implement this policy.

MS Code §43-21-353 through §43-21-355, §93-21-1 through §93-21-29, §97-5-23

LEGAL REF: MS CODE §43-21-353 - §43-21-355, §93-21-1 through §93-21-29, §97-5-23

Last Review Date: May 17, 2021

**Adopted Date:** 11/29/2016  
**Approved/Revised Date:** 11/29/2016

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGCAAA - Human Trafficking

### **Human Trafficking**

The Newton Municipal School District recognizes that human trafficking is a major issue threatening today's children and should be taken seriously. Schools have several responsibilities regarding human trafficking including (1) increasing staff awareness and education of the crime, (2) increasing parent and student awareness of trafficking, and (3) develop clear policies and protocols for identifying a suspected victim or responding to a disclosure from a suspected victim. Therefore, it is the policy of this school district that all administrators, teachers, and staff be aware of the warning signs of human trafficking and report any incidents appropriately.

Human trafficking is broadly defined as the recruitment, harboring, transportation, provision or obtaining of a person, through the use of force, fraud or coercion, for the purposes of subjection to involuntary servitude or forced labor or services. Any minor, that is anyone under the age of eighteen (18), who is induced to perform a commercial sex act is a victim of human trafficking.

Any child or youth can become a victim of trafficking, however, traffickers tend to exploit some form of vulnerability or desperation. Risk factors for victimization include:

1. Homelessness;
2. Prior childhood abuse;
3. The lack of any caring, supportive adult in a child's life;
4. The lack of education or means to earn an income; and
5. Having a history of being systems-involved (e.g. juvenile justice, criminal justice, foster care).

Given the regular interaction between students and educators, school personnel are uniquely positioned to recognize changes in behavior and appearance that may be indicative of trafficking involvement. Employees in the district shall be on alert for the following "red flags" of possible victimization:

1. Unexplained school absences;
2. An abrupt change in attire, behavior, or relationships;
3. The presence of an older "boyfriend";
4. Travel with an older male who is not a guardian;
5. The sudden presence of expensive material possessions;
6. Chronic running away;
7. Homelessness;
8. Signs of psychological coercion, such as depression, anxiety, and/or overly submissive attitude;
9. The child's lack of control over his/her schedule, money, and/or proof of identification;
10. Signs of physical trauma, including bruises, cuts, burns, and/or scars;
11. Branding marks;
12. Poor health, as evidenced by sexually transmitted diseases, malnutrition, and/or serious dental problems; and
13. Substance abuse or addiction.

Any employee who has reasonable cause to suspect a child is being trafficked shall notify school administrators and must report it immediately to the Mississippi Department of Child Protection Services and the Mississippi Attorney General's Office Statewide Human Trafficking Coordinator. However, school personnel should never attempt to confront a suspected trafficker or rescue a suspected child as the safety of the confronter/rescuer and the child could be put at risk. Reports, including the name and address of the child, family, or any other identifying information, shall remain confidential.

Any mandated reporter making a report or participating in judicial proceedings shall be presumed to be acting in good faith, and if found to have acted in good faith shall be immune from any liability, civil or criminal, that might be incurred or imposed. The reporting of an abused person shall not constitute a breach of confidentiality.

Reporting numbers are as followed:

1. Mississippi Department of Child Protection Services Hotline: 1-800-222-8000
2. Mississippi Attorney General's Human Trafficking Hotline: 1-800-829-6766
3. National Human Trafficking Hotline: 1-888-373-7888

LEGAL REF: Miss. Code. § 97-3-54.1

Victims of Trafficking and Violence Protection Act of 2000, 22 U.S.C.A. § 7102

CROSS REF: Policy JGCA – Child Abuse and/or Neglect Reporting Procedures

Last Review Date: May 17, 2021

**Adopted Date:** 11/14/2019

**Approved/Revised Date:** 11/14/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGCB - Student Health Services Inoculations

### **STUDENT HEALTH SERVICE INOCULATIONS**

This school board has the power, authority and duty to require those vaccinations specified by the state health officer as provided in Section 41-23-37. ' 37-7-301 (i).

Whenever indicated, the state health officer shall specify such immunization practices as may be considered best for the control of vaccine preventable diseases. A listing shall be promulgated annually or more often, if necessary.

Except as provided hereinafter, it shall be unlawful for any child to attend any school, kindergarten or similar type facility intended for the instruction of children (hereinafter called "schools"), either public or private, with the exception of any legitimate home instruction program as defined in Section 37-13-9, for ten (10) or less children who are related within the third degree computed according to the civil law to the operator, unless they shall first have been vaccinated against those diseases specified by the state health officer.

A certificate of exemption from vaccination for medical reasons may be offered on behalf of a child by a duly licensed physician and may be accepted by the local health officer who, in his opinion, such exemption will not cause undue risk to the community.

Certificates of vaccination shall be issued by local health officers or physicians on forms specified by the Mississippi State Board of Health. These forms shall be the only acceptable means for showing compliance with these immunization requirements, and the responsible school officials shall file the form with the child's record.

If a child shall offer to enroll at a school without having completed the required vaccinations, the local health officer may grant a period of time up to ninety (90) days for such completion when, in the opinion of the health officer, such delay will not cause undue risk to the child, the school or the community. No child shall be enrolled without having had at least one (1) dose of each specified vaccine.

Within thirty (30) days after the opening of the fall term of school (on or before October 1 of each year) the person in charge of each school shall report to the county or local health officer, on forms provided by the Mississippi State Board of Health, the number of children enrolled by age or grade or both, the number fully vaccinated, the number in process of completing vaccination requirements, and the number exempt from vaccination by reason for such exemption.

Within one hundred twenty (120) days after the opening of the fall term (on or before December 31), the person in charge of each school shall certify to the local or county health officer that all children enrolled are in compliance with immunization requirements.

For the purpose of assisting in supervising the immunization status of the children the local health officer, or his designee, may inspect the children's records or be furnished certificates of immunization compliance by the school.

It shall be the responsibility of the person in charge of each school to enforce the requirements for immunization. Any child not in compliance at the end of ninety (90) days from the opening of the fall term must be suspended until in compliance, unless the health officer shall attribute the delay to lack of supply of vaccine or some other such factor clearly making compliance impossible.

Failure to enforce provisions of this Section shall constitute a misdemeanor and upon conviction be punishable by fine or imprisonment or both. ' 41-23-37 (1983)

The Mississippi Public School Accountability Standard for this policy is standard 6 and 28.

LEGAL REF.: MS CODE as cited  
CROSS REF.: Policies JGCC - Communicable Diseases

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014  
**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGCC - Communicable Diseases

## COMMUNICABLE DISEASES

This school board has the power, authority and duty to exclude from the schools students with what appears to be infectious or contagious diseases; provided, however, such student may be allowed to return to school upon presenting a certificate from a public health officer, duly licensed physician or nurse practitioner that the student is free from such disease. ' 37-7-301 (h)

### HEAD LICE

For any student who has had head lice on three (3) consecutive occasions during one (1) school year, the principal shall notify the county health department of the recurring problem of head lice with that student. The student shall not be allowed to attend school until proof of treatment is obtained. ' 41-79-21 (1999)

### MENINGOCOCCAL DISEASE

Local school boards shall ensure that all public schools and agricultural high schools provide parents and guardians with information about meningococcal disease and the effectiveness of vaccination against meningococcal disease. Such information may be provided through the school district Web site, student handbook or other appropriate means of dissemination of information. Such information shall be updated annually if new information on such disease is available. This information shall include the causes, symptoms and means by which meningococcal disease is spread and the places where parents and guardians may obtain additional information and vaccinations for their children. Nothing in this section shall be construed to require a local school board or school to provide or purchase vaccine against meningococcal disease.

The State Board of Health shall develop and make available educational materials appropriate for distribution so that the information required by this section can be provided to parents and guardians. The Department of Health may provide this information, at its discretion, electronically, on its Web site. Nothing in this section shall be construed to require the Department of Health to provide or purchase vaccine against meningococcal disease.

### EDUCATING STUDENTS WITH CHRONIC INFECTIOUS DISEASES POLICY

The following shall be the policy of this school district for educating students known to have a chronic infectious disease (persistent illness in the carrier state as compared to an acute short-term self-limiting illness) such as, but not limited to hepatitis B, herpes simplex, AIDS/ARC or cytomegalovirus.

1. A student with a chronic infectious disease shall be removed from the classroom temporarily and until the district's medical advisor in consultation with the student's physician determines whether the student's presence in the school poses a risk of transmission of such chronic infectious disease to others.
2. Should it be determined by the school's medical advisor that attendance poses no threat, the student shall be allowed to resume attendance at school subject to whatever restrictions or limitations, if any, that the school's medical advisor shall recommend. The student's school attendance shall be reviewed by the school's medical advisor in consultation with the student's physician at least once every month to determine if continued school attendance poses any risk of transmission of such chronic infectious disease to others.
3. Should it be determined by the school's medical adviser that attendance at school poses a risk of transmission of such chronic infectious disease to others, an appropriate alternative education program shall be established for that student which shall continue until the district's medical adviser determines that the risk of transmission to others has abated and normal school attendance can resume.
4. The decision of the district's medical adviser shall be final.

### IMPORTANT NOTICE

All staff shall use the following routine and standard procedure to clean up after a student has an accident or injury at school.

1. Blood or body fluids emanating from ANY student including ones known to have a chronic infectious disease, shall be treated cautiously.
2. Rubber gloves shall be worn when cleaning up blood spills. These spills shall be disinfected with a solution of bleach and water (1 part bleach to 7 parts water) and persons coming in contact with them shall wash their hands immediately.
3. Blood soaked items shall be placed in leakproof bags for washing or further disposition.
4. The same procedures shall be used for dealing with the vomit and bodily waste of ANY student.
5. Handwashing immediately after contact with a student is routinely recommended if physical contact has been made with the student's blood or bodily fluids, including saliva.

The school district shall provide gloves and other appropriate materials for use by the staff for compliance with this policy.

LEGAL REF.: MS CODE as cited  
 CROSS REF.: Policy JGC C Student Health Services

Last Review Date: May 17, 2021

**Adopted Date:** 2/11/2013  
**Approved/Revised Date:** 5/11/2020

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGCD - Student Health Services -- Medicines

### **STUDENT HEALTH SERVICES -- MEDICINES**

School personnel may not exceed the practice of first aid in dealing with pupil injuries and sickness, and only qualified personnel shall administer first aid to pupils.

Medication shall be provided or administered to a student by school personnel ONLY with the written request and consent of the student's parent/custodian/legal guardian, and by following Policy JGCD-R - Administration of Prescription Medicine.

CROSS REF.: Policy JGCD-R - Administration of Prescription Medicine

Last Review Date: May 17, 2021

### **ADMINISTRATION OF PRESCRIPTION MEDICINE**

School personnel will not administer prescription medicine to a student unless the student's physician authorizes school personnel to administer the medicine and the parents/guardians have signed the Indemnity Agreement associated with this policy. The parents/guardians are responsible for obtaining a statement from the physician authorizing school personnel to administer the medicine. The statement should include:

1. Student's name
2. Diagnosis
3. Name of medicine
4. Method of administration
5. Time/s to administer the medicine
6. Amount of medicine
7. Date to discontinue or review administration of medicine
8. Physician's signature
9. Date

The parents/guardians are responsible for getting the medicine to the school. All medicine must be in a proper container with a label from the pharmacy which states the following:

1. Student's name
2. Name of medicine
3. Method of administration
4. Time/s to administer the medicine
5. Prescription number
6. Name of pharmacy
7. Date filled

---

### Newton Municipal SCHOOL DISTRICT PARENT AUTHORIZATION AND INDEMNITY AGREEMENT

The undersigned parent/s or guardian/s of \_\_\_\_\_, a minor child, has requested personnel of this school district to administer prescription medicine to this student. This request has been made for my/our convenience as a substitute for parental administration of this medicine. It is understood that school personnel administering the medicine will not have to have medical or nursing training.

I /We forever release, discharge and covenant to hold harmless the School District, its personnel and Board of Trustees from any all claims, demands, damages, expenses, loss of services and causes of action belonging to the minor child or to the undersigned arising out of or on account of any injury, sickness, disability, loss or damages of any kind resulting from the administration of the prescription medicine.

The undersigned agree to repay the school district, its personnel or Trustees any sum of money, expenses, or attorney's fees that any of them may be compelled to pay in defense of any action or on account of any such injury to the minor child as a result of the administration of medicine.

I have read the foregoing release and indemnity agreement and fully understand it.

Executed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Parent or Guardian

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Parent or Guardian

\_\_\_\_\_  
Witness

**Adopted Date:** 1/1/1999  
**Approved/Revised Date:** 5/14/2018



**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGCD-R - Student Health Services Administrations - Medicines

#### ADMINISTRATION OF PRESCRIPTION MEDICINE

School personnel will not administer prescription medicine to a student unless the student's physician authorizes school personnel to administer the medicine and the parents/guardians have signed the Indemnity Agreement associated with this policy. The parents/guardians are responsible for obtaining a statement from the physician authorizing school personnel to administer the medicine. The statement should include:

1. Student's name
2. Diagnosis
3. Name of medicine
4. Method of administration
5. Time/s to administer the medicine
6. Amount of medicine
7. Date to discontinue or review administration of medicine
8. Physician's signature
9. Date

The parents/guardians are responsible for getting the medicine to the school. All medicine must be in a proper container with a label from the pharmacy which states the following:

1. Student's name
2. Name of medicine
3. Method of administration
4. Time/s to administer the medicine
5. Prescription number
6. Name of pharmacy
7. Date filled

Last Review Date: May 17, 2021

- 1.

#### [PARENT AUTHORIZATION AND INDEMNITY AGREEMENT.pdf](#)

**Adopted Date:** 12/9/2019  
**Approved/Revised Date:** 12/9/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGCDA - Self Administration of Asthma and Anaphylaxis Medications

### **Self- Administration of Medication of Asthma/ Anaphylaxis Medications**

Every child who has been diagnosed with asthma must have an asthma action plan on file in the school office

The school board of this public school district permits the self-administration of asthma and anaphylaxis medication pursuant to the requirements of this policy. A student with asthma and/or anaphylaxis is entitled to possess and self-administer prescription asthma and/or anaphylaxis medication while on school property, on school-provided transportation, or at a school-related event or activity if:

1. The prescription asthma and/or anaphylaxis medication has been prescribed for that student as indicated by the prescription label on the medication;
2. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and
3. A parent of the student provides to the school:
  - a. Written authorization, signed by the parent, for the student to self-administer prescription asthma and/or anaphylaxis medication while on school property or at a school-related event or activity;
  - b. A written statement, signed by the parent, in which the parent releases the school district and its employees and agents from liability for an injury arising from the student's self-administration of prescription asthma and/or anaphylaxis medication while on school property or at a school-related event or activity unless in cases of wanton or willful misconduct;
  - c. A written statement from the student's physician or other licensed health care provider, signed by the physician or provider, that states:
    - i. That the student has asthma and/or anaphylaxis and is capable of self-administering the prescription asthma and/or anaphylaxis medication;
    - ii. The name and purpose of the medication;
    - iii. The prescribed dosage for the medication;
    - iv. The times at which or circumstances under which the medication may be administered; and
    - v. The period for which the medication is prescribed.
    - vi. The physician's statement must be kept on file in the office of the school nurse of the school the student attends or, if there is not a school nurse, in the office of the principal of the school the student attends.
4. If a student uses his/her medication in a manner other than prescribed, he/she may be subject to disciplinary action under the school codes. The disciplinary action shall not limit or restrict the student's immediate access to the medication.
5. The school board authorizes the school nurse or trained school employee to administer auto-injectable epinephrine to a student who the school nurse or trained school employee, in good faith, believes is having an anaphylactic reaction, whether or not the student has a prescription for epinephrine.

### **Definitions:**

1. "Parent" means parent or legal guardian.
2. "Auto-injectable epinephrine" means a medical device for the immediate administration of epinephrine to a person at risk for anaphylaxis.
3. "Asthma and anaphylaxis medication" means inhaled bronchodilator and auto-injectable epinephrine.
4. "Self-administration of prescription asthma and/or anaphylaxis medication" means a student's discretionary use of prescription asthma and/or anaphylaxis medication.

Each public, private and parochial school may maintain a supply of auto-injectable epinephrine at the school in a locked, secure, and easily accessible location. A licensed physician, including, but not limited to, Mississippi State Department of Health District Health Officers, may prescribe epinephrine auto-injectors in the name of the school system or the individual school to be maintained for use when deemed necessary under the provisions of this section.

Each public, private and parochial school that maintains a supply of auto-injectable epinephrine at the school shall require at least one (1) employee at each school to receive training from a registered nurse or a licensed medical physician in the administration of auto-injectable epinephrine.

Last Review Date: May 17, 2021

**Adopted Date:** 9/16/2019

**Approved/Revised Date:** 9/16/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGCDA-P - Management of Narcan (Naloxone) Administration in the School Setting

#### MANAGEMENT OF NARCAN (NALOXONE)

In accordance with state law, it is the policy of the Newton Municipal School District to seek to provide assistance to any person(s) who may be suffering from an opioid overdose on school property. Upon securing a standing medical order from a licensed practitioner to do so, the District may obtain, maintain and administer doses of an opioid antagonist (Narcan) with the intent to prevent opiate related overdose deaths in schools or any school sponsored event.

Under such program, Narcan Nasal Spray will be available at all high schools, all middle schools and the alternative school of the Newton Municipal School District. All school nurses and school resource officers will be trained on the administration of Narcan. Unless otherwise proscribed by state law, school nurses may serve as trainers.

Narcan administration training for school nurses and school resource officers will be yearly. It is recommended that school nurses and school resource officers are also trained or certified in cardiopulmonary resuscitation, automated external defibrillator, and first aid.

Narcan shall be stored safely in compliance with the drug manufacturer's instructions. Narcan shall be readily accessible to school nurses and school resource officers who have completed the required training to administer in the event of suspected drug overdose. All staff shall be made aware of the Narcan storage location.

Parents/guardians and Emergency Medical Services (911) must be called upon whenever Narcan is administered and in all suspected overdose situations.

Any person acting in good faith and with reasonable care to another person whom he/she believes to be experiencing an opioid-related overdose may administer an opioid antagonist (Narcan) and shall be immune from any civil or criminal liability or professional licensing sanctions.

Nothing in this policy is intended to regulate, restrict or otherwise deter a law enforcement officer, emergency medical technician, firefighter, licensed medical professional or other authorized individual from administering his/her own supply of Narcan or other opioid antagonist when responding in good faith to a suspected drug overdose occurring on school property.

LEGAL REF: Miss. Code Ann. 41-29-319, 321

**Last Review Date: October 10, 2022**

**Adopted Date:** 10/10/2022  
**Approved/Revised Date:** 10/10/2022

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGCF - Comprehensive Eye Examination

### **Comprehensive Eye Examination**

The Newton Municipal School Board of Trustees recognizes that corrected vision is necessary for a child to be successful. Any child entering first grade, whose eye screening indicates a need to have a face-to-face comprehensive eye examination shall have such eye exam completed by an optometrist or ophthalmologist by January 1 of the child's first grade year.

A principal, director, or other person in charge of a public school shall collect from the child's parent or legal guardian, evidence of the child's face-to-face comprehensive eye examination. A face-to-face comprehensive eye examination that was performed before a child's initial enrollment in a public school shall be deemed to satisfy this requirement.

Any parent or legal guardian of a child may opt-out of said examination. The signed request by the parent or legal guardian of each student opting out of the face-to-face comprehensive eye examination must be collected by the principal, director, or other person in charge of the public school in order to be effective.

LEGAL REF: MS Code 37-3-87

Last Review Date: May 17, 2021

**Adopted Date:** 6/10/2019  
**Approved/Revised Date:** 6/10/2019

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGEB - Concussion Management and Return to Play

### **Concussion Management and Return to Play Policy.**

The Board of Trustees of this school district adopts this concussion management and return to play policy that includes the following guidelines:

- Parents or guardians shall receive and sign a copy of the concussion policy before the start of the regular school athletic event season.
- An athlete who reports or displays any symptoms or signs of a concussion in a practice or game setting shall be removed immediately from the practice or game. The athlete shall not be allowed to return to the practice or game for the remainder of the day regardless of whether the athlete appears or states that he or she is normal.
- The athlete shall be evaluated by a health care provider working within the provider's scope of practice.
- If an athlete has sustained a concussion, the athlete shall be referred to a licensed physician, preferably one with experience in managing sports concussion injuries.
- The athlete who has been diagnosed with a concussion shall be returned to play only after full recovery and clearance by a health care provider.
- Return to play after a concussion should be gradual and follow a progressive return to competition.
- An athlete shall not return to a competitive game before demonstrating that he or she has no symptoms in a full supervised practice.
- Athletes shall not continue to practice or return to play while still having symptoms of a concussion.

The superintendent/designee shall develop procedures to support this policy and the all staff shall implement.

### **Concussion Policy Definitions**

- "Health care provider" means a licensed physician or a licensed nurse practitioner, licensed physician assistant or licensed health care professional working within the person's scope of practice and under the direct supervision or written consultation of a physician. All health care providers referred to in this act also must be trained in the evaluation and management of concussions.
- "School athletic event" means activities sanctioned by the Mississippi High School Activities Association (MHSAA) or the Mississippi Association of Independent Schools (MAIS), and school-sponsored activities in Grades 7 through 12 of schools that are not members of the MHSAA or the MAIS which activities are organized and conducted in a manner substantially similar to activities that are sanctioned by the MHSAA or the MAIS.

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014  
**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JGF - Student Safety

### **STUDENT SAFETY**

For information related to student conduct, disciplinary action, and the School Safety Act of 2001, please refer to MS CODE ' 37-11-55.

#### **CHILD ABUSE OR NEGLECT**

In compliance with MS Code ' 43-21-353, district personnel shall immediately report suspected child abuse or neglect to the Mississippi Department of Human Services. The number for the Child Abuse Hotline is (601) 359-4991, or toll free (800) 222-8000.

#### **DISASTER EMERGENCY**

If this school board determines that it is not economically feasible or practicable to operate any school within the district for the full one hundred eighty (180) days required for a scholastic year as contemplated due to an enemy attack, a manmade, technological or natural disaster, or extreme weather emergency in which the Governor has declared a disaster or state of emergency or the U.S. President has declared an emergency or major disaster to exist in this state, the school board may notify the State Department of Education of the disaster or weather emergency and submit a plan for altering the school term.

If the State Board of Education finds the disaster or extreme weather emergency to be the cause of the school not operating for the contemplated school term and that such school was in a school district covered by the Governor's or President's disaster or state of emergency declaration, it may permit that school board to operate the schools in its district for less than one hundred eighty (180) days; however, in no instance of a declared disaster or state of emergency under the provisions of this subsection shall a school board receive payment from the State Department of Education for per pupil expenditure for pupils in average daily attendance in excess of ten (10) days. ' 37-13-63

#### **SAFETY DRILLS**

Each school shall have a current disaster plan and shall conduct regular safety drills, to include but not limited to bomb threat, earthquake, fire, and tornado.

It shall be the duty of the principals and teachers in all school buildings to instruct the pupils in the methods of fire drills and to practice fire drills until all the pupils in the school are familiar with the methods of escape. Such fire drills shall be conducted often enough to keep such pupils well drilled. It shall be the further duty of such principals and teachers to instruct the pupils in all programs of emergency management as may be designated by the state department of education. MS Code 37-11-5 (1)

It shall be the further duty of such principals and teachers to develop and conduct an active shooter drill within the first sixty (60) days of each new school semester for students, teachers, and staff. MS Code 37-11-5 (2)

#### **HARASSMENT**

Student-to-student sexual harassment will not be tolerated. Complaints of student-to-student sexual harassment will be handled in accordance with Policy JB-P, Students Complaints of Sexual Discrimination/Harassment C Title IX Procedures.

#### **STUDENT AND STAFF PROTECTION**

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

Upon conviction of violation of any provision of this section, such individual shall be guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars (\$500.00), imprisonment in jail for a period not to exceed six (6) months, or both. Any person under the age of seventeen (17) years who violates any provision of this section shall be treated as a delinquent within the jurisdiction of the youth court. ' 37-11-20 (1972)

#### **SAFETY DURING INSTRUCTION**

Each student and teacher is required to wear an appropriate industrial quality eye protective device at all times while participating in or observing any of the following courses of instruction:

1. Vocational, technical, industrial arts, chemical, or chemical-physical, involving exposure to:
  - a. Hot molten metals, or other molten materials;
  - b. Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials;
  - c. Heat treatment, tempering, or kiln firing of any metal or other materials;
  - d. Gas or electric arc welding, or other forms of welding processes;
  - e. Caustic or explosive materials; or
2. Chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards not enumerated.

For purposes of this section unless the context indicates otherwise "Industrial quality eye protective device" shall mean a device meeting the standards of the American National Standard Practice for Occupational and Educational Eye and Face Protection, Z 87.1-1968, and subsequent revisions thereof, approved by the American National Standards Institute, Inc. Such devices may, at the discretion of the individual school, be:

- a. Furnished for all students and teachers;
- b. Purchased and sold at cost to students and teachers; or
- c. Made available for a moderate rental fee.

Such devices shall be furnished to all visitors to such shops and laboratories. ' 37-11-49 (1974)

#### TRANSPORTATION SAFETY

Maximum regard for pupil safety and adequate protection of health shall be primary requirements which shall be observed by the school board in purchasing used school buses. ' 37-41-103 (1982)

The Mississippi Public School Accountability Standards for this policy are standards 29, 30 and 31.

LEGAL REF.: MS CODE as cited

*Mississippi Public School Accountability Standards*

CROSS REF.: Policies EBBA -School Safety Plan

EDC - Bus Safety Program

JGFG -Accidents / First Aid

KBB - Media Access to School Campuses, Staff and Students

Last Review Date: May 17, 2021

**Adopted Date:** 9/1/2006

**Approved/Revised Date:** 6/10/2019



**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGFA - School Choice for Unsafe Schools

## UNSAFE SCHOOL CHOICE OPTION

A student attending a persistently dangerous public elementary school or secondary school, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

The following definitions apply to this policy:

1. A "persistently dangerous school" is a public school other than a charter school in which the conditions during the past two (2) school years continually exposed its students to injury from violent criminal offenses and it is
  - a. an elementary, middle or secondary public school in which a total of 20 or more violent criminal offenses were committed per 1,000 students (2.0 or more per 100 students) in two (2) consecutive school years; or
  - b. an elementary, middle or secondary public alternative school in which a total of 75 or more violent criminal offenses were committed per 1,000 (7.5 or more per 100 students) in two (2) consecutive school years; and
2. "Violent criminal offenses" are the following crimes reported in the Mississippi Student Information System:
  - Simple or Aggravated Assault as defined in Section 97-3-7 of the Mississippi Code Annotated 1972, as amended,
  - Homicide as defined in Sections 97-3-19, 97-3-27, 97-3-29, 97-3-31, 97-3-35, 97-3-37, and 97-3-47 of the Mississippi Code Annotated 1972, as amended,
  - Kidnapping as defined in Section 97-3-53 of the Mississippi Code Annotated 1972, as amended,
  - Rape as defined in Sections 97-3-65 and 97-3-71 of the Mississippi Code Annotated 1972, as amended,
  - Robbery as defined in Sections 97-3-73, 97-3-77 and 97-3-79 of the Mississippi Code Annotated 1972, as amended,
  - Sexual Battery as defined in Section 97-3-95 of the Mississippi Code Annotated 1972, as amended,
  - Mayhem as defined in Section 97-3-59 of the Mississippi Code Annotated 1972, as amended,
  - Poisoning as defined in Section 97-3-61 of the Mississippi Code Annotated 1972, as amended,
  - Extortion as defined in Section 97-3-82 of the Mississippi Code Annotated 1972, as amended,
  - Stalking as defined in Section 97-3-107 of the Mississippi Code Annotated 1972, as amended, and
  - Seizure and Forfeiture of Firearms as defined in Section 97-3-110 of the Mississippi Code Annotated 1972, as amended.

Whenever the Mississippi Department of Education (MDE) has information that a school meets the criteria described above, MDE shall provide the local board of education the opportunity to report on conditions in the school. After consideration of that report and consultation with a representative sample of local educational agencies, the MDE shall determine whether the school is a persistently dangerous school. Once a school has been designated a persistently dangerous school, it retains that designation for at least one (1) school year.

In the event a school in this school district is identified by the MDE as persistently dangerous, the district will provide notification to parents of all students attending the school identified as persistently dangerous of this determination. The notice will:

1. be in writing, provided within ten (10) school days from the time of the district becoming aware that the school has been identified by MDE as persistently dangerous;
2. inform parents that there is no other school to transfer to in this school district which offers instruction at the student's grade level
3. indicate that a corrective plan will be developed and placed on file for public review;
4. indicate that the plan will be implemented in a timely manner.

As this school district cannot offer instruction at the student's grade level in any other school in the district, any student who is a victim of a violent criminal offense committed against him or her while he or she was in or on the grounds of the public school that he or she attends shall be allowed to request a transfer to attend a school in another district which is not designated a persistently dangerous school provided the student requests a transfer within thirty (30) days of the violent criminal offense. Any such transfers will be provided in accordance with established board policy and administrative regulation.

Last Review Date: May 17, 2021

Review History: 05/14/2018

**Adopted Date:** 9/1/2006  
**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGFB - Off-Campus Student Educational Activity

#### **OFF-CAMPUS STUDENT EDUCATIONAL ACTIVITY**

All off-campus student educational activities require the approval of the principal and the superintendent or designee. Accompanying the request for approval must be information specifying those students who are to participate in the activity and the basis for their participation. In addition, the request must include the

1. specific reference to the curriculum;
2. source of payment for the off-campus educational activity;
3. method of transportation;
4. beginning and ending times and dates;
5. names of school personnel to attend;
6. names of additional chaperones;
7. method of financing adult/parent participation; and
8. other pertinent information.

Such requests must be submitted 2 weeks prior to the off-campus educational activity. Parents and guardians must sign the "Parental Consent to Student Educational Activity and Release From Liability" form in advance of the off-campus educational activity (see Policy JGFB-E).

CROSS REF.: JGFB-E - Parental Consent to Student Educational Activity and Release From Liability

Last Review Date: May 17, 2021

JGFB-E(1)  
Off-Campus Student Educational Activity  
[OPEN FILE](#)

**Adopted Date:** 1/1/1999  
**Approved/Revised Date:** 5/11/2020

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JGFC - Dismissals

## **DISMISSAL PRECAUTIONS**

### **DISMISSAL FROM SCHOOL**

1. No student shall leave school without permission from the principal or his designee.
2. Students shall be allowed to be dismissed from school for personal illness or bona fide emergency. Students must secure a dismissal permit from the attendance office, and a parent or guardian appointed by the Chancery Court contacted before they will be allowed to leave school.
3. Students having an appointment with a doctor or dentist or for other valid reasons may be dismissed from school as follows:
  - a. A parent or guardian appointed by the Chancery Court may personally come to the school and check-out a student.
  - b. The student may present a doctor or dentist appointment card to the attendance office and receive a dismissal permit.
  - c. The student may present a note from a parent or guardian appointed by the Chancery Court to the attendance office, which contains the reason to be dismissed, time of dismissal, and phone number where the parent or guardian appointed by the Chancery Court can be contacted, in order to receive a dismissal permit.
  - d. All dismissal permits must be obtained from the attendance office before 8:00 a.m. on the day of the dismissal.
  - e. The dismissal permit is to be used as the written excuse but must be signed by a parent, guardian appointed by the Chancery Court, doctor or dentist in order to be valid.
  - f. Dismissal permits shall be issued for the last period of the day for doctors or dentist appointments or other valid reasons, provided the above procedure is followed.
  - g. If a note or appointment card cannot be verified, school officials reserve the right to refuse the issuance of a dismissal permit.
  - h. Work must be made up if a dismissal is for any of the reasons shown above. Work must be made up if a dismissal to meet a doctor or dental appointment causes a student to miss classwork.

Any student leaving school on school related business must first obtain written permission from his/her teacher and then personally sign out at the attendance office. Upon return to school, the student must personally sign in.

No student shall leave school without a dismissal permit or without signing out at the attendance office.

Dismissal requests during the last period of the day shall receive strict scrutiny by the attendance office due to abuse of the dismissal privilege.

CROSS REF.: Policies JGFB - Off-Campus Student Educational Activity  
LB - Custodial / Non-Custodial Parent Rights

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999

**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JGFF - Automobile Use

## **AUTOMOBILES**

Students driving cars to school must park them properly in student parking lots or in marked spaces on street areas. All cars should be locked after arriving in the morning. Students are not to return to their cars during the day without written permission. Cars are not to leave the parking lot during the lunch hour and are not to be used for any purpose during lunch hours. Students are not to park in designated teacher or visitor parking spaces at any time during school hours (7:30 a.m. to 3:30 p.m.).

A permit is required for student parking on the campus. Permits may be obtained on a first-come basis, with seniors having first privilege.

The parking facilities located at the various school district buildings are not public parking areas and are to be used for school purposes only. School purposes include attendance at school activities or other school authorized activities which occur before or after the regular school day. The Administration, obtaining suggestions from the local police department, shall establish rules and regulations to assure traffic safety. The district shall not assume any responsibility for any loss damage to vehicles.

STUDENTS MAY NOT SIT IN OR UPON A PARKED AUTOMOBILE ON CAMPUS AT ANY TIME. WHEN STUDENTS ARRIVE AT SCHOOL, THEY ARE TO PARK THEIR AUTOMOBILES IN THE PROPER SECTION OF THE PARKING LOT AND COME DIRECTLY TO THE SCHOOL BUILDING. Basic Rules and Disciplinary Procedures: ALL VEHICLES NOT LEGALLY REGISTERED AND LEGALLY PARKED ARE SUBJECT TO BE TOWED AWAY AT THE OWNER'S EXPENSE AT ANY TIME. ALL SAFETY RULES OF THE ROAD MUST BE OBSERVED WHEN DRIVING ON CAMPUS.

1. All vehicles parked illegally will be towed at the owner's expense, and parking privileges will be revoked.
2. Speeding or reckless driving will result in loss of driving privileges for a set period of time.
3. All drivers and front-seat passengers must wear seat belts. Failure to do so will result in loss of driving privileges for a set period of time.
4. Students must purchase a vehicle parking decal for the vehicle. The cost for a parking decal is \$10. If lost, parking decals will be replaced only once and there will be a \$5 replacement fee.
5. No middle school student is allowed to drive or keep a vehicle on campus.
6. Student automobiles are subject to administrative searches.

Violators of this policy may be charged with trespassing and/or vehicles towed at owners' expense.

CROSS REF.: Policy JCDA - School Searches

Last Review Date:

**Adopted Date:** 7/28/2016  
**Approved/Revised Date:** 7/22/2021

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JGFG - Accidents / First Aid

### **ACCIDENTS / FIRST AID**

#### **PROGRAM OF FIRST AID**

Each principal shall have a planned written program for handling emergencies resulting from accident or sudden sickness of students which shall be approved by the designee of the superintendent. The program of first aid for emergencies shall provide direction for giving immediate care, notifying parent, guardian, or custodian, getting the student home, and directing the parent, where necessary, to the source of treatment.

The program of first aid shall incorporate the following requirements:

1. The principal or another trained person shall be responsible for administering first aid.
2. In all cases where the nature of an illness or an injury appears in any way serious, every effort shall be made to contact the parent and/or family physician immediately.
3. No student who is ill or injured shall be sent home alone. A student who is ill or injured shall not be taken home unless it is known that someone is there to receive him.
4. In extreme emergencies, the principal may make arrangements for immediate hospitalization of injured or ill students, contacting the parent or guardian in advance if at all possible.
5. The teacher or other staff member to whom a student is responsible at the time an accident occurs shall make out a report providing details about the accident.
6. Serious accidents to students shall be reported as soon possible to the designee of the superintendent.

#### **ACCIDENT REPORTING**

On the accident report from provided by the district the principal of each school shall report injuries to students and employees which require medical attention or which keep the student or employee from school or from work one-half day or more.

#### **FIRST AID SUPPLIES**

Principals shall maintain an adequate supply of standard first aid materials which shall be made available by the board as are other school supplies.

#### **MEDICATION**

School personnel shall not exceed the usual practice of competent first aid where required. They shall not diagnose and they shall not administer medication of any kind.

#### **FIRST AID TRAINING**

Principals shall see that one-third of the instructional staff of the school is currently certified by the American Red Cross to administer first aid. All physical education teachers in the secondary schools shall be currently certified to give first aid.

CROSS REF.: Policy JGF - Student Safety

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999

**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JGHR - Food Service

### **FOOD SERVICE**

1. It shall be the responsibility of the principal to arrange the schedule so that the children will at all times enter the cafeteria, eat their lunch, and return to their classrooms in an unhurried and relaxed manner. Teachers will come down the serving lines with their class at serving time in order to keep the serving line moving on schedule and to supervise the behavior of their children. Dissatisfaction with the manner in which the cafeteria prepares and serves food and any recommendation for improvement will be expressed to the principal who will take the matter under advisement with the cafeteria administrators.
2. Bulletins issued each day by the secondary schools should be given the manager in order that she may know the activities for the day -- more especially if it affects the lunchroom as to the number to be served. Information regarding large groups leaving campus who ordinarily eat shall be given the manager the day before the event takes place.
3. The Director of Food Services must be notified at least 3 weeks in advance of any change in menu, special dinners, etc.
4. Children bringing lunches from home may purchase one only half pint of milk or ice cream to add to their lunches.
5. Periods during the day may be planned by the principal whereby the student may purchase one only half pint of milk before lunch and before leaving the school in the afternoons, but the milk will have to be consumed on the school premises.
6. Children are not allowed in the kitchen.
7. Teachers are to be served from serving lines only.
8. Teachers are not to come into the kitchen for special service.
9. Relatives of school lunch employees shall not be granted privileges denied other children.
10. Beverages other than milk shall not be consumed in the dining room during the lunch period except in an unidentifiable container.
11. Free or reduced price meals to qualified children will be served.
12. Foods and beverages available in the lunchroom shall be only those which contribute both to the nutritional needs of the child and to the development of desirable food habits.
13. No one except employees shall be admitted to the kitchen during preparation and serving hours except repairmen, deliverymen, or persons in possession of a current health card.
14. No lunches may be charged for anyone at any time.

### **COMPETITIVE FOODS REGULATION**

1. No food items will be sold on the school campus for one hour before the start of any meal service period.
2. The school food service 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 requirements of the age group being served.
3. With the exception of milk and ice cream products a student may purchase individual components of the meal only if the full meal unit is being purchased.
4. Students who bring lunch from home may purchase milk products.

CROSS REF.: Policy JGFG - Accidents / First Aid

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999

**Approved/Revised Date:** 3/21/2019

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JHA - Booster Clubs

#### BOOSTER CLUBS

The Newton Municipal School Board hereby authorizes the organization of booster clubs within the schools / school district. Booster clubs must receive board approval in order to operate and use the name of the Newton Municipal Public School District. Booster clubs must adhere to all applicable board policies, especially policy DK - Student Activities Fund Management.

This board further authorizes the superintendent to develop a set of guidelines, rules and regulations subject to board approval under which booster clubs will be structured. The superintendent may choose to form an ad hoc committee representative of school and district staff, parents, business and community leaders.

CROSS REF.: Policies DK – Student Activities Fund Management  
KHE – Gifts to Schools

Last Review Date: May 17, 2021

**Adopted Date:** 10/1/2007

**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JHCAA - Secret Societies

**SECRET SOCIETIES**

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

This school board shall prohibit fraternities, sororities, or secret societies in all high schools under its jurisdiction. It shall be the duty of said school board to suspend or expel from high schools under its control, any pupil or pupils who shall be or remain a member of or shall join or promise to join, or be pledged to become a member of, any public high school fraternity, sorority or secret society, as defined in section 37-11-37.

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

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

Student behavior that harasses or threatens other students or school personnel will not be tolerated. This district shall treat hazing, as defined in MS Code 97-3-105 and stalking, and as defined in MS Code 97-3-107, as serious offenses subject to criminal prosecution.

LEGAL REF.: MS CODE as cited; 37-11-37 through 45; 97-3-105 & 107  
CROSS REF.: Policy JCA - Student Conduct

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999  
**Approved/Revised Date:** 2/11/2013



**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JK - Fund Raising - Students

## **FUND-RAISING**

This school board is authorized to conduct, or may authorize others to conduct, on behalf of the school district, fund-raising activities deemed by the board, in its discretion, to be appropriate or beneficial to the official or extracurricular programs of the district. Any proceeds of such fund-raising activities shall be treated as activity funds and shall be accounted for as are other activity funds.

The Board prohibits the collection of money in school or on school property or at any school sponsored event by a student for personal benefit. Collection of money by school organizations must be approved by the principal and superintendent before obtaining Board approval. Collections by organizations outside the schools or by pupils on behalf of such organizations shall be approved by the superintendent.

Fund-raising activities conducted or authorized by the board for the sale of school pictures, the rental of caps and gowns or the sale of graduation invitations for which the school board receives a commission, rebate or fee shall contain a disclosure statement advising that a portion of the proceeds shall be contributed to the student activity fund.

Any arrangement between a local school and company supplying merchandise, such as school pictures, class rings and caps and gowns, shall be by written contract, signed by the principal and the company's representative, approved by the local school board, and on file available for public review in the principal's office. The contract shall include all provisions of the arrangement, including any rebate or commission to the school. Any rebate or commission provision in a contract shall be fully disclosed in the school board minutes and to any prospective purchasers of the merchandise. In cases where the merchandise is purchased by a student directly from the vendor, any such rebate or commission to the school shall be paid by check from the company directly to the school's activity fund. Under no circumstances shall a company or a purchaser make a payment directly to a principal.

NOTE: Please also refer to [Financial Accounting Manual for Mississippi School Districts](#).

CROSS REF.: Policy DK – Student Activities Fund Management  
ABB – Board Powers and Duties

Last Review Date: May 17, 2021

**Adopted Date:** 2/11/2013

**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JKB - Solicitation by Students

**SOLICITATIONS BY STUDENTS**

It is not the goal of the school system to sell for the purpose of profit-making. Consequently, any selling to the public for this purpose or any other profit-making activities should be avoided. The high schools may be permitted more than one selling campaign per club to the public for this purpose annually, however. This should receive the closest of supervision. Any alteration of this policy may come only upon direct permission of the superintendent.

CROSS REF.: Policies DK - Student Activity Funds Management  
IB - Instructional Goals

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999

**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JM - Contests for Students

### **CONTESTS FOR STUDENTS**

The primary educational aims of the schools and the needs and interests of their pupils must be the first consideration at all times.

#### **CRITERIA FOR SELECTION OF EDUCATIONALLY DESIRABLE CONTESTS**

1. On a national basis, the schools should confine their participation to those national contests which are currently placed on the approved list published annually by the Committee on National Contests and Activities of the National Association of Secondary School Principals.
2. On a state and local basis, the contest or activity should be:
  - a. one that supplements and does not interfere with the regular school program;
  - b. one that is beneficial to youth in educational, civic, social or ethical development;
  - c. one that makes it possible for individual students to work out contributions by their own efforts and does not invite dishonest collaboration;
  - d. one whose subject is not commercial, controversial, sectarian or concerned with propaganda. It must emphasize high moral standards, good citizenship, and intellectual competence;
  - e. one from which no contestant should be excluded because of race, color, creed or payment of entry fee;
  - f. one which does not place an undue burden on pupils, teachers, or the school, nor require frequent or lengthy absence of participants from the school;
  - g. one sponsored by an organization engaged in a creditable or acceptable enterprise regardless of kind or amount of prizes offered and must not use the contest or activity as a "front" for advertising a company name or product.
3. The approval of the contest is permissive in nature and in no way obligates individual schools to participate. The school must decide whether the contest fits into the instructional program of that particular school.

Winners must be notified both personally and through school officials as soon as winners have been determined.

CROSS REF.: Policies DK - Student Activities Fund Management  
IB - Instructional Goals

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999

**Approved/Revised Date:** 2/11/2013

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JO - Student-Community Relations

### **STUDENT-COMMUNITY RELATIONS**

#### **DISTRIBUTION OF MATERIALS THROUGH STUDENTS**

The schools shall not establish a public forum in order to use the time of the schools, the pupils, and the parents for non-school purposes. The distribution of outside materials and communications to the homes through the pupils shall be kept to a minimum and confined to sources dedicated to the interests of boys and girls.

All requests from groups or individuals to distribute materials in the community through pupils, with the exception of those listed below, shall be denied.

#### **EXCEPTIONS:**

1. PTA and scouting materials
2. Educational institution materials approved by the superintendent
3. Materials pertaining to activities of the city/county recreation program
4. Public health and national defense

CROSS REF.: Policies BA - Board Operations Goals and Objectives Mission Statement

CA - General Administration Goals and Objectives

DK - Student Activities Fund Management

IB - Instructional Goals

Last Review Date: May 17, 2021

**Adopted Date:** 1/1/1999

**Approved/Revised Date:** 6/8/2020

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JOA - Student Voter Registration

**STUDENT VOTER REGISTRATION**

In the fall and spring of each year the registrar of each county shall furnish all public schools with mail-in voter registration applications. The applications shall be provided in a reasonable time to enable those students who will be eighteen (18) years of age before a general election to be able to vote in the primary and general elections.

This school district shall permit access to all public schools in the district for the county registrar or the county registrar's deputy to register persons who are eligible to vote and to provide voter education.

Legal Reference: Mississippi Code of 1972 Section 23-15-37

Last Review Date: May 17, 2021

**Adopted Date:** 12/11/2017  
**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JOAB - Senior Privileges

#### Early Release Policy for Seniors

Seniors who begin the fall semester of their senior year on track to graduate, having passed all subject area tests and have a minimum of 21 Carnegie Units will be eligible for early release after completing their scheduled instructional day.

Seniors who were ineligible at the beginning of the fall semester may become eligible for early release in the spring semester by obtaining a cumulative total of 21 Carnegie Units by the end of the first semester, provided they are on track to pass any year-long courses in which they are enrolled.

\*\*Should a student be placed in ISS or Alternative School, this senior privilege will be revoked by the administration for the length of the ISS/Alt. School term.

\*\*Should a student's progress toward graduation be placed in jeopardy by failing coursework during the fall semester, the administration reserves the right to revoke this senior privilege.

\*\* Participants in the early release program will be eligible for all extra-curricular activities.

\*\*Students will be required to leave campus once they have signed out.

\*\*The district reserves the right to revoke this privilege at any time.

Last Review Date: \_\_\_\_\_

Review History:[1/1/1900][1/1/1901]

**Adopted Date:** 12/19/2014

**Approved/Revised Date:** 7/22/2021

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JQH - Drop-Out Prevention

### **DROP-OUT PREVENTION**

This school district will make diligent efforts to reduce and eliminate dropouts in the district. The school board directs the superintendent to provide regular reports on efforts made to increase student retention. This school district shall maintain accurate records documenting enrollment and attendance, including dropout rates, and shall provide an annual statistical report to the State Department of Education.

Technical assistance and coordination services may be obtained from the State Department of Education to districts seeking to reduce dropout rates.

### **DROPOUT PREVENTION PROGRAM**

This board will comply with all applicable provisions of the Mississippi Code of 1972, Annotated as amended including but not limited to Section 37-13-80, Dropout Prevention, Assistance to certain local school districts to establish program of educational accountability and assessment of performance; personnel appraisal and compensation system for school employees; programs to prevent dropouts, and the Mississippi Public School Accountability Standards and with all other applicable federal and state laws.

The Mississippi Public School Accountability Standards for this policy are 10 and 11.

LEGAL REF.: MS CODE as cited

*Mississippi Public School Accountability Standards*

CROSS REF.: Policies IB C Instructional Goals

JBA C Compulsory School Attendance

JCD C Alternative School Programs

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JQN - Education for Homeless Children and Youth

### EDUCATION FOR HOMELESS CHILDREN AND YOUTH

Homeless students in the district will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held. A liaison for students in homeless situations will be designated by the district to carry out duties as required by law.

The district will ensure that homeless students are not stigmatized nor segregated on the basis of their status as homeless. A homeless student will be admitted to the district school in the attendance area in which the student is actually living or to the student's school of origin as requested by the parent and in accordance with the student's best interest. Transportation will be provided to and from the student's school of origin at the request of the parent, or in the case of an unaccompanied student, the district's liaison for homeless students.

The superintendent or designee will produce written guidelines for distribution to each school that explains the rights of homeless students and the responsibilities of the schools to meet their needs and eliminate barriers to school attendance. This information shall also be disseminated in writing and by other means designed to raise awareness of these rights and responsibilities to staff, homeless families and students, the public, and homeless service providers.

### DEFINITIONS

For the purposes of this policy, children are deemed to be homeless under the following conditions:

1. A child who is lacking a fixed regular and adequate nighttime residence and who has a primary nighttime residence that is a publicly or privately operated shelter designed to provide temporary living accommodations, a temporary residence prior to being placed in an institution, or a place not designed or ordinarily used as a regular sleeping accommodation for human beings.
2. A child who is placed in a transitional or emergency shelter before placement in a foster home or home for neglected children.
3. A child who is temporarily living in a trailer park or camping area due to lack of adequate living accommodations.
4. A child who is living in doubled-up accommodations due to loss of housing or other similar situation.
5. A child who is placed in a foster home due to lack of shelter space.
6. A migratory child who is staying in accommodations not fit for human habitation.
7. A child who has run away from home and lives in a runaway shelter, abandoned building, the street, or other inadequate accommodations.
8. A child who is placed in a state institution because s/he has no other place to live.
9. A child who has been abandoned by his/her family and is staying in a hospital.
10. A child whose parents or guardian will not permit him/her to live at home and who lives on the street, or other inadequate accommodations.
11. School-age unwed mothers or expectant mothers who are living in homes for unwed mothers because they have no other available living accommodations.

### SERVICES TO BE PROVIDED

1. Pursuant to and in compliance with the requirements of the Stewart B. McKinney Homeless Assistance Act of 1990, 42USC11431, it shall be the policy of this school district, to the extent practicable under requirements relating to education established by state law, that each eligible child of a homeless individual and each eligible homeless youth will have access to a free appropriate education comparable to the education provided the children of district residents who are non-homeless, without isolation or stigma.
2. The placement of an eligible homeless child or youth will be made according to Policy JBCCA Assignment of Pupils, and will take into consideration the best interests of the homeless child or youth and placement requests made by a parent.
3. The choice of placement in either the "school of origin" or the school serving the "place of abode" will take place regardless of whether the child or youth is living with the homeless parent(s) or has been temporarily placed elsewhere by the parent(s).
4. Provided the homeless child or youth meets eligibility criteria, he/she will be provided transportation services; compensatory education programs for the disadvantaged; educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.



5. Any and all records ordinarily kept by this school district, including immunization records, academic records, birth certificates, guardianship records, evaluations for special services and programs shall be kept on homeless children and youth and shall be forwarded in a timely fashion should a child or youth enter a new school or school district; and in a manner consistent with S1232g of Title 20.
6. Should this school district receive assistance un S11432 of the Act, it shall coordinate with local social service agencies and other agencies or programs providing services to such children or youth and their families.
7. Should this school district receive assistance under S11432 of the Act, it shall designate a homelessness liaison to insure that homeless children and youth enroll in and succeed in the schools of their district; and, homeless families, children and youth receive educational services for which they are eligible, and referrals to health care services, dental services, mental health services, and other appropriate services.
8. The homelessness liaison shall inform school personnel, service providers and advocates working with homeless families of the duties of the liaison.
9. This school district has and will continue to review and revise, to the extent practicable under the requirements relating to education established by state law, any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraphs 2, 3 and 4 above.
10. In reviewing and revising such policies, to the extent practicable under the requirements relating to education established by state law, consideration shall be given to issues concerning transportation, requirements of immunization, residency, birth certificates, school records, or other documentation and guardianship.
11. Disputes which may arise regarding the assignment of a homeless child or youth will be promptly resolved according to the provisions of Policy JBCCA Assignment of Pupils. Other issues or disputes will be directed to the attention of the school official responsible for that particular matter for prompt resolution. If this dispute cannot be resolved locally, any aggrieved party may make written request for a review of the matter to:

Coordinator of the Homeless Program

Mississippi Department of Education

P. O. Box 771

Jackson, MS 39205

LEGAL REF.: McKinney-Vento Homeless Education Assistance Improvements Act of 2001

CROSS REF.: Policies JAA Equal Educational Opportunities

JBCCA Assignment of Pupils

IB Instructional Goals

Last Review Date: May 17, 2021

**Adopted Date:** 11/12/2016

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JQO - Foster Care Plan

### **Foster Care Plan**

The Newton Municipal School District is dedicated to promoting high achievement and educational stability to those students in foster care. The District will collaborate with the Mississippi Department of Education (MDE), the Mississippi's Child Welfare Agency, and the Mississippi Department of Child Protection Services (MDCPS) as needed to provide educational services for students in foster care.

#### **DEFINITIONS**

1. **Best Interest Determination (BID)** – refers the collaborative process between MDCPS and local school districts based on the individual student's unique best interests. The determination involves input from multiple parties to make decisions about whether a student placed in foster care should continue to attend his or her school of origin.
2. **School of Origin** – refers to the school that a student was attending at the time of placement in foster care or the last school the student attended, despite a change in home. To ensure continuity in education, remaining in the school of origin is preferred.
3. **School District of Origin** – refers to the Mississippi school district in which a school of origin is physically located.

#### **DISTRICT POINT OF CONTACT (POC)**

The District will maintain a staff person who is designated as the District's POC for students in foster care. The POC will follow all requirements as set forth in MDE Rule 30.8.

The District will provide MDE with the name and contact information of the District POC at the beginning of each school year. The POC and his/her contact information will be posted on the District's website for ease of contact. Any changes to the District POC before the end of the academic year will be provided to the MDE POC.

#### **BEST INTEREST DETERMINATION (BID)**

The District will coordinate with MDCPS to finalize a BID within seven (7) school days from the date the District is notified, by MDCPS, of child's placement in foster care or change in the child's living arrangement, except in emergency removal situations.

During the BID determination period, the District will ensure the child is permitted to remain in his or her school of origin and the District will document how transportation shall be provided, arranged, and funded during the pendency of the BID decision. *See Policy EDA*

The BID decision will involve input from multiple, relevant parties who have the authority to make decisions regarding the child in foster care, and who have the knowledge and expertise about the child and the child's circumstances to determine whether a student in foster care should continue to attend his or her school of origin. These parties may include:

1. MDCPS representative;
2. Student, if applicable;
3. Child's foster family;
4. Individual from receiving school district;
5. Counselor;
6. Guardian Ad Litem; and,
7. Biological Parent, if determined by MDCPS or Court Order.

If there is disagreement regarding school placement for a student in foster care, MDCPS is the final decision maker. Students should continue to attend their schools of origin while BIDs are determined.

The District will consider all factors relating to a child's best interest. In evaluating the appropriateness of the current educational setting, the District will consider:

1. Appropriateness of the current educational setting (the school of origin),
2. Proximity to the school in which the child is enrolled (the school of origin) at the time of placement in foster care,
3. Preferences of the child's parent(s) or education decision maker(s) (individual legally authorized by the court to make educational decisions for a child in foster care);
4. Holistic and well-informed determination, utilizing a variety of student-centered factors including, but not limited to –
  - a. Student's age and grade level;
  - b. Student's preference, when age appropriate;
  - c. Student's attachment to the school, including meaningful relationships with staff and peers;
  - d. Placement of the student's sibling(s);
  - e. Distance/length of time to travel to/from school;
  - f. Time of academic year, academic performance, and skills;
  - g. Current educational goals and services; anticipated length of time in placement, and whether reunification is the family goal;

- h. Number of placements to date;
  - i. Child's participation in specialized instruction (e.g., gifted programming, career technical education program, College Credit Plus, Advanced Placement classes);
  - j. Availability of required special education and/or related services in a school other than the school of origin when the student has an identified disability under IDEA or Section 504;
  - k. Availability of language services in a school other than the school of origin when the student has been identified as an English learner;
  - l. Child's ability to earn full academic credit, the ability to proceed to the next grade, or the ability to graduate on time;
  - m. School climate, peer support, supportive adults, and involvement in extracurricular activities;
  - n. Availability and quality of the services in the school to meet the child's educational and socioemotional needs;
  - o. Impact the commute to and from school would have on the child, based on developmental functioning. For children with disabilities, consider the IDEA's federal requirements when determining best interest;
  - p. Any other relevant factors pertinent to the child.
5. Whether the student needs to remain in the school of origin for a limited time (e.g., until the end of the school year, the end of a testing or grading period).
  6. Determine if it is appropriate to revisit the question of whether it is in the student's best to remain in the school of origin or enroll locally, and if so, document a specific time to reassess; and,
  7. NOT consider the cost of transportation when determining a child's best interest.

#### REMAIN IN SCHOOL OF ORIGIN

When the District has determined that it is in the best interest of the child to remain in the school of origin, the District will document in the individualized student's plan regarding how transportation will be provided, arranged, and funded for the student.

The District will document, in collaboration with MDCPS, the Transportation Plan that supports the District's obligations under state and federal law and follows all guidelines in MDE Rule 30.8, in order for the student to receive transportation services on the first day of the student's attendance. *See also policy EDA.*

#### LEAVE SCHOOL OF ORIGIN

When the District has determined it is in the best interest of the child to leave the school of origin, the enrolling district will:

1. Ensure enrollment in the new school takes place on the same day the student is enrolled, even if the child is unable to provide records normally required for enrollment.
  - a. A student in foster care must be enrolled by a MDCPS representative.
  - b. The District will confirm, in writing, the person responsible for making educational decisions. If a student is removed, from the school, by anyone other than a MDCPS employee the district will notify MDE immediately, unless a court order states otherwise.
  - c. The District will contact the school last attended (school of origin), within one (1) school day of enrollment, to obtain relevant academic and other records.
2. Update the student database and contact information for the student within one (1) school day of notification of enrollment from the custodial agency (MDCPS).
3. Ensure the student is assigned to a school in the district in the same manner and according to the same process used for all other students in the district.
4. Give foster children transferring into the District credit for full and/or partial coursework completed at their school of origin, in accordance with the District's policy on transfer credits.
5. Ensure each student in foster care shall be provided services comparable to other students in the school of attendance.
6. Ensure that it is documented that a student was withdrawn prior to the best interest determination, if applicable.

#### STUDENT RECORDS

Upon receipt of a written request for school records from a new school, the school district of origin shall forward, in a manner consistent with state and federal law, a complete copy of the records of the student in foster care. Information needed by the receiving school district shall include, but is not limited to:

1. Proof of age;
2. Immunization records;
3. Cumulative education file, if the child is attending a public school.
4. Copy of the current IEP, if the child is eligible for special education services;
5. Copy of the current Section 504 Plan, if the child has a Section 504;
6. Copy of health records kept by the school; and,
7. Any other pertinent information needed to assist the enrolling school in providing appropriate educational services.

The inability to receive records shall not delay student enrollment. Once a foster student is disenrolled by MDCPS, no other sharing of information shall occur. The District will comply with all state and federal law in order to protect student privacy.

LEGAL REF: 20 U.S.C. §§ 6311(g)(1)(E); 6312(c)(5); Uninterrupted Scholars Act (USA), P.L. No: 112-278; Every Student Succeeds Act (ESSA); Equal Educational Opportunities Act of 1974 (EEOA); Family Educational Rights and Privacy Act (FERPA)

CROSS REF: Policy EDA Student Transportation

**Adopted Date:** 2/25/2021  
**Approved/Revised Date:** 8/9/2021

**District:** Newton Municipal School District

**Section:** J - Students

**Policy Code:** JR - Student Records

## **STUDENT RECORDS**

THIS POLICY COMPLIES WITH THE REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT OF 2001

It is the policy of the Newton Municipal School District Board of Education that the principal of each school will be the legal custodian of all student records for that school.

### **ANNUAL NOTIFICATION**

Students and parents will have access to their school records. The school will notify parents and adult students annually of the following:

1. The type of records kept;
2. The procedure for inspecting and copying these records;
3. The right for interpretation;
4. The right to challenge data thought to be erroneous, the procedures for correcting or expunging erroneous data or inserting a rebuttal statement;
5. The right to lodge a complaint with the U.S. Department of Education if mandates are not adequately implemented.

Additionally, the district will notify parents annually of the district's policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure or use.

The educational records or school records include all materials directly related to a student that a school maintains. Records and notes maintained by a teacher, administrator, school physician, or school psychologist for his or her own use, and which are not available to others are exempted from this definition.

The school will require a prior written consent before information other than directory information may be divulged to third parties. An exception to this rule exists for school district employees who have legitimate interests in viewing the records, as well as officials in other schools in which the student seeks to enroll.

### **TRANSFER OF ENROLLMENT**

A school district in which a student is enrolled or is in the process of enrolling in may request the student's education records from any district in which the student was formerly enrolled to ascertain safety issues with incoming students and ensure full disclosure. The records, including the student's disciplinary records, will be forwarded to the requesting district within three (3) business days. Disciplinary records shall include but not be limited to all information that relates to a student assaulting, carrying weapons, possessing illegal drugs, including alcohol, and any incident that poses a potential dangerous threat to students or school personnel.

When schools transfer records to new educational institutions, the schools must notify parents of the transfer, and of their right to review and contest the material. An exemption exists for material under court order. Parents must be notified of such order prior to release.

### **ATTORNEY GENERAL OF THE UNITED STATES**

The district may disclose, without the consent or knowledge of the eligible student or parent, personally identifiable information in the educational records of a student to the Attorney General of the United States or his or her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes. The district is not required to record such disclosure of information and is protected from liability for disclosing such information in good faith.

The superintendent is directed to establish procedures to ensure compliance with the Family Educational and Privacy Act (FERPA) and other applicable acts and regulations.

### **REQUIRED DOCUMENTATION**

The State Board of Education shall prepare and provide necessary forms for keeping permanent records and cumulative folders for each pupil in the public schools of the state. In the permanent record and cumulative folders, the teachers and principals shall keep information concerning the pupil's date of birth, as verified by the documentation authorized in this section, record of attendance, grades and withdrawal from the school, including the date of any expulsion from the school system and a description of the student's act or behavior resulting in the expulsion. The records also shall contain information pertaining to immunization and such other information as the State Board of Education may prescribe. The cumulative folder, in addition to that information maintained in the permanent records, also shall contain such other information as the State Board of Education shall prescribe. ' 37-15-1 (2002)

### **EVIDENCE OF AGE AT TIME OF ENROLLMENT**

It shall be the responsibility of the person in charge of each school to enforce the requirement for evidence of the age of each pupil before enrollment. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

1. A certified birth certificate;
2. A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by a parent, grandparent or custodian;
3. An insurance policy on the child's life which has been in force for at least two (2) years;

4. A bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent, grandparent or custodian;
5. A passport or certificate of arrival in the United States showing the age of the child;
6. A transcript of record of age shown in the child's school record of at least four (4) years prior to application, stating date of birth; or
7. If none of these evidences can be produced, an affidavit of age sworn to by a parent, grandparent or custodian. Any child enrolling in Kindergarten or Grade 1 shall present the required evidence of age upon enrollment. Any child in Grades 2 through 12 not in compliance at the end of sixty (60) days from enrollment shall be suspended until in compliance. ' 37-15-1 (2002)

#### PERMANENT RECORDS

The permanent record provided for above shall be kept, while it is active, in the attendance center office in a fire resistant container. The permanent record shall be considered active: (a) if the student is enrolled in the school; or (b) if he has withdrawn or has been expelled and the students of the class of which he was a member shall not have reached the time of graduation. At the point of the student's graduation or at the time when the student would normally have graduated had he not withdrawn or been expelled from school, the student's permanent record shall become a part of the permanent binder in the central fire resistant depository or stored digitally as designated and provided by the school board of the school district, or as an alternative method, the records may be maintained in fire resistant storage at the school last attended by the student. The permanent binding and preservation of the inactive records shall be the duty of the superintendent of this school district who shall maintain a central depository of the records. ' 37-15-2

#### CUMULATIVE FOLDERS

The cumulative folders provided for above shall be kept in the school wherein the pupils are in attendance. Both the permanent records and the cumulative folders shall be available for inspection by public and private school officials, including public school teachers within the school district who have been determined by the school district to have legitimate educational interests. In no case, however, shall such records be available to the general public. Transcripts of courses and grades may be furnished when requested by the parent or guardian or eligible pupil as prescribed in the Family Educational Rights and Privacy Act of 1974, as amended, 20 USC Section 1232. The records shall be kept for each pupil throughout his entire public school enrollment period.

In the event a pupil transfers to a public school, then the cumulative folder shall be furnished to the head of the school to which the pupil transfers; if a pupil transfers to a private school, then a copy of the cumulative folder shall be furnished to the head of the school to which the pupil transfers. The permanent record shall be kept permanently by the school district from which the pupil transferred. At no time may a permanent record of a student be destroyed, but cumulative folders may be destroyed by order of the school board of this school district in not less than five (5) years after the permanent record of the pupil has become inactive and has been transferred to the central depository of the district. However, where a school district makes complete copies of inactive permanent records on photographic film or microfilm which may be reproduced as needed, the permanent records may be destroyed after the photographic film or microfilm copy has been stored in the central depository of the district. ' 37-15-3

#### EXPULSION RECORDS

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

1. the name of the student expelled;
2. the date the student was expelled;
3. the age of the student at the time of expulsion;
4. the school from which the student was expelled;
5. the reason for the expulsion, including a detailed description of the student's act or acts;
6. the duration of the period of expulsion, if not indefinite; and
7. any other information that the department deems necessary for school officials in a public or private school, where a student is seeking enrollment, to determine whether or not a student should be denied enrollment based upon a previous expulsion.

Any information maintained by the department under the authority of this section shall be strictly confidential. The information shall be available to school officials at a public or private school only upon their request and only when a student seeks enrollment or admission to that school. In no case shall the information be made available to the general public. ' 37-15-3

#### DISTRICTWIDE REPORTS

The school board of this school district, as created and empowered by law, shall keep and preserve permanently a copy of all district-wide reports required by the State Board of Education to be filed on an annual basis. Copies of those district-wide reports required by the State Board of Education on less than an annual basis may be destroyed after five (5) years upon approval of this school board. All supporting documents necessary to compile such district-wide reports, except as delineated below may be destroyed after three (3) years following the academic year for which the report was made upon approval of the school board of this school district. ' 37-15-46.

#### DISPOSAL OF RECORDS

The superintendent of this school district shall have the authority, with the approval of the school board of this school district spread upon its minutes, to dispose of the following records:

1. After five (5) years:
  - a. Bank statements

- b. Canceled warrants and pay certificates
- c. School board paid bills
- d. Bids received, either accepted or rejected, for supplies, materials, equipment and construction
- e. Depository receipt warrants
- f. School board claims dockets, where claims are recorded on the minutes of the board
- g. Original of school board's orders after such orders have been recorded in the minute book
- h. Canceled bonds and coupons
- i. Tax collector's reports of tax collection to superintendent of schools or the administrative superintendent
- j. Transportation records.

2. After three (3) years:

- a. Teacher contracts, computed from the expiration date thereof
- b. Bus purchase documents
- c. Teachers' registers, principals' reports and other evidence necessary to prepare the reports to the State Board of Education.

3. After period to be set by the State Board of Education such other documents of a temporary or transitory nature as the State Board of Education by regulation shall designate.

Notwithstanding any of the above provisions, no records which are in the process of being audited by the State Department of Audit, or which are the basis of litigation, shall be destroyed until at least twelve (12) months after final completion of said audits and litigation. ' 37-15-8

The Mississippi Public School Accountability Process Standard for this policy is 8.

LEGAL REF.: MS CODE as cited

*Mississippi Public School Accountability Standards*

P. L. 107-110 (No Child Left Behind Act of 2001)

Family Educational and Privacy Act (FERPA)

CROSS REF.: Policies CN - Administrative Records

JRA - Student Directory Information

JRAA - Student Recruitment and Directory Information

JRB - Compliance with FERPA

Last Review Date: May 17, 2021

**Adopted Date:** 9/30/2014

**Approved/Revised Date:** 12/11/2017

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JRA - Student Directory Information

### STUDENT DIRECTORY INFORMATION

Within the first month of each school year, this school district will give public notice of the categories of information which it considers directory information regarding students in the district. This notice will include a statement notifying parents whether or not the categories set forth as directory information may be used on a school-authorized internet web page. If the district chooses to use student directory information on its internet web page this will be specified in the annual notice. This notice will also include a disclaimer to the effect that the school district shall not be responsible for the posting of any student information on any internet web page not authorized by the Newton Municipal School District Board of Education.

The school will allow ten (10) days from the date of such public notice for parents to inform the superintendent in writing of specific directory information pertaining to such student that should not be released without prior written consent of the parents. If the school has notified the parents that it intends to use the directory information on a school-sponsored internet web page, the parents shall be allowed to object to the use of their child's information on the internet web page, yet still consent to the school's use of their child's information in other formats.

If the parents provide no such objection within ten (10) days of the official notification, the information will be classified as directory information until the beginning of the next school year.

The school district will maintain and release directory information without the parent's prior written consent, unless the parent or student if over 18 informs the district that any or all of the following information should not be released without prior written consent.

### DIRECTORY INFORMATION DATA

The school district proposes to designate the following personally identifiable information contained in a student's education record as "directory information." (*NOTE: A district may designate all, some, or none of this information as directory information.*)

1. The student's name, address, and telephone number;
2. The names of the student's parents;
3. The student's date and place of birth;
4. The student's major field of study and class designation (i.e., first grade, tenth grade, etc.);
5. The student's extracurricular participation;
6. The student's achievement awards or honors;
7. The student's weight and height if a member of an athletic team;
8. The student's photograph;
9. The student's electronic mail address;
10. The students dates of attendance; and
11. The most recent educational institution the student attended prior to the student enrolling in this school district.

### GENERAL PROVISIONS

Directory information or class lists of student names and/or addresses shall not be distributed without the consent of the parent or legal guardian of the student or the consent of the student if 18 years of age or older.

The superintendent or designee shall determine when recruitment meetings are to take place and shall take appropriate steps to ensure that such meetings do not interfere with the proper and orderly operation of the schools in the district.

Organizations wishing to recruit at the high school must make arrangements with the principal or designee who will determine the schedule for the recruitment meeting. Scheduled visits by recruiters will be made known to the student body. On-campus follow-up meetings with individual students will be permitted only upon the request of the student/s and with the approval of the building principal or designee.



Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the school board by filing a written request with the superintendent.

## EXCLUSIONS

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the principal by the parent, student 18 years of age or emancipated student within 15 days of annual public notice.

Directory information shall be released only with administrative direction.

Directory information considered by the district to be detrimental will not be released.

Information will not be given over the telephone except in health and safety emergencies.

## EXCEPTIONS TO PRIOR CONSENT

The district may disclose personally identifiable information without prior consent under the following conditions:

1. To personnel within the district who have legitimate educational interests;
2. To personnel of an education service district or state regional program where the student is enrolled or is receiving services;
3. To personnel of another school, another district or institution of post-secondary education where the student seeks or intends to enroll;
4. To personnel connected with an audit or evaluation of federal or state education programs or the enforcement of or compliance with federal or state legal requirements of the district;
5. To personnel determining a financial aid request for the student;
6. To personnel conducting studies for or on behalf of the district;
7. To personnel in accrediting organizations fulfilling accrediting functions;
8. To comply with a judicial order or lawfully issued subpoena;
9. For health or safety emergency;
10. By request of a parent of a student who is not 18 years of age;
11. By request of a student who is 18 years of age or older or emancipated;
12. Because information has been identified as directory information.

LEGAL REF.: Family Educational Rights and Privacy Act (FERPA)

National Defense Authorization Act for Fiscal Year 2001 (P.L. 106-0108, 2000 H.R. 4205)

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, P.L. 107-56, Section 507

CROSS REF.: Policies JR Student Records

JRAA Student Recruitment and Student Directory Information

JRB Compliance with FERPA

Last Review Date: May 17, 2021

Adopted Date: 11/29/2016

Approved/Revised Date: 11/29/2016

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JRAA - Student Recruitment and Student Directory Information

#### STUDENT RECRUITMENT AND STUDENT DIRECTORY INFORMATION

The Newton Municipal School District restricts recruiting access to students and directory information. Directory information or class lists of student's names, addresses, and/or telephone numbers shall not be distributed without the consent of the parent or legal guardian of the student or by the student age 18 or over. Military services representatives shall have access to student directory information unless such access is specifically denied in writing by the parent, legal guardian, or student age 18 or over.

Military services representatives shall have the same access to secondary school students as is generally provided to post-secondary institutions or prospective employers. However, such access may be specifically denied in writing by the parent, legal guardian, or student age 18 or over.

This district will notify parents of the types of student directory information released. The notice will include:

1. An explanation of the parent's right to request that information not be disclosed without prior written consent;
2. Notice that the school routinely discloses names, address, and telephone numbers to military recruiters upon request, subject to a parent's request no to disclose such information without written consent; and
3. Notification on how the parent may opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

The notice will be provided to parents on an annual basis.

#### EXCLUSIONS

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the principal by the parent, student 18 years of age or emancipated student within fifteen (15) days of annual public notice.

Directory information shall be released only with administrative direction.

Directory information considered by the district to be detrimental will not be released.

Information will not be given over the telephone except in health and safety emergencies.

LEGAL REF.: 10 U.S.C. 503 as amended by The National Defense Authorization Act for Fiscal Year 2002 (P. L. 107-107); 20 U.S.C. 7908  
Elementary and Secondary Education Act of 1965

CROSS REF.: Policies JRA Student Directory Information

JRB Compliance With FERPA

KM Visitors to the Schools

[Parental Request for Prior Written Consent.pdf](#)

**Adopted Date:** 8/1/2003  
**Approved/Revised Date:** 6/14/2021

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JRAB - Compliance with FERPA

COMPLIANCE WITH FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974 (FERPA)

In accordance with the policy of the Newton Municipal School District Board of Education, the following regulation shall govern the release of student records to students and members of the student's family, legal custodian, or legal guardian.

DEFINITIONS

For the purpose of this regulation, the school district has used the following definitions of terms:

Student: Any person who attends or has attended a program of instruction sponsored by the board of education of this school district.

Eligible Student: A student or former student who has reached age 18 or is attending a post-secondary school, and who is no longer a dependent of the parent for federal tax purposes.

Parent: Either natural parent of a student unless his or her rights under the Family Education Rights and Privacy Act (FERPA) have been removed by a court order; an adopted parent; a guardian; or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Education Records: Any item of information or record (in handwriting, print, computer media, video or audio tapes, film, microfilm, microfiche, or other medium) maintained by the school district, an employee of the district, or an agent of the district which is directly related to an identifiable student except:

1. A personal record, including informal notes, kept by a school staff member, which meets the following tests:
  - a. It was made as a personal memory aid;
  - b. It is in the sole possession of the individual who made it; or
  - c. Information contained in it has never been revealed or made available to any other person except the maker's temporary substitute;
  - d. An employment record which is used only in relation to a student's employment by the school district (employment for this purpose does not include activities for which a student receives a grade or credit in a course); or
  - e. Alumni records that relate to the student after the student no longer attends classes provided by the school district and the records do not relate to the person as a student.

Personal Identifier: Any data or information that makes the subject of a record known. This includes the student's name, the student's parents or other family member's name, the student's address, the student's social security number, a student number, a list of personal characteristics, or any other information that would make the student's identity known.

ANNUAL NOTIFICATION

Within the first month of each school year, the school district will publish a notice to parents and eligible students of their rights under the FERPA and this policy. The district will also send home with each student a bulletin listing these rights and the bulletin will be included with a packet of material provided parents or an eligible student when the student enrolls during the school year.

The notice will include the following:

1. The right of a student's parent or eligible student to inspect and review the student's education records;
2. The intent of the school district is to limit the disclosure of information contained in a student's education records except: (1) by the prior written consent of the student's parent or the eligible student, (2) as directory information, or, (3) under certain limited circumstances, as permitted by the FERPA;
3. The right of a student's parent or an eligible student to seek to correct parts of the student's education records which he or she believes to be inaccurate, misleading, or in violation of student rights (this right includes the right to a hearing to present evidence that the record should be changed if the district decides not to alter it according to the parent's or eligible student's request and the right to insert in the student's permanent records an explanatory statement giving reasons for disagreeing with the decision);
4. The right of any person to file a complaint with the Department of Education if the school district violates the FERPA; and
5. The procedure that a student's parent or an eligible student should follow to obtain copies of this policy and the locations where copies may be obtained.

The district will arrange to provide translations of this notice to non-English speaking parents in their native language.

STATEMENT OF RIGHTS

Parents and eligible students have the following rights under the Family Education Rights and Privacy Act and this policy:

- 1. The right to inspect and review the student's education record;
- 2. The right to exercise a limited control over other people's access to the student's education record;
- 3. The right to seek to correct the student's education record, in a hearing, if necessary;
- 4. The right to report violations of the FERPA to the Department of Education; and
- 5. The right to be informed about FERPA rights.

All rights and protections given parents under the FERPA and this policy transfer to the student when the student reaches 18 or enrolls in a post-secondary school.

LOCATIONS OF EDUCATION RECORDS

<i>TYPES</i>	<i>LOCATION</i>	<i>CUSTODIAN</i>
--------------	-----------------	------------------

Cumulative School Records

Cumulative School Records  
(Former Students)

Health Records

School Transportation Records

Speech Therapy Records

Psychological Records

PROCEDURE TO INSPECT EDUCATION RECORDS

The parent of a student or an eligible student may inspect the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. See the schedule of fees for copies below.

Since a student's records may be maintained in several locations, the school principals will offer to collect copies of records or the records themselves from locations other than a student's school, so they may be inspected at one site. However, if a parent or eligible student wishes to inspect records where they are maintained, school principals will make every effort to accommodate the wishes.

The parent or eligible student should submit to the student's school principal a written request that identifies, as precisely as possible, the record or records he or she wishes to inspect.

The principal (or other record custodian) will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).

The principal (or other record custodian) will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

If for any valid reason, such as working hours, distance between record location sites, or health, a parent or eligible student cannot personally inspect and review a student's education record, the school district will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students.

FEES FOR COPIES OF RECORDS

The school district will not deny parents or eligible students any rights to copies of records because of the following published fees. Where the fee represents an unusual hardship, it may be waived in part, or in whole, by the record custodian. However, the district reserves the right to charge for copies, such as transcripts, it forwards to potential employers or to

colleges and universities for employment or admission purposes. The school district may deny copies of records (except for those required by the FERPA) in the following situations:

1. The student has an unpaid financial obligation to the school.
2. There is an unresolved disciplinary action against the student that warrants the denial of copies.

FERPA requires the school district to provide copies of records:

1. When the refusal to provide copies effectively denies access to the records by a parent or eligible student;
2. At the request of the parent or eligible students when the school district has provided the records to third parties by the prior consent of the parent or eligible student; or
3. At the request of the parent or eligible student when the school district has forwarded the records to another school where the student seeks or intends to enroll.

The fee for copies provided under the FERPA may not include the costs for search and retrieval. The fee will be from no cost to ten cents per page. (Actual copying cost, less hardship factor.)

The fee for all other copies, such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience, will be from ten cents to thirty-five cents per page (actual search, retrieval, and copying cost) plus postage, if incurred.

#### DIRECTORY INFORMATION

The school district proposes to designate the following personally identifiable information contained in a student's education record as "directory information." (*NOTE: A district may designate all, some, or none of this information as directory information.*)

1. The student's name, address, and telephone number;
2. The names of the student's parents;
3. The student's date and place of birth;
4. The student's major field of study and class designation (i.e., first grade, tenth grade, etc.);
5. The student's extracurricular participation;
6. The student's achievement awards or honors;
7. The student's weight and height if a member of an athletic team;
8. The student's photograph;
9. The student's electronic mail address;
10. The student's dates of attendance; and
11. The most recent educational institution the student attended prior to the student enrolling in this school district.

Within the first month of each school year, the school district will publish the above list, or a revised list, of items of directory information it proposes to designate as directory information. For students enrolling after the notice is published, the list will be given to the student's parent or the eligible student at the time and place of enrollment.

After the parent or eligible student has been notified, he or she will have two weeks to advise the school district in writing (a letter to the school superintendent's office) of any or all of the items they refuse to permit the district to designate as directory information about the student.

At the end of the two-week period, each student's record will be appropriately marked by the record custodian to indicate the items the district will designate as directory information about the student. This designation will remain in effect until it is modified by the written direction of the student's parent or the eligible student.

#### USE OF STUDENT EDUCATION RECORDS

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The school district will use the following criteria to determine who school officials are. An official is:

1. A person duly elected to the school board;
2. A person certified by the state and appointed by the school board to an administrative or supervisory position;
3. A person certified by the state and under contract to the school board as an instructor;
4. A person employed by the school board as a temporary substitute for administrative, supervisory, or instructional personnel for the period of his or her performance as a substitute; or
5. A person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, the school board attorney or auditor, for the period of his or her performance as an employee or contractor.

School officials who meet the criteria listed above will have access to a student's records if they have a legitimate educational interest in doing so. A "legitimate educational interest" is the person's need to know in order to:

1. Perform an administrative task required in the school employee's position description approved by the school board;
2. Perform a supervisory or instructional task directly related to the student's education; or
3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.

The school district will only release information from, or permit access to, a student's education record with a parent's or eligible student's prior written consent except that the school superintendent, or a person designated in writing by the superintendent, may permit disclosure:

1. When a student seeks or intends to enroll in another school district or a post-secondary school (the district will not further notify the parent or eligible student prior to such a transfer of records; the parent or eligible student has a right to obtain copies of records transferred under this provision);

2. When certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the district;
3. The parties who provide or may provide financial aid to a student to;
  - A. Establish the student's eligibility for the aid,
  - B. Determine the amount of financial aid,
  - C. Establish the conditions for the receipt of the financial aid, or
  - D. Enforce the agreement between the provider and the receiver of financial aid;
1. When the school district has entered into a written agreement or contract for an organization to conduct studies on the school district's behalf to develop tests, administer student aid, or improve instruction;
2. To accrediting organizations to carry out their accrediting functions;
3. To comply with a judicial order or lawfully issued subpoena (the district will make a reasonable effort to notify the student's parent or the eligible student before making a disclosure under this provision); or
4. If the disclosure is an item of directory information, and the student's parent or eligible student has not refused to allow the district to designate that item as directory information for the student; or
5. In response to an ex parte order of the Attorney General of the United States or his/her designee in connection with the investigation or prosecution of terrorism crimes.

The school district will permit any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

1. He or she deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons;
2. The information is necessary and needed to meet the emergency;
3. The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency; or
4. Time is an important and limiting factor in dealing with the emergency.

The school district officials may release information from a student's education record if the student's parent or the eligible student gives prior written consent for disclosure. The written consent must include at least:

1. A specification of the records to be released;
2. The reasons for the disclosure;
3. The person, organization, or the class or organizations to whom the disclosure is to be made;
4. The parent's or eligible student's signature; and
5. The date of the consent and, if appropriate, a date when the consent is to be terminated.

The student's parent or the eligible student may obtain a copy of any records disclosed under this provision.

The school district will not release information contained in a student's education records, except directory information, to any third parties except its own officials, unless those parties agree that the information will not be re-disclosed without the parent's or eligible student's prior written consent.

#### RECORDS OF REQUESTS FOR ACCESS AND DISCLOSURES MADE FROM EDUCATION RECORDS

The school district will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits with some exceptions listed below. This record will be kept with, but will not be a part of, the student's cumulative school records. It will be available only to the record custodian, the eligible student, the parent of the student, or to federal, state, and local officials for the purpose of auditing or enforcing federally supported educational programs.

The record will include at least:

1. The name of the person or agency that made the request;
2. The interest the person or agency had in the information;
3. The date the person or agency made the request; and
4. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The district will maintain this record as long as it maintains the student's education record.

The record will not include:

1. Requests for access or access granted to the parent of the student or to an eligible student;
2. Request for access granted to officials of the school district who have a legitimate educational interest in the student;
3. Requests for, or disclosures of, information contained in the student's education record if the request is accompanied by the prior written consent of a parent of the student or the eligible student or if the disclosure is authorized by such prior consent;
4. Requests for, or disclosure of, directory information designated for that student; or for
5. Requests for, or disclosure of, information contained in the student's education record if the request is in response to an ex parte order of the Attorney General of the United States or his/her designee in connection with the investigation or prosecution of terrorism crimes.

#### PROCEDURES TO SEEK TO CORRECT EDUCATION RECORDS

The parent of a student or an eligible student has a right to seek to change any part of the student's record believed to be inaccurate, misleading, or in violation of student rights. (NOTE: under FERPA, the district may decline to consider a request to change the grade a teacher assigns for a course.)

For the purpose of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term "correct" will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term "requester" will be used to describe the parent of a student or the eligible student who is asking the school district to correct a record.

To establish an orderly process to review and correct an education record for a requester, the district may make a decision to comply with the request for change at several levels in the procedure.

#### First Level Decision

When a parent of a student or an eligible student finds an item in the student's education record that he or she believes is inaccurate, misleading, or in violation of student rights, he or she should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the record custodian cannot change the record to the requester's satisfaction, or if the record does not appear to be obviously incorrect, the record custodian will:

1. Provide the requester a copy of the questioned record at no cost;
2. Ask the requester to initiate a written request for the change; and
3. Follow the procedure for a second level decision.

#### Second Level Decision

The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the district to make. It should at least identify the item the requester believes is incorrect and state whether he or she believes the item:

1. Is inaccurate and why;
2. Is misleading and why; and/or
3. Violates student rights and why.

The request will be dated and signed by the requester.

Within two weeks after the record custodian receives a written request, he or she will study the request, discuss it with other school officials (the person who made the record or those who may have a professional concern about the district's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the record should be corrected, he or she will affect the change and notify the requester in writing that the change has been made. Each such notice will include an invitation for the requester to inspect and review the student's education record to make certain the record is in order and the correction is satisfactory.

If the record custodian decides the record is correct, he or she will make a written summary of any discussions with other officials and of the findings in the matter. The record custodian will transmit this summary and a copy of the written request to the school superintendent.

#### Third Level Decision

The school superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney, or the school board (in executive session). The superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it takes longer, the superintendent will notify the requester, in writing, of the reasons for the delay and a date when the decision will be made.

If the superintendent decides the record is incorrect and should be changed, he or she will advise the record custodian to make the changes. The record custodian will advise the requester of the change as at the second level.

If the superintendent decides the record is correct, he or she will prepare a letter to the requester, which will include:

1. The school district's decision that the record is correct and the basis for the decision;
2. A notice to the requester that he or she has a right to ask for a hearing to present evidence that the record is incorrect and that the district will grant such a hearing;
3. Instructions for the requester to contact the superintendent, or an official he or she designates, to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing (the district will not be bound by the requester's positions on these items, but will, so far as possible, arrange the hearing as the requester wishes); and
4. Advise that the request may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

#### Fourth Level Decision

After the requester has submitted (orally, or in writing) his or her wishes concerning the hearing officer and the time and place for the hearing, the superintendent will, within a week, notify the requester when and where the district will hold the hearing and who it has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect as shown in the requester's written request for a change in the record (second level).

Within a week after the hearing, the hearing officer will submit to the school superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his or her recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.

The school superintendent will prepare the district's decision within two weeks of the hearing. The decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the district's decision will be based solely on the evidence presented at the hearing. Therefore, the superintendent may overrule the hearing officer if the superintendent believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the district's decision, the superintendent will take one of the following actions:

1. If the decision is that the district will change the record, the superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision.
2. If the decision is that the district will not change the record, the superintendent will prepare a written notice to the requester that will include:
  1. The school district's decision that the record is correct and will not be changed;
  2. A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the district's decision; and
  3. Advice to the requester that he or she may place in the student's education record an explanatory statement which gives the reasons he or she disagrees with the school district's decision and/or the reasons he or she believes the record is incorrect.

#### DISTANCE LEARNING

Online Educational Services are services involving computer software, mobile applications (apps), and web-based tools provided by a third-party to a school district that students and/or parents access via the internet and use as part of a school activity.

All methods of distance learning involving online educational services shall be evaluated and approved by the Superintendent or his/her designee prior to use to ensure the platform's security and to ensure that there is no risk of disclosure of student protected personally identifiable information. When using an online educational service, the district shall have a written contract in place prior to use which dictates the necessity of security and data protection. If a contract with a provider is not possible, such as with free-to-use applications, the district must use the utmost caution and validate the security of the application before use. The Superintendent shall consult legal and information technology staff during this process.

Personally identifiable information must be protected at all times in accordance with FERPA. The district shall inform parents of any third-party provider used during distance learning. Non-students shall be discouraged from participating in any district sponsored distance learning.

The Mississippi Public School Accountability Standard for this policy is standard 8.

LEGAL REF.: Family Education Rights and Privacy Act of 1974, as amended

*Mississippi Public School Accountability Standards*

CROSS REF.: Policies CN Administrative Records  
EFB Application (App) Usage Policy

JR Student Records

JRA Student Directory Information

JRAA Student Recruitment and Directory Information

Last Review Date: May 17, 2021

**Adopted Date:** 8/1/2003  
**Approved/Revised Date:** 9/14/2020



**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JRAC - MSIS/ Data Collection Policy

### **MSIS POLICY**

The Newton Municipal School District will provide timely, accurate and reliable data to the Mississippi Student Information System (MSIS) that is in compliance with the data collection requirements as specified in MS Code 37-37-7. The superintendent of schools (or his/her designee) shall be responsible for developing and implementing district procedures for this policy.

### **MINIMUM STANDARDS**

In accordance with 37-37-7, the Auditor's Office will use the following Minimum Standards when auditing schools:

1. Deadline for entering data
2. Who may enter data in the school package
3. Who may enter data into MSIS at the school level
4. Who may enter data into MSIS at the district level
5. Length of time student data is stored
6. Where data is stored
7. Method of data backup
8. Format in which records are stored (printouts, diskettes, etc.)
9. Policies requiring accurate data
10. Procedures outlining who is responsible for collecting missing and incomplete data
11. Procedures to check accuracy of data entered in the school package and MSIS
12. Required regular training for appropriate personnel
13. Backup paper copies if/when requested

This board directs the superintendent (or his/her designee) to ensure that appropriate procedures as required by the above minimum standards are implemented and maintained by well trained personnel.

LEGAL REF.: MS CODE ' 37-37-7 (2004)

CROSS REF.: Policies JRAA - Student Recruitment and Student Directory Information  
JRAB - Compliance with FERPA

Last Review Date: May 17, 2021

**Adopted Date:** 7/1/2005  
**Approved/Revised Date:** 10/12/2020

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JRAF - Compliance with PPRA

### **The Protection of Pupil Rights Amendment (PPRA)**

The Protection of Pupil Rights Amendment (PPRA) affords parents of elementary and secondary students certain rights regarding the conduction of surveys, collection and use of information for marketing purposes, and certain physical exams. These include, but are not limited to, the right to:

**Consent** before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or student’s parent; or
8. Income, other than as required by law to determine program eligibility.

**Receive notice** and an opportunity to opt a student out of:

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

**Inspect** upon request and before administration or use:

1. Protected information surveys of students and surveys created by a third party;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

These rights transfer from the parents to a student who is 18 years old or an emancipated minor under State law.

The school district will annually inform parents in the event it administers any health or physical screenings. The district will also directly notify parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

1. Collection, disclosure, or use of personal information collected from students for marketing, sales, or other distribution.
2. Administration of any protected information survey not funded in whole or in part by ED.
3. Any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights have been violated may file a complaint with:

Student Privacy Policy Office  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, D.C. 20202

LEGAL REF: The Protection of Pupil Amendment (PPRA), 20 U.S.C. § 1232h

[PPRA Notice and Consent.docx](#)

**Adopted Date:** 9/16/2020  
**Approved/Revised Date:** 8/9/2021

**District:** Newton Municipal School District  
**Section:** J - Students  
**Policy Code:** JRD - Detention Facility Records

**Detention Facility Records**

To ensure students in youth detention facilities continue to receive appropriate educational services, local educational agencies (LEAs) must have policies and procedures to ensure the relevant records of students who move to, and from, youth detention facilities are sent to and received from the sponsoring school district as soon as practicable to enable the effective delivery of educational services.

Grades received from the Juvenile Detention Center (JDC) education program shall be incorporated into each student's academic performance grade.

Last Review Date: May 17, 2021

**Adopted Date:** 6/11/2019  
**Approved/Revised Date:** 6/11/2019

**District:** Newton Municipal School District**Section:** J - Students**Policy Code:** JS - Fee Policy**FEE POLICY****FEES**

This school board hereby authorizes the superintendent to charge reasonable fees, but not more than the actual cost, for the following:

1. Supplemental instructional materials and supplies, excluding textbooks;
2. Other fees designated by the superintendent as fees related to a valid curriculum educational objective, including transportation; and
3. Extracurricular activities and any other educational activities of the school district which are not designated by the superintendent as valid curriculum educational objectives, such as band trips and athletic events.

All fees authorized to be charged under this policy, except those fees authorized under (C) above, shall be charged only upon the condition that a financial hardship waiver may be granted upon request pursuant to the following.

**FINANCIAL HARDSHIP WAIVER POLICY**

All fees authorized to be charged under subsections (A) and (B) of the Fee Policy above shall be charged only upon the following conditions:

1. Applications for hardship waivers shall be kept in the strictest of confidence with all files and personal disclosures restricted from review by the general public.
2. Pupils eligible to have any such fee waived as a result of an inability to pay for said fees, shall not be discriminated against nor shall there be any overt identification of any pupil who has received a financial hardship waiver by use of special tokens or tickets, announcements, posting or publication of names, physical separation, choice of materials or by any other means.
3. In no case shall any of this school district's procedures expose any pupil receiving a hardship waiver to any type stigma or ridicule by other pupils or school district personnel.
4. The confidentiality provisions of this policy shall apply equally to any students who have an inability to pay any fees authorized by this policy.

In no case shall the inability to pay the assessment of fees authorized under the provisions of this Fee Policy result in a pupil being denied or deprived of any academic awards or standards, any class selection, grade, diploma, transcript or the right to participate in any activity related to educational advancement.

The superintendent shall establish administrative procedures consistent with this policy for its implementation and duplicate the attached form for use by applicants. ' 37-7-335

LEGAL REF.: MS CODE as cited

CROSS REF.: Policy JAA - Equal Educational Opportunities

Last Review Date: May 17, 2021**\*\* CONFIDENTIAL \*\*****FINANCIAL HARDSHIP WAIVER APPLICATION**

To apply for financial hardship waiver, carefully complete this form and return to \_\_\_\_\_. If you need help with this form, please call \_\_\_\_\_.

Student Name \_\_\_\_\_

School \_\_\_\_\_

Student ID Number \_\_\_\_\_ Dollar amount for this waiver \$ \_\_\_\_\_

Explain in detail your reason for applying for this waiver:

---



---



---

LIST ALL HOUSEHOLD MEMBERS MONTHLY INCOME

Name of Adults	SSN	Monthly Earnings From All Work Before Deductions	Monthly Welfare payments, Child Support and/or Alimony	Monthly Payments From Pensions, Retirement, Social Security	All Other Income Received Last Month
1. _____	_____	\$ _____	\$ _____	\$ _____	\$ _____
2. _____	_____	\$ _____	\$ _____	\$ _____	\$ _____
3. _____	_____	\$ _____	\$ _____	\$ _____	\$ _____
4. _____	_____	\$ _____	\$ _____	\$ _____	\$ _____
5. _____	_____	\$ _____	\$ _____	\$ _____	\$ _____
6. _____	_____	\$ _____	\$ _____	\$ _____	\$ _____

## Name of Children, Age &amp; School

Name	Age	School
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

Total Monthly Income \$ \_\_\_\_\_

Do you receive food stamps? \_\_\_\_\_ Food Stamp Case Number \_\_\_\_\_

Do you receive AFDC? \_\_\_\_\_ AFDC Case Number \_\_\_\_\_

List any and all other aid you receive from any source:

---



---

What is your relationship to student? \_\_\_\_\_

## CERTIFICATION

This application is made with full knowledge that the law provides penalties for making false statements or concealing material facts to obtain the benefits of this waiver.

Signature \_\_\_\_\_ Home Address \_\_\_\_\_

Printed Name of Parent / Guardian \_\_\_\_\_ Home Telephone \_\_\_\_\_ Work Telephone \_\_\_\_\_

Date Signed \_\_\_\_\_

OFFICIAL USE ONLY

Approved \_\_\_\_ Disapproved \_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_

Information verified by: \_\_\_\_\_ Date: \_\_\_\_\_

**Adopted Date:** 7/1/2007  
**Approved/Revised Date:**