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U.S. DEPARTMENT OF EDUCATION

State Regulation of Private Schools

State Regulation of Private Schools

**U.S. Department of Education
Office of Innovation and Improvement
Office of Non-Public Education**

2009

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This report is available on the Department's Web site at:
<www.ed.gov/admins/comm/choice/regprivschl/index.html>.

MISSISSIPPI

Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
 - Nonpublic schools may be accredited by independent nonpublic school accrediting agencies. *Miss. Code Ann. §37-17-9.*
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is optional.
 - Nonpublic schools may request approval by Mississippi State Board of Education. A process set by the State Board of Education will determine approval, but the standards for nonpublic school approval may not be more rigorous than the accreditation standard for public schools. *Miss. Code Ann. §37-17-7.*
 - Standards for state approval and accreditation are set out in the policy document, *Nonpublic Schools Accountability Standards, 2004.*
 - Private schools must reapply for accreditation no later than October 1 each year. The application requires information on the following: Name, mailing address and telephone number(s) of the school; name of the chief school administrator; name, address and phone number of the chairperson of the governing board; number of students enrolled by grade, race and sex; number of instructional staff members by grade level and total; annual calendar of the school; participation in federal and state funded programs; graduation data; and a preliminary list of school staff. *Nonpublic Schools Accountability Standards, 2004.*
 - The Mississippi Board of Education assigns an accreditation status from the following four options: accredited, advised, probation and withdrawn. *Nonpublic Schools Accountability Standards, 2004.*
 - The first year a private school fails to comply with state requirements for accreditation it will be assigned an “advised” status. If the private school does not take corrective action to resolve the deficiencies within the following year, it will be assigned a “probation” status. If the school fails to meet the requirements after being assigned “probation” status the school’s accreditation will be withdrawn. *Nonpublic Schools Accountability Standards, 2004.*

Teacher Certification

- Teacher certification is required for those schools that choose to be approved by the State Board of Education. *Nonpublic Schools Accountability Standards, 2004*

Length of School Year/Days

- A nonpublic school term is the number of days that each school requires for promotion from grade to grade. *Miss. Code Ann. §37-13-91(2)(e).*

Curriculum

- The secretary of state will furnish without charge applications for voter registration by mail to private schools upon request. *Miss. Code Ann.* §23-15-47(4)(a).
- Agricultural high schools may be leased by private schools if there are no funds available to run the institution. *Miss. Code Ann.* §37-27-31.

Recordkeeping/Reports

- All compulsory-school-aged children must be enrolled in a public school, private school, or homeschool program. The parent or guardian of a compulsory-school-age or the nonpublic school official must complete a certificate of enrollment for each such student. The certificate, provided by the State Board of Education, asks the following basic information: 1) name, address and date of birth of the student; 2) name and address of the parent or guardian; 3) a simple description of the type of education provided; 4) name and address of the nonpublic school; and 5) parent or guardian and school official signatures and date signed. The certificate must be returned to the school attendance officer for the youth or family court where the child resides on or before September 15 of each year. *Miss. Code Ann.* §37-13-91(3).
- Private, parochial or denominational schools accepting free school textbooks on behalf of their students must file annual reports as required by the State Board of Education. *Miss. Code Ann.* §37-43-51.
- State accredited private schools are required to submit an Annual Application Form, an Annual Compliance Report, an Annual Personnel Data Report and a Summer School/Extended Year Report. *Nonpublic Schools Accountability Standards*, 2004.

Health and Safety Requirements

- Church-related and private schools are exempt from Mississippi's State Board of Health standards for preparation of food. *Miss. Code Ann.* §41-3-15.
- The circuit court clerk will notify the State Department of Education of any certificated personnel employed by a private elementary or secondary school that is convicted of a felony or of a sex offense. *Miss. Code Ann.* §37-3-51.
- The president or chancellor of a private school will be notified by the local law enforcement office if any enrolled student is arrested and convicted of a misdemeanor. *Miss. Code Ann.* §37-11-29.
- The sale or distribution of a controlled substance within 1,000 feet of the real property of a private school or 1,500 feet of a private school building may be punished by an enhanced penalty, twice the authorized imprisonment or fine or both, for a first offense and three times the penalty for a subsequent offense. *Miss. Code Ann.* §41-29-142.

Transportation

- There is no state policy at this time.

Textbooks

- Students attending state approved nonpublic schools are allowed to borrow books at no cost from the local school district. *Miss. Code Ann.* §37-43-1.

State Regulation of Private Schools—Mississippi

- The loan of textbooks to qualified private schools does not violate Mississippi's constitutional prohibition against public support of sectarian schools or the control of educational funds by religious sects. *Chance v. Mississippi State Textbook Rating & Purchasing Bd.*, 200 So. 706 (1941).

Testing

- There is no state policy at this time.

Special Education

- Mississippi provides financial assistance to exceptional children attending accredited private or parochial schools. Tuition reimbursement for applicants choosing to attend private or parochial schools is 100 percent for the first \$600. If the local school district Individual Education Program Committee determines that the district cannot provide a free appropriate public education for a handicapped child, the state will reimburse the district for placement in an accredited private or parochial school up to a maximum of \$3,000. *Miss. Code Ann. §37-23-61 et seq.*

Nursing and Health

- There is no state policy at this time.

Technology

- There is no state policy at this time.

Professional Development

- There is no state policy at this time.

Reimbursement for Performing State/Local Functions

- There is no state policy at this time.

Tax Exemption

- The income from transporting grade school students under contract with nonprofit private schools is exempt from Mississippi sales tax. *Miss. Code Ann. §27-65-107.*

Public Aid for Private Education

- **Constitutional provisions:** Mississippi's Constitution prohibits the appropriation of any state education funds for the support of sectarian schools or private schools. *Miss. Const. Art. 8, Sec. 208.*
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

Homeschooling

- Homeschools meet the definition of "nonpublic schools", which means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial, and home instruction programs. *Miss. Code Ann. §37-13-91 (2) (I).*

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- The parent or guardian of a child enrolled in a legitimate homeschool program is required to complete a "Certificate of Enrollment" and return it to the school attendance officer where such child resides on or before September 15 of each year. *Miss. Code Ann.* §37-13-91 (3).
- Other than the Certificate of Enrollment, there are no current state laws concerning requirements for homeschooling programs.
- A parent must educate his child in a “legitimate home instruction program” and not with the “purpose of avoiding or circumventing the compulsory attendance law.” *Miss. Code Ann.* §37-13-91 (3)(c).
- The State of Mississippi does not have the “authority to control, manage or supervise” the private education of children.” *Miss. Code Ann.* §37-13-91(9).

Information resources

- [Mississippi Department of Education: Nonpublic Schools Accountability Standards, 2004](http://www.mde.k12.ms.us/accred/NPRegs.doc) <<http://www.mde.k12.ms.us/accred/NPRegs.doc>>
- [Mississippi Code](http://michie.lexisnexis.com/mississippi/lpext.dll?f=templates&fn=main-h.htm&cp=>)
Title 37 Education
<<http://michie.lexisnexis.com/mississippi/lpext.dll?f=templates&fn=main-h.htm&cp=>>>
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