

Southern Poverty Law Center  
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# In Plain Sight

Special Education Outcomes and Challenges in Mississippi

## **About the Southern Poverty Law Center**

The SPLC is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements and advance the human rights of all people.

The SPLC's Democracy: Education and Youth Litigation Team is working to ensure that vulnerable children in the Deep South have equal opportunities to reach their full potential. This includes improving access to a quality public education, adequate child welfare programs, and appropriate mental and other health care services. We are challenging flawed or otherwise inadequate and exclusionary policies that disadvantage minority children and carry profound generational implications. The SPLC will continue to work across the region – using litigation, grassroots organizing, and advocacy – to ensure that every child has an equal opportunity.

## **About the Mississippi Special Education Coalition**

The Mississippi Special Education Coalition (MSEC) is a statewide coalition of special education advocacy, and civil rights organizations established to address systemic special education and school discipline issues in Mississippi. MSEC has initiated a statewide campaign focused on promoting and protecting the educational rights of disabled children and their families in Mississippi's public (and private) schools through an ongoing series of special education Continuing Legal Education (CLE) and pro bono clinics designed to provide training to attorneys, advocates, parents and educators to better advocate for special needs children and to ensure their educational needs are met.

## **About the Southern Education Foundation**

The Southern Education Foundation (SEF) is a 501(c)(3) committed to advancing equitable education policies and practices that elevate learning for students of color and students from low-income families. With roots dating back to 1867, our focus on the southern states but our work reaches across the country. We develop and disseminate research-based solutions for policymakers and grow the capacity of education leaders and influencers to create systemic change. We now also provide direct support to school districts focused on addressing historic inequalities.

We envision a world where every student, regardless of background, enjoys an education that propels them toward the opportunity-rich life they deserve.

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## An Overview

# Special Education Outcomes and Challenges in Mississippi

By the Mississippi  
Special Education  
Coalition and the  
Southern Education  
Foundation

## Introduction

Special education systems in Mississippi face major access and implementation challenges. While these systems are purposed to identify students for whom additional supports are needed and then to provide those supports, data shows that in Mississippi this process is not working effectively. The U.S. Department of Education Office of Special Education Programs (OSEP) has identified a need for improvement in multiple consecutive years, raising further concerns regarding the state's ability to appropriately support all children. The data also points toward specific equity challenges with regard to access and outcomes for students of color. It is necessary to ensure these systems function as designed in order to serve all students in the state. That is why the Mississippi Special Education Coalition, representing eight organizations across the state who advocate on behalf of students with disabilities and their families, was formed. (A list of members can be found at the conclusion of this report.)

## Context

The Individuals with Disabilities Education Act (IDEA) is intended to ensure a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for students with disabilities, including the provision of services necessary for their success, and the informed participation of their parents in decision-making, including in development of the Individualized Education Program (IEP). As of the 2022-23 school year, it served more than 8 million children nationally,<sup>1</sup> and 70,000 children in Mississippi.

Students who do not meet the criteria for one of the 13 disabilities covered under IDEA<sup>2</sup> may be served in schools under Section 504 of the Rehabilitation Act of 1973 (hereafter called Section 504). It applies to all recipients of federal financial assistance, including states, districts and schools, and protects the rights of qualified individuals with disabilities, defined

as those with “a physical or mental impairment that substantially limits one or more major life activities.”<sup>3</sup> Pursuant to regulation and guidance from the U.S. Department of Education’s Office for Civil Rights (OCR), public schools are required to not only provide reasonable accommodations to these students, but, in fact, FAPE in LRE.<sup>4</sup>

In Mississippi, these laws and protections are far too often ignored and violated, with little consequence, as there is little or no enforcement by the Mississippi Department of Education (MDE), which is charged by IDEA to ensure these protections for every student with a disability and their parent(s) in the state. Below are outlined disparities in access, services, discipline and supports faced by too many students in the state, particularly by students of color. Further, in some instances, the guidance provided by MDE is contrary to federal law. For example, districts have been informed by the Mississippi

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Department of Education that placement in a general education classroom with an aide is more restrictive than placement in a self-contained classroom.

### **Implementation, Monitoring, and Enforcement Mechanisms**

IDEA gives the secretary of the Department of Education (through OSEP and OCR) the responsibility for federal oversight and enforcement, and state and local education agencies (SEAs and LEAs) the responsibility for its implementation in every district and school in the state. It also requires state education agencies (SEAs) to have a robust system of “general supervision” to ensure compliance, including through establishment of policies and procedures needed for compliance, and monitoring and enforcement of compliance.<sup>5</sup> Section 504 also provides for enforcement, even though it is not a financing statute, through administrative and judicial enforcement actions and by allowing the removal of federal financing if schools are found not to be in compliance by OCR.<sup>6</sup> There is a clear need for administrative oversight of district compliance with state and federal mandates.

MDE has especially not met its general supervision requirements regarding the enforcement of IDEA compliance of school districts to best meet the needs of the nearly 70,000 school-age children with disabilities in Mississippi. While MDE established a monitoring system for school districts that annually evaluates IDEA compliance by school districts, similar to OSEP’s system of monitoring and compliance enforcement, that monitoring system is inadequate at best; relies heavily on self-reporting, which can lend itself to bias without adequate oversight; and provides no compliance enforcement mechanisms when school districts fail to meet their legal obligations.<sup>7</sup> The recent Special Education Performance Determination Report from the MDE indicates nearly all school districts in the state are rated as either needing assistance or needing intervention.<sup>8</sup> Surprisingly, even the largest and most successful, A-rated, majority-white school districts in the state – Rankin County, Clinton, Oxford, Desoto County, Harrison County, Madison County and Lamar County – have a “needs intervention” rating.<sup>9</sup> Additionally, MDE rarely utilizes its state statutory authority through accreditation audits of school districts to initiate compliance enforcement with federal and state law.<sup>10</sup> As a result, in the last three completed school years (2021, 2022 and 2023), Mississippi

received a determination of Needs Assistance from OSEP under Section 616, indicating that “Mississippi needs assistance in implementing the requirements of Part B of the IDEA.”<sup>11</sup> Since multiple consecutive determinations of Needs Assistance were made, the state was advised of technical assistance options to help address problem areas. Mississippi may also be directed to use state funds on the areas requiring assistance and/or be identified as a high-risk grantee and to have specific conditions imposed on its IDEA Part B grant. The state is also required to publicly report local education agency (LEA) performance on its targets each year. Mississippi was specifically advised in multiple letters to “access technical assistance related to those results elements and compliance indicators for which the State received a score of zero.”<sup>12</sup>

Although technical assistance has been available and the state has been directed to utilize this resource in multiple consecutive years, the Needs Assistance designation has not changed. These repeated determinations suggest systemic issues beyond the challenges of any single year and increases our level of concern for children with disabilities and their families in Mississippi. The state is required to take actionable steps to seek improvement, and if improvement is not happening, other mechanisms may be necessary.

### **Special Education and Disparities in Mississippi<sup>13</sup>**

Mississippi’s special education system is marked by systemic challenges and disparities that cause it to have some of the lowest outcomes for children with disabilities in the nation. Those outcomes are disproportionately prevalent among Black and Brown children. The four areas of particular concern that demonstrate these disparities include: early childhood (Part C of IDEA), child find, placement in the Least Restrictive Environment (LRE), and school discipline.

#### **Early Childhood**

The Mississippi State Department of Health (MSDH), which is responsible for implementing Part C of IDEA, fails to ensure that there are adequate early intervention services for children ages birth to 3 years old with disabilities and/or developmental delays. The Mississippi IDEA Part C Early Intervention Task Force was formed to make policy recommendations to address deficiencies within Mississippi’s Early Intervention Program.<sup>14</sup> The recommendations were meant to address the deficiencies – such as untimeliness of service provision, lack of



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coordination with different agencies and service providers, and a lack of recruitment of well-trained personnel – outlined in Mississippi’s annual performance report provided to OSEP.<sup>15</sup> These deficiencies, along with both lack of services to the birth-to-3 population and an ineffective system of transitioning those served to IDEA Part B, resulted in OSEP assigning Mississippi a “needs intervention” determination status for its poor compliance with IDEA Part C in June 2023.<sup>16</sup> Mississippi ranks 49th in the nation when it comes to providing early intervention services to only 1.52% (1,592) of its birth-to-3 population, compared to the national average of 3.88% of infants and toddlers. In addition, an estimated 13% of Mississippi’s birth-to-3 population have development delays that potentially make them eligible for services under IDEA Part C.<sup>17</sup> Mississippi’s early intervention program would have to enroll eight times the number of children currently served in order to meet the 13% threshold.<sup>18</sup>

Early Childhood Special Education programs geared toward the 3-to-5 population with disabilities and/or developmental delays perform equally poorly as those for younger children in Part C. The National Institute for Early Education Research published a report on the state of this program in Mississippi and found that 4.4% of Mississippi’s 3-to-5 population received services compared to 5.2% nationally.<sup>19</sup> There is a clear lack of transition coordination between MSDH, the state Part C early intervention program and SEAs/LEAs for children approaching the age of 3. This is evident in the fact that 40% of eligible children transitioning to 3- to 5-year-old programs were not evaluated to receive special education services.<sup>20</sup> Only 50% of Mississippi children in the birth-to-3 program and 70% in the 3-to-5 program have met their benchmarks for positive social-emotional skills, acquisition and use of those skills, and use of appropriate behaviors.<sup>21</sup> And of course, there are racial disparities when it comes to enrollment in early childhood services both nationally and in Mississippi – with white children enrolled at higher rates than Black and Hispanic children.<sup>22</sup> And while Mississippi improved its rate of developmental screenings due to receipt of a federal grant, the lack of transition coordination between MSDH (Part C) and the SEA/LEAs has resulted in a decrease in the number of children continuing to receive services once they age out of Part C.

## Child Find

When children in Mississippi turn age 3 and are eligible for services under Part B of IDEA, school districts fail to evaluate them for eligibility or identify the wrong eligibility category, violating the school district’s mandatory Child Find duty to identify, locate and evaluate all children (including children who are homeless, children who are wards of the state, and children in private schools) for a disability under IDEA.<sup>23</sup> The Institute for Disability Studies (IDS), Mississippi’s University Center for Excellence in Developmental Disabilities Education, Research, and Service, has provided direct special education advocacy support to families in Mississippi for 10 years and is a member of the Mississippi Special Education Coalition. During the 2023-2024 school year, IDS offered direct advocacy support to 52 families statewide. Based on internal data collection, among these families, the most frequently reported violations were related to Least Restrictive Environment (LRE) (53.8%) and Child Find (21.1%), which is reflective of overall state data. Closer examination of each family’s circumstances reveals additional insights into specific challenges and potential areas for improvement.

Regarding Child Find, the most frequently reported issues were: (1) delays in the evaluation process due to the inappropriate use of Response to Intervention (RTI) practices; (2) failure to identify preschool-aged children who were previously receiving services under Part C of IDEA; and (3) conducting comprehensive evaluations with limited scope and depth that lead to inadequate IEPs. Additionally, school districts consistently fail to evaluate students for a 504 plan under Section 504 if they find that they are ineligible for an IEP following a comprehensive evaluation – with Mississippi ranking last in the nation with less than 1% of its students having a 504 plan only.<sup>24</sup>

## Least Restrictive Environment

The U.S. Department of Education has promulgated regulations and provided guidance to implement and ensure compliance with the IDEA’s Least Restrictive Environment (LRE) requirement. School districts in Mississippi routinely fail to comply with several of these regulations by unilaterally making placement decisions without the involvement of the IEP committee or the parents<sup>25</sup>; failing to base placement decisions on the child’s IEP and the child’s strengths and needs<sup>26</sup>; and failing to consider the potential harmful effects of the child’s placement.<sup>27</sup>



**49<sup>TH</sup>**

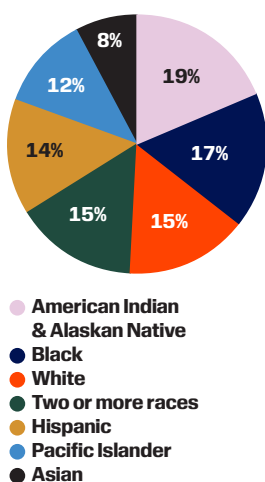
Mississippi ranks 49th in the nation when it comes to providing early intervention services to only 1.52% (1,592) of its birth-to-3 population, compared to the national average of 3.88% of infants and toddlers.

Additionally, regarding LRE, the following issues were reported most frequently from families served by the Institute for Disability Studies: (1) placing students in a more restrictive environment before identifying and implementing individualized supplementary aids and services; (2) failing to provide adequate supports in a general education setting, resulting in the student's placement in a more restrictive environment; and (3) developing specialized classrooms and grouping students based on behavioral dysregulation. These issues are due to a lack of enforcement of regulations by MDE despite monitoring school districts for these and other IDEA issues.

### School Discipline

Harsh school discipline policies present significant challenges for students with disabilities in Mississippi. Often, the traditional disciplinary measures employed in Mississippi's schools do not account for the unique behavioral manifestations associated with various disabilities, leading to disproportionate and punitive responses. For example, behaviors stemming from conditions such as autism spectrum disorder or attention-deficit/hyperactivity disorder (ADHD) might be misunderstood as intentional misconduct, rather than as symptoms of the disability. This misalignment, and failure to implement requirements such as positive behavioral supports and manifestation determinations, results in disproportionately severe consequences, including suspensions and expulsions, which exacerbate educational disparities and hinder academic progress. Discipline policies in Mississippi also disproportionately harm Black students with disabilities. According to a recent study, Black students with disabilities in Mississippi lost more than 113 days of instruction per student enrolled, compared with 44 days for their white peers.<sup>28</sup> Additionally, inadequate training for educators on generic positive approaches as well as disability-specific behavioral interventions often exacerbates the problem, leaving teachers ill-equipped to implement effective, individualized strategies. As a result, students with disabilities face increased exclusion from the educational environment, further isolating them and impeding their overall development. Addressing these issues requires a comprehensive review of discipline policies to ensure they are inclusive, supportive and aligned with best practices for accommodating students with diverse needs.

**Breakdown of Students with a Disability by Race**



Note: 2017-2018 school year  
Source: National Center for Education Statistics

Nationally in the 2021-22 school year, 14.7% of students – more than one in seven – were served under IDEA. This includes 17.9% of students identifying/identified as male and 9.9% of students identifying as female. When broken down by race, the data show a wide variation in representation – 18.6% of American Indian and Alaskan Native students are served under IDEA, along with 16.7% of Black students, 15.1% of white students, and 15.1% of students of two or more races. Below the average are Hispanic students, at 14.2%, Pacific Islander students, at 11.5%, and Asian students at 7.6% – only slightly over half the national average.<sup>29</sup>

The most recent data (2017-2018 school year) broken down by race from the National Center for Education Statistics (NCES) shows major disciplinary disparities at the national level – 18.4% of Black students (and 20.86% of Black males) with disabilities received at least one out-of-school suspension, compared with a national average for all students with disabilities of 8.8% – more than twice the rate. This rate is also about 50% larger than for Black students without disabilities, which is 12.3%. To summarize, Black students overall (regardless of disability status) received out-of-school suspensions at much higher rates than the average student (12.3% vs. 4.96%), and at much higher rates than students with disabilities of all races (12.3% vs. 8.8%), but Black students with disabilities received out-of-school suspensions at much higher rates than that (18.4%). Further, 0.72% of Black students with disabilities – about one out of every 140 – were expelled that year, more than double the average rate across all students with disabilities.<sup>30</sup> Black males were suspended and expelled at the highest rates, but Black females with disabilities had the largest disparities of any group by gender and race, with more than four times the suspension and expulsion rate of white female students with disabilities and more than three times the suspension and expulsion rate of Hispanic female students with disabilities.<sup>31</sup> Because of the utter lack of compliance enforcement by MDE, the statistics for students with disabilities in Mississippi are disproportionately worse. Black students in Mississippi received out-of-school suspensions at twice the rate of white students (13.6% vs. <5%) and slightly more than students with disabilities (13.6% vs. 8.5%) who received more out-of-school suspensions than students without disabilities (12.0% vs. 8.5%).<sup>32</sup>

### Racial Disparities

It is important to know that although slightly



under half of K-12 students in the state are Black (around 47%),<sup>33</sup> Black students still represent the largest racial group in the state – there are more Black students than white students or any other identified racial group of students. Thus, any disparities for Black students affect about half the students in Mississippi.

In Mississippi there are major disciplinary disparities by race regardless of disability status, with Black students receiving around 75% of suspensions and 67% of expulsions<sup>34</sup> despite making up less than 50% of K-12 students,<sup>35</sup> and white students receiving 21% of suspensions and 29% of expulsions<sup>36</sup> despite making up more than 40% of K-12 students.<sup>37</sup> In special education, too, consistent discipline disparities by race exist. Around 58% of students with disabilities who received one or more out-of-school suspensions were Black, as were around 59% of students who were expelled and 60% of students receiving corporal punishment<sup>38</sup> – again, despite the fact that less than half of Mississippi’s students are Black.

Graduation rates for students with disabilities in Mississippi are much lower, and dropout rates much higher, than the average for all students. In 2023, the graduation rate in Mississippi was 88.9% compared with 67.1% for students with disabilities, and the dropout rate for all students was 9.0%, compared with 19.3% for students with disabilities (the remaining 13.6% represent students categorized as still-enrolled or other-completer by the state). At the district level, graduation rates for students with disabilities vary enormously, with the highest – 91.3% – almost four times the lowest – 23.5%.<sup>39</sup>

### Legal landscape and challenges in Mississippi

Between 2019 and 2022, there were 284 total allegations, 167 formal state complaints, and 68 due process complaints registered around special education in Mississippi. In the 2021-22 school year, there were 75 total allegations, 59 formal state complaints, and 16 due process complaints.<sup>40</sup> In most recent current data from the 2023-24 school year, there have been 62 formal state complaints and 39 due process complaints, as well as 15 instances of mediation and eight IEP facilitation instances.<sup>41</sup>

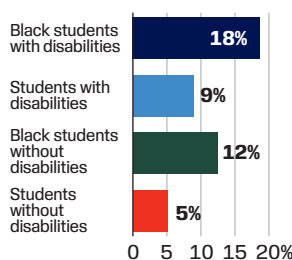
The formal state complaint process is a part of MDE’s general supervision responsibility under IDEA Part B.<sup>42</sup> It is responsible for investigating allegations of special education violations and making a resolution of findings based on the

results of that investigation and the timely provision of documents and other information regarding the allegations from the parent and the school district.<sup>43</sup> MDE mostly employs desk investigations (review and request of documents) as opposed to in-person, on-site investigations for a state complaint. However, since MDE already determines an investigation is necessary based on the documents requested to conduct a desk investigation, it is possible, based on the wording of the law, that MDE is required to conduct an independent, on-site investigation into formal state complaints.<sup>44</sup> Furthermore, pursuant to MDE’s general supervisory authority under Part B of IDEA, MDE must not only address the failure to provide appropriate services if it is alleged in the complaint, but it must also determine “appropriate future provision of services for all children with disabilities.”<sup>45</sup> Therefore, an on-site investigation to assess any failures to provide appropriate services to all of the similarly situated children in that particular school district, along with a remedy to ensure the provision of those appropriate services, is mandatory.

The lack of attorneys in this state to enforce FAPE rights is demonstrated by MDE’s record of due process proceedings. Very few Mississippi-licensed attorneys will take fee-shifting cases under IDEA to enforce a disabled student’s right to a FAPE. Most importantly, because of the lack of attorneys to litigate FAPE administrative cases, Mississippi currently lacks any precedent in the Fifth Circuit addressing FAPE violations under IDEA. There are only two cases that have been appealed to District Court and are currently pending before the Fifth Circuit.<sup>46</sup> That is anomalous compared to other states.

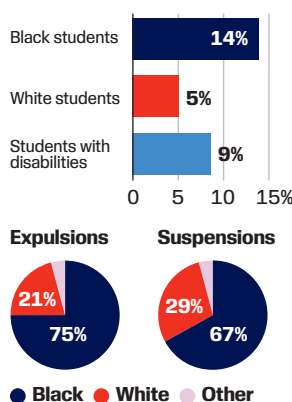
As is true nationally, but in many cases to a much greater extent, there are also a number of challenges around the identification and placement of students of color in special education in the state of Mississippi. For example, some districts in the state have no 504 students at all, strongly suggesting some student needs are being missed and pointing toward evaluation and accountability questions that must be better understood. While many of Mississippi’s school districts serve numbers of students in special education that generally reflect the racial distribution within them, some of the districts in the Delta region with a very high proportion of Black students and students from low-income families overserve their limited white students in special education. Among the 12 districts in the Delta with more than 90%

#### National Disciplinary Disparities by Race



Note: 2017-2018 school year  
Source: National Center for Education Statistics

#### Disciplinary Disparities by Race in Mississippi



Note: 2022-2023 school year  
Sources: Mississippi Statewide Accountability Data for School Discipline; Office of Accountability



Black students and more than 80% students from low-income families, several feature special education programs that substantially overidentify white students to receive services. For example:

- Holmes County School District is 1.1% white students,<sup>47</sup> but 4.5% of its special education students were white in 2022.<sup>48</sup>
- Greenwood-Leflore Consolidated School District is 1.7% white students,<sup>49</sup> but 8.5% of its special education students were white in 2022.
- Kemper County School District is 2.6% white students,<sup>50</sup> but 12.1% of its special education students were white in 2022.

There are also questions as to the reliability of some data. State-level data suggest discrepancies with respect to the manner in which data are being reported. Nevertheless, predominantly Black school districts routinely overidentify white children for special education services at the expense of Black children who usually face exclusionary discipline in lieu of appropriate special education services.

### Recommendations

Educational disparities for students in Mississippi with disabilities are profound and clear from the data. Such disparities are primarily a result of two issues: first, Mississippi's failure to ensure that its education laws and regulations comport with federal IDEA and Section 504 law, and second, failure to appropriately and adequately monitor and enforce compliance.

Most state education laws in Mississippi that involve some elements of special education do not include the relevant provisions from IDEA or recognize school districts' affirmative duty to provide a FAPE for children with disabilities. Such laws along with federal IDEA regulations are supposed to be promulgated as part of school board policy, but that doesn't happen; and therefore, schools consistently misunderstand the law and their legal obligations in implementation of services and accommodations for students with disabilities. Federal monitors should review existing education laws in Mississippi to ensure they are compliant with IDEA. For those laws that are noncompliant, there should be an initiative to legislatively amend all relevant educational statutes to create exceptions that are compliant with IDEA and Section 504.

Additionally, MDE must increase its compliance with and enforcement of IDEA including thorough, unannounced on-site audits of school districts in the state to ensure compliance and probation or a downgrading or withdrawal of accreditation for those found not to be compliant. In order to bring these districts back into compliance, a corrective action plan would then need to be put into place and its terms would need to be met by the district before restrictions could be lifted. Compliance monitoring of the corrective action plan would be necessary. Right now in Mississippi, it is clear that these federal and state requirements are not being met. Additionally, MDE must conduct in-person, on-site investigations into all formal state complaints that allege any failures to provide appropriate special education services in a particular school district pursuant to their general supervisory authority under Part B of IDEA. MDE must then ensure the provision of appropriate special education services to all similarly situated children in that school district by means of compliance enforcement.

Significant intervention is needed at the federal level to ensure state- and district-level compliance with special education mandates and expectations. Regulatory mechanisms must be employed to ensure that students with disabilities are not being harmed. If MDE auditors do not have capacity to audit all school districts and to cover all 32 process standards as part of that audit, additional action is needed through a corrective action plan through OSEP that provides technical assistance and compliance enforcement and monitoring of the corrective action plan to protect students and to compel appropriate and equitable responses to documented inequities and to students' and families' often unaddressed grievances. In that vein, MDE should receive a "needs substantial intervention" designation for its application of Part B and have specific conditions tied to its IDEA grant when it comes to implementation of a corrective action plan.

### Conclusion

In the face of these concerns, as noted earlier, a statewide coalition of special education advocacy and civil rights organizations was formed to address systemic special education and school discipline issues in Mississippi on behalf of children and families. The Mississippi Special Education Coalition (MSEC) has initiated a statewide campaign focused on promoting and protecting the educational rights of disabled children and their families in Mississippi's public



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(and private) schools through an ongoing series of special education Continuing Legal Education (CLE) and pro bono clinics designed to provide training to attorneys, advocates, parents and educators to better advocate for children with disabilities and to ensure their educational needs are met. Additionally, MSEC is addressing policy and regulatory enforcement and the local and state level through the development of this annual report on the state of special education in Mississippi along with policy recommendations to provide for greater compliance enforcement of special education laws by the school districts.

The coalition includes Disability Rights Mississippi (DRMS), The University of Southern Mississippi's Institute for Disability Studies (IDS), ACLU Mississippi (ACLU), Families as Allies, the Mississippi Center for Justice (MCJ), the Southern Poverty Law Center (SPLC), the Mississippi Coalition for Citizens with

Disabilities (MSCCD), and the Mississippi Parent Training and Information Center (PTI). MSEC stands ready to partner with districts, MDE, U.S. DOE OSEP and OCR, teachers, administrators, families, and advocates to improve services to and outcomes for students with disabilities in the state. Most importantly, MSEC hopes to have substantive involvement in the implementation of any corrective action plan for MDE through OSEP, which could include training, legal and policy development, accreditation enforcement, and technical assistance and support.

## Endnotes

- 1 <https://sites.ed.gov/idea/about-idea/>
- 2 The disability categories under IDEA, each with its own eligibility criteria, are 1) autism spectrum disorder, 2) specific learning disability, 3) speech or language impairments, 4) emotional disturbance, 5) traumatic brain injury, 6) visual impairment, 7) hearing impairment, 8) deafness, 9) intellectual disability, 10) deaf-blindness, 11) multiple disabilities, 12) orthopedic impairment, and 13) other health impairment.
- 3 <https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf>
- 4 <https://www2.ed.gov/about/offices/list/ocr/504faq.html#>
- 5 IDEA 34 CFR § 300.600
- 6 <https://www.cmcss.net/wp-content/uploads/2021/06/Understanding-the-Differences-between-IDEA-and-Section-504.pdf>
- 7 IDEA § 300.600(a)(1-3).
- 8 MDE Special Education Performance Determination Reports by District (2017-2020, 2022). <https://www.mdek12.org/OSE/SPP-APR/Special-Education-Performance-Determination-Report>.
- 9 Id.
- 10 Miss. Code Ann. §§ 37-1-3, 37-151-9 (Rule Revised 05/2023); Accreditation Policy 2.5.1; Accreditation Policy 2.5.2.
- 11 <https://sites.ed.gov/idea/files/MS-aprtr-2023b.pdf>
- 12 E.g., <https://sites.ed.gov/idea/files/MS-aprtr-2022b.pdf>
- 13 State-Level Data Files: <https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/index.html>
- 14 Mississippi IDEA Part C Early Intervention Task Force (Dec. 1, 2023). Final Report and Recommendations. <https://msdh.ms.gov/page/resources/20211.pdf>.
- 15 Id. at 14.
- 16 Id.
- 17 Id. at 14-15.
- 18 Id. at 15.
- 19 Julia James (May 24, 2023). Report: Access to special education services for young children is low in Mississippi, racial disparities exist. Mississippi Today. Retrieved Aug. 25, 2024. From <https://mississippitoday.org/2023/05/24/report-access-to-special-education-services-for-young-children-is-low-in-mississippi-racial-disparities-exist/>.
- 20 Id.
- 21 Id.
- 22 Id.
- 23 IDEA 34 CFR 300.111(a).
- 24 Perry A. Zirkel and Gina L. Gullo. State Rates of § 504-Only Students in K-12 Public Schools: The Latest Update, 417 Educ. L. Rep. (Feb. 1, 2024).
- 25 IDEA 34 CFR § 300.116(b)(2).
- 26 IDEA 34 CFR § 300.116(b)(2).
- 27 IDEA 34 CFR § 300.116(d).
- 28 <https://www.schooldisciplinarydata.org/ccrr/docs/disabling-punishment-report.pdf>, page 3.
- 29 [https://nces.ed.gov/programs/digest/d22/tables/dt22\\_204.50.asp?current=yes](https://nces.ed.gov/programs/digest/d22/tables/dt22_204.50.asp?current=yes)
- 30 [https://nces.ed.gov/programs/digest/d21/tables/dt21\\_233.28.asp?current=yes](https://nces.ed.gov/programs/digest/d21/tables/dt21_233.28.asp?current=yes)
- 31 This analysis of NCES data from SEF's upcoming Miles To Go: The State of Black Education in America report – add citation.
- 32 Mississippi Statewide Accountability Data for School Discipline (2022-23 school year). <https://msrc.mdek12.org/discipline?EntityID=0000-000&SchoolYear=2022>.
- 33 <https://mdereports.mdek12.org/DataExplorer>
- 34 Office of Accountability Attachment 1: 2023 Graduation and Dropout Rates Summary (Jan. 19, 2023)
- 35 <https://lifetracks.ms.gov/PK12/ViewReport.aspx?reportName=PK12StudentProfile>
- 36 Office of Accountability Attachment 1: 2023 Graduation and Dropout Rates Summary (Jan. 19, 2023)
- 37 <https://lifetracks.ms.gov/PK12/ViewReport.aspx?reportName=PK12StudentProfile>
- 38 This is data from the Mississippi Succeeds Report Card, available at <https://msrc.mdek12.org/>
- 39 Office of Accountability Attachment 1: 2023 Graduation and Dropout Rates Summary (Jan. 19, 2023).
- 40 Mississippi Department of Education. (2022). [2019-2022 Formal State Complaints] [Unpublished raw data]. MDE.
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- 42 IDEA 34 CFR § 300.151.
- 43 Id.
- 44 IDEA 34 CFR § 300.152(a)(1).
- 45 IDEA 34 CFR § 300.152(b).
- 46 M.W. through Moore-Watson v. Rankin Cnty. Pub. Sch. Dist., No. 3:19-CV-107 HTW-LGI, 2022 WL 340688, at \*1 (S.D. Miss. Jan. 5, 2022); Boone as next friend of K.A. v. Rankin Cnty. Pub. Sch. Dist., No. 3:22-CV-46-KHJ-MTP, 2023 WL 4108210, at \*1 (S.D. Miss. May 18, 2023).
- 47 <https://www.publicschoolreview.com/mississippi/holmes-county-consolidated-sd-school-district/2800195-school-district>
- 48 Mississippi Succeeds Report Card <https://msrc.mdek12.org/>.
- 49 <https://www.publicschoolreview.com/mississippi/greenwood-leflore-cons-sch-school-district/2800198-school-district>
- 50 <https://www.publicschoolreview.com/mississippi/kemper-co-school-dist-school-district/2802310-school-district>

# The Mississippi Special Education Coalition

The Mississippi Special Education Coalition (MSEC) is a statewide coalition of special education advocacy, and civil rights organizations established to address systemic special education and school discipline issues in Mississippi. MSEC has initiated a statewide campaign focused on promoting and protecting the educational rights of disabled children and their families in Mississippi's public (and private) schools through an ongoing series of special education Continuing Legal Education (CLE) and pro bono clinics designed to provide training to attorneys, advocates, parents and educators to better advocate for special needs children and to ensure their educational needs are met. Additionally, we are addressing policy and regulatory enforcement and the local and state level through the development of an annual report on the state of special education in Mississippi along with policy recommendations to provide for greater compliance enforcement of special education laws by the school districts.



## Disability Rights Mississippi (DRMS)

Mississippi's Protection & Advocacy Agency – DRMS is a private, nonprofit corporation with a federal mandate to protect and advocate for the rights of individuals with disabilities across the State of Mississippi.

DRMS has provided free legal advocacy services to clients with diverse disabilities for over 40 years. We train parents on advocacy for their child in special education; provide rights training for people residing in facilities; connect them with community services; and advocate in areas of physical accessibility, transportation, employment accommodations, and promote equal access to the electoral process.

### Team:

Aaron Patrick,  
Children's Rights  
Supervisor

Analise Bryant,  
Advocate

Cassie Tolliver,  
Advocate





## The University of Southern Mississippi Institute for Disability Studies (IDS)

The Institute for Disability Studies (IDS) is Mississippi's Center for Excellence in Developmental Disabilities Education, Research, and Service. Housed at The University of Southern Mississippi, IDS strives to meet its federal mission to enhance the quality of life across the life span for citizens with disabilities and their families, regardless of culture, ethnicity, or socioeconomic background. Quality of life is enhanced through leadership activities that promote policies of inclusion at home, school, work, and recreational settings. Through supportive efforts to facilitate the availability of an array of individual and family supports that are community-based and culturally competent, IDS promotes the independence, productivity, and community integration and inclusion of individuals with disabilities. Supportive efforts include interdisciplinary preservice training; community service activities that involve outreach training, technical assistance, and model service demonstration; and dissemination of state-of-the-art practices based on applied research.

### Team:

Dr. Leslie Lavergne,  
Associate Director



## Mississippi Coalition for Citizens with Disabilities (MSCCD)

The Mississippi Coalition for Citizens with Disabilities (MSCCD) is a statewide cross-disability nonprofit organization made up of Mississippians with disabilities and their families, organizations that represent or advocate for people with disabilities, professionals who work in disability-related fields, and other interested citizens. MSCCD educates the public and government officials regarding the needs and capabilities of people with disabilities; encourages and promotes the involvement of people with disabilities in the political process; advocates for the implementation of the Americans with Disabilities Act (ADA), Individuals with Disabilities Education Act (IDEA), Rehabilitation Act and other disability-related laws; supports the expansion of home- and community-based services; and provides training, information and support to people with disabilities and their families.

### Team:

Pam Dollar,  
Executive Director



## Mississippi Parent Training and Information Center (PTI)

The Mississippi Parent Training and Information Center (MSPTI) is a project of the Mississippi Coalition for Citizens with Disabilities and funded by the U.S. Department of Education, Office of Special Education Programs (OSEP). MSPTI provides training, information and support to families of children with disabilities (birth through age 26) and youth with disabilities. Services provided by MSPTI are designed to improve early learning, school-aged, and postsecondary outcomes.

### Team:

Leslie Junkin,  
Project Director  
(MSPTI)



## Families as Allies (FAAMS)

Families as Allies is a statewide organization run by and for families of children with behavioral health and related challenges. We support each other and work together to make things better for our children. Our mission is that families are partners in their children's care. By that we mean Mississippi's system of care will be family-driven. We are the federally designated Family to Family Health Information Center for Mississippi and the state chapter of the National Federation of Families.

### Team:

Dr. Joy Hogge,  
Executive Director

Henry Moore,  
Director of Family-  
Driven Practice

Coreaner Price,  
Family Partner



### Mississippi Center for Justice (MCJ)

The Mississippi Center for Justice is a nonprofit, public interest law firm committed to advancing racial and economic justice. We believe all students are entitled to a fair and equitable education that meets their needs. Our goal at MCJ's Education Project is to enforce the rights of students with disabilities in Mississippi through direct and systemic advocacy, and to empower parents, students and community members to be leaders in the educational advocacy movement. Our team offers support in many forms, including brief legal advice, parent coaching for IEP and other school meetings, representation at IEP or other meetings, representation in dispute resolution or administrative proceedings against the school district, and representation at school discipline proceedings, including manifestation determination reviews.

#### Team:

Dr. Kim Wiley,  
Education Policy  
Analyst & Project  
Coordinator

Lily Moens,  
Esq., Equal Justice  
Works Legal Fellow

Jacqueline Smith,  
Esq., Attorney

Betty Petty,  
Parent Advocate



### American Civil Liberties Union of Mississippi (ACLU of MS)

The American Civil Liberties Union of Mississippi is a statewide, nonprofit affiliate organization of the larger ACLU Foundation. Consistent with our national organization we are dedicated to promoting, defending and extending the civil rights and liberties to all Mississippians through a compilation of advocacy, litigation and legislation.

Our membership in the Special Education Coalition is focused on supporting family-centered and advocate organizations ensuring that the public education system extends due process and provides equal access to education for children with disabilities.

#### Team:

Ayanna Hill, Constance  
Slaughter-Harvey, Esq.  
Staff Attorney

Erica Mannery-Barker,  
Paralegal/Investigator



### Southern Poverty Law Center (SPLC)

The SPLC is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. Our lawsuits protect the civil rights of children, women, the disabled, and others who face discrimination, abuse or exploitation.

The SPLC's Democracy: Education and Youth Litigation Team is working to ensure that vulnerable children in the Deep South have equal opportunities to reach their full potential. This includes improving access to a quality public education, adequate child welfare programs, and appropriate mental and other health care services. We are challenging flawed or otherwise inadequate and exclusionary policies that disadvantage minority children and carry profound generational implications. The SPLC will continue to work across the region – using litigation, grassroots organizing, and advocacy – to ensure that every child has an equal opportunity.

#### Team:

Julian D. Miller, Esq.  
Senior Supervising  
Attorney | Democracy:  
Education & Youth  
Litigation Team

G.C. Barnett, Esq.  
Senior Staff Attorney  
IV | Democracy:  
Education & Youth  
Litigation Team

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