

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

OPINIONS  
DIVISION

June 14, 2019

Nathaniel A. Armistad, Esq.  
Attorney, Coahoma County School District  
225 South Railroad Avenue  
Brookhaven, MS 39601

Re: Providing Educational Services to Regional Community Mental Health Center

Dear Mr. Armistad:

Attorney General Jim Hood has received your opinion request and has assigned it to me for research and reply.

### Issues Presented

According to your request, Sunflower Landing ("Facility") houses students sent to the Facility via court order from counties all over Mississippi and outside of the state for medical and rehabilitation services. You state that the Coahoma County School District ("CCSD") has provided educational staff to the Facility using federal funds pursuant to a memorandum of understanding in the past. You further state that the Mississippi Department of Education ("MDE") has recently notified the CCSD that it can no longer use federal funds to provide staff at the Facility, because "the students are not 'neglected or delinquent' and that a disability designation under Section 504 of the Rehabilitation Act does not meet the MDE definition for accommodation beyond the Facility's services." According to your request, the Facility takes the position that the students reside at the Facility and, thus, the CCSD is responsible for educating the students. You then ask:

Is a public-school district responsible for providing local school district funds for education staff and educational services to a non-school private residential entity located within the boundaries of the school district that serves students from counties throughout Mississippi and from out-of-state?

### Applicable Law and Response

Opinions of this office are limited to prospective questions of state law. This office cannot

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validate or invalidate past actions. This opinion also does not address any requirements of federal law. We offer the following comments for future guidance.

Mississippi law does not specifically address how to provide educational services to compulsory school age children housed in residential mental health centers. With limited exceptions, Mississippi law provides that no student may enroll in or attend any school except in the school district of his or her residency, unless the child lawfully transfers to another school district. Miss. Code Ann. Sections 37-15-29 and 37-15-31. "In the case of a minor, Mississippi case law holds that the residence of a minor is that of his parents and remains so during minority." MS AG Op., Ellis (October 17, 1997). Where a student resides for school attendance purposes is a factual determination. MS AG Op., Norton (January 20, 2012).


According to our research, the Facility is part of Region One Mental Health Center, one of fourteen regional community mental health centers in Mississippi governed by the Rose Isabell Williams Mental Health Reform Act of 2011, Section 41-4-1, *et seq.*, of the Mississippi Code. Additionally, the Mississippi Board of Education has adopted regulations on residency verification for school attendance purposes. We suggest that you contact the Mississippi Department of Mental Health, which has regulatory authority over regional community mental health centers under Section 41-4-7, and the MDE for further guidance on your questions.

If we may be of further service, please let us know.

Very truly yours,

JIM HOOD, ATTORNEY GENERAL

By:



Beebe Garrard  
Special Assistant Attorney General