

BEFORE THE MISSISSIPPI STATE BOARD OF EDUCATION

**IN THE MATTER OF
CHARLES BECKHAM, III**

NO. 2000-01

ORDER

THIS day this cause came on to be heard before the Mississippi State Board of Education (hereinafter "Board"), at the request of the parents of Charles "Bubba" Beckham, III (hereinafter "Bubba"), as a result of the decision by the director of the Mississippi School for Mathematics and Science (hereinafter "MSMS") to suspend and dismiss Bubba from the school. Mike Neyman, Director of MSMS, made the decision to dismiss Bubba on the recommendation of a committee of staff and administrators from MSMS as a result of Bubba committing a Level III disciplinary violation. A hearing was held on November 14, 2000, Hearing Officer David K. Scott presiding, at MSMS in Columbus, Mississippi. The honorable Mark Watts represented Bubba and his parents and the honorable Deanne Mosley represented MSMS. After the hearing was concluded, the hearing officer made a recommendation to the Board that it overrule the dismissal of Bubba from MSMS and reinstate him as a student. Based on the evidence reviewed by the Board, it has made the following findings of facts and conclusions:

FINDINGS OF FACT

Bubba is a senior at MSMS. On the evening of October 31, 2000, a wing competition was held at MSMS in which the students decorated their residence halls to be

"Exhibit 1"

judged by the administration. At this competition Bubba dressed in camouflage pants and a white T-shirt with fake blood on it. After the hall competition, Bubba changed his costume. Bubba and his two classmates dressed in costumes that represented members of the Ku Klux Klan. The costumes consisted of white bed sheets that were sewn into the form of robes with a patch on the chest area and pillowcases that were cut into hoods. The costumes were worn to school-sponsored Halloween activities that consisted of "trick or treating" in the girls' dormitory.

Upon learning that students were wearing KKK outfits, Charlotte Heath, Coordinator for Resident Life, located Bubba and his classmates and escorted them to the resident dormitory office. The students were instructed to remove the costumes and then were questioned and counseled by Jackie Stennis, Director for Student Affairs and Dr. Janet Hugo, Director for Academic Affairs for MSMS.

On the evening of October 31, 2000, Bubba and his two classmates were given a discipline report for a Level III violation of misconduct during school-sponsored activities with the consequences consisting of a three (3) day in-school suspension and a weekend restriction. They were also assigned to write a five (5) page double-spaced paper on the incident. On November 1, 2000, after further investigation, Bubba was presented with a discipline report for a Level III violations of misconduct during school-sponsored activities and improper action toward another person causing physical or emotional harm. The consequences consisted of a ten (10) day suspension and recommendation of dismissal. This recommendation was accepted by the MSMS director, Mike Neyman.

The issue before the Board is whether or not the actions taken by Bubba amount to misconduct during school-sponsored activities or improper action toward another person causing physical or emotional harm which would be classified as Level III violations and whether these violations, along with consideration of past Level III violations, justifies dismissal.

The Student Handbook for the Mississippi School for Mathematics and Science for the 2000-20001 school year lists misconduct during school-sponsored activities and improper action toward another person causing physical or emotional harm as Level III violations and may include dismissal as a consequence. MSMS submits that Bubba's actions of dressing in a KKK costume for a school-related Halloween activity amounted to misconduct and that such action was improper and caused emotional harm to several students at MSMS. MSMS asserts that several students were distraught at the sight of Bubba in a Klan outfit and other students became upset upon hearing about the incident. MSMS also asserts that many students are scared and intimidated by Bubba. Additionally, two students testified that they were upset by the costume. So much that it caused them much duress, i.e. crying, worry.

Bubba contends that he simply wore a costume to a Halloween activity. He submits that the Student Handbook does not define misconduct. Bubba alleges that although he may have used bad judgment in choosing his costume, his actions did not amount to misconduct. He points out that several other students wore costumes that could be considered as offensive and these students were not punished for their actions. Furthermore, Bubba notes that there were several students that were found to be in

violation of the MSMS dress code and these students were simply made to change their clothes.

Bubba further contends that there was no physical or emotional harm caused by his actions. There were several students testifying on behalf of Bubba that stated the costume worn by Bubba was in poor taste or immature, but they felt it was nothing more than a costume.

CONCLUSION

It is evident from the transcript that Bubba wore an outfit that resembled a robe and hood of a member of the Ku Klux Klan. In fact, Bubba admitted that he did dress as a Klansman on the evening of October 31, 2000, which was Halloween. He wore this costume to a school-sponsored activity where other students were also wearing costumes. It is true that the student handbook did not contain a specific rule that prohibited wearing a Ku Klux Klan costume to the school-sponsored Halloween activities. It is also true that school officials did not issue any guidelines as to which costumes would be appropriate or inappropriate. However, Section IV of the student handbook states that "...[i]t is not the intention of the school to supplant each student's individual responsibility by itemizing every possible violation and defining its consequence. Hence, the absence of any specifically defined rule or regulation, procedure or policy should not be viewed as an indication of acceptable behavior. Students should ask for clarification before making any assumption or conducting questionable behavior." Surely one cannot expect MSMS to be able to set forth in the student handbook every action that a student might do that would result in a disciplinary violation.

There was testimony presented by Dr. Janet Hugo that students warned Bubba that he would get in trouble if he wore the Klan outfit. This fact alone should have sparked Bubba to consult the administration as to whether his costume would be deemed appropriate. He chose not to do so. Bubba chose to wear the costume regardless of the effect it might have on the student body at MSMS. In fact, it is evident that by wearing this particular costume, Bubba intended to cause a harmful affect on some students. Bubba's action of wearing the costume with the intent to cause harm to some students at MSMS is, in and of itself, misconduct. Therefore, he was in violation of Disciplinary Rule 14 of the Student Handbook--misconduct during a school-sponsored activity.

Furthermore, there was sufficient evidence to show that several students suffered emotional harm as a result of seeing Bubba wearing his Klan costume. There was testimony by two students and several administrators that many students were upset by Bubba's actions. In fact, the testimony shows that some students were so upset it resulted in students crying, shaking and even fearing for their safety. Consequently, there was sufficient evidence to show Bubba was in violation of Disciplinary Rule 15 of the Student Handbook--improper action toward another person causing physical or emotional harm.

Additionally, it is important to note that attendance a MSMS is a privilege and not a right. A student's right to a free public education resides at the home school.

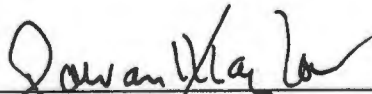
Having reviewed the disciplinary charges against Mr. Charles Beckham, III, and all of the evidence before the Board, the Board hereby finds that there are reasonable grounds to indicate that Mr. Charles Beckham, III, committed two Level III disciplinary violations of the MSMS Student Handbook. Consequently, the Mississippi State Board of

Education declines to accept the findings, conclusions and recommendations of the Hearing Officer.

Furthermore, based on the totality of the prior two Level III violations and the present Level III violations, there is sufficient evidence that Bubba's presence at MSMS is a detriment to the best interest and welfare of the other students and is disruptive to the educational environment of the school and, therefore, dismissal was appropriate.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Mr. Charles Beckham, III be immediately dismissed from the Mississippi School for Mathematics and Science

ORDERED AND ADJUDGED on this, the 29th day of December, 2000.



Mr. Rowan Taylor, Chairman of the
Mississippi State Board of Education