

By: Senator(s) Blackmon

To: Education;  
Appropriations

## SENATE BILL NO. 2014

1 AN ACT TO AMEND SECTION 37-19-5, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE AN ALLOTMENT OF MINIMUM EDUCATION PROGRAM FUNDS FOR EACH  
3 TEACHER EMPLOYED IN AN APPROVED PRE-VOCATIONAL TRADE PROGRAM FOR  
4 EXCEPTIONAL CHILDREN IN GRADES 6-9; TO CODIFY SECTION 37-23-6,  
5 MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE STATE  
6 DEPARTMENT OF EDUCATION TO ESTABLISH, ADMINISTER AND APPROVE  
7 PRE-VOCATIONAL TRADE PROGRAMS FOR EXCEPTIONAL CHILDREN IN GRADES  
8 6-9, AND TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO ESTABLISH AND  
9 EMPLOY QUALIFIED TEACHERS FOR SUCH PROGRAMS; AND FOR RELATED  
10 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF  
11 MISSISSIPPI:

12  
13 SECTION 1. Section 37-19-5, Mississippi Code of 1972, is  
14 amended as follows:

15 37-19-5. (1) The total number of teachers included in the  
16 program for each school district shall not be in excess of the  
17 number of teachers employed or the number of teacher units  
18 allowed, whichever number is smaller. The number of teacher units  
19 shall be determined by the State Department of Education for each  
20 school district for the current year as follows: For Kindergarten  
21 and Grades 1, 2, 3 and 4, one (1) teacher unit shall be allotted  
22 for each twenty-four (24) pupils in average daily attendance for  
23 the prior school year or for months two (2) and three (3) of the  
24 current year, whichever is greater, and for all other grades, one  
25 (1) teacher unit shall be allotted for each twenty-seven (27)  
26 pupils in average daily attendance for the prior school year or  
27 for months two (2) and three (3) of the current year, whichever is  
28 greater. A remaining major fraction of a unit shall be counted as  
29 a whole unit. It shall be the duty of the State Department of  
30 Education to determine that each school district actually has  
31 employed in Kindergarten and Grades 1, 2, 3 and 4, a number of  
32 teachers which shall not be fewer than the earned units calculated

33 in accordance with this subsection and, to that end, the State  
34 Department of Education is empowered to make regulations not  
35 inconsistent with this chapter which are reasonably necessary to  
36 implement and assure its compliance. No teacher may be included  
37 in such number of teachers unless he spends not less than  
38 seventy-five percent (75%) of his working time in actual classroom  
39 instruction in Kindergarten and Grades 1, 2, 3 and 4, and the  
40 State Department of Education shall require the school district to  
41 certify, under oath of a person informed of such matters, and  
42 authorized by the school district governing authority to do so,  
43 that only such teachers have been so included in that number. If  
44 a school district employs more teachers than the teacher units  
45 allotted, the State Department of Education shall use the teachers  
46 of highest training and number of years experience in determining  
47 the allotment for salaries. It is the intent of the Legislature  
48 that the additional teachers provided herein for Kindergarten and  
49 Grades 1, 2, 3 and 4 shall be utilized exclusively in Kindergarten  
50 and in those grades, and that such classes shall not exceed a  
51 maximum number of twenty-seven (27) students in enrollment at any  
52 time during the school term unless exempted under rules and  
53 regulations promulgated by the State Board of Education providing  
54 for hardship, emergency or other special situations. In addition,  
55 the total number of students that may be taught by an individual  
56 teacher in core subjects at any time during the school year shall  
57 not exceed one hundred fifty (150) unless exempted under the rules  
58 and regulations promulgated by the State Board of Education. Any  
59 such exemption regarding the maximum number of students per class  
60 or per individual teacher shall be certified by the local board of  
61 education to the State Department of Education with each monthly  
62 average daily attendance report. In the event any school district  
63 meets Level 4 or 5 accreditation standards, the State Board of  
64 Education may, in its discretion, exempt such school district from  
65 the maximum pupil-teacher ratio in Grades 1, 2, 3 and 4 prescribed  
66 herein.

67 (2) One-half (1/2) of a teacher unit shall be added to the  
68 teacher unit allotment for each school district for each  
69 vocational teacher employed full time during the regular school  
70 term in a vocational education program approved by the State

71 Department of Education. For each teacher employed in a  
72 vocational program less than full time, the additional one-half  
73 (1/2) teacher unit shall be prorated by the percentage of time  
74 spent in the vocational program. Minimum program funds will be  
75 allotted based on the type of certificate and number of years  
76 teaching experience held by each approved vocational teacher.

77 (3) One (1) additional teacher unit shall be added to the  
78 teacher unit allotment for each school district for each teacher  
79 employed in a State Department of Education approved program for  
80 exceptional children as defined in Section 37-23-3, except that  
81 only seventy percent (70%) of a teacher unit will be approved for  
82 the program for three- and four-year-old exceptional children.  
83 Exceptional children as defined in Section 37-23-3 who are under  
84 the age of three (3) years shall receive teacher units for each  
85 teacher employed in an approved program for those children.  
86 However, notwithstanding the calculation of teacher units as  
87 defined in subsection (1) above, exceptional children enrolled in  
88 a self-contained class, as defined by the State Department of  
89 Education, shall not be counted in average daily attendance when  
90 determining the regular teacher unit allocation. Minimum program  
91 funds will be allotted based on the type of certificate and the  
92 number of years teaching experience held by each approved  
93 exceptional education teacher.

94 (4) In addition to the allowances provided above, for each  
95 handicapped child who is being educated by a public school  
96 district or is placed in accord with Section 37-23-77 and whose  
97 individualized educational program (IEP) requires an extended  
98 school year in accord with the State Department of Education  
99 criteria, a sufficient amount of minimum program funds shall be  
100 allocated for the purpose of providing the educational services  
101 the student requires. The State Board of Education shall  
102 promulgate such regulations as are required to insure the  
103 equitable distribution of these funds. All costs for the extended  
104 school year for a particular summer shall be reimbursed from

105 minimum program funds appropriated for the fiscal year beginning  
106 July 1 of that summer. If sufficient funds are not made available  
107 to finance all of the required educational services, the State  
108 Department of Education shall expend available funds in such a  
109 manner that it does not limit the availability of appropriate  
110 education to handicapped students more severely than it does to  
111 nonhandicapped students.

112 (5) The State Department of Education is hereby authorized  
113 to match minimum program funds allocated for provision of services  
114 to handicapped children with Division of Medicaid funds to provide  
115 language-speech services, physical therapy and occupational  
116 therapy to handicapped students who meet State Department of  
117 Education or Division of Medicaid standards and who are Medicaid  
118 eligible. Provided further, that the State Department of  
119 Education is authorized to pay such minimum program funds as may  
120 be required as a match directly to the Division of Medicaid  
121 pursuant to an agreement to be developed between the State  
122 Department of Education and the Division of Medicaid.

123 (6) In the event of an inordinately large number of  
124 absentees in any school district as a result of epidemic, natural  
125 disaster, or any concerted activity discouraging school  
126 attendance, then in such event school attendance for the purposes  
127 of determining teacher units shall be based upon the average daily  
128 attendance for the three (3) preceding school years for such  
129 school district.

130 (7) In addition to the allotments provided above, a school  
131 district may provide a program of education and instruction to  
132 children ages five (5) years through twenty-one (21) years, who  
133 are resident citizens of the State of Mississippi, who cannot have  
134 their educational needs met in a regular public school program and  
135 who have not finished or graduated from high school, if those  
136 children are determined by competent medical authorities and  
137 psychologists to need placement in a state licensed facility for  
138 inpatient treatment, day treatment or residential treatment or a

139 therapeutic group home. Such program shall operate under rules,  
140 regulations, policies and standards of school districts as  
141 determined by the State Board of Education. If a private school  
142 approved by the State Board of Education is operated as an  
143 integral part of the state licensed facility that provides for the  
144 treatment of such children, the private school within the facility  
145 may provide a program of education, instruction and training to  
146 such children by requesting the State Department of Education to  
147 allocate one (1) teacher unit or a portion of a teacher unit for  
148 each approved class. The facility shall be responsible for  
149 providing for any additional costs of the program.

150 Minimum program funds will be allotted based on the type of  
151 certificate and number of years' teaching experience held by each  
152 approved teacher. Such children shall not be counted in average  
153 daily attendance when determining the regular teacher unit  
154 allocation.

155 (8) In addition to the allowances provided above, one (1)  
156 additional teacher unit shall be added to the teacher unit  
157 allotment for each school district for each teacher employed in a  
158 State Department of Education approved pre-vocational trade  
159 program for exceptional children as defined in Section 37-23-3 in  
160 Grades 6, 7, 8 and 9. Minimum education program funds shall be  
161 allotted based on the type of certificate and the number of years  
162 teaching experience held by each approved exceptional or  
163 vocational education teacher.

164 SECTION 2. The following section shall be codified as  
165 Section 37-23-6, Mississippi Code of 1972:

166 37-23-6. The State Department of Education is empowered and  
167 directed to establish, approve and administer a pre-vocational  
168 trade program for exceptional children in Grades 6, 7, 8 and 9.  
169 The State Department of Education shall make the necessary rules  
170 and regulations in keeping with the provisions of Sections 37-23-1  
171 through 37-23-9 and applicable federal laws and regulations which  
172 are not in conflict with Mississippi law for its proper

173 administration and shall employ such personnel as may be necessary  
174 to administer such program. The department shall require that the  
175 pre-vocational trade program for exceptional children be designed  
176 to provide individualized appropriate education and related  
177 services that enable a child to reach his or her appropriate and  
178 uniquely designed goals for success. Local school boards are  
179 authorized to establish approved pre-vocational trade programs for  
180 such exceptional children and to employ properly certified special  
181 education and vocational teachers for the purpose of teaching the  
182 established classes.

183 SECTION 3. This act shall take effect and be in force from  
184 and after July 1, 1999.