

By: Senator(s) Smith

To: Education;
Appropriations

SENATE BILL NO. 2671

1 AN ACT TO AMEND SECTION 37-19-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ONE TEACHER UNIT SHALL BE ALLOTTED FOR EACH 20 PUPILS
3 IN AVERAGE DAILY ATTENDANCE IN GRADES 1-4 FOR PURPOSES OF MINIMUM
4 EDUCATION PROGRAM FUNDING; AND FOR RELATED PURPOSES. BE IT
5 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6
7 SECTION 1. Section 37-19-5, Mississippi Code of 1972, is
8 amended as follows:

9 37-19-5. (1) The total number of teachers included in the
10 program for each school district shall not be in excess of the
11 number of teachers employed or the number of teacher units
12 allowed, whichever number is smaller. The number of teacher units
13 shall be determined by the State Department of Education for each
14 school district for the current year as follows: For Kindergarten
15 and Grades 1, 2, 3 and 4, one (1) teacher unit shall be allotted
16 for each twenty (20) pupils in average daily attendance for the
17 prior school year or for months two (2) and three (3) of the
18 current year, whichever is greater, and for all other grades, one
19 (1) teacher unit shall be allotted for each twenty-seven (27)
20 pupils in average daily attendance for the prior school year or
21 for months two (2) and three (3) of the current year, whichever is
22 greater. A remaining major fraction of a unit shall be counted as
23 a whole unit. It shall be the duty of the State Department of
24 Education to determine that each school district actually has
25 employed in Kindergarten and Grades 1, 2, 3 and 4, a number of
26 teachers which shall not be fewer than the earned units calculated
27 in accordance with this subsection and, to that end, the State
28 Department of Education is empowered to make regulations not
29 inconsistent with this chapter which are reasonably necessary to

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

61 (2) One-half (1/2) of a teacher unit shall be added to the
62 teacher unit allotment for each school district for each
63 vocational teacher employed full time during the regular school
64 term in a vocational education program approved by the State
65 Department of Education. For each teacher employed in a
66 vocational program less than full time, the additional one-half
67 (1/2) teacher unit shall be prorated by the percentage of time

68 spent in the vocational program. Minimum program funds will be
69 allotted based on the type of certificate and number of years
70 teaching experience held by each approved vocational teacher.

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

88 (4) In addition to the allowances provided above, for each
89 handicapped child who is being educated by a public school
90 district or is placed in accord with Section 37-23-77 and whose
91 individualized educational program (IEP) requires an extended
92 school year in accord with the State Department of Education
93 criteria, a sufficient amount of minimum program funds shall be
94 allocated for the purpose of providing the educational services
95 the student requires. The State Board of Education shall
96 promulgate such regulations as are required to insure the
97 equitable distribution of these funds. All costs for the extended
98 school year for a particular summer shall be reimbursed from
99 minimum program funds appropriated for the fiscal year beginning
100 July 1 of that summer. If sufficient funds are not made available
101 to finance all of the required educational services, the State

102 Department of Education shall expend available funds in such a
103 manner that it does not limit the availability of appropriate
104 education to handicapped students more severely than it does to
105 nonhandicapped students.

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

117 (6) In the event of an inordinately large number of
118 absentees in any school district as a result of epidemic, natural
119 disaster, or any concerted activity discouraging school
120 attendance, then in such event school attendance for the purposes
121 of determining teacher units shall be based upon the average daily
122 attendance for the three (3) preceding school years for such
123 school district.

124 (7) In addition to the allotments provided above, a school
125 district may provide a program of education and instruction to
126 children ages five (5) years through twenty-one (21) years, who
127 are resident citizens of the State of Mississippi, who cannot have
128 their educational needs met in a regular public school program and
129 who have not finished or graduated from high school, if those
130 children are determined by competent medical authorities and
131 psychologists to need placement in a state licensed facility for
132 inpatient treatment, day treatment or residential treatment or a
133 therapeutic group home. Such program shall operate under rules,
134 regulations, policies and standards of school districts as
135 determined by the State Board of Education. If a private school

136 approved by the State Board of Education is operated as an
137 integral part of the state licensed facility that provides for the
138 treatment of such children, the private school within the facility
139 may provide a program of education, instruction and training to
140 such children by requesting the State Department of Education to
141 allocate one (1) teacher unit or a portion of a teacher unit for
142 each approved class. The facility shall be responsible for
143 providing for any additional costs of the program.

144 Minimum program funds will be allotted based on the type of
145 certificate and number of years' teaching experience held by each
146 approved teacher. Such children shall not be counted in average
147 daily attendance when determining the regular teacher unit
148 allocation.

149 SECTION 2. This act shall take effect and be in force from
150 and after July 1, 1999; and shall stand repealed from and after
151 July 1, 2002.