

By: Senator(s) Harden

To: Education;  
Appropriations

## SENATE BILL NO. 2766

1 AN ACT TO AMEND SECTIONS 37-19-5 AND 37-151-77, MISSISSIPPI  
2 CODE OF 1972, TO REDUCE THE REQUIRED PUPIL-TEACHER RATIO FOR  
3 CLASSES FUNDED UNDER THE MINIMUM EDUCATION PROGRAM AND THE  
4 MISSISSIPPI ADEQUATE EDUCATION PROGRAM ON A PHASED-IN BASIS; AND  
5 FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE  
6 STATE OF MISSISSIPPI:

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

10 37-19-5. (1) The total number of teachers included in the  
11 program for each school district shall not be in excess of the  
12 number of teachers employed or the number of teacher units  
13 allowed, whichever number is smaller. The number of teacher units  
14 shall be determined by the State Department of Education for each  
15 school district for the current year as follows:

16 (a) Beginning with the 1999-2000 school year, for  
17 Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall  
18 be allotted for each twenty-two (22) pupils in average daily  
19 attendance for the prior school year or for months two (2) and  
20 three (3) of the current year, whichever is greater;

21 (b) Beginning with the 2000-2001 school year, for  
22 Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall  
23 be allotted for each twenty-one (21) pupils in average daily  
24 attendance for the prior school year or for months two (2) and  
25 three (3) of the current year, whichever is greater;

26 (c) Beginning with the 2001-2002 school year, for  
27 Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall  
28 be allotted for each twenty (20) pupils in average daily  
29 attendance for the prior school year or for months two (2) and

30 three (3) of the current year, whichever is greater;

31 (d) Beginning with the 2002-2003 school year, for  
32 Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall  
33 be allotted for each nineteen (19) pupils in average daily  
34 attendance for the prior school year or for months two (2) and  
35 three (3) of the current year, whichever is greater;

36 (e) Beginning with the 2003-2004 school year, for  
37 Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall  
38 be allotted for each eighteen (18) pupils in average daily  
39 attendance for the prior school year or for months two (2) and  
40 three (3) of the current year, whichever is greater.

41 \* \* \* For all other grades, one (1) teacher unit shall be  
42 allotted for each twenty-seven (27) pupils in average daily  
43 attendance for the prior school year or for months two (2) and  
44 three (3) of the current year, whichever is greater. A remaining  
45 major fraction of a unit shall be counted as a whole unit. It  
46 shall be the duty of the State Department of Education to  
47 determine that each school district actually has employed in  
48 Kindergarten and Grades 1, 2, 3 and 4, a number of teachers which  
49 shall not be fewer than the earned units calculated in accordance  
50 with this subsection and, to that end, the State Department of  
51 Education is empowered to make regulations not inconsistent with  
52 this chapter which are reasonably necessary to implement and  
53 assure its compliance. No teacher may be included in such number  
54 of teachers unless he spends not less than seventy-five percent  
55 (75%) of his working time in actual classroom instruction in  
56 Kindergarten and Grades 1, 2, 3 and 4, and the State Department of  
57 Education shall require the school district to certify, under oath  
58 of a person informed of such matters, and authorized by the school  
59 district governing authority to do so, that only such teachers  
60 have been so included in that number. If a school district  
61 employs more teachers than the teacher units allotted, the State  
62 Department of Education shall use the teachers of highest training  
63 and number of years experience in determining the allotment for  
64 salaries. It is the intent of the Legislature that the additional  
65 teachers provided herein in the applicable school year for  
66 Kindergarten and Grades 1, 2, 3 and 4 shall be utilized  
67 exclusively in Kindergarten and in those grades, and that such

68 classes shall not exceed a maximum number of twenty-seven (27)  
69 students in enrollment at any time during the school term unless  
70 exempted under rules and regulations promulgated by the State  
71 Board of Education providing for hardship, emergency or other  
72 special situations. In addition, the total number of students  
73 that may be taught by an individual teacher in core subjects at  
74 any time during the school year shall not exceed one hundred fifty  
75 (150) unless exempted under the rules and regulations promulgated  
76 by the State Board of Education. Any such exemption regarding the  
77 maximum number of students per class or per individual teacher  
78 shall be certified by the local board of education to the State  
79 Department of Education with each monthly average daily attendance  
80 report. In the event any school district meets Level 4 or 5  
81 accreditation standards, the State Board of Education may, in its  
82 discretion, exempt such school district from the maximum  
83 pupil-teacher ratio in Grades 1, 2, 3 and 4 prescribed herein.

84 (2) One-half (1/2) of a teacher unit shall be added to the  
85 teacher unit allotment for each school district for each  
86 vocational teacher employed full time during the regular school  
87 term in a vocational education program approved by the State  
88 Department of Education. For each teacher employed in a  
89 vocational program less than full time, the additional one-half  
90 (1/2) teacher unit shall be prorated by the percentage of time  
91 spent in the vocational program. Minimum program funds will be  
92 allotted based on the type of certificate and number of years  
93 teaching experience held by each approved vocational teacher.

94 (3) One (1) additional teacher unit shall be added to the  
95 teacher unit allotment for each school district for each teacher  
96 employed in a State Department of Education approved program for  
97 exceptional children as defined in Section 37-23-3, except that  
98 only seventy percent (70%) of a teacher unit will be approved for  
99 the program for three- and four-year-old exceptional children.  
100 Exceptional children as defined in Section 37-23-3 who are under  
101 the age of three (3) years shall receive teacher units for each

teacher employed in an approved program for those children. However, notwithstanding the calculation of teacher units as defined in subsection (1) above, exceptional children enrolled in a self-contained class, as defined by the State Department of Education, shall not be counted in average daily attendance when determining the regular teacher unit allocation. Minimum program funds will be allotted based on the type of certificate and the number of years teaching experience held by each approved exceptional education teacher.

(4) In addition to the allowances provided above, for each handicapped child who is being educated by a public school district or is placed in accord with Section 37-23-77 and whose individualized educational program (IEP) requires an extended school year in accord with the State Department of Education criteria, a sufficient amount of minimum program funds shall be allocated for the purpose of providing the educational services the student requires. The State Board of Education shall promulgate such regulations as are required to insure the equitable distribution of these funds. All costs for the extended school year for a particular summer shall be reimbursed from minimum program funds appropriated for the fiscal year beginning July 1 of that summer. If sufficient funds are not made available to finance all of the required educational services, the State Department of Education shall expend available funds in such a manner that it does not limit the availability of appropriate education to handicapped students more severely than it does to nonhandicapped students.

(5) The State Department of Education is hereby authorized to match minimum program funds allocated for provision of services to handicapped children with Division of Medicaid funds to provide language-speech services, physical therapy and occupational therapy to handicapped students who meet State Department of Education or Division of Medicaid standards and who are Medicaid eligible. Provided further, that the State Department of

Education is authorized to pay such minimum program funds as may be required as a match directly to the Division of Medicaid pursuant to an agreement to be developed between the State Department of Education and the Division of Medicaid.

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

(7) In addition to the allotments provided above, a school district may provide a program of education and instruction to children ages five (5) years through twenty-one (21) years, who are resident citizens of the State of Mississippi, who cannot have their educational needs met in a regular public school program and who have not finished or graduated from high school, if those children are determined by competent medical authorities and psychologists to need placement in a state licensed facility for inpatient treatment, day treatment or residential treatment or a therapeutic group home. Such program shall operate under rules, regulations, policies and standards of school districts as determined by the State Board of Education. If a private school approved by the State Board of Education is operated as an integral part of the state licensed facility that provides for the treatment of such children, the private school within the facility may provide a program of education, instruction and training to such children by requesting the State Department of Education to allocate one (1) teacher unit or a portion of a teacher unit for each approved class. The facility shall be responsible for providing for any additional costs of the program.

Minimum program funds will be allotted based on the type of certificate and number of years' teaching experience held by each approved teacher. Such children shall not be counted in average

daily attendance when determining the regular teacher unit allocation.

SECTION 2. Section 37-151-77, Mississippi Code of 1972, is amended as follows:

37-151-77. To qualify for funds provided in this chapter, each school district shall not exceed a pupil-teacher ratio based on enrollment in Kindergarten and Grades 1, 2, 3 and 4 as follows:  
18:1

For Grades \* \* \* 5 through 12, pupil-teacher ratio shall be determined based on appropriate accreditation standards developed by the Mississippi Commission on School Accreditation.

Any local district may apply to the State Board of Education for approval of a waiver to this section by submitting and justifying an alternative educational program to serve the needs of enrollment in Grades Kindergarten and 1 through 4. The State Board of Education shall approve or disapprove of such waiver forty-five (45) days after receipt of such application. If a school district violates the provisions of this section, the state aid for the ensuing fiscal year to such school district shall be reduced by the percentage variance that the actual pupil-teacher ratios in such school district has to the required pupil-teacher ratios mandated in this section. Provided, that notwithstanding the provisions of this section, the State Board of Education is authorized to waive the pupil-teacher requirements specified herein upon a finding that a good faith effort is being made by the school district concerned to comply with the ratio provisions but that for lack of classroom space which was beyond its control it is physically impossible for the district to comply, and the cost of temporary classroom space cannot be justified. In the event any school district meets Level 4 or 5 accreditation standards, the State Board of Education may, in its discretion, exempt such school district from the maximum pupil-teacher ratio in Kindergarten and Grades 1, 2, 3 and 4 prescribed herein.

SECTION 3. This act shall take effect and be in force from

204 and after July 1, 1999.