

By: Moss

To: Education;
Appropriations

HOUSE BILL NO. 518

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 KINDERGARTEN AND GRADES 1-4 FOR
4 PURPOSES OF MINIMUM EDUCATION PROGRAM FUNDING AND TO CHANGE THE
5 MAXIMUM TEACHER-PUPIL RATIO IN THOSE GRADES TO 1:20; TO AMEND
6 SECTION 37-151-77, MISSISSIPPI CODE OF 1972, TO CHANGE THE MAXIMUM
7 TEACHER-PUPIL RATIO IN THOSE GRADES UNDER THE MISSISSIPPI ADEQUATE
8 EDUCATION PROGRAM TO 1:20; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 SECTION 1. Section 37-19-5, Mississippi Code of 1972, is
11 amended as follows:

12 37-19-5. (1) The total number of teachers included in the
13 program for each school district shall not be in excess of the
14 number of teachers employed or the number of teacher units
15 allowed, whichever number is smaller. The number of teacher units
16 shall be determined by the State Department of Education for each
17 school district for the current year as follows: For Kindergarten
18 and Grades 1, 2, 3 and 4, one (1) teacher unit shall be allotted
19 for each twenty (20) pupils in average daily attendance for the
20 prior school year or for months two (2) and three (3) of the
21 current year, whichever is greater, and for all other grades, one
22 (1) teacher unit shall be allotted for each twenty-seven (27)
23 pupils in average daily attendance for the prior school year or
24 for months two (2) and three (3) of the current year, whichever is

25 greater. A remaining major fraction of a unit shall be counted as
26 a whole unit. It shall be the duty of the State Department of
27 Education to determine that each school district actually has
28 employed in Kindergarten and Grades 1, 2, 3 and 4, a number of
29 teachers which shall not be fewer than the earned units calculated
30 in accordance with this subsection and, to that end, the State
31 Department of Education is empowered to make regulations not
32 inconsistent with this chapter which are reasonably necessary to
33 implement and assure its compliance. No teacher may be included
34 in such number of teachers unless he spends not less than
35 seventy-five percent (75%) of his working time in actual classroom
36 instruction in Kindergarten and Grades 1, 2, 3 and 4, and the
37 State Department of Education shall require the school district to
38 certify, under oath of a person informed of such matters, and
39 authorized by the school district governing authority to do so,
40 that only such teachers have been so included in that number. If
41 a school district employs more teachers than the teacher units
42 allotted, the State Department of Education shall use the teachers
43 of highest training and number of years experience in determining
44 the allotment for salaries. It is the intent of the Legislature
45 that the additional teachers provided herein for Kindergarten and
46 Grades 1, 2, 3 and 4 shall be utilized exclusively in Kindergarten
47 and in those grades, and that such classes shall not exceed a
48 maximum number of twenty (20) students in enrollment at any time
49 during the school term unless exempted under rules and regulations
50 promulgated by the State Board of Education providing for
51 hardship, emergency or other special situations. In addition, the
52 total number of students that may be taught by an individual
53 teacher in core subjects at any time during the school year shall
54 not exceed one hundred fifty (150) unless exempted under the rules
55 and regulations promulgated by the State Board of Education. Any

56 such exemption regarding the maximum number of students per class
57 or per individual teacher shall be certified by the local board of
58 education to the State Department of Education with each monthly
59 average daily attendance report. In the event any school district
60 meets Level 4 or 5 accreditation standards, the State Board of
61 Education may, in its discretion, exempt such school district from
62 the maximum pupil-teacher ratio in Grades 1, 2, 3 and 4 prescribed
63 herein.

64 (2) One-half (1/2) of a teacher unit shall be added to the
65 teacher unit allotment for each school district for each
66 vocational teacher employed full time during the regular school
67 term in a vocational education program approved by the State
68 Department of Education. For each teacher employed in a
69 vocational program less than full time, the additional one-half
70 (1/2) teacher unit shall be prorated by the percentage of time
71 spent in the vocational program. Minimum program funds will be
72 allotted based on the type of certificate and number of years
73 teaching experience held by each approved vocational teacher.

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

87 determining the regular teacher unit allocation. Minimum program
88 funds will be allotted based on the type of certificate and the
89 number of years teaching experience held by each approved
90 exceptional education teacher.

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

109 (5) The State Department of Education is * * * authorized to
110 match minimum program funds allocated for provision of services to
111 handicapped children with Division of Medicaid funds to provide
112 language-speech services, physical therapy and occupational
113 therapy to handicapped students who meet State Department of
114 Education or Division of Medicaid standards and who are Medicaid

115 eligible. * * * The State Department of Education also is
116 authorized to pay such minimum program funds as may be required as
117 a match directly to the Division of Medicaid pursuant to an
118 agreement to be developed between the State Department of
119 Education and the Division of Medicaid.

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

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

143 such children by requesting the State Department of Education to
144 allocate one (1) teacher unit or a portion of a teacher unit for
145 each approved class. The facility shall be responsible for
146 providing for any additional costs of the program.

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

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

154 37-151-77. **Pupil-teacher ratio.** To qualify for funds
155 provided in this chapter, each school district shall not exceed a
156 pupil-teacher ratio based on enrollment in Kindergarten and Grades
157 1, 2, 3 and 4 as follows: 20:1.

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

161 Any local district may apply to the State Board of Education
162 for approval of a waiver to this section by submitting and
163 justifying an alternative educational program to serve the needs
164 of enrollment in Grades Kindergarten and 1 through 4. The State
165 Board of Education shall approve or disapprove of such waiver
166 forty-five (45) days after receipt of such application. If a
167 school district violates the provisions of this section, the state
168 aid for the ensuing fiscal year to such school district shall be
169 reduced by the percentage variance that the actual pupil-teacher
170 ratios in such school district has to the required pupil-teacher

171 ratios mandated in this section. * * * Notwithstanding the
172 provisions of this section, the State Board of Education is
173 authorized to waive the pupil-teacher requirements specified
174 herein upon a finding that a good faith effort is being made by
175 the school district concerned to comply with the ratio provisions
176 but that for lack of classroom space which was beyond its control,
177 it is physically impossible for the district to comply, and the
178 cost of temporary classroom space cannot be justified. In the
179 event any school district meets Level 4 or 5 accreditation
180 standards, the State Board of Education may, in its discretion,
181 exempt such school district from the maximum pupil-teacher ratio
182 in Grades 1, 2, 3 and 4 prescribed herein.

183 SECTION 3. Section 1 of this act shall take effect and be in
184 force from and after July 1, 1999. Section 2 of this act shall
185 take effect and be in force from and after July 1, 2002.