

By: Blackmon

To: Education;
Appropriations

SENATE BILL NO. 2336

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.

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

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

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

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

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

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

76 (3) One (1) additional teacher unit shall be added to the
77 teacher unit allotment for each school district for each teacher
78 employed in a State Department of Education approved program for
79 exceptional children as defined in Section 37-23-3, except that
80 only seventy percent (70%) of a teacher unit will be approved for
81 the program for three- and four-year-old exceptional children.
82 Exceptional children as defined in Section 37-23-3 who are under
83 the age of three (3) years shall receive teacher units for each
84 teacher employed in an approved program for those children.
85 However, notwithstanding the calculation of teacher units as
86 defined in subsection (1) above, exceptional children enrolled in
87 a self-contained class, as defined by the State Department of

88 Education, shall not be counted in average daily attendance when
89 determining the regular teacher unit allocation. Minimum program
90 funds will be allotted based on the type of certificate and the
91 number of years teaching experience held by each approved
92 exceptional education teacher.

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

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

116 Education or Division of Medicaid standards and who are Medicaid
117 eligible. Provided further, that the State Department of
118 Education is authorized to pay such minimum program funds as may
119 be required as a match directly to the Division of Medicaid
120 pursuant to an agreement to be developed between the State
121 Department of Education and the Division of Medicaid.

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

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

144 may provide a program of education, instruction and training to
145 such children by requesting the State Department of Education to
146 allocate one (1) teacher unit or a portion of a teacher unit for
147 each approved class. The facility shall be responsible for
148 providing for any additional costs of the program.

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

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

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

165 37-23-6. The State Department of Education is empowered and
166 directed to establish, approve, and administer a pre-vocational
167 trade program for exceptional children in Grades 6, 7, 8 and 9.
168 The State Department of Education shall make the necessary rules
169 and regulations in keeping with the provisions of Sections 37-23-1
170 through 37-23-9 and applicable federal laws and regulations which
171 are not in conflict with Mississippi law for its proper

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

182 SECTION 3. This act shall take effect and be in force from
183 and after July 1, 2000.