HOUSE BILL NO. 402

AN ACT TO AMEND SECTION 37-23-13, MISSISSIPPI CODE OF 1972,
TO CLARIFY THAT THE STATE DEPARTMENT OF EDUCATION MAY EXPEND FUNDS
IN MAKING REASONABLE ACCOMMODATIONS FOR TEACHERS WITH VARIOUS
DISABILITIES, INCLUDING, BUT NOT LIMITED TO, THE DISABILITY OF
VISUAL IMPAIRMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-23-13, Mississippi Code of 1972, is
amended as follows:

37-23-13. (1) The school board of any school district
is • • • authorized to comply with the provisions of the Federal
Americans with Disabilities Act of 1990 (42 USCS Sections
12101-12213 (West Supp. 1991)) by making reasonable accommodations
to the known physical or mental limitations of an otherwise
qualified individual with a disability who is an applicant or
employee, unless the school board can demonstrate that the
accommodation would impose an undue hardship on the operation of
the school. The school board of any such school district
determining that such accommodation is required and reasonable may
apply, by resolution spread upon its minutes, • • • to the State
Department of Education for funds to defray the cost of making the
reasonable accommodations, as determined by the school board to be in the best interest of the individual teacher, for • • • teachers
with disabilities in compliance with the federal law.

(2) The State Department of Education, within the
availability of funds appropriated for such purpose, may expend
funds for the purpose of defraying the expenses of school
districts in making the reasonable accommodations, as determined
by the school board to be in the best interest of the individual
teacher, for * * * teachers with a disability under the * * *
Americans with Disabilities Act of 1990, with the approval of the
State Board of Education. The department shall prescribe, by
regulation, * * * a method and necessary forms for the purpose of
school districts' applications for funds as authorized in this
section.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2001.