SENATE BILL NO. 2197

AN ACT TO AMEND SECTIONS 37-19-5 AND 37-151-77, MISSISSIPPI CODE OF 1972, TO REDUCE THE REQUIRED PUPIL-TEACHER RATIO FOR CLASSES FUNDED UNDER THE MINIMUM EDUCATION PROGRAM AND THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM ON A PHASED-IN BASIS; AND FOR RELATED PURPOSES.

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

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

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

(a) Beginning with the 2001-2002 school year, for Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall be allotted for each twenty-two (22) pupils in average daily attendance for the prior school year or for months two and three of the current year, whichever is greater;

(b) Beginning with the 2002-2003 school year, for Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall be allotted for each twenty-one (21) pupils in average daily attendance for the prior school year or for months two and three of the current year, whichever is greater;

(c) Beginning with the 2003-2004 school year, for Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall be allotted for each twenty (20) pupils in average daily attendance for the prior school year or for months two and three of the current year, whichever is greater;
attendance for the prior school year or for months two and three
of the current year, whichever is greater;
(d) Beginning with the 2004-2005 school year, for
Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall
be allotted for each nineteen (19) pupils in average daily
attendance for the prior school year or for months two and three
of the current year, whichever is greater;
(e) Beginning with the 2005-2006 school year, for
Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall
be allotted for each eighteen (18) pupils in average daily
attendance for the prior school year or for months two and three
of the current year, whichever is greater.
* * * For all other grades, one (1) teacher unit shall be
allotted for each twenty-seven (27) pupils in average daily
attendance for the prior school year or for months two (2) and
three (3) of the current year, whichever is greater. A remaining
major fraction of a unit shall be counted as a whole unit. It
shall be the duty of the State Department of Education to
determine that each school district actually has employed in
Kindergarten and Grades 1, 2, 3 and 4, a number of teachers which
shall not be fewer than the earned units calculated in accordance
with this subsection and, to that end, the State Department of
Education is empowered to make regulations not inconsistent with
this chapter which are reasonably necessary to implement and
assure its compliance. No teacher may be included in such number
of teachers unless he spends not less than seventy-five percent
(75%) of his working time in actual classroom instruction in
Kindergarten and Grades 1, 2, 3 and 4, and the State Department of
Education shall require the school district to certify, under oath
of a person informed of such matters, and authorized by the school
district governing authority to do so, that only such teachers
have been so included in that number. If a school district
employs more teachers than the teacher units allotted, the State
Department of Education shall use the teachers of highest training and number of years experience in determining the allotment for salaries. It is the intent of the Legislature that the additional teachers provided herein in the applicable school year for Kindergarten and Grades 1, 2, 3 and 4 shall be utilized exclusively in Kindergarten and in those grades, and that such classes shall not exceed a maximum number of twenty-seven (27) students in enrollment at any time during the school term unless exempted under rules and regulations promulgated by the State Board of Education providing for hardship, emergency or other special situations. In addition, the total number of students that may be taught by an individual teacher in core subjects at any time during the school year shall not exceed one hundred fifty (150) unless exempted under the rules and regulations promulgated by the State Board of Education. Any such exemption regarding the maximum number of students per class or per individual teacher shall be certified by the local board of education to the State Department of Education with each monthly average daily attendance report. 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 Grades 1, 2, 3 and 4 prescribed herein.

(2) One-half (1/2) of a teacher unit shall be added to the teacher unit allotment for each school district for each vocational teacher employed full time during the regular school term in a vocational education program approved by the State Department of Education. For each teacher employed in a vocational program less than full time, the additional one-half (1/2) teacher unit shall be prorated by the percentage of time spent in the vocational program. Minimum program funds will be allotted based on the type of certificate and number of years teaching experience held by each approved vocational teacher.
(3) One (1) additional teacher unit shall be added to the teacher unit allotment for each school district for each teacher employed in a State Department of Education approved program for exceptional children as defined in Section 37-23-3, except that only seventy percent (70%) of a teacher unit will be approved for the program for three- and four-year-old exceptional children. Exceptional children as defined in Section 37-23-3 who are under 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 Kindergarten and Grades 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 and after July 1, 2001.