

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2197

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.

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

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

9 37-19-5. (1) The total number of teachers included in the
10 program for each school district shall not be in excess of the
11 number of teachers employed or the number of teacher units
12 allowed, whichever number is smaller. The number of teacher units
13 shall be determined by the State Department of Education for each
14 school district for the current year as follows:

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

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

25 (c) Beginning with the 2003-2004 school year, for
26 Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall
27 be allotted for each twenty (20) pupils in average daily



28 attendance for the prior school year or for months two and three
29 of the current year, whichever is greater;

30 (d) Beginning with the 2004-2005 school year, for
31 Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall
32 be allotted for each nineteen (19) pupils in average daily
33 attendance for the prior school year or for months two and three
34 of the current year, whichever is greater;

35 (e) Beginning with the 2005-2006 school year, for
36 Kindergarten and Grades 1, 2, 3 and 4, one (1) teacher unit shall
37 be allotted for each eighteen (18) pupils in average daily
38 attendance for the prior school year or for months two and three
39 of the current year, whichever is greater.

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



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

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



93 (3) One (1) additional teacher unit shall be added to the
94 teacher unit allotment for each school district for each teacher
95 employed in a State Department of Education approved program for
96 exceptional children as defined in Section 37-23-3, except that
97 only seventy percent (70%) of a teacher unit will be approved for
98 the program for three- and four-year-old exceptional children.
99 Exceptional children as defined in Section 37-23-3 who are under
100 the age of three (3) years shall receive teacher units for each
101 teacher employed in an approved program for those children.
102 However, notwithstanding the calculation of teacher units as
103 defined in subsection (1) above, exceptional children enrolled in
104 a self-contained class, as defined by the State Department of
105 Education, shall not be counted in average daily attendance when
106 determining the regular teacher unit allocation. Minimum program
107 funds will be allotted based on the type of certificate and the
108 number of years teaching experience held by each approved
109 exceptional education teacher.

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



126 education to handicapped students more severely than it does to
127 nonhandicapped students.

128 (5) The State Department of Education is hereby authorized
129 to match minimum program funds allocated for provision of services
130 to handicapped children with Division of Medicaid funds to provide
131 language-speech services, physical therapy and occupational
132 therapy to handicapped students who meet State Department of
133 Education or Division of Medicaid standards and who are Medicaid
134 eligible. Provided further, that the State Department of
135 Education is authorized to pay such minimum program funds as may
136 be required as a match directly to the Division of Medicaid
137 pursuant to an agreement to be developed between the State
138 Department of Education and the Division of Medicaid.

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

146 (7) In addition to the allotments provided above, a school
147 district may provide a program of education and instruction to
148 children ages five (5) years through twenty-one (21) years, who
149 are resident citizens of the State of Mississippi, who cannot have
150 their educational needs met in a regular public school program and
151 who have not finished or graduated from high school, if those
152 children are determined by competent medical authorities and
153 psychologists to need placement in a state licensed facility for
154 inpatient treatment, day treatment or residential treatment or a
155 therapeutic group home. Such program shall operate under rules,
156 regulations, policies and standards of school districts as
157 determined by the State Board of Education. If a private school
158 approved by the State Board of Education is operated as an



159 integral part of the state licensed facility that provides for the
160 treatment of such children, the private school within the facility
161 may provide a program of education, instruction and training to
162 such children by requesting the State Department of Education to
163 allocate one (1) teacher unit or a portion of a teacher unit for
164 each approved class. The facility shall be responsible for
165 providing for any additional costs of the program.

166 Minimum program funds will be allotted based on the type of
167 certificate and number of years' teaching experience held by each
168 approved teacher. Such children shall not be counted in average
169 daily attendance when determining the regular teacher unit
170 allocation.

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

173 37-151-77. To qualify for funds provided in this chapter,
174 each school district shall not exceed a pupil-teacher ratio based
175 on enrollment in Kindergarten and Grades 1, 2, 3 and 4 as follows:
176 18:1

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

180 Any local district may apply to the State Board of Education
181 for approval of a waiver to this section by submitting and
182 justifying an alternative educational program to serve the needs
183 of enrollment in Kindergarten and Grades 1 through 4. The State
184 Board of Education shall approve or disapprove of such waiver
185 forty-five (45) days after receipt of such application. If a
186 school district violates the provisions of this section, the state
187 aid for the ensuing fiscal year to such school district shall be
188 reduced by the percentage variance that the actual pupil-teacher
189 ratios in such school district has to the required pupil-teacher
190 ratios mandated in this section. Provided, that notwithstanding
191 the provisions of this section, the State Board of Education is



192 authorized to waive the pupil-teacher requirements specified
193 herein upon a finding that a good faith effort is being made by
194 the school district concerned to comply with the ratio provisions
195 but that for lack of classroom space which was beyond its control
196 it is physically impossible for the district to comply, and the
197 cost of temporary classroom space cannot be justified. In the
198 event any school district meets Level 4 or 5 accreditation
199 standards, the State Board of Education may, in its discretion,
200 exempt such school district from the maximum pupil-teacher ratio
201 in Kindergarten and Grades 1, 2, 3 and 4 prescribed herein.

202 SECTION 3. This act shall take effect and be in force from
203 and after July 1, 2001.

