SENEG BILL NO. 2356

AN ACT TO AMEND SECTION 37-19-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ONE TEACHER UNIT SHALL BE ALLOTTED FOR EACH 20 PUPILS IN AVERAGE DAILY ATTENDANCE IN GRADES 1-4 FOR PURPOSES OF MINIMUM EDUCATION PROGRAM FUNDING; 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: 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, and 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 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. This act shall take effect and be in force from
and after July 1, 2001; and shall stand repealed from and after
July 1, 2003.