

By: Senator(s) Smith

To: Education;
Appropriations

SENATE BILL NO. 2356

1 AN ACT TO AMEND SECTION 37-19-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ONE TEACHER UNIT SHALL BE ALLOTTED FOR EACH 20 PUPILS
3 IN AVERAGE DAILY ATTENDANCE IN GRADES 1-4 FOR PURPOSES OF MINIMUM
4 EDUCATION PROGRAM FUNDING; AND FOR RELATED PURPOSES.

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

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

8 37-19-5. (1) The total number of teachers included in the
9 program for each school district shall not be in excess of the
10 number of teachers employed or the number of teacher units
11 allowed, whichever number is smaller. The number of teacher units
12 shall be determined by the State Department of Education for each
13 school district for the current year as follows: For Kindergarten
14 and Grades 1, 2, 3 and 4, one (1) teacher unit shall be allotted
15 for each twenty (20) pupils in average daily attendance for the
16 prior school year or for months two and three of the current year,
17 whichever is greater, and for all other grades, one (1) teacher
18 unit shall be allotted for each twenty-seven (27) pupils in
19 average daily attendance for the prior school year or for months
20 two (2) and three (3) of the current year, whichever is greater.
21 A remaining major fraction of a unit shall be counted as a whole
22 unit. It shall be the duty of the State Department of Education
23 to determine that each school district actually has employed in
24 Kindergarten and Grades 1, 2, 3 and 4, a number of teachers which
25 shall not be fewer than the earned units calculated in accordance
26 with this subsection and, to that end, the State Department of
27 Education is empowered to make regulations not inconsistent with
28 this chapter which are reasonably necessary to implement and



29 assure its compliance. No teacher may be included in such number
30 of teachers unless he spends not less than seventy-five percent
31 (75%) of his working time in actual classroom instruction in
32 Kindergarten and Grades 1, 2, 3 and 4, and the State Department of
33 Education shall require the school district to certify, under oath
34 of a person informed of such matters, and authorized by the school
35 district governing authority to do so, that only such teachers
36 have been so included in that number. If a school district
37 employs more teachers than the teacher units allotted, the State
38 Department of Education shall use the teachers of highest training
39 and number of years experience in determining the allotment for
40 salaries. It is the intent of the Legislature that the additional
41 teachers provided herein for Kindergarten and Grades 1, 2, 3 and 4
42 shall be utilized exclusively in Kindergarten and in those grades,
43 and that such classes shall not exceed a maximum number of
44 twenty-seven (27) students in enrollment at any time during the
45 school term unless exempted under rules and regulations
46 promulgated by the State Board of Education providing for
47 hardship, emergency or other special situations. In addition, the
48 total number of students that may be taught by an individual
49 teacher in core subjects at any time during the school year shall
50 not exceed one hundred fifty (150) unless exempted under the rules
51 and regulations promulgated by the State Board of Education. Any
52 such exemption regarding the maximum number of students per class
53 or per individual teacher shall be certified by the local board of
54 education to the State Department of Education with each monthly
55 average daily attendance report. In the event any school district
56 meets Level 4 or 5 accreditation standards, the State Board of
57 Education may, in its discretion, exempt such school district from
58 the maximum pupil-teacher ratio in Grades 1, 2, 3 and 4 prescribed
59 herein.

60 (2) One-half (1/2) of a teacher unit shall be added to the
61 teacher unit allotment for each school district for each



62 vocational teacher employed full time during the regular school
63 term in a vocational education program approved by the State
64 Department of Education. For each teacher employed in a
65 vocational program less than full time, the additional one-half
66 (1/2) teacher unit shall be prorated by the percentage of time
67 spent in the vocational program. Minimum program funds will be
68 allotted based on the type of certificate and number of years
69 teaching experience held by each approved vocational teacher.

70 (3) One (1) additional teacher unit shall be added to the
71 teacher unit allotment for each school district for each teacher
72 employed in a State Department of Education approved program for
73 exceptional children as defined in Section 37-23-3, except that
74 only seventy percent (70%) of a teacher unit will be approved for
75 the program for three- and four-year-old exceptional children.
76 Exceptional children as defined in Section 37-23-3 who are under
77 the age of three (3) years shall receive teacher units for each
78 teacher employed in an approved program for those children.
79 However, notwithstanding the calculation of teacher units as
80 defined in subsection (1) above, exceptional children enrolled in
81 a self-contained class, as defined by the State Department of
82 Education, shall not be counted in average daily attendance when
83 determining the regular teacher unit allocation. Minimum program
84 funds will be allotted based on the type of certificate and the
85 number of years teaching experience held by each approved
86 exceptional education teacher.

87 (4) In addition to the allowances provided above, for each
88 handicapped child who is being educated by a public school
89 district or is placed in accord with Section 37-23-77 and whose
90 individualized educational program (IEP) requires an extended
91 school year in accord with the State Department of Education
92 criteria, a sufficient amount of minimum program funds shall be
93 allocated for the purpose of providing the educational services
94 the student requires. The State Board of Education shall



95 promulgate such regulations as are required to insure the
96 equitable distribution of these funds. All costs for the extended
97 school year for a particular summer shall be reimbursed from
98 minimum program funds appropriated for the fiscal year beginning
99 July 1 of that summer. If sufficient funds are not made available
100 to finance all of the required educational services, the State
101 Department of Education shall expend available funds in such a
102 manner that it does not limit the availability of appropriate
103 education to handicapped students more severely than it does to
104 nonhandicapped students.

105 (5) The State Department of Education is hereby authorized
106 to match minimum program funds allocated for provision of services
107 to handicapped children with Division of Medicaid funds to provide
108 language-speech services, physical therapy and occupational
109 therapy to handicapped students who meet State Department of
110 Education or Division of Medicaid standards and who are Medicaid
111 eligible. Provided further, that the State Department of
112 Education is authorized to pay such minimum program funds as may
113 be required as a match directly to the Division of Medicaid
114 pursuant to an agreement to be developed between the State
115 Department of Education and the Division of Medicaid.

116 (6) In the event of an inordinately large number of
117 absentees in any school district as a result of epidemic, natural
118 disaster, or any concerted activity discouraging school
119 attendance, then in such event school attendance for the purposes
120 of determining teacher units shall be based upon the average daily
121 attendance for the three (3) preceding school years for such
122 school district.

123 (7) In addition to the allotments provided above, a school
124 district may provide a program of education and instruction to
125 children ages five (5) years through twenty-one (21) years, who
126 are resident citizens of the State of Mississippi, who cannot have
127 their educational needs met in a regular public school program and



128 who have not finished or graduated from high school, if those
129 children are determined by competent medical authorities and
130 psychologists to need placement in a state licensed facility for
131 inpatient treatment, day treatment or residential treatment or a
132 therapeutic group home. Such program shall operate under rules,
133 regulations, policies and standards of school districts as
134 determined by the State Board of Education. If a private school
135 approved by the State Board of Education is operated as an
136 integral part of the state licensed facility that provides for the
137 treatment of such children, the private school within the facility
138 may provide a program of education, instruction and training to
139 such children by requesting the State Department of Education to
140 allocate one (1) teacher unit or a portion of a teacher unit for
141 each approved class. The facility shall be responsible for
142 providing for any additional costs of the program.

143 Minimum program funds will be allotted based on the type of
144 certificate and number of years' teaching experience held by each
145 approved teacher. Such children shall not be counted in average
146 daily attendance when determining the regular teacher unit
147 allocation.

148 SECTION 2. This act shall take effect and be in force from
149 and after July 1, 2001; and shall stand repealed from and after
150 July 1, 2003.

