

By: Representatives McGee, Barton, Bennett,
Massengill, McCarty, Roberson

To: Education

HOUSE BILL NO. 494

1 AN ACT TO AMEND SECTION 37-23-31, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE STUDENTS WITH SIGNIFICANT DEVELOPMENTAL DISABILITIES,
3 COMPLEX COMMUNICATION NEEDS, SIGNIFICANT LANGUAGE OR LEARNING
4 DEFICITS, WHO ARE UNABLE TO SUFFICIENTLY HAVE THEIR EDUCATIONAL
5 NEEDS MET WITHIN THEIR PUBLIC SCHOOL'S REGULAR OR SPECIAL
6 EDUCATION PROGRAM, TO RECEIVE EDUCATIONAL INSTRUCTION, TRAINING
7 AND SPECIAL EDUCATION SERVICES FROM A STATE-SUPPORTED UNIVERSITY
8 OR COLLEGE AUTHORIZED BY THE STATE DEPARTMENT OF EDUCATION TO
9 PROVIDE SUCH INSTRUCTION AND TRAINING; TO AUTHORIZE QUALIFIED
10 INSTRUCTORS WHO HOLD THE APPROPRIATE LICENSURE ENDORSEMENTS TO
11 SERVE AS THE LEAD TEACHER FOR CHILDREN ENROLLED WITHIN THE
12 UNIVERSITY BASED PROGRAM (UBP) THROUGH THE IDEA-PART C AND
13 IDEA-PART B ELIGIBILITY AND PLACEMENT PROCESS; TO ALLOW CERTAIN
14 SPEECH-LANGUAGE PATHOLOGISTS AND EDUCATIONAL AUDIOLOGISTS TO SERVE
15 AS THE LEAD INSTRUCTOR WITH AN EDUCATOR SERVING AS A RELATED
16 SERVICE PROVIDER AS NECESSARY TO MEET THE EDUCATIONAL NEEDS OF THE
17 CHILD; TO PROVIDE THAT THE JUSTIFICATION FOR THE PLACEMENT OF
18 EXCEPTIONAL STUDENTS AGES 3 TO 21 IS DETERMINED IN CONJUNCTION
19 WITH THE LOCAL SCHOOL DISTRICT THROUGH THE STUDENT'S IEP; TO AMEND
20 SECTION 37-23-35, MISSISSIPPI CODE OF 1972, TO REQUIRE IDEA-PART B
21 AND PRESCHOOL ALLOCATIONS FOR THE EDUCATIONAL INSTRUCTION FOR
22 PUBLIC SCHOOL STUDENTS ENROLLED IN A UBP TO BE CALCULATED BY THE
23 STATE DEPARTMENT OF EDUCATION BASED ON THE NUMBER OF STUDENTS
24 PLACED IN THE UBP BY THE LOCAL PUBLIC SCHOOL DISTRICT; TO REQUIRE
25 THE DEPARTMENT TO INFORM THE LOCAL SCHOOL DISTRICT OF THE AMOUNT
26 OF FUNDS TO BE FORWARDED TO THE UBP PROVIDING THE EDUCATIONAL
27 SERVICES ON INSTRUCTION AND TRAINING; TO REQUIRE A COLLABORATIVE
28 AGREEMENT BETWEEN THE LOCAL PUBLIC SCHOOL DISTRICT AND THE UBP IF
29 THE STATE-SUPPORTED UNIVERSITY OR COLLEGE CHARGES THE SCHOOL
30 DISTRICT AN AMOUNT THAT IS IN EXCESS OF THE STATE AND FEDERAL
31 FUNDS ALLOCATED FOR EACH ENROLLED SPECIAL EDUCATION STUDENT; TO
32 REQUIRE THE DEPARTMENT TO DISTRIBUTE ALL NECESSARY STATE FUNDS
33 DIRECTLY TO THE STATE-SUPPORTED UNIVERSITY OR COLLEGE; AND FOR
34 RELATED PURPOSES.



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

36 **SECTION 1.** Section 37-23-31, Mississippi Code of 1972, is
37 amended as follows:

38 37-23-31. (1) (a) When five (5) or more children under
39 twenty-one (21) years of age who, because of * * * significant
40 developmental disabilities, complex communication needs,
41 significant language or learning deficits or any combination of
42 either, are unable to have their educational needs met
43 appropriately in a regular or special education public school
44 program * * * within their local public school districts, a
45 state-supported university or college shall be authorized and
46 empowered, in its discretion, to provide a program of education,
47 instruction and training to such children, provided that such
48 program shall operate under rules, regulations, policies and
49 standards adopted by the State Department of Education, as
50 provided for in Section 37-23-33. The opinion of a parent or
51 guardian in regard to the provision of an appropriate special
52 education program in or by their respective local public school
53 district shall be considered before a placement decision is
54 finalized. Parents shall have any and all rights as provided in
55 the Individuals with Disabilities Education Act, including, but
56 not limited to, the right to equal participation in their child's
57 Individualized Education Program (IEP), the right to require
58 review of their child's IEP, and the right to appeal an IEP
59 Committee decision immediately. The parent or guardian or local



60 educational agency shall have the right to audio record the
61 proceedings of individualized education program team meetings.
62 The parent or guardian or local educational agency shall notify
63 the members of the individualized education program team of his,
64 her, or its intent to audio record a meeting at least twenty-four
65 (24) hours prior to the meeting.

66 (b) Instructors, including speech-language
67 pathologists, educational audiologists and special and early
68 childhood educators are qualified and empowered to serve as the
69 lead teacher for children enrolled within the state-supported
70 university's or college's university-based program (UBP) through
71 the IDEA-Part C and IDEA-Part B eligibility and placement process.
72 When communication is a primary area of concern on the child's
73 Individualized Family Service Plan (IFSP) or IEP, speech-language
74 pathologists and educational audiologists, who undergo extensive
75 college coursework in communication-based disorders impacting
76 multiple areas of development, including cognition, may serve as
77 the lead instructor.

78 (c) Due to the significance of the needs of the
79 children served through the UBP, general education setting
80 requirements may not be applicable. Justification for placement
81 decisions is determined in conjunction with the LEA through each
82 child's IEP for ages three (3) to twenty-one (21).

83 (2) Any state-supported university or college conducting a
84 full-time medical teaching program acceptable to the State Board



85 of Education may, at its discretion, enter into such contracts or
86 agreements with any private school or nonprofit
87 corporation-supported institution, the Mississippi School for the
88 Deaf, or any state-supported institution, providing the special
89 education contemplated by this section for such services, provided
90 the private school or institution offering such services shall
91 have conducted a program of such services at standards acceptable
92 to the State Department of Education for a period of at least one
93 (1) year prior to the date at which the university or college
94 proposes to enter into an agreement or contract for special
95 educational services as described above.

96 **SECTION 2.** Section 37-23-35, Mississippi Code of 1972, is
97 amended as follows:

98 37-23-35. (1) When any children who are residents of the
99 State of Mississippi and qualify under the provisions of Section
100 37-23-31, shall be provided a program of education, instruction
101 and training within a school under the provisions of said section,
102 the State Department of Education shall allocate one (1) teacher
103 unit for each approved class. The allocation of funds for each
104 teacher unit shall be based on the teacher's certification and
105 shall be in accordance with Sections 37-19-1 through 37-19-41 of
106 the code. The university or college shall be eligible for state
107 and federal funds for such programs on the same basis as local
108 school districts. The university or college shall be responsible
109 for providing for the additional costs of the program.



110 (2) IDEA-Part B and preschool allocations for each program
111 of education, instruction and training, as provided for in Section
112 37-23-31, shall be determined and calculated by the State
113 Department of Education based on the number of students placed by
114 the local public school district (LEA) in the university or
115 college-based program. The State Department of Education shall
116 inform each local public school district of the amount of such
117 funds to be forwarded to the state-supported university or
118 college. Only if the state-supported university or college
119 charges the local public school district an amount in excess of
120 the state and federal funds allocated for each special education
121 student in the local public school district, would a collaborative
122 agreement between the local public school district and the
123 state-supported university or college be required.

124 (3) (a) All state funds, including, but not limited to,
125 transportation, extended school year and teacher unit allocations,
126 including master's salary supplement, shall be distributed by the
127 State Department of Education directly to the state-supported
128 university or college. Teacher unit allocation and funding shall
129 be based on the December 1 child count. The university based
130 program (UBP) shall submit this information directly to the State
131 Department of Education.

132 (b) Teacher unit approval for UBPs shall be provided in
133 the same manner and time as local school districts.



134 **SECTION 3.** This act shall take effect and be in force from
135 and after July 1, 2022.

