

By: Representatives McGee, McCarty, Bennett, To: Education
Roberson, Massengill, Stamps, Carpenter

HOUSE BILL NO. 881

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 37-23-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
21 SPEECH-LANGUAGE PATHOLOGISTS, EDUCATIONAL AUDIOLOGISTS AND SPECIAL
22 AND EARLY CHILDHOOD EDUCATORS WHO MEET CERTAIN QUALIFICATIONS TO
23 SERVE AS A LEAD TEACHER IN A UNIVERSITY-BASED PROGRAM; TO REQUIRE
24 UNIVERSITY-BASED PROGRAMS TO SUBMIT REPORTS TO THE STATE
25 DEPARTMENT OF EDUCATION AT THE SAME TIME THAT SUCH REPORTS ARE
26 SUBMITTED BY LOCAL SCHOOL DISTRICTS; TO AMEND SECTION 37-23-35,
27 MISSISSIPPI CODE OF 1972, TO REQUIRE IDEA-PART B AND PRESCHOOL
28 ALLOCATIONS FOR THE EDUCATIONAL INSTRUCTION FOR PUBLIC SCHOOL
29 STUDENTS ENROLLED IN A UBP TO BE CALCULATED BY THE STATE
30 DEPARTMENT OF EDUCATION BASED ON THE NUMBER OF STUDENTS PLACED IN
31 THE UBP BY THE LOCAL PUBLIC SCHOOL DISTRICT; TO REQUIRE THE
32 DEPARTMENT TO INFORM THE LOCAL SCHOOL DISTRICT OF THE AMOUNT OF
33 FUNDS TO BE FORWARDED TO THE UBP PROVIDING THE EDUCATIONAL
34 SERVICES ON INSTRUCTION AND TRAINING; TO REQUIRE A COLLABORATIVE



35 AGREEMENT BETWEEN THE LOCAL PUBLIC SCHOOL DISTRICT AND THE UBP IF
36 THE STATE-SUPPORTED UNIVERSITY OR COLLEGE CHARGES THE SCHOOL
37 DISTRICT AN AMOUNT THAT IS IN EXCESS OF THE STATE AND FEDERAL
38 FUNDS ALLOCATED FOR EACH ENROLLED SPECIAL EDUCATION STUDENT; TO
39 REQUIRE THE DEPARTMENT TO DISTRIBUTE ALL NECESSARY STATE FUNDS
40 DIRECTLY TO THE STATE-SUPPORTED UNIVERSITY OR COLLEGE; AND FOR
41 RELATED PURPOSES.

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

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

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



64 Individualized Education Program (IEP), the right to require
65 review of their child's IEP, and the right to appeal an IEP
66 Committee decision immediately. The parent or guardian or local
67 educational agency shall have the right to audio record the
68 proceedings of individualized education program team meetings.
69 The parent or guardian or local educational agency shall notify
70 the members of the individualized education program team of his,
71 her, or its intent to audio record a meeting at least twenty-four
72 (24) hours prior to the meeting.

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

85 (c) Due to the significance of the needs of the
86 children served through the UBP, general education setting
87 requirements may not be applicable. Justification for placement



88 decisions is determined in conjunction with the LEA through each
89 child's IEP for ages three (3) to twenty-one (21).

90 (2) Any state-supported university or college conducting a
91 full-time medical teaching program acceptable to the State Board
92 of Education may, at its discretion, enter into such contracts or
93 agreements with any private school or nonprofit
94 corporation-supported institution, the Mississippi School for the
95 Deaf, or any state-supported institution, providing the special
96 education contemplated by this section for such services, provided
97 the private school or institution offering such services shall
98 have conducted a program of such services at standards acceptable
99 to the State Department of Education for a period of at least one
100 (1) year prior to the date at which the university or college
101 proposes to enter into an agreement or contract for special
102 educational services as described above.

103 **SECTION 2.** Section 37-23-33, Mississippi Code of 1972, is
104 amended as follows:

105 37-23-33. (1) Such program of education, instruction and
106 training as is provided for in Section 37-23-31 shall be furnished
107 in such manner as shall be provided by rules and regulations
108 adopted by the State Board of Education, which for such purposes
109 shall have the full power to adopt such rules, regulations,
110 policies and standards as it may deem necessary to carry out the
111 purpose of Sections 37-23-31 through 37-23-35, including the
112 establishment of qualifications * * * consistent with the



113 requirements of subsection (2) of this section for any teachers
114 employed under the provisions thereof. It is expressly provided,
115 however, that no program of education, instruction and training
116 shall be furnished except in a university or college supported by
117 the State of Mississippi and only in cases where such university
118 or college shall consent thereto and shall provide any classroom
119 space, furniture and facilities which may be deemed necessary in
120 carrying out the provisions of those sections.

121 (2) Speech-language pathologists, educational audiologists,
122 and special and early childhood educators are qualified and
123 authorized to serve as the lead teacher for children enrolled in a
124 university or college-based program through the Part C and Part B
125 eligibility and placement process. Whenever communication is a
126 primary area of concern on a child's Individualized Family Service
127 Plan (IFSP) or Individualized Education Program (IEP), a
128 speech-language pathologist or educational audiologist may serve
129 as the lead instructor with an educator serving as a related
130 service provider as necessary to meet the educational needs of the
131 child. Speech-language pathologists and educational audiologists
132 must undergo extensive college coursework in communication-based
133 disorders impacting multiple areas of development, including
134 cognition. The content of the college coursework must include
135 typical and atypical development for ages birth through death.

136 (3) The State Department of Education shall require that the
137 program of education, instruction and training be designed to



138 provide individualized appropriate special education and related
139 services that enable a child to reach his or her appropriate and
140 uniquely designed goals for success.

141 (4) A university or college-based program must submit all
142 reports and data required by the State Department of Education on
143 the same time schedule and in the same manner that same or similar
144 reports and data must be submitted to the department by local
145 educational agencies.

146 **SECTION 3.** Section 37-23-35, Mississippi Code of 1972, is
147 amended as follows:

148 37-23-35. (1) When any children who are residents of the
149 State of Mississippi and qualify under the provisions of Section
150 37-23-31, * * * are provided a program of education, instruction
151 and training within a school under the provisions of * * * Section
152 37-23-31, the State Department of Education shall allocate one (1)
153 teacher unit for each approved class. The allocation of funds for
154 each teacher unit shall be based on the teacher's certification
155 and shall be in accordance with * * * Section 37-19-7. The
156 department shall complete teacher unit approval for university or
157 college-based programs at the same time teacher units are approved
158 for local educational agencies. The university or college shall
159 be eligible for state and federal funds for such programs on the
160 same basis as local school districts. The university or college
161 shall be responsible for providing for the additional costs of the
162 program.



163 (2) IDEA-Part B and preschool allocations for each program
164 of education, instruction and training, as provided for in Section
165 37-23-31, shall be determined and calculated by the State
166 Department of Education based on the number of students placed by
167 the local public school district (LEA) in the university or
168 college-based program. The State Department of Education shall
169 inform each local public school district of the amount of such
170 funds to be forwarded to the state-supported university or
171 college. Only if the state-supported university or college
172 charges the local public school district an amount in excess of
173 the state and federal funds allocated for each special education
174 student in the local public school district, would a collaborative
175 agreement between the local public school district and the
176 state-supported university or college be required.

177 (3) All state funds, including, but not limited to,
178 transportation, extended school year and teacher unit allocations,
179 including master's salary supplement, shall be distributed by the
180 State Department of Education directly to the state-supported
181 university or college. Teacher unit allocation and funding shall
182 be based on the December 1 child count. The university-based
183 program (UBP) shall submit this information directly to the State
184 Department of Education.

185 **SECTION 4.** This act shall take effect and be in force from
186 and after July 1, 2022.

