

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

HOUSE BILL NO. 881
(As Sent to Governor)

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 PROVIDE THAT THE
14 JUSTIFICATION FOR THE PLACEMENT OF EXCEPTIONAL STUDENTS AGES 3 TO
15 21 IS DETERMINED IN CONJUNCTION WITH THE LOCAL EDUCATION AGENCY
16 THROUGH THE STUDENT'S IEP; TO AMEND SECTION 37-23-33, MISSISSIPPI
17 CODE OF 1972, TO AUTHORIZE SPEECH-LANGUAGE PATHOLOGISTS,
18 EDUCATIONAL AUDIOLOGISTS AND SPECIAL AND EARLY CHILDHOOD EDUCATORS
19 WHO MEET CERTAIN QUALIFICATIONS TO SERVE AS A LEAD TEACHER IN A
20 UNIVERSITY-BASED PROGRAM; TO REQUIRE UNIVERSITY-BASED PROGRAMS TO
21 SUBMIT REPORTS TO THE STATE DEPARTMENT OF EDUCATION AT THE SAME
22 TIME THAT SUCH REPORTS ARE SUBMITTED BY LOCAL EDUCATION AGENCIES;
23 TO AMEND SECTION 37-23-35, MISSISSIPPI CODE OF 1972, TO REQUIRE
24 IDEA-PART B AND PRESCHOOL ALLOCATIONS FOR EACH LOCAL EDUCATION
25 AGENCY TO BE CALCULATED BY THE STATE DEPARTMENT OF EDUCATION; TO
26 REQUIRE A COLLABORATIVE AGREEMENT BETWEEN THE LOCAL EDUCATION
27 AGENCY AND THE UBP; TO REQUIRE THE DEPARTMENT TO DISTRIBUTE ALL
28 NECESSARY STATE FUNDS DIRECTLY TO THE STATE-SUPPORTED UNIVERSITY
29 OR COLLEGE; AND FOR RELATED PURPOSES.

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



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

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



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

62 (b) Instructors, including speech-language
63 pathologists, educational audiologists and special and early
64 childhood educators are qualified and empowered to serve as the
65 lead teacher for children enrolled within the state-supported
66 university's or college's university-based program (UBP) through
67 the IDEA-Part C and IDEA-Part B eligibility and placement process
68 upon completing instructional licensure requirements for the
69 purposes of funding MAEP special education teacher units.

70 (c) Due to the significance of the needs of the
71 children served through the UBP, general education setting
72 requirements may not be applicable as the least restrictive
73 environment. Students enrolled in a UBP by a LEA shall meet all
74 state educational requirements, including participation in
75 statewide assessments. Justification for placement decisions is
76 determined in conjunction with the LEA through each child's IEP
77 for ages three (3) to twenty-one (21). The UBP shall submit to
78 the local education agency and the parents of the student in the
79 program a progress report each semester on all IEP goals and



80 objectives. The UBP and local education agency shall confer
81 annually to develop the IEP for each student enrolled in the UBP.

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

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

97 37-23-33. (1) Such program of education, instruction and
98 training as is provided for in Section 37-23-31 shall be furnished
99 in such manner as shall be provided by rules and regulations
100 adopted by the State Board of Education, which for such purposes
101 shall have the full power to adopt such rules, regulations,
102 policies and standards as it may deem necessary to carry out the
103 purpose of Sections 37-23-31 through 37-23-35, including the
104 establishment of qualifications * * * consistent with the



105 requirements of subsection (2) of this section for any teachers
106 employed under the provisions thereof. It is expressly provided,
107 however, that no program of education, instruction and training
108 shall be furnished except in a university or college supported by
109 the State of Mississippi and only in cases where such university
110 or college shall consent thereto and shall provide any classroom
111 space, furniture and facilities which may be deemed necessary in
112 carrying out the provisions of those sections.

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



130 must meet all instructional licensure requirements as set forth by
131 the State Department of Education for the purpose of funding MAEP
132 special education teacher units.

133 (3) The State Department of Education through its general
134 supervision responsibilities set forth by the Office of Special
135 Education Programs at the United States Department of Education,
136 shall require that the program of education, instruction and
137 training be designed to provide individualized appropriate special
138 education and related services that enable a child to reach his or
139 her appropriate and uniquely designed goals for success.

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

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

147 37-23-35. (1) When any children who are residents of the
148 State of Mississippi and qualify under the provisions of Section
149 37-23-31, * * * are provided a program of education, instruction
150 and training within a school under the provisions of * * * Section
151 37-23-31, the State Department of Education shall allocate one (1)
152 teacher unit for each approved class. The allocation of funds for
153 each teacher unit shall be based on the teacher's certification
154 and shall be in accordance with * * * Section 37-19-7. The



155 department shall complete provisional teacher unit approval for
156 university or college-based programs at the same time teacher
157 units are approved for local educational agencies. The university
158 or college shall be eligible for state and federal funds for such
159 programs * * * in accordance with IDEA. The university or college
160 shall be responsible for providing for the additional costs of the
161 program.

162 (2) IDEA-Part B and preschool allocations for each LEA shall
163 be determined and calculated by the State Department of Education
164 with notification provided to the UBP of the total amount of funds
165 being distributed to the LEA. The LEA and UBP shall enter into a
166 collaborative agreement that describes the services provided and
167 the funds required for such services.

168 (3) State funds for transportation, extended school year and
169 teacher unit allocations, including National Board
170 Certification/Speech-Language Pathology Supplements, shall be
171 distributed by the State Department of Education directly to the
172 state-supported university or college for students placed either
173 through the Individualized Education Program (IEP) process or who
174 are parentally placed. The university-based program (UBP) shall
175 submit this information directly to the State Department of
176 Education.

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

