

By: Representative Bennett

To: Education;
Appropriations

HOUSE BILL NO. 1175

1 AN ACT TO AMEND SECTION 37-151-81, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE PERCENTAGE OF FUNDS ALLOTTED FOR APPROVED PROGRAMS
3 FOR EXCEPTIONAL CHILDREN TO COVER 100% OF THE VALUE OF THE COST OF
4 THE PROGRAM FOR TEACHER UNITS FOR PRESCHOOL EXCEPTIONAL CHILDREN;
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-151-81, Mississippi Code of 1972, is
8 amended as follows:

9 37-151-81. (1) In addition to other funds provided for in
10 this chapter, there shall be added to the allotment for each
11 school district for each teacher employed in a State Department of
12 Education approved program for exceptional children as defined in
13 Section 37-23-3, * * * the value of one hundred percent (100%) of
14 the adequate education program salary schedule prescribed in
15 Section 37-19-7 * * * based on the type of certificate and number
16 of years' teaching experience held by each approved special
17 education teacher plus one hundred percent (100%) of the
18 applicable employer's rate for social security and state



19 retirement, * * * and one hundred percent (100%) of the value will
20 be added for the program for * * * preschool exceptional children.

21 (2) In addition to the allowances provided above, for each
22 handicapped child who is being educated by a public school
23 district or is placed in accord with Section 37-23-77, Mississippi
24 Code of 1972, and whose individualized educational program (IEP)
25 requires an extended school year in accord with the State
26 Department of Education criteria, a sufficient amount of funds
27 shall be allocated for the purpose of providing the educational
28 services the student requires. The State Board of Education shall
29 promulgate such regulations as are required to insure the
30 equitable distribution of these funds. All costs for the extended
31 school year for a particular summer shall be reimbursed from funds
32 appropriated for the fiscal year beginning July 1 of that summer.
33 If sufficient funds are not made available to finance all of the
34 required educational services, the State Department of Education
35 shall expend available funds in such a manner that it does not
36 limit the availability of appropriate education to handicapped
37 students more severely than it does to nonhandicapped students.

38 (3) The State Department of Education is hereby authorized
39 to match adequate education program and other funds allocated for
40 provision of services to handicapped children with Division of
41 Medicaid funds to provide language-speech services, physical
42 therapy and occupational therapy to handicapped students who meet
43 State Department of Education or Division of Medicaid standards



44 and who are Medicaid eligible. Provided further, that the State
45 Department of Education is authorized to pay such funds as may be
46 required as a match directly to the Division of Medicaid pursuant
47 to an agreement to be developed between the State Department of
48 Education and the Division of Medicaid.

49 (4) In addition to other funds provided for in this chapter,
50 there shall be added to the allotment for each school district for
51 each teacher employed in a State Department of Education approved
52 program for gifted education as defined in Sections 37-23-173
53 through 37-23-181, Mississippi Code of 1972, the value of one
54 hundred percent (100%) of the adequate education program salary
55 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,
56 based on the type of certificate and number of years' teaching
57 experience held by each approved gifted education teacher plus one
58 hundred percent (100%) of the applicable employer's rate for
59 social security and state retirement.

60 (5) When any children who are residents of the State of
61 Mississippi and qualify under the provisions of Section 37-23-31,
62 Mississippi Code of 1972, shall be provided a program of
63 education, instruction and training within a school under the
64 provisions of said section, the State Department of Education
65 shall allocate the value of one hundred percent (100%) of the
66 adequate education program salary schedule prescribed in Section
67 37-19-7, Mississippi Code of 1972, for each approved program based
68 on the type of certificate and number of years' teaching



69 experience held by each approved teacher plus one hundred percent
70 (100%) of the applicable employer's rate for social security and
71 state retirement. The university or college shall be eligible for
72 state and federal funds for such programs on the same basis as
73 local school districts. The university or college shall be
74 responsible for providing for the additional costs of the program.

75 (6) In addition to the allotments provided above, a school
76 district may provide a program of education and instruction to
77 children ages five (5) years through twenty-one (21) years, who
78 are resident citizens of the State of Mississippi, who cannot have
79 their educational needs met in a regular public school program and
80 who have not finished or graduated from high school, if those
81 children are determined by competent medical authorities and
82 psychologists to need placement in a state licensed facility for
83 inpatient treatment, day treatment or residential treatment or a
84 therapeutic group home. Such program shall operate under rules,
85 regulations, policies and standards of school districts as
86 determined by the State Board of Education. If a private school
87 approved by the State Board of Education is operated as an
88 integral part of the state licensed facility that provides for the
89 treatment of such children, the private school within the facility
90 may provide a program of education, instruction and training to
91 such children by requesting the State Department of Education to
92 allocate one (1) teacher unit or a portion of a teacher unit for



93 each approved class. The facility shall be responsible for
94 providing any additional costs of the program.

95 Such funds will be allotted based on the type of certificate
96 and number of years' teaching experience held by each approved
97 teacher. Such children shall not be counted in average daily
98 attendance when determining regular teacher unit allocation.

99 **SECTION 2.** This act shall take effect and be in force from
100 and after July 1, 2023.

