

By: Representative McCarty

To: Education

HOUSE BILL NO. 1670

1 AN ACT TO AMEND SECTION 37-151-81, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE CLASSIFICATION OF EXCEPTIONAL CHILDREN IN PRESCHOOL
3 FOR REPORTING AND PURPOSES OF FUNDING TEACHER UNITS BY REMOVING
4 THE REFERENCE TO THOSE CHILDREN'S AGES UNDER MAEP; AND FOR RELATED
5 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, Mississippi Code of 1972, the value of one
14 hundred percent (100%) of the adequate education program salary
15 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,
16 based on the type of certificate and number of years' teaching
17 experience held by each approved special education teacher plus
18 one hundred percent (100%) of the applicable employer's rate for
19 social security and state retirement, except that only seventy



20 percent (70%) of the value will be added for the program for * * *
21 preschool exceptional children.

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

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



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

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

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



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

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



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

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

100 **SECTION 2.** This act shall take effect and be in force from
101 and after July 1, 2024.

