

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2246

1 AN ACT TO AMEND SECTION 37-151-81, MISSISSIPPI CODE OF 1972,  
2 TO MAKE A TECHNICAL CHANGE TO THE PROVISIONS THAT ESTABLISH THE  
3 PRESCHOOL REPORTING REQUIREMENT FOR SPECIAL EDUCATION STUDENTS TO  
4 ENSURE THE REPORTING OF ALL AGES OF PRESCHOOL CHILDREN; AND FOR  
5 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, 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.

