

**OFFICE OF CHIEF ACADEMIC OFFICER**  
**Summary of State Board of Education Agenda Items**  
**Consent Agenda**  
**April 19, 2023**

**OFFICE OF SPECIAL EDUCATION**

- E. Approval to revise Miss. Admin. Code 7-3: 48.1, State Board Policy Chapter 48, Rule 48.1 – Section 504 Teacher Units  
(Has cleared the Administrative Procedures Act process without public comments)

Background Information: To revise Miss. Admin. Code 7:3: 48.1, State Board Policy Chapter 48, Rule 48.1 – Section 504 Teacher Units in accordance with the compliance monitoring report issued by MDE’s Bureau of Internal Audit.

The revision removes the process for a School District applying for Section 504 Teacher Units since they already receive those through Mississippi Adequate Education Program (MAEP) teacher allocations.

The public comment period was open from February 17, 2023, through 5:00 p.m. March 20, 2023. The MDE received no public comments.

Recommendation: Approval

Back-up material attached

*Rule 48.1 Section 504 Teacher Units.*

1. Children counted for the allocation and approval of a teacher unit(s) must meet the following criteria:
  - a. Documented birth date verifying age of five (5) through twenty-one (21) years,
  - b. Indication of being a resident citizen of the State of Mississippi,
  - c. Cannot have their educational needs met in the regular public school programs,
  - d. Have not finished or graduated from high school,
  - e. Determined by competent medical authorities and psychologists to need placement in a state licensed facility as designated below,
  - f. Cannot be counted in average daily attendance when determining the regular teacher unit allocation, and
  - g. Are not eligible for special education as defined under Part B of the Individuals with Disabilities Education Act and in state regulations.

Documentation of numbers a-g above must be maintained on file for each child served by an approved state funded teacher and be available upon request by the MDE.

2. State Licensed Facility

A state licensed facility is a private facility which has been granted a license by a state agency within the state of Mississippi and is located within the state. The facility is licensed for inpatient treatment, day treatment, residential treatment, or as a group therapeutic home.

3. Teacher Units Approved for a State Licensed Facility

- a. A private school providing an instructional education program which is operated as an integral part of a state licensed facility may request funding for teacher units. Such an educational program must meet the standards for a special purpose, nonpublic school and be approved by the SBE prior to the allocation and approval of a teacher unit. The facility shall be responsible for providing for any additional costs of the program beyond a teacher unit(s).
- b. The administrative head of the facility is responsible for verifying the criteria is met for each child served by an approved teacher as outlined above under the heading Criteria for Children Served. Also, documentation which verifies all criteria are met for each child must be on file for review upon request by the MDE. An assurance from the administrative head of the facility indicating criteria for each child served has been verified for correctness and documentation of such is maintained on file must be forwarded to the MDE when the teacher unit is requested for approval.

- c. A copy of the facility's current state license must be submitted to the MDE when requesting an allocation for a teacher unit.
- d. The administrator of the facility must submit Teacher Allocation data in accordance with the requirements of the Office of Special Education. Teacher units will be allocated based on the teacher certificate requirements of special purpose, nonpublic schools under the Office of Accreditation and each teacher being responsible for the educational instruction of a minimum of ten (10) children. The Maximum number of children served per teacher is fourteen (14). Any request for a teacher to serve fewer than ten (10) or more than fourteen (14) children must be made in writing to the Office of Special Education. Approval will be based on the schedule of the teacher and instructional needs of the children, including the number of beds allocated to the facility and the average length of stay for each child. All exemptions of the minimum and maximum number of children served by a teacher will be reviewed and approved by the Deputy Superintendent of Education.
- e. Requests for approval of teacher units will be made in accordance with the requirements of the MDE Personnel Report. Adequate Education program funds will be allocated based on the type of teaching certificate and number of years teaching experience held by each teacher. Also, the number of days employed during the regular school year to provide educational instruction and the amount of instructional time based on the schedule of each teacher will be used to calculate the amount of funds for the teacher unit.
- f. The administrative head of the facility is responsible for ensuring a teacher approved for a teacher unit will be paid a minimum salary for class of license and years of experience based on the salary scale and salary schedule requirements in Miss. Code Ann. §37-19-7.
- g. Teacher units will be allocated and approved for the regular school session. The number of days the facility will provide a regular school session must be in accordance with the MDE's regulations. The calendar dates of the beginning and ending of the regular school session must be submitted to the Office of Special Education when requesting an allocation for a teacher unit.

Source: *Miss. Code Ann. § 37-1-3; § 37-19-7 (Revised 09/2022); (Revised 04/2023)*