

Chapter 74: Special Education

Rule 74.10 Special Grant Selection Criteria. If during the school year a special education class exceeds the maximum enrollment according to the regulations in the Referral to Placement Handbook, Part II, a request for an exemption will be submitted to the State Department of Education. The maximum class enrollment for each type of special education program is as follows:

Resource Program	18
Self-Contained Program	14
Home/Hospital Program	8
Language/Speech Program	60
Preschool (ages 3-5) Home-Based Program	16
Preschool Community-Based Program	16
Preschool Combination of Home-Based and Community-Based Program	16
Preschool School-Based, Full-Day Program	14
Preschool School-Based, Single Half-Day Program	14
Preschool School-Based, Two Half-Day Programs	24

1. The request will describe the situation and provide justification as to why the exemption should be approved to include at a minimum the following:
 - a. the number of special education teachers in that school who serve students with disabilities, the enrollment of each teacher; and why appropriate services cannot be provided by one of those teachers in that school,
 - b. a clear description of why an additional class cannot be added to take care of the overload,
 - c. whether there is a school reasonably close by to which the children over the maximum could be transferred, and
 - d. other emergency, hardship, or special situations which justify the exemption.
2. State Department of Education staff (Exemptions Committee) will review the request for exemption and make a recommendation to the State Board as to whether it should be granted.
3. The State Board will consider requests at its monthly meetings.
4. A school district may appeal the denial of an exemption by requesting to appear before the State Board at its next meeting.
5. The State Board's decision on an appeal is final.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/1993)*