



MISSISSIPPI DEPARTMENT OF EDUCATION

Lance Evans, Ed.D.
State Superintendent

Dear Members of the Mississippi Legislature:

The Mississippi Department of Education (MDE) respectfully requests clarification regarding the legislative intent associated with the \$2,000 salary supplement, plus applicable fringe benefits, authorized for special education teachers under Senate Bill 2103, Regular Session 2026.

The legislation provides, in relevant part:

“Any licensed special education teacher employed by a school district on a full-time basis and specifically providing special education instruction to the population of exceptional students so entitled to such instruction as required in Chapter 23, Title 37, Mississippi Code of 1972, and in compliance with IDEA.”

Based upon the plain language of the statute, the MDE interprets eligibility to apply to licensed special education teachers who:

- Are employed by a school district on a full-time basis;
- Hold appropriate licensure in special education; and
- Provide direct instructional services exclusively to IDEA-eligible students through special education instructional courses or classrooms.

Under this interpretation, the total number of eligible personnel statewide is estimated at 4,088 full-time special education teachers.

However, questions have arisen during implementation regarding whether the Legislature intended for certain speech-language professionals to be included within the scope of eligibility. Specifically, the MDE requests clarification as to whether full-time speech-language professionals serving IDEA-eligible students exclusively, with no additional duties, should be included as eligible recipients of the supplement.

Speech and language impairments may constitute a primary disability category under IDEA, and these professionals provide direct educational and instructional services related to language development and communication access for students with disabilities.

The inclusion of qualifying speech-language pathologists professionals would add an additional 211 educational providers, resulting in a total eligible population of approximately 4,299 employees consisting of:

- 4,088 full-time special education teachers; and
- 211 full-time speech-language professionals serving IDEA-eligible students exclusively.

This count excludes speech-language professionals and full-time licensed special education teachers who already receive salary supplements under National Board Certification provisions. These individuals are excluded in accordance with Mississippi Attorney General Opinion No. 2014-00157, which states:

“The salary supplement for an employee who meets the qualifications of more than one subcategory of salary supplements under Miss. Code Ann. Section 37-19-7(2)(a) is limited to six thousand dollars (\$6,000) per year. Payment of two salary supplements to one employee would be an unlawful donation in violation of Mississippi Constitution Article IV, Sections 66.”

The Legislature appropriated a total of \$14,608,209 for this supplement, which the MDE believes is sufficient to support either implementation approach currently under consideration.

Accordingly, the Department respectfully requests clarification from the Legislature regarding which of the following interpretations reflects the legislative intent at the time of appropriation:

- Funding only the 4,088 full-time licensed special education teachers providing direct special education instruction; or
- Funding the broader group of 4,299 eligible personnel, consisting of both full-time licensed special education teachers and qualifying full-time speech-language professionals serving IDEA-eligible students exclusively.

Because the implementation of this supplement carries statewide fiscal, operational, and equity implications for school districts and personnel, additional legislative guidance will assist the MDE in ensuring consistent statewide administration and faithful implementation of legislative intent.

We appreciate the Legislature’s continued commitment to supporting Mississippi educators and students with disabilities and respectfully request any clarification or direction the Legislature may wish to provide.

Sincerely,

A handwritten signature in blue ink that reads "Lance Evans". The signature is fluid and cursive, with the first name "Lance" being more prominent than the last name "Evans".

Lance Evans, Ed.D.
State Superintendent of Education