

By: Representatives McCoy, Frierson, Scott
(17th), Manning, Franks, Morris, Coleman
(65th), Rogers, McBride, Barnett (92nd),
Moss, Smith (35th), Vince, McInnis, Chaney,
Holden, Cummings, King, Livingston, Eaton,
Davis, Weathersby, Warren, Stringer, Miles,
Read, Peranich

To: Education;
Appropriations

HOUSE BILL NO. 471
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF PUBLIC SCHOOL TEACHERS TO REQUIRE THE
3 PAYMENT OF AN ANNUAL SALARY SUPPLEMENT AND A ONE-TIME PROCESS
4 REIMBURSEMENT TO SCHOOL DISTRICT COUNSELORS ACQUIRING THE NATIONAL
5 BOARD FOR CERTIFIED COUNSELORS' ENDORSEMENT AS A NATIONAL
6 CERTIFIED SCHOOL COUNSELOR AND TO SPEECH-LANGUAGE PATHOLOGISTS AND
7 AUDIOLOGISTS ACQUIRING THE CERTIFICATE OF CLINICAL COMPETENCE FROM
8 THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION, TO PROVIDE THAT
9 THE STATE DEPARTMENT OF EDUCATION SHALL PAY FRINGE BENEFITS ON THE
10 SALARY SUPPLEMENTS AWARDED UNDER THIS STATUTE, TO AUTHORIZE LOCAL
11 SCHOOL DISTRICTS OR ANY PRIVATE ENTITY TO PAY THE PROCESS COST FOR
12 ACQUIRING SUCH NATIONAL BOARD CERTIFICATION WHICH SHALL BE
13 REIMBURSED BY THE STATE DEPARTMENT OF EDUCATION, TO CLARIFY THE
14 ELIGIBILITY DATE FOR SUCH SALARY SUPPLEMENTS; TO AMEND SECTION
15 37-19-21, MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM
16 PROGRAM ALLOTMENT FOR SUPPORTIVE SERVICES; TO AMEND SECTION
17 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF
18 ASSISTANT TEACHERS; TO CODIFY SECTION 37-19-24, MISSISSIPPI CODE
19 OF 1972, TO PROVIDE AN ALLOTMENT OF MINIMUM PROGRAM FUNDS TO FUND
20 THE LOCAL COST OF TEACHER SALARY INCREASES; AND FOR RELATED
21 PURPOSES.

22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

23 SECTION 1. Section 37-19-7, Mississippi Code of 1972, is
24 amended as follows:

25 37-19-7. (1) The allowance in the minimum education program
26 for teachers' salaries in each county and separate school district
27 shall be determined and paid in accordance with the scale for
28 teachers' salaries as provided in this subsection for the number
29 of teachers employed not in excess of the number of teacher units
30 allotted. For teachers holding the following types of licenses or
31 the equivalent as determined by the State Board of Education, and
32 the following number of years of teaching experience, the scale
33 shall be as follows:

34 **1999-2000 School Year**

35 **and School Years Thereafter**

36 **Less Than 25 Years of Teaching Experience**

37	AAAA.....	\$25,790.00
38	AAA.....	24,940.00
39	AA.....	24,090.00
40	A.....	23,040.00

25 or More Years of Teaching Experience

42	AAAA.....	\$26,790.00
43	AAA.....	25,940.00
44	AA.....	25,090.00
45	A.....	24,040.00

46 It is the intent of the Legislature that any state funds made
47 available for salaries of licensed personnel in excess of the
48 funds paid for such salaries for the 1986-1987 school year shall
49 be paid to licensed personnel pursuant to a personnel appraisal
50 and compensation system implemented by the State Board of
51 Education. The State Board of Education shall have the authority
52 to adopt and amend rules and regulations as are necessary to
53 establish, administer and maintain the system.

54 All teachers employed on a full-time basis shall be paid a
55 minimum salary in accordance with the above scale. However, no
56 school district shall receive any funds under this section for any
57 school year during which the local supplement paid to any
58 individual teacher shall have been reduced to a sum less than that
59 paid to that individual teacher for performing the same duties
60 from local supplement during the immediately preceding school
61 year. The amount actually spent for the purposes of group health
62 and/or life insurance shall be considered as a part of the
63 aggregate amount of local supplement but shall not be considered
64 a part of the amount of individual local supplement.

65 For teachers holding a Class AAAA license, the minimum base
66 pay specified in this subsection shall be increased by the sum of
67 Six Hundred Sixty Dollars (\$660.00) for each year of teaching
68 experience possessed by the person holding such license until such
69 person shall have twenty-five (25) years of teaching experience.

70 For teachers holding a Class AAA license, the minimum base

71 pay specified in this subsection shall be increased by the sum of
72 Five Hundred Ninety-five Dollars (\$595.00) for each year of
73 teaching experience possessed by the person holding such license
74 until such person shall have twenty-five (25) years of teaching
75 experience.

76 For teachers holding a Class AA license, the minimum base pay
77 specified in this subsection shall be increased by the sum of Five
78 Hundred Thirty Dollars (\$530.00) for each year of teaching
79 experience possessed by the person holding such license until such
80 person shall have twenty-five (25) years of teaching experience.

81 For teachers holding a Class A license, the minimum base pay
82 specified in this subsection shall be increased by the sum of Four
83 Hundred Thirty-five Dollars (\$435.00) for each year of teaching
84 experience possessed by the person holding such license until such
85 person shall have twenty-one (21) years of teaching experience.

86 The level of professional training of each teacher to be used
87 in establishing the salary allotment for the teachers for each
88 year shall be determined by the type of valid teacher's license
89 issued to those teachers on or before October 1 of the current
90 school year.

91 (2) (a) The following employees shall receive an annual
92 salary supplement in the amount of Six Thousand Dollars
93 (\$6,000.00), plus fringe benefits, in addition to any other
94 compensation to which the employee may be entitled:

95 (i) * * * Any licensed teacher who has met the
96 requirements and acquired a Master Teacher certificate from the
97 National Board for Professional Teaching Standards and who is
98 employed by a local school board or the State Board of Education
99 as a teacher and not as an administrator * * *. * * * In the
100 1999-2000 and 2000-2001 school year, such teacher shall submit
101 documentation to the State Department of Education that the
102 certificate was received prior to April 15 in order to be eligible
103 for the full salary supplement in the current school year. In the
104 2001-2002 school year and in school years thereafter, such teacher

105 shall submit documentation to the State Department of Education
106 that the certificate was received prior to October 15 in order to
107 be eligible for the full salary supplement in the current school
108 year, or the teacher shall submit such documentation to the State
109 Department of Education prior to February 15 in order to be
110 eligible for a prorated salary supplement beginning with the
111 second term of the school year.

112 (ii) From and after July 1, 1999, any licensed
113 school counselor who has met the requirements and acquired a
114 National Certified School Counselor (NCSC) endorsement from the
115 National Board of Certified Counselors and who is employed by a
116 local school board or the State Board of Education as a counselor
117 and not as an administrator. Such licensed school counselor
118 shall submit documentation to the State Department of Education
119 that the endorsement was received prior to October 15 in order to
120 be eligible for the full salary supplement in the current school
121 year, or the licensed school counselor shall submit such
122 documentation to the State Department of Education prior to
123 February 15 in order to be eligible for a prorated salary
124 supplement beginning with the second term of the school year.
125 However, the salary supplement authorized under this item shall be
126 discontinued two (2) years after the date on which the National
127 Board for Professional Teaching Standards offers a certification
128 process for a Master Teacher certificate for school counselors,
129 and any school counselor receiving the salary supplement will be
130 required to complete the Master Teacher certificate process under
131 item (i) of this paragraph in order to continue receiving such
132 salary supplement.

133 (iii) From and after July 1, 1999, any licensed
134 speech-language pathologist and audiologist who has met the
135 requirements and acquired a Certificate of Clinical Competence
136 from the American Speech-Language-Hearing Association and who is
137 employed by a local school board. Such licensed speech-language
138 pathologist and audiologist shall submit documentation to the

139 State Department of Education that the certificate or endorsement
140 was received prior to October 15 in order to be eligible for the
141 full salary supplement in the current school year, or the licensed
142 speech-language pathologist and audiologist shall submit such
143 documentation to the State Department of Education prior to
144 February 15 in order to be eligible for a prorated salary
145 supplement beginning with the second term of the school year.
146 However, the salary supplement authorized under this item shall be
147 discontinued two (2) years after the date on which the National
148 Board for Professional Teaching Standards offers a certification
149 process for a Master Teacher certificate for school speech
150 pathologists and audiologists, and any school speech pathologist
151 and audiologist receiving the salary supplement will be required
152 to complete the Master Teacher certificate process under item (i)
153 of this paragraph in order to continue receiving such salary
154 supplement.

155 (b) An employee shall be reimbursed one (1) time for
156 the actual cost of completing the process of acquiring the
157 certificate or endorsement, excluding any costs incurred for
158 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
159 for a school counselor or speech-language pathologist and
160 audiologist, regardless of whether or not the process resulted in
161 the award of the certificate or endorsement. A local school
162 district or any private individual or entity may pay the cost of
163 completing the process of acquiring the certificate or endorsement
164 for any employee of the school district described under paragraph
165 (a), and the State Department of Education shall reimburse the
166 school district for such cost, regardless of whether or not the
167 process resulted in the award of the certificate or endorsement.
168 If a private individual or entity has paid the cost of completing
169 the process of acquiring the certificate or endorsement for an
170 employee, the local school district may agree to directly
171 reimburse the individual or entity for such cost on behalf of the
172 employee.

173 (c) All salary supplements, fringe benefits and process
174 reimbursement authorized under this subsection shall be paid
175 directly by the State Department of Education to the local school
176 district and shall be in addition to its minimum education program
177 allotments and not a part thereof in accordance with regulations
178 promulgated by the State Board of Education, and subject to
179 appropriation by the Legislature. Local school districts shall
180 not reduce the local supplement paid to any employee receiving
181 such salary supplement, and the employee shall receive any local
182 supplement to which employees with similar training and experience
183 otherwise are entitled.

184 (d) The State Department of Education may not pay any
185 process reimbursement to a school district for an employee who
186 does not complete the certification or endorsement process
187 required to be eligible for the certificate or endorsement. If an
188 employee for whom such cost has been paid in full or in part by a
189 local school district or private individual or entity fails to
190 complete the certification or endorsement process, the employee
191 shall be liable to the school district or individual or entity for
192 all amounts paid by the school district or individual or entity on
193 behalf of that employee toward his or her certificate or
194 endorsement.

195 SECTION 2. Section 37-19-21, Mississippi Code of 1972, is
196 amended as follows:

197 37-19-21. In addition to other funds allowed in this
198 chapter, each school district shall be allotted Four Thousand Nine
199 Hundred Sixty-three Dollars (\$4,963.00) annually per teacher unit
200 for use in supportive services.

201 This section shall be repealed on July 1, 2002.

202 SECTION 3. Section 37-21-7, Mississippi Code of 1972, is
203 amended as follows:

204 **[Until July 1, 2002, this section will read as follows:]**

205 37-21-7. (1) This section shall be referred to as the
206 "Mississippi Elementary Schools Assistant Teacher Program," the

207 purpose of which shall be to provide an early childhood education
208 program that assists in the instruction of basic skills. The
209 State Board of Education is authorized, empowered and directed to
210 implement a statewide system of assistant teachers in kindergarten
211 classes and in the first, second and third grades. The assistant
212 teacher shall assist pupils in actual instruction under the strict
213 supervision of a licensed teacher.

214 (2) (a) Each school district shall employ the total number
215 of assistant teachers funded under subsection (6) of this
216 section. The superintendent of each district shall assign the
217 assistant teachers to the kindergarten, first-, second- and
218 third-grade classes in the district in a manner that will promote
219 the maximum efficiency, as determined by the superintendent, in
220 the instruction of skills such as verbal and linguistic skills,
221 logical and mathematical skills, and social skills.

222 (b) If a licensed teacher to whom an assistant teacher
223 has been assigned is required to be absent from the classroom, the
224 assistant teacher may assume responsibility for the classroom in
225 lieu of a substitute teacher. However, no assistant teacher shall
226 assume sole responsibility of the classroom for more than three

227 (3) consecutive school days. Further, in no event shall any
228 assistant teacher be assigned to serve as a substitute teacher for
229 any teacher other than the licensed teacher to whom that assistant
230 teacher has been assigned.

231 (3) Assistant teachers shall have, at a minimum, a high
232 school diploma and shall show demonstratable proficiency in
233 reading and writing skills. The State Department of Education
234 shall develop a testing procedure for assistant teacher applicants
235 to be used in all school districts in the state.

236 (4) (a) In order to receive funding, each school district
237 shall:

238 (i) Submit a plan on the implementation of a
239 reading improvement program to the State Department of Education;

240 and

241 (ii) Develop a plan of educational accountability
242 and assessment of performance, including pretests and posttests,
243 for reading in Grades 1 through 6.

244 (b) Additionally, each school district shall:

245 (i) Provide annually a mandatory preservice
246 orientation session, using an existing in-school service day, for
247 administrators and teachers on the effective use of assistant
248 teachers as part of a team in the classroom setting and on the
249 role of assistant teachers, with emphasis on program goals;

250 (ii) Hold periodic workshops for administrators
251 and teachers on the effective use and supervision of assistant
252 teachers;

253 (iii) Provide training annually on specific
254 instructional skills for assistant teachers;

255 (iv) Annually evaluate their program in accordance
256 with their educational accountability and assessment of
257 performance plan; and

258 (v) Designate the necessary personnel to supervise
259 and report on their program.

260 (5) The State Department of Education shall:

261 (a) Develop and assist in the implementation of a
262 statewide uniform training module, subject to the availability of
263 funds specifically appropriated therefor by the Legislature, which
264 shall be used in all school districts for training administrators,
265 teachers and assistant teachers. The module shall provide for the
266 consolidated training of each assistant teacher and teacher to
267 whom the assistant teacher is assigned, working together as a
268 team, and shall require further periodical training for
269 administrators, teachers and assistant teachers regarding the role
270 of assistant teachers;

271 (b) Annually evaluate the program on the district and
272 state level. Subject to the availability of funds specifically
273 appropriated therefor by the Legislature, the department shall
274 develop: (i) uniform evaluation reports, to be performed by the

275 principal or assistant principal, to collect data for the annual
276 overall program evaluation conducted by the department; or (ii) a
277 program evaluation model that, at a minimum, addresses process
278 evaluation; and

279 (c) Promulgate rules, regulations and such other
280 standards deemed necessary to effectuate the purposes of this
281 section. Noncompliance with the provisions of this section and
282 any rules, regulations or standards adopted by the department may
283 result in a violation of compulsory accreditation standards as
284 established by the State Board of Education and Commission on
285 School Accreditation.

286 (6) In addition to other funds allotted under the Minimum
287 Education Program, each school district shall be allotted Nine
288 Thousand One Hundred Fifteen Dollars (\$9,115.00) per teacher unit
289 as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for the
290 purpose of employing an assistant teacher. Assistant teachers
291 shall be paid a minimum annual salary of Nine Thousand One Hundred
292 Fifteen Dollars (\$9,115.00). However, no assistant teacher shall
293 be paid less than the amount he or she received in the prior
294 school year. In the 1995-1996 school year and school years
295 thereafter, no school district shall receive any funds under this
296 section for any school year during which the aggregate amount of
297 the local contribution to the salaries of assistant teachers by
298 the district shall have been reduced below such amount for the
299 previous year. The assistant teachers shall not be restricted to
300 working only in the grades for which the funds were allotted, but
301 may be assigned to other classes as provided in subsection (2)(a)
302 of this section.

303 (7) (a) As an alternative to employing assistant teachers,
304 the State Board of Education may authorize any school district
305 meeting Level 3, 4 or 5 accreditation requirements to use the
306 minimum program allotment provided under subsection (6) of this
307 section for the purpose of employing licensed teachers for
308 kindergarten, first-, second- and third-grade classes; however, no

309 school district shall be authorized to use the minimum program
310 allotment for assistant teachers for the purpose of employing
311 licensed teachers unless the district has established that the
312 employment of licensed teachers using such funds will reduce the
313 teacher:student ratio in the kindergarten, first-, second- and
314 third-grade classes. All minimum program funds for assistant
315 teachers shall be applied to reducing teacher:student ratio in
316 Grades K-3.

317 It is the intent of the Legislature that no school district
318 shall dismiss any assistant teacher for the purpose of using the
319 minimum program assistant teacher allotment to employ licensed
320 teachers. School districts may rely only upon normal attrition to
321 reduce the number of assistant teachers employed in that district.

322 (b) In the event any school district meets Level 4 or 5
323 accreditation requirements, the State Board of Education, in its
324 discretion, may exempt such school district from any accreditation
325 requirements for the district's early childhood education program
326 or reading improvement program.

327 **[From and after July 1, 2002, this section reads as follows:]**

328 37-21-7. (1) This section shall be referred to as the
329 "Mississippi Elementary Schools Assistant Teacher Program," the
330 purpose of which shall be to provide an early childhood education
331 program that assists in the instruction of basic skills. The
332 State Board of Education is authorized, empowered and directed to
333 implement a statewide system of assistant teachers in kindergarten
334 classes and in the first, second and third grades. The assistant
335 teacher shall assist pupils in actual instruction under the strict
336 supervision of a certified teacher.

337 (2) (a) Each school district shall employ the total number
338 of assistant teachers funded under subsection (6) of this section.
339 The superintendent of each district shall assign the assistant
340 teachers to the kindergarten, first-, second- and third-grade
341 classes in the district in a manner that will promote the maximum
342 efficiency, as determined by the superintendent, in the

343 instruction of skills such as verbal and linguistic skills,
344 logical and mathematical skills, and social skills.

345 (b) If a certified teacher to whom an assistant teacher
346 has been assigned is required to be absent from the classroom, the
347 assistant teacher may assume responsibility for the classroom in
348 lieu of a substitute teacher. However, no assistant teacher shall
349 assume sole responsibility of the classroom for more than three
350 (3) consecutive school days. Further, in no event shall any
351 assistant teacher be assigned to serve as a substitute teacher for
352 any teacher other than the certified teacher to whom that
353 assistant teacher has been assigned.

354 (3) Assistant teachers shall have, at a minimum, a high
355 school diploma or a GED equivalent, and shall show demonstratable
356 proficiency in reading and writing skills. The State Department
357 of Education shall develop a testing procedure for assistant
358 teacher applicants to be used in all school districts in the
359 state.

360 (4) (a) In order to receive funding, each school district
361 shall:

362 (i) Submit a plan on the implementation of a
363 reading improvement program to the State Department of Education;
364 and

365 (ii) Develop a plan of educational accountability
366 and assessment of performance, including pretests and posttests,
367 for reading in Grades 1 through 6.

368 (b) Additionally, each school district shall:

369 (i) Provide annually a mandatory preservice
370 orientation session, using an existing in-school service day, for
371 administrators and teachers on the effective use of assistant
372 teachers as part of a team in the classroom setting and on the
373 role of assistant teachers, with emphasis on program goals;

374 (ii) Hold periodic workshops for administrators
375 and teachers on the effective use and supervision of assistant
376 teachers;

377 (iii) Provide training annually on specific
378 instructional skills for assistant teachers;

379 (iv) Annually evaluate their program in accordance
380 with their educational accountability and assessment of
381 performance plan; and

382 (v) Designate the necessary personnel to supervise
383 and report on their program.

384 (5) The State Department of Education shall:

385 (a) Develop and assist in the implementation of a
386 statewide uniform training module, subject to the availability of
387 funds specifically appropriated therefor by the Legislature, which
388 shall be used in all school districts for training administrators,
389 teachers and assistant teachers. The module shall provide for the
390 consolidated training of each assistant teacher and teacher to
391 whom the assistant teacher is assigned, working together as a
392 team, and shall require further periodical training for
393 administrators, teachers and assistant teachers regarding the role
394 of assistant teachers;

395 (b) Annually evaluate the program on the district and
396 state level. Subject to the availability of funds specifically
397 appropriated therefor by the Legislature, the department shall
398 develop: (i) uniform evaluation reports, to be performed by the
399 principal or assistant principal, to collect data for the annual
400 overall program evaluation conducted by the department; or (ii) a
401 program evaluation model that, at a minimum, addresses process
402 evaluation; and

403 (c) Promulgate rules, regulations and such other
404 standards deemed necessary to effectuate the purposes of this
405 section. Noncompliance with the provisions of this section and
406 any rules, regulations or standards adopted by the department may
407 result in a violation of compulsory accreditation standards as
408 established by the State Board of Education and Commission on
409 School Accreditation.

410 (6) No assistant teacher shall be paid less than the amount

411 he or she received in the prior school year. In the 1995-1996
412 school year and school years thereafter, no school district shall
413 receive any funds under this section for any school year during
414 which the aggregate amount of the local contribution to the
415 salaries of assistant teachers by the district shall have been
416 reduced below such amount for the previous year. The assistant
417 teachers shall not be restricted to working only in the grades for
418 which the funds were allotted, but may be assigned to other
419 classes as provided in subsection (2)(a) of this section.

420 (7) (a) As an alternative to employing assistant teachers,
421 the State Board of Education may authorize any school district
422 meeting Level 3, 4 or 5 accreditation requirements to use the
423 adequate education program allotments for the purpose of employing
424 certified teachers for kindergarten, first-, second- and
425 third-grade classes; however, no school district shall be
426 authorized to use the funds for assistant teachers for the purpose
427 of employing certified teachers unless the district has
428 established that the employment of certified teachers using such
429 funds will reduce the teacher:student ratio in the kindergarten,
430 first-, second- and third-grade classes. All adequate education
431 program funds for assistant teachers shall be applied to reducing
432 teacher:student ratio in Grades K-3.

433 It is the intent of the Legislature that no school district
434 shall dismiss any assistant teacher for the purpose of using state
435 funds to employ certified teachers. School districts may rely
436 only upon normal attrition to reduce the number of assistant
437 teachers employed in that district.

438 (b) In the event any school district meets Level 4 or 5
439 accreditation requirements, the State Board of Education, in its
440 discretion, may exempt such school district from any accreditation
441 requirements for the district's early childhood education program
442 or reading improvement program.

443 SECTION 4. The following provision shall be codified as
444 Section 37-19-24, Mississippi Code of 1972:

445 37-19-24. Beginning with the 1999-2000 school year, in
446 addition to other funds allotted under this chapter, an amount
447 subject to appropriation shall be provided to fund the local cost
448 of state mandated salary increases as provided through Section
449 37-19-7. Such funds are provided where amounts provided through
450 Section 37-19-21 are insufficient to fund such increases and shall
451 be distributed based on district staffing for the immediate
452 preceding school year, as determined by the State Department of
453 Education.

454 This section shall be repealed on July 1, 2002.

455 SECTION 5. This act shall take effect and be in force from
456 and after July 1, 1999.