

By: Representative Davis

To: Education;
Appropriations

HOUSE BILL NO. 1140

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF ASSISTANT TEACHERS; AND FOR RELATED
3 PURPOSES.

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

5 SECTION 1. Section 37-21-7, Mississippi Code of 1972, is
6 amended as follows:

7 **[From and after July 1, 1999, and until July 1, 2002, Section**
8 **37-21-7 will read as follows:]**

9 37-21-7. (1) This section shall be referred to as the
10 "Mississippi Elementary Schools Assistant Teacher Program," the
11 purpose of which shall be to provide an early childhood education
12 program that assists in the instruction of basic skills. The
13 State Board of Education is authorized, empowered and directed to
14 implement a statewide system of assistant teachers in kindergarten
15 classes and in the first, second and third grades. The assistant
16 teacher shall assist pupils in actual instruction under the strict
17 supervision of a licensed teacher.

18 (2) (a) Each school district shall employ the total number
19 of assistant teachers funded under subsection (6) of this
20 section. The superintendent of each district shall assign the
21 assistant teachers to the kindergarten, first-, second- and
22 third-grade classes in the district in a manner that will promote
23 the maximum efficiency, as determined by the superintendent, in
24 the instruction of skills such as verbal and linguistic skills,
25 logical and mathematical skills, and social skills.

26 (b) If a licensed teacher to whom an assistant teacher
27 has been assigned is required to be absent from the classroom, the

28 assistant teacher may assume responsibility for the classroom in
29 lieu of a substitute teacher. However, no assistant teacher shall
30 assume sole responsibility of the classroom for more than three
31 (3) consecutive school days. Further, in no event shall any
32 assistant teacher be assigned to serve as a substitute teacher for
33 any teacher other than the licensed teacher to whom that assistant
34 teacher has been assigned.

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

40 (4) (a) In order to receive funding, each school district
41 shall:

42 (i) Submit a plan on the implementation of a
43 reading improvement program to the State Department of Education;
44 and

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

48 (b) Additionally, each school district shall:

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

54 (ii) Hold periodic workshops for administrators
55 and teachers on the effective use and supervision of assistant
56 teachers;

57 (iii) Provide training annually on specific
58 instructional skills for assistant teachers;

59 (iv) Annually evaluate their program in accordance
60 with their educational accountability and assessment of
61 performance plan; and

62 (v) Designate the necessary personnel to supervise
63 and report on their program.

64 (5) The State Department of Education shall:

65 (a) Develop and assist in the implementation of a
66 statewide uniform training module, subject to the availability of
67 funds specifically appropriated therefor by the Legislature, which
68 shall be used in all school districts for training administrators,
69 teachers and assistant teachers. The module shall provide for the
70 consolidated training of each assistant teacher and teacher to
71 whom the assistant teacher is assigned, working together as a
72 team, and shall require further periodical training for
73 administrators, teachers and assistant teachers regarding the role
74 of assistant teachers;

75 (b) Annually evaluate the program on the district and
76 state level. Subject to the availability of funds specifically
77 appropriated therefor by the Legislature, the department shall
78 develop: (i) uniform evaluation reports, to be performed by the
79 principal or assistant principal, to collect data for the annual
80 overall program evaluation conducted by the department; or (ii) a
81 program evaluation model that, at a minimum, addresses process
82 evaluation; and

83 (c) Promulgate rules, regulations and such other
84 standards deemed necessary to effectuate the purposes of this
85 section. Noncompliance with the provisions of this section and
86 any rules, regulations or standards adopted by the department may
87 result in a violation of compulsory accreditation standards as
88 established by the State Board of Education and Commission on
89 School Accreditation.

90 (6) In addition to other funds allotted under the Minimum
91 Education Program, each school district shall be allotted Nine
92 Thousand Seven Hundred Seventy Dollars (\$9,770.00) per teacher
93 unit as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for
94 the purpose of employing an assistant teacher. Assistant teachers
95 shall be paid a minimum annual salary of Nine Thousand Seven

96 Hundred Seventy Dollars (\$9,770.00). However, no assistant
97 teacher shall be paid less than the amount he or she received in
98 the prior school year. In the 1995-1996 school year and school
99 years thereafter, no school district shall receive any funds under
100 this section for any school year during which the aggregate amount
101 of the local contribution to the salaries of assistant teachers by
102 the district shall have been reduced below such amount for the
103 previous year. The assistant teachers shall not be restricted to
104 working only in the grades for which the funds were allotted, but
105 may be assigned to other classes as provided in subsection (2)(a)
106 of this section.

107 (7) (a) As an alternative to employing assistant teachers,
108 the State Board of Education may authorize any school district
109 meeting Level 3, 4 or 5 accreditation requirements to use the
110 minimum program allotment provided under subsection (6) of this
111 section for the purpose of employing licensed teachers for
112 kindergarten, first-, second- and third-grade classes; however, no
113 school district shall be authorized to use the minimum program
114 allotment for assistant teachers for the purpose of employing
115 licensed teachers unless the district has established that the
116 employment of licensed teachers using such funds will reduce the
117 teacher:student ratio in the kindergarten, first-, second- and
118 third-grade classes. All minimum program funds for assistant
119 teachers shall be applied to reducing teacher:student ratio in
120 Grades K-3.

121 It is the intent of the Legislature that no school district
122 shall dismiss any assistant teacher for the purpose of using the
123 minimum program assistant teacher allotment to employ licensed
124 teachers. School districts may rely only upon normal attrition to
125 reduce the number of assistant teachers employed in that district.

126 (b) In the event any school district meets Level 4 or 5
127 accreditation requirements, the State Board of Education, in its
128 discretion, may exempt such school district from any accreditation
129 requirements for the district's early childhood education program

130 or reading improvement program.

131 **[From and after July 1, 2002, this section will read as**
132 **follows:]**

133 37-21-7. (1) This section shall be referred to as the
134 "Mississippi Elementary Schools Assistant Teacher Program," the
135 purpose of which shall be to provide an early childhood education
136 program that assists in the instruction of basic skills. The
137 State Board of Education is authorized, empowered and directed to
138 implement a statewide system of assistant teachers in kindergarten
139 classes and in the first, second and third grades. The assistant
140 teacher shall assist pupils in actual instruction under the strict
141 supervision of a certified teacher.

142 (2) (a) Each school district shall employ the total number
143 of assistant teachers funded under subsection (6) of this section.
144 The superintendent of each district shall assign the assistant
145 teachers to the kindergarten, first-, second- and third-grade
146 classes in the district in a manner that will promote the maximum
147 efficiency, as determined by the superintendent, in the
148 instruction of skills such as verbal and linguistic skills,
149 logical and mathematical skills, and social skills.

150 (b) If a certified teacher to whom an assistant teacher
151 has been assigned is required to be absent from the classroom, the
152 assistant teacher may assume responsibility for the classroom in
153 lieu of a substitute teacher. However, no assistant teacher shall
154 assume sole responsibility of the classroom for more than three
155 (3) consecutive school days. Further, in no event shall any
156 assistant teacher be assigned to serve as a substitute teacher for
157 any teacher other than the certified teacher to whom that
158 assistant teacher has been assigned.

159 (3) Assistant teachers shall have, at a minimum, a high
160 school diploma or a GED equivalent, and shall show demonstratable
161 proficiency in reading and writing skills. The State Department
162 of Education shall develop a testing procedure for assistant
163 teacher applicants to be used in all school districts in the

164 state.

165 (4) (a) In order to receive funding, each school district
166 shall:

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168 reading improvement program to the State Department of Education;
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171 and assessment of performance, including pretests and posttests,
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175 orientation session, using an existing in-school service day, for
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177 teachers as part of a team in the classroom setting and on the
178 role of assistant teachers, with emphasis on program goals;

179 (ii) Hold periodic workshops for administrators
180 and teachers on the effective use and supervision of assistant
181 teachers;

182 (iii) Provide training annually on specific
183 instructional skills for assistant teachers;

184 (iv) Annually evaluate their program in accordance
185 with their educational accountability and assessment of
186 performance plan; and

187 (v) Designate the necessary personnel to supervise
188 and report on their program.

189 (5) The State Department of Education shall:

190 (a) Develop and assist in the implementation of a
191 statewide uniform training module, subject to the availability of
192 funds specifically appropriated therefor by the Legislature, which
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194 teachers and assistant teachers. The module shall provide for the
195 consolidated training of each assistant teacher and teacher to
196 whom the assistant teacher is assigned, working together as a
197 team, and shall require further periodical training for

198 administrators, teachers and assistant teachers regarding the role
199 of assistant teachers;

200 (b) Annually evaluate the program on the district and
201 state level. Subject to the availability of funds specifically
202 appropriated therefor by the Legislature, the department shall
203 develop: (i) uniform evaluation reports, to be performed by the
204 principal or assistant principal, to collect data for the annual
205 overall program evaluation conducted by the department; or (ii) a
206 program evaluation model that, at a minimum, addresses process
207 evaluation; and

208 (c) Promulgate rules, regulations and such other
209 standards deemed necessary to effectuate the purposes of this
210 section. Noncompliance with the provisions of this section and
211 any rules, regulations or standards adopted by the department may
212 result in a violation of compulsory accreditation standards as
213 established by the State Board of Education and Commission on
214 School Accreditation.

215 (6) No assistant teacher shall be paid less than the amount
216 he or she received in the prior school year. In the 1995-1996
217 school year and school years thereafter, no school district shall
218 receive any funds under this section for any school year during
219 which the aggregate amount of the local contribution to the
220 salaries of assistant teachers by the district shall have been
221 reduced below such amount for the previous year. The assistant
222 teachers shall not be restricted to working only in the grades for
223 which the funds were allotted, but may be assigned to other
224 classes as provided in subsection (2)(a) of this section.

225 (7) (a) As an alternative to employing assistant teachers,
226 the State Board of Education may authorize any school district
227 meeting Level 3, 4 or 5 accreditation requirements to use the
228 adequate education program allotments for the purpose of employing
229 certified teachers for kindergarten, first-, second- and
230 third-grade classes; however, no school district shall be
231 authorized to use the funds for assistant teachers for the purpose

232 of employing certified teachers unless the district has
233 established that the employment of certified teachers using such
234 funds will reduce the teacher:student ratio in the kindergarten,
235 first-, second- and third-grade classes. All adequate education
236 program funds for assistant teachers shall be applied to reducing
237 teacher:student ratio in Grades K-3.

238 It is the intent of the Legislature that no school district
239 shall dismiss any assistant teacher for the purpose of using state
240 funds to employ certified teachers. School districts may rely
241 only upon normal attrition to reduce the number of assistant
242 teachers employed in that district.

243 (b) In the event any school district meets Level 4 or 5
244 accreditation requirements, the State Board of Education, in its
245 discretion, may exempt such school district from any accreditation
246 requirements for the district's early childhood education program
247 or reading improvement program.

248 SECTION 2. This act shall take effect and be in force from
249 and after July 1, 1999.