

By: Senator(s) Ferris

To: Education

SENATE BILL NO. 2185

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE PERSONS WHO HAVE SUCCESSFULLY COMPLETED THE GENERAL
3 EDUCATIONAL DEVELOPMENT (GED) TEST TO SERVE AS ASSISTANT TEACHERS;
4 AND FOR RELATED PURPOSES.

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

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

8 **[From and after July 1, 1999, and until July 1, 2002, Section**
9 **37-21-7 will read as follows:]**

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

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

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

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

36 (3) Assistant teachers shall have, at a minimum, a high
37 school diploma or shall have successfully completed the General
38 Educational Development (GED) test and shall show demonstratable
39 proficiency in reading and writing skills. The State Department
40 of Education shall develop a testing procedure for assistant
41 teacher applicants to be used in all school districts in the
42 state.

43 (4) (a) In order to receive funding, each school district
44 shall:

45 (i) Submit a plan on the implementation of a
46 reading improvement program to the State Department of Education;
47 and

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

51 (b) Additionally, each school district shall:

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

57 (ii) Hold periodic workshops for administrators
58 and teachers on the effective use and supervision of assistant
59 teachers;

60 (iii) Provide training annually on specific
61 instructional skills for assistant teachers;

62 (iv) Annually evaluate their program in accordance

63 with their educational accountability and assessment of
64 performance plan; and

65 (v) Designate the necessary personnel to supervise
66 and report on their program.

67 (5) The State Department of Education shall:

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

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

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

93 (6) In addition to other funds allotted under the Minimum
94 Education Program, each school district shall be allotted Eight
95 Thousand Seven Hundred Seventy Dollars (\$8,770.00) per teacher
96 unit as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for

97 the purpose of employing an assistant teacher. Assistant teachers
98 shall be paid a minimum annual salary of Eight Thousand Seven
99 Hundred Seventy Dollars (\$8,770.00). However, no assistant
100 teacher shall be paid less than the amount he or she received in
101 the prior school year. In the 1995-1996 school year and school
102 years thereafter, no school district shall receive any funds under
103 this section for any school year during which the aggregate amount
104 of the local contribution to the salaries of assistant teachers by
105 the district shall have been reduced below such amount for the
106 previous year. The assistant teachers shall not be restricted to
107 working only in the grades for which the funds were allotted, but
108 may be assigned to other classes as provided in subsection (2)(a)
109 of this section.

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

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

129 (b) In the event any school district meets Level 4 or 5
130 accreditation requirements, the State Board of Education, in its

131 discretion, may exempt such school district from any accreditation
132 requirements for the district's early childhood education program
133 or reading improvement program.

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

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

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

152 (b) If a certified teacher to whom an assistant teacher
153 has been assigned is required to be absent from the classroom, the
154 assistant teacher may assume responsibility for the classroom in
155 lieu of a substitute teacher. However, no assistant teacher shall
156 assume sole responsibility of the classroom for more than three

157 (3) consecutive school days. Further, in no event shall any
158 assistant teacher be assigned to serve as a substitute teacher for
159 any teacher other than the certified teacher to whom that
160 assistant teacher has been assigned.

161 (3) Assistant teachers shall have, at a minimum, a high
162 school diploma or a GED equivalent, and shall show demonstratable
163 proficiency in reading and writing skills. The State Department
164 of Education shall develop a testing procedure for assistant

165 teacher applicants to be used in all school districts in the
166 state.

167 (4) (a) In order to receive funding, each school district
168 shall:

169 (i) Submit a plan on the implementation of a
170 reading improvement program to the State Department of Education;
171 and

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

175 (b) Additionally, each school district shall:

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

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

184 (iii) Provide training annually on specific
185 instructional skills for assistant teachers;

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

189 (v) Designate the necessary personnel to supervise
190 and report on their program.

191 (5) The State Department of Education shall:

192 (a) Develop and assist in the implementation of a
193 statewide uniform training module, subject to the availability of
194 funds specifically appropriated therefor by the Legislature, which
195 shall be used in all school districts for training administrators,
196 teachers and assistant teachers. The module shall provide for the
197 consolidated training of each assistant teacher and teacher to
198 whom the assistant teacher is assigned, working together as a

199 team, and shall require further periodical training for
200 administrators, teachers and assistant teachers regarding the role
201 of assistant teachers;

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

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

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

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

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

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

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

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