

By: Senator(s) Ferris

To: Education

SENATE BILL NO. 2191

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE ANY SCHOOL DISTRICT TO USE MINIMUM PROGRAM ASSISTANT
3 TEACHER FUNDS TO EMPLOY ADDITIONAL CERTIFIED TEACHERS IN GRADES
4 K-3, REGARDLESS OF ACCREDITATION LEVEL; 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 * * *

9 [* * * Until July 1, 2002, Section 37-21-7 will read as
10 follows:]

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

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

28 (b) If a licensed teacher to whom an assistant teacher

has been assigned is required to be absent from the classroom, the assistant teacher may assume responsibility for the classroom in lieu of a substitute teacher. However, no assistant teacher shall assume sole responsibility of the classroom for more than three (3) consecutive school days. Further, in no event shall any assistant teacher be assigned to serve as a substitute teacher for any teacher other than the licensed teacher to whom that assistant teacher has been assigned.

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

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

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

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

(b) Additionally, each school district shall:

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

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

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

(iv) Annually evaluate their program in accordance with their educational accountability and assessment of

63 performance plan; and

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

66 (5) The State Department of Education shall:

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

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

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

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

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

(7) (a) As an alternative to employing assistant teachers, * * * any school district * * * is authorized to use the minimum program allotment provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the minimum program allotment for assistant teachers for the purpose of employing licensed teachers unless the district has established that the employment of licensed teachers using such funds will reduce the teacher:student ratio in the kindergarten, first-, second- and third-grade classes. All minimum program funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3.

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

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

or reading improvement program.

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

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

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

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

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

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

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

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

173 (b) Additionally, each school district shall:

174 (i) Provide annually a mandatory preservice
175 orientation session, using an existing in-school service day, for
176 administrators and teachers on the effective use of assistant
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
193 shall be used in all school districts for training administrators,
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

of assistant teachers;

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

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

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

(7) (a) As an alternative to employing assistant teachers, * * * any school district * * * is authorized to use the adequate education program allotment for the purpose of employing certified teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the funds for assistant teachers for the purpose of employing certified teachers unless the district has established that the employment of certified teachers using such

233 funds will reduce the teacher:student ratio in the kindergarten,
234 first-, second- and third-grade classes. All adequate education
235 program funds for assistant teachers shall be applied to reducing
236 teacher:student ratio in Grades K-3.

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

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

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