

By: Senator(s) Nunnelee

To: Education

SENATE BILL NO. 2213

1 AN ACT TO AMEND SECTION 37-17-11, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE BOARD OF EDUCATION TO EXEMPT SCHOOL DISTRICTS
3 MEETING LEVEL 4 OR 5 ACCREDITATION FROM COMPULSORY ACCREDITATION
4 STANDARDS ESTABLISHED BY RULE OR REGULATION UNLESS THE STANDARD
5 SPECIFICALLY APPLIES TO THOSE DISTRICTS; TO AMEND SECTIONS 37-3-2,
6 37-3-4, 37-3-49, 37-17-8, 37-19-5 AND 37-21-7, MISSISSIPPI CODE OF
7 1972, TO EXEMPT SCHOOL DISTRICTS MEETING LEVEL 4 OR 5
8 ACCREDITATION FROM THOSE STATUTORY REQUIREMENTS THAT THE STATE
9 BOARD OF EDUCATION CURRENTLY HAS DISCRETIONARY AUTHORITY TO WAIVE
10 FOR SUCH DISTRICTS; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 37-17-11, Mississippi Code of 1972, is
13 amended as follows:

14 37-17-11. The State Board of Education * * * shall exempt
15 any school district which meets Level 4 or 5 accreditation from
16 any compulsory standard of accreditation established by rule or
17 regulation unless that specific rule or regulation is made
18 applicable to school districts meeting Level 4 or 5 accreditation.
19 If the * * * standard of accreditation is an educational policy
20 required by statute, any * * * exemption shall * * * be made only
21 if specifically authorized by law.

22 SECTION 2. Section 37-3-2, Mississippi Code of 1972, is
23 amended as follows:

24 37-3-2. (1) There is hereby established within the State
25 Department of Education the Commission on Teacher and
26 Administrator Education, Certification and Licensure and
27 Development. It shall be the purpose and duty of the commission
28 to make recommendations to the State Board of Education regarding
29 standards for the certification and licensure and continuing
30 professional development of those who teach or perform tasks of an
31 educational nature in the public schools of Mississippi.

32 (2) The commission shall be composed of fifteen (15)
33 qualified members. The membership of the commission shall be
34 composed of the following members to be appointed three (3) from
35 each congressional district: four (4) classroom teachers; three
36 (3) school administrators; one (1) representative of schools of
37 education of institutions of higher learning located within the
38 state to be recommended by the Board of Trustees of State
39 Institutions of Higher Learning; one (1) representative from the
40 schools of education of independent institutions of higher
41 learning to be recommended by the Board of the Mississippi
42 Association of Independent Colleges; one (1) representative from
43 public community and junior colleges located within the state to
44 be recommended by the State Board for Community and Junior
45 Colleges; one (1) local school board member; and four (4) lay
46 persons. All appointments shall be made by the State Board of
47 Education after consultation with the State Superintendent of
48 Public Education. The first appointments by the State Board of
49 Education shall be made as follows: five (5) members shall be
50 appointed for a term of one (1) year; five (5) members shall be
51 appointed for a term of two (2) years; and five (5) members shall
52 be appointed for a term of three (3) years. Thereafter, all
53 members shall be appointed for a term of four (4) years.

54 (3) The State Board of Education when making appointments
55 shall designate a chairman. The commission shall meet at least
56 once every two (2) months or more often if needed. Members of the
57 commission shall be compensated at a rate of per diem as
58 authorized by Section 25-3-69 and be reimbursed for actual and
59 necessary expenses as authorized by Section 25-3-41.

60 (4) An appropriate staff member of the State Department of
61 Education shall be designated and assigned by the State
62 Superintendent of Public Education to serve as executive secretary
63 and coordinator for the commission. No less than two (2) other
64 appropriate staff members of the State Department of Education
65 shall be designated and assigned by the State Superintendent of

66 Public Education to serve on the staff of the commission.

67 (5) It shall be the duty of the commission to:

68 (a) Set standards and criteria, subject to the approval
69 of the State Board of Education, for all educator preparation
70 programs in the state;

71 (b) Recommend to the State Board of Education each year
72 approval or disapproval of each educator preparation program in
73 the state;

74 (c) Establish, subject to the approval of the State
75 Board of Education, standards for initial teacher certification
76 and licensure in all fields;

77 (d) Establish, subject to the approval of the State
78 Board of Education, standards for the renewal of teacher licenses
79 in all fields;

80 (e) Review and evaluate objective measures of teacher
81 performance, such as test scores, which may form part of the
82 licensure process, and to make recommendations for their use;

83 (f) Review all existing requirements for certification
84 and licensure;

85 (g) Consult with groups whose work may be affected by
86 the commission's decisions;

87 (h) Prepare reports from time to time on current
88 practices and issues in the general area of teacher education and
89 certification and licensure;

90 (i) Hold hearings concerning standards for teachers'
91 and administrators' education and certification and licensure with
92 approval of the State Board of Education;

93 (j) Hire expert consultants with approval of the State
94 Board of Education;

95 (k) Set up ad hoc committees to advise on specific
96 areas; and

97 (l) Perform such other functions as may fall within
98 their general charge and which may be delegated to them by the
99 State Board of Education.

100 (6) (a) **Standard License - Approved Program Route.** An
101 educator entering the school system of Mississippi for the first
102 time and meeting all requirements as established by the State
103 Board of Education shall be granted a standard five-year license.
104 Persons who possess two (2) years of classroom experience as an
105 assistant teacher or who have taught for one (1) year in an
106 accredited public or private school shall be allowed to fulfill
107 student teaching requirements under the supervision of a qualified
108 participating teacher approved by an accredited college of
109 education. The local school district in which the assistant
110 teacher is employed shall compensate such assistant teachers at
111 the required salary level during the period of time such
112 individual is completing student teaching requirements.
113 Applicants for a standard license shall submit to the department:
114 (i) An application on a department form;
115 (ii) An official transcript of completion of a
116 teacher education program approved by the department or a
117 nationally accredited program, subject to the following:
118 Licensure to teach in Mississippi Kindergarten through Grade 4
119 shall require the completion of an interdisciplinary program of
120 studies. Licenses for Grades 4 through 8 shall require the
121 completion of an interdisciplinary program of studies with two (2)
122 or more areas of concentration. Licensure to teach in Mississippi
123 Grades 7 through 12 shall require a major in an academic field
124 other than education, or a combination of disciplines other than
125 education. Students preparing to teach a subject shall complete a
126 major in the respective subject discipline. All applicants for
127 standard licensure shall demonstrate that such person's college
128 preparation in those fields was in accordance with the standards
129 set forth by the National Council for Accreditation of Teacher
130 Education (NCATE) or the National Association of State Directors
131 of Teacher Education and Certification (NASDTEC);
132 (iii) A copy of test scores evidencing
133 satisfactory completion of nationally administered examinations of

134 achievement, such as the Educational Testing Service's teacher
135 testing examinations. The State Board of Education is directed to
136 study and develop a report on the progress of the nationally
137 administered examination of achievement for students in an
138 approved teacher education program. This report shall develop
139 data for the period beginning July 1, 1997, and ending June 30,
140 1998. The state board, with the assistance of the commission,
141 shall prepare the results of the study and make a report thereon
142 to the Education Committees of the Legislature utilizing the
143 following components:

- 144 1. Collect data on entrance and exit
145 performance of students in a teacher education program;
 - 146 2. Report on student performance as compared
147 to the required examination score;
 - 148 3. Develop and make recommendations on
149 necessary requirement revisions as may be appropriate based on
150 student performance results;
 - 151 4. Include other such formats as may best
152 describe the profile of the student examination results; and
- 153 (iv) Any other document required by the State
154 Board of Education.

155 (b) **Standard License-Alternate Teaching Route.**

156 Applicants for a standard license-alternate teaching route shall
157 submit to the department:

- 158 (i) An application on a department form;
 - 159 (ii) An official transcript evidencing a bachelors
160 degree from an accredited institution of higher learning;
 - 161 (iii) A copy of test scores evidencing
162 satisfactory completion of an examination of achievement specified
163 by the commission and approved by the State Board of Education;
 - 164 (iv) An official transcript evidencing appropriate
165 credit hours or a copy of test scores evidencing successful
166 completion of tests as required by the State Board of Education;
- 167 and

168 (v) Any other document required by the State Board
169 of Education.

170 A Standard License-Approved Program Route and a Standard
171 License-Alternate Teaching Route shall be issued for a five-year
172 period, and may be renewed. Recognizing teaching as a profession,
173 a hiring preference shall be granted to persons holding a Standard
174 License-Approved Program Route or Standard License-Alternate
175 Teaching Route over persons holding any other license.

176 (c) **Special License-Expert Citizen.** In order to allow
177 a school district to offer specialized or technical courses, the
178 State Department of Education, in accordance with rules and
179 regulations established by the State Board of Education, may grant
180 a one-year expert citizen-teacher license to local business or
181 other professional personnel to teach in a public school or
182 nonpublic school accredited or approved by the state. Such person
183 may begin teaching upon his employment by the local school board
184 and licensure by the Mississippi Department of Education. The
185 board shall adopt rules and regulations to administer the expert
186 citizen-teacher license. A special license-expert citizen may be
187 renewed in accordance with the established rules and regulations
188 of the State Department of Education.

189 (d) **Special License - Non-Renewable.** The State Board
190 of Education is authorized to establish rules and regulations to
191 allow those educators not meeting requirements in subsection
192 (6)(a), (b) or (c) to be licensed for a period of not more than
193 three (3) years, except by special approval of the State Board of
194 Education.

195 (e) **Non-Licensed Teaching Personnel.** A non-licensed
196 person may teach for a maximum of three (3) periods per teaching
197 day in a public school or a nonpublic school accredited/approved by
198 the state. Such person shall submit to the department a transcript
199 or record of his education and experience which substantiates his
200 preparation for the subject to be taught and shall meet other
201 qualifications specified by the commission and approved by the

202 State Board of Education. In no case shall any local school board
203 hire non-licensed personnel as authorized under this paragraph in
204 excess of five percent (5%) of the total number of licensed
205 personnel in any single school.

206 (f) In the event any school district meets Level 4 or 5
207 accreditation standards, the State Board of Education shall * * *
208 exempt such school district from any restrictions in paragraph (e)
209 relating to the employment of non-licensed teaching personnel.

210 (7) **Administrator License.** The State Board of Education is
211 authorized to establish rules and regulations and to administer
212 the licensure process of the school administrators in the State of
213 Mississippi. There will be four (4) categories of administrator
214 licensure with exceptions only through special approval of the
215 State Board of Education.

216 (a) **Administrator License - Non-practicing.** Those
217 educators holding administrative endorsement but have no
218 administrative experience or not serving in an administrative
219 position on January 15, 1997.

220 (b) **Administrator License - Entry Level.** Those
221 educators holding administrative endorsement and having met the
222 department's qualifications to be eligible for employment in a
223 Mississippi school district. Administrator license - entry level
224 shall be issued for a five-year period and shall be non-renewable.

225 (c) **Standard Administrator License - Career Level.** An
226 administrator who has met all the requirements of the department
227 for standard administrator licensure.

228 (d) **Administrator License-Alternate Route.** The board
229 may establish an alternate route for licensing administrative
230 personnel. Such alternate route for administrative licensure
231 shall be available for persons holding, but not limited to, a
232 masters of business administration degree, a masters of public
233 administration degree or a masters of public planning and policy
234 degree from an accredited college or university, with five (5)
235 years of administrative or supervisory experience. Successful

236 completion of the requirements of alternate route licensure for
237 administrators shall qualify the person for a standard
238 administrator license.

239 Beginning with the 1997-1998 school year, individuals seeking
240 school administrator licensure under paragraph (b), (c) or (d)
241 shall successfully complete a training program and an assessment
242 process prescribed by the State Board of Education. Applicants
243 seeking school administrator licensure prior to June 30, 1997, and
244 completing all requirements for provisional or standard
245 administrator certification and who have never practiced, shall be
246 exempt from taking the Mississippi Assessment Battery Phase I.
247 Applicants seeking school administrator licensure during the
248 period beginning July 1, 1997, through June 30, 1998, shall
249 participate in the Mississippi Assessment Battery, and upon
250 request of the applicant, the department shall reimburse the
251 applicant for the cost of the assessment process required. After
252 June 30, 1998, all applicants for school administrator licensure
253 shall meet all requirements prescribed by the department under
254 paragraph (b), (c) or (d), and the cost of the assessment process
255 required shall be paid by the applicant.

256 (8) **Reciprocity.** (a) The department shall grant a standard
257 license to any individual who possesses a valid standard license
258 from another state and has a minimum of two (2) years of full-time
259 teaching or administrator experience.

260 (b) The department shall grant a nonrenewable special
261 license to any individual who possesses a credential which is less
262 than a standard license or certification from another state, or
263 who possesses a standard license from another state but has less
264 than two (2) years of full-time teaching or administration
265 experience. Such special license shall be valid for the current
266 school year plus one (1) additional school year to expire on June
267 30 of the second year, not to exceed a total period of twenty-four
268 (24) months, during which time the applicant shall be required to
269 complete the requirements for a standard license in Mississippi.

270 (9) **Renewal and Reinstatement of Licenses.** The State Board
271 of Education is authorized to establish rules and regulations for
272 the renewal and reinstatement of educator and administrator
273 licenses.

274 (10) All controversies involving the issuance, revocation,
275 suspension or any change whatsoever in the licensure of an
276 educator required to hold a license shall be initially heard in a
277 hearing de novo, by the commission or by a subcommittee
278 established by the commission and composed of commission members
279 for the purpose of holding hearings. Any complaint seeking the
280 denial of issuance, revocation or suspension of a license shall be
281 by sworn affidavit filed with the Commission of Teacher and
282 Administrator Education, Certification and Licensure and
283 Development. The decision thereon by the commission or its
284 subcommittee shall be final, unless the aggrieved party shall
285 appeal to the State Board of Education, within ten (10) days, of
286 the decision of the committee or its subcommittee. An appeal to
287 the State Board of Education shall be on the record previously
288 made before the commission or its subcommittee unless otherwise
289 provided by rules and regulations adopted by the board. The State
290 Board of Education in its authority may reverse, or remand with
291 instructions, the decision of the committee or its subcommittee.
292 The decision of the State Board of Education shall be final.

293 (11) The State Board of Education, acting through the
294 commission, may deny an application for any teacher or
295 administrator license for one or more of the following:

296 (a) Lack of qualifications which are prescribed by law
297 or regulations adopted by the State Board of Education;

298 (b) Has a physical, emotional or mental disability that
299 renders the applicant unfit to perform the duties authorized by
300 the license, as certified by a licensed psychologist or
301 psychiatrist;

302 (c) Is actively addicted to or actively dependent on
303 alcohol or other habit-forming drugs or is a habitual user of

304 narcotics, barbiturates, amphetamines, hallucinogens, or other
305 drugs having similar effect, at the time of application for a
306 license;

307 (d) Revocation of a certificate or license by another
308 state;

309 (e) Committed fraud or deceit in securing or attempting
310 to secure such certification and license;

311 (f) Fails or refuses to furnish reasonable evidence of
312 identification;

313 (g) Has been convicted, has pled guilty or entered a
314 plea of nolo contendere to a felony, as defined by federal or
315 state law; or

316 (h) Has been convicted, has pled guilty or entered a
317 plea of nolo contendere to a sex offense as defined by federal or
318 state law.

319 (12) The State Board of Education, acting on the
320 recommendation of the commission, may revoke or suspend any
321 teacher or administrator license for specified periods of time for
322 one or more of the following:

323 (a) Breach of contract or abandonment of employment may
324 result in the suspension of the license for one (1) school year as
325 provided in Section 37-9-57, Mississippi Code of 1972;

326 (b) Obtaining a license by fraudulent means shall
327 result in immediate suspension and continued suspension for one
328 (1) year after correction is made;

329 (c) Suspension or revocation of a certificate or
330 license by another state shall result in immediate suspension or
331 revocation and shall continue until records in the prior state
332 have been cleared;

333 (d) Has been convicted, has pled guilty or entered a
334 plea of nolo contendere to a felony, as defined by federal or
335 state law;

336 (e) Has been convicted, has pled guilty or entered a
337 plea of nolo contendere to a sex offense, as defined by federal or

338 state law; or

339 (f) Knowingly and willfully committing any of the acts
340 affecting validity of mandatory uniform test results as provided
341 in Section 37-16-4(1), Mississippi Code of 1972.

342 (13) (a) Dismissal or suspension of a licensed employee by
343 a local school board pursuant to Section 37-9-59, Mississippi Code
344 of 1972, may result in the suspension or revocation of a license
345 for a length of time which shall be determined by the commission
346 and based upon the severity of the offense.

347 (b) Any offense committed or attempted in any other
348 state shall result in the same penalty as if committed or
349 attempted in this state.

350 (c) A person may voluntarily surrender a license. The
351 surrender of such license may result in the commission
352 recommending any of the above penalties without the necessity of a
353 hearing. However, any such license which has voluntarily been
354 surrendered by a licensed employee may be reinstated by a
355 unanimous vote of all members of the commission.

356 (14) A person whose license has been suspended on any
357 grounds except criminal grounds may petition for reinstatement of
358 the license after one (1) year from the date of suspension, or
359 after one-half (1/2) of the suspended time has lapsed, whichever
360 is greater. A license suspended on the criminal grounds may be
361 reinstated upon petition to the commission filed after expiration
362 of the sentence and parole or probationary period imposed upon
363 conviction. A revoked license may be reinstated upon satisfactory
364 showing of evidence of rehabilitation. The commission shall
365 require all who petition for reinstatement to furnish evidence
366 satisfactory to the commission of good character, good mental,
367 emotional and physical health and such other evidence as the
368 commission may deem necessary to establish the petitioner's
369 rehabilitation and fitness to perform the duties authorized by the
370 license.

371 (15) Reporting procedures and hearing procedures for dealing

372 with infractions under this section shall be promulgated by the
373 commission, subject to the approval of the State Board of
374 Education. The revocation or suspension of a license shall be
375 effected at the time indicated on the notice of suspension or
376 revocation. The commission shall immediately notify the
377 superintendent of the school district or school board where the
378 teacher or administrator is employed of any disciplinary action
379 and also notify the teacher or administrator of such revocation or
380 suspension and shall maintain records of action taken. The State
381 Board of Education may reverse or remand with instructions any
382 decision of the commission regarding a petition for reinstatement
383 of a license, and any such decision of the State Board of
384 Education shall be final.

385 (16) An appeal from the action of the State Board of
386 Education in denying an application, revoking or suspending a
387 license or otherwise disciplining any person under the provisions
388 of this section, shall be filed in the Chancery Court of the First
389 Judicial District of Hinds County on the record made, including a
390 verbatim transcript of the testimony at the hearing. The appeal
391 shall be filed within thirty (30) days after notification of the
392 action of the board is mailed or served and the proceedings in
393 chancery court shall be conducted as other matters coming before
394 the court. The appeal shall be perfected upon filing notice of
395 the appeal and by the prepayment of all costs, including the cost
396 of preparation of the record of the proceedings by the State Board
397 of Education, and the filing of a bond in the sum of Two Hundred
398 Dollars (\$200.00) conditioned that if the action of the board be
399 affirmed by the chancery court, the applicant or license holder
400 shall pay the costs of the appeal and the action of the chancery
401 court.

402 (17) All such programs, rules, regulations, standards and
403 criteria recommended or authorized by the commission shall become
404 effective upon approval by the State Board of Education as
405 designated by appropriate orders entered upon the minutes thereof.

406 (18) The granting of a license shall not be deemed a
407 property right nor a guarantee of employment in any public school
408 district. A license is a privilege indicating minimal eligibility
409 for teaching in the public schools of Mississippi. This section
410 shall in no way alter or abridge the authority of local school
411 districts to require greater qualifications or standards of
412 performance as a prerequisite of initial or continued employment
413 in such districts.

414 (19) In addition to the reasons specified in subsection (8)
415 of this section, the board shall be authorized to suspend the
416 license of any licensee for being out of compliance with an order
417 for support, as defined in Section 93-11-153. The procedure for
418 suspension of a license for being out of compliance with an order
419 for support, and the procedure for the reissuance or reinstatement
420 of a license suspended for that purpose, and the payment of any
421 fees for the reissuance or reinstatement of a license suspended
422 for that purpose, shall be governed by Section 93-11-157 or
423 93-11-163, as the case may be. Actions taken by the board in
424 suspending a license when required by Section 93-11-157 or
425 93-11-163 are not actions from which an appeal may be taken under
426 this section. Any appeal of a license suspension that is required
427 by Section 93-11-157 or 93-11-163 shall be taken in accordance
428 with the appeal procedure specified in Section 93-11-157 or
429 93-11-163, as the case may be, rather than the procedure specified
430 in this section. If there is any conflict between any provision
431 of Section 93-11-157 or 93-11-163 and any provision of this
432 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
433 case may be, shall control.

434 SECTION 3. Section 37-3-4, Mississippi Code of 1972, is
435 amended as follows:

436 37-3-4. (1) There is established on July 1, 1984, within
437 the State Department of Education, the School Executive Management
438 Institute. The director shall be appointed by the State Board of
439 Education upon recommendation by the State Superintendent of

440 Public Education. The State Superintendent of Public Education,
441 with the approval of the State Board of Education, shall assign
442 sufficient staff members from the State Department of Education to
443 the institute.

444 (2) It shall be the purpose and duty of the institute to
445 conduct thorough empirical studies and analyses of the school
446 management needs of the local school districts throughout the
447 state, to make recommendations to the State Board of Education
448 regarding standards and programs of training that aid in the
449 development of administrative and management skills of local
450 school administrators, and to conduct such programs related to
451 these purposes as they are implemented under guidelines
452 established by the State Board of Education.

453 (3) The State Board of Education shall develop and implement
454 through the School Executive Management Institute a program for
455 the development of administrative and management skills of local
456 school administrators under which all local school administrators
457 shall be required to participate. Subject to the extent of
458 appropriations available for such purpose, the School Executive
459 Management Institute or the Mississippi School Boards Association
460 shall be required to offer courses at least twice a year on the
461 uses of technology to principals, superintendents and other
462 administrative personnel. These courses shall relate to the
463 application of technology to learning, as well as administrative
464 problems.

465 (4) (a) The institute shall have an advisory board composed
466 of ten (10) qualified members appointed by the State Board of
467 Education after consultation with the State Superintendent of
468 Public Education. This advisory board will offer recommendations
469 to the institute on the types of training to be instituted and
470 supported. The membership of the advisory board shall be composed
471 of the following members, two (2) to be appointed from each
472 congressional district: three (3) school administrators; one (1)
473 representative of public community/junior colleges within the

474 state; one (1) representative of a school of education in an
475 institution of higher learning within the state; two (2) local
476 school board members; one (1) classroom teacher; and two (2) lay
477 persons. In making the initial appointments, three (3) members
478 shall be appointed for a term of one (1) year, three (3) members
479 shall be appointed for a term of two (2) years, two (2) members
480 shall be appointed for a term of three (3) years, and two (2)
481 members shall be appointed for a term of four (4) years.
482 Thereafter, all members shall be appointed for a term of four (4)
483 years. The advisory board shall meet when called by the director,
484 but in no event fewer than three (3) times per year. The members
485 of the advisory board shall be compensated at the per diem rate
486 authorized by Section 25-3-69 and reimbursed for actual and
487 necessary expenses as authorized by Section 25-3-41.

488 (b) Board members of the Oxford-Lafayette Business and
489 Industrial Complex shall be paid per diem and reimbursed for
490 expenses and mileage from local funds in accordance with Section
491 37-6-13.

492 (5) Subject to the extent of appropriations available for
493 such purpose, the School Executive Management Institute of the
494 State Department of Education shall prepare and conduct a course
495 of training for basic education for the local school board members
496 of this state, in order for board members to carry out their
497 duties more effectively and be exposed to new ideas involving
498 school restructuring. The basic course shall be known as the
499 "School Board Member Training Course" and shall consist of at
500 least twelve (12) hours of training. The Mississippi School
501 Boards Association shall be responsible for preparing and
502 conducting a course of training for continuing education for the
503 local school board members of this state, in order for board
504 members to carry out their duties more effectively and be exposed
505 to new ideas involving school restructuring. The continuing
506 education course shall be known as the "Continuing Education
507 Course for School Board Members" and shall consist of at least six

508 (6) hours of training. The content of the basic education course
509 and the time and place such course is to be conducted shall be
510 determined by the School Executive Management Institute; however,
511 to the extent practicable, such training sessions shall be held
512 within geographical proximity of local districts in order that
513 travel times and costs shall not be prohibitive. The curriculum
514 of such training sessions shall include, but not be limited to,
515 the following:

- 516 (a) The role of the local board;
- 517 (b) School leadership;
- 518 (c) Financial management;
- 519 (d) School restructuring;
- 520 (e) Innovations in school management;
- 521 (f) Human relations;
- 522 (g) Multicultural and multiethnic relations; and
- 523 (h) Crisis management.

524 The institute shall issue certificates of completion to those
525 school board members who complete the basic course, and the
526 Mississippi School Boards Association shall issue certificates of
527 completion to those school board members who complete the
528 continuing education course. All costs and expenses for preparing
529 and conducting the basic education course provided for in this
530 subsection shall be paid out of any funds which are made available
531 to the institute upon authorization and appropriation by the
532 Legislature. The costs and expenses for preparing and conducting
533 the continuing education course shall be paid out of any funds
534 that are made available by the State Department of Education to
535 the Mississippi School Boards Association for that purpose.

536 (6) The School Executive Management Institute of the State
537 Department of Education, or the Mississippi School Boards
538 Association with the oversight of the State Board of Education, at
539 least twice a year, shall prepare and conduct required courses of
540 training for continuing education for the elementary and secondary
541 school principals of this state, in order for principals to carry

542 out their duties more effectively and be exposed to new ideas
543 involving school management. The continuing education course
544 shall be known as the "Continuing Education Course for Principals"
545 and shall consist of at least six (6) hours of training. The
546 content of the continuing education courses and the time and place
547 such courses are to be conducted shall be determined by the School
548 Executive Management Institute or the Mississippi School Boards
549 Association; however, to the extent practicable, such training
550 sessions shall be held within geographical proximity of local
551 districts in order that travel times and costs shall not be
552 prohibitive. The curriculum of such training sessions shall
553 include, but not be limited to, the following:

- 554 (a) School leadership;
- 555 (b) Financial management;
- 556 (c) Innovations in school management;
- 557 (d) Student psychology;
- 558 (e) Student health issues;
- 559 (f) Student drug abuse;
- 560 (g) Human relations;
- 561 (h) Multicultural and multiethnic relations; and
- 562 (i) Crisis management.

563 The institute shall issue certificates of completion to those
564 principals who complete such courses. All costs and expenses for
565 preparing and conducting the basic and continuing education
566 courses provided for in this subsection shall be paid out of any
567 funds which are made available to the institute upon authorization
568 and appropriation by the Legislature.

569 (7) In the event any school district meets Level 4 or 5
570 accreditation requirements, the State Board of Education * * *
571 shall exempt the school superintendents, principals and other
572 administrators of such school district from the provisions of this
573 section.

574 SECTION 4. Section 37-3-49, Mississippi Code of 1972, is
575 amended as follows:

576 37-3-49. (1) The State Department of Education shall
577 provide an instructional program and establish guidelines and
578 procedures for managing such program in the public schools as part
579 of the State Program of Educational Accountability and Assessment
580 of Performance as prescribed in Section 37-3-46. Public school
581 districts may (a) elect to adopt the instructional program and
582 management system provided by the State Department of Education;
583 or (b) elect to adopt an instructional program and management
584 system which meets or exceeds criteria established by the State
585 Department of Education for such. This provision shall begin with
586 the courses taught in Grades K-8 which contain skills tested
587 through the Mississippi Basic Skills Assessment Program and shall
588 proceed through all secondary school courses mandated for
589 graduation and all secondary school courses in the Mississippi
590 end-of-course testing program. Other state core objectives must
591 be included in the district's instructional program as they are
592 provided by the State Department of Education along with
593 instructional practices, resources, evaluation items and
594 management procedures. Districts are encouraged to adapt this
595 program and accompanying procedures to all other instructional
596 areas. The department shall provide that such program and
597 guidelines, or a program and guidelines developed by a local
598 school district which incorporates the core objectives from the
599 curriculum structure are enforced through the performance-based
600 accreditation system. It is the intent of the Legislature that
601 every effort be made to protect the instructional time in the
602 classroom and reduce the amount of paperwork which must be
603 completed by teachers. The State Department of Education shall
604 take steps to insure that school districts properly use staff
605 development time to work on the districts' instructional
606 management plans.

607 (2) The State Department of Education shall provide such
608 instructional program and management guidelines which shall
609 require for every public school district that:

610 (a) All courses taught in Grades K-8 which contain
611 skills which are tested through the Mississippi Basic Skills
612 Assessment Program, all secondary school courses mandated for
613 graduation, and all courses in the end-of-course testing program
614 shall include the State Department of Education's written list of
615 learning objectives.

616 (b) The local school board must adopt the objectives
617 that will form the core curriculum which will be systematically
618 delivered throughout the district.

619 (c) The set of objectives provided by the State
620 Department of Education must be accompanied by suggested
621 instructional practices and resources that would help teachers
622 organize instruction so as to promote student learning of the
623 objectives. Objectives added by the school district must also be
624 accompanied by suggested instructional practices and resources
625 that would help teachers organize instruction. The instructional
626 practices and resources that are identified are to be used as
627 suggestions and not as requirements that teachers must follow.
628 The goal of the program is to have students to achieve the desired
629 objective and not to limit teachers in the way they teach.

630 (d) Standards for student performance must be
631 established for each core objective in the local program and those
632 standards establish the district's definition of mastery for each
633 objective.

634 (e) There shall be an annual review of student
635 performance in the instructional program against locally
636 established standards. When weaknesses exist in the local
637 instructional program, the district shall take action to improve
638 student performance.

639 (3) The State Board of Education and the board of trustees
640 of each school district shall adopt policies to limit and reduce
641 the number and length of written reports that classroom teachers
642 are required to prepare.

643 (4) This section shall not be construed to limit teachers

644 from using their own professional skills to help students master
645 instructional objectives, nor shall it be construed as a call for
646 more detailed or complex lesson plans or any increase in testing
647 at the local school district level.

648 (5) In the event any school district meets Level 4 or 5
649 accreditation requirements, the State Board of Education
650 shall * * * exempt such school district from the provisions of
651 this section.

652 SECTION 5. Section 37-17-8, Mississippi Code of 1972, is
653 amended as follows:

654 37-17-8. (1) The State Board of Education, through the
655 Commission on School Accreditation, shall establish criteria for
656 comprehensive in-service staff development plans. These criteria
657 shall: (a) include, but not be limited to, formula and guidelines
658 for allocating available state funds for in-service training to
659 local school districts; (b) require that a portion of the plans be
660 devoted exclusively for the purpose of providing staff development
661 training for beginning teachers within that local school district
662 and for no other purpose; and (c) require that a portion of the
663 school district's in-service training for administrators and
664 teachers be dedicated to the application and utilization of
665 various disciplinary techniques. The board shall each year make
666 recommendations to the Legislature concerning the amount of funds
667 which shall be appropriated for this purpose.

668 (2) Beginning with the 1998-1999 school year, school
669 districts shall not be required to submit staff development plans
670 to the Commission on School Accreditation for approval. However,
671 any school district accredited at Level 1 or Level 2 shall
672 include, as a part of any required corrective action plan,
673 provisions to address staff development in accordance with State
674 Board of Education requirements. All school districts, unless
675 specifically exempt from this section, must maintain on file staff
676 development plans as required under this section. The plan shall
677 have been prepared by a district committee appointed by the

678 district superintendent and consisting of teachers,
679 administrators, school board members, and lay people, and it shall
680 have been approved by the district superintendent.

681 (3) In order to insure that teachers are not overburdened
682 with paperwork and written reports, local school districts and
683 the State Board of Education shall take such steps as may be
684 necessary to further the reduction of paperwork requirements on
685 teachers.

686 (4) If any school district meets Level 4 or 5 accreditation
687 standards, the State Board of Education * * * shall exempt such
688 school district from the provisions of this section.

689 SECTION 6. Section 37-19-5, Mississippi Code of 1972, is
690 amended as follows:

691 37-19-5. (1) The total number of teachers included in the
692 program for each school district shall not be in excess of the
693 number of teachers employed or the number of teacher units
694 allowed, whichever number is smaller. The number of teacher units
695 shall be determined by the State Department of Education for each
696 school district for the current year as follows: For Kindergarten
697 and Grades 1, 2, 3 and 4, one (1) teacher unit shall be allotted
698 for each twenty-four (24) pupils in average daily attendance for
699 the prior school year or for months two (2) and three (3) of the
700 current year, whichever is greater, and for all other grades, one
701 (1) teacher unit shall be allotted for each twenty-seven (27)
702 pupils in average daily attendance for the prior school year or
703 for months two (2) and three (3) of the current year, whichever is
704 greater. A remaining major fraction of a unit shall be counted as
705 a whole unit. It shall be the duty of the State Department of
706 Education to determine that each school district actually has
707 employed in Kindergarten and Grades 1, 2, 3 and 4, a number of
708 teachers which shall not be fewer than the earned units calculated
709 in accordance with this subsection and, to that end, the State
710 Department of Education is empowered to make regulations not
711 inconsistent with this chapter which are reasonably necessary to

712 implement and assure its compliance. No teacher may be included
713 in such number of teachers unless he spends not less than
714 seventy-five percent (75%) of his working time in actual classroom
715 instruction in Kindergarten and Grades 1, 2, 3 and 4, and the
716 State Department of Education shall require the school district to
717 certify, under oath of a person informed of such matters, and
718 authorized by the school district governing authority to do so,
719 that only such teachers have been so included in that number. If
720 a school district employs more teachers than the teacher units
721 allotted, the State Department of Education shall use the teachers
722 of highest training and number of years experience in determining
723 the allotment for salaries. It is the intent of the Legislature
724 that the additional teachers provided herein for Kindergarten and
725 Grades 1, 2, 3 and 4 shall be utilized exclusively in Kindergarten
726 and in those grades, and that such classes shall not exceed a
727 maximum number of twenty-seven (27) students in enrollment at any
728 time during the school term unless exempted under rules and
729 regulations promulgated by the State Board of Education providing
730 for hardship, emergency or other special situations. In addition,
731 the total number of students that may be taught by an individual
732 teacher in core subjects at any time during the school year shall
733 not exceed one hundred fifty (150) unless exempted under the rules
734 and regulations promulgated by the State Board of Education. Any
735 such exemption regarding the maximum number of students per class
736 or per individual teacher shall be certified by the local board of
737 education to the State Department of Education with each monthly
738 average daily attendance report. In the event any school district
739 meets Level 4 or 5 accreditation standards, the State Board of
740 Education shall * * * exempt such school district from the maximum
741 pupil-teacher ratio in Grades 1, 2, 3 and 4 prescribed herein.

742 (2) One-half (1/2) of a teacher unit shall be added to the
743 teacher unit allotment for each school district for each
744 vocational teacher employed full time during the regular school
745 term in a vocational education program approved by the State

746 Department of Education. For each teacher employed in a
747 vocational program less than full time, the additional one-half
748 (1/2) teacher unit shall be prorated by the percentage of time
749 spent in the vocational program. Minimum program funds will be
750 allotted based on the type of certificate and number of years
751 teaching experience held by each approved vocational teacher.

752 (3) One (1) additional teacher unit shall be added to the
753 teacher unit allotment for each school district for each teacher
754 employed in a State Department of Education approved program for
755 exceptional children as defined in Section 37-23-3, except that
756 only seventy percent (70%) of a teacher unit will be approved for
757 the program for three- and four-year-old exceptional children.
758 Exceptional children as defined in Section 37-23-3 who are under
759 the age of three (3) years shall receive teacher units for each
760 teacher employed in an approved program for those children.
761 However, notwithstanding the calculation of teacher units as
762 defined in subsection (1) above, exceptional children enrolled in
763 a self-contained class, as defined by the State Department of
764 Education, shall not be counted in average daily attendance when
765 determining the regular teacher unit allocation. Minimum program
766 funds will be allotted based on the type of certificate and the
767 number of years teaching experience held by each approved
768 exceptional education teacher.

769 (4) In addition to the allowances provided above, for each
770 handicapped child who is being educated by a public school
771 district or is placed in accord with Section 37-23-77 and whose
772 individualized educational program (IEP) requires an extended
773 school year in accord with the State Department of Education
774 criteria, a sufficient amount of minimum program funds shall be
775 allocated for the purpose of providing the educational services
776 the student requires. The State Board of Education shall
777 promulgate such regulations as are required to insure the
778 equitable distribution of these funds. All costs for the extended
779 school year for a particular summer shall be reimbursed from

780 minimum program funds appropriated for the fiscal year beginning
781 July 1 of that summer. If sufficient funds are not made available
782 to finance all of the required educational services, the State
783 Department of Education shall expend available funds in such a
784 manner that it does not limit the availability of appropriate
785 education to handicapped students more severely than it does to
786 nonhandicapped students.

787 (5) The State Department of Education is hereby authorized
788 to match minimum program funds allocated for provision of services
789 to handicapped children with Division of Medicaid funds to provide
790 language-speech services, physical therapy and occupational
791 therapy to handicapped students who meet State Department of
792 Education or Division of Medicaid standards and who are Medicaid
793 eligible. Provided further, that the State Department of
794 Education is authorized to pay such minimum program funds as may
795 be required as a match directly to the Division of Medicaid
796 pursuant to an agreement to be developed between the State
797 Department of Education and the Division of Medicaid.

798 (6) In the event of an inordinately large number of
799 absentees in any school district as a result of epidemic, natural
800 disaster, or any concerted activity discouraging school
801 attendance, then in such event school attendance for the purposes
802 of determining teacher units shall be based upon the average daily
803 attendance for the three (3) preceding school years for such
804 school district.

805 (7) In addition to the allotments provided above, a school
806 district may provide a program of education and instruction to
807 children ages five (5) years through twenty-one (21) years, who
808 are resident citizens of the State of Mississippi, who cannot have
809 their educational needs met in a regular public school program and
810 who have not finished or graduated from high school, if those
811 children are determined by competent medical authorities and
812 psychologists to need placement in a state licensed facility for
813 inpatient treatment, day treatment or residential treatment or a

814 therapeutic group home. Such program shall operate under rules,
815 regulations, policies and standards of school districts as
816 determined by the State Board of Education. If a private school
817 approved by the State Board of Education is operated as an
818 integral part of the state licensed facility that provides for the
819 treatment of such children, the private school within the facility
820 may provide a program of education, instruction and training to
821 such children by requesting the State Department of Education to
822 allocate one (1) teacher unit or a portion of a teacher unit for
823 each approved class. The facility shall be responsible for
824 providing for any additional costs of the program.

825 Minimum program funds will be allotted based on the type of
826 certificate and number of years' teaching experience held by each
827 approved teacher. Such children shall not be counted in average
828 daily attendance when determining the regular teacher unit
829 allocation.

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

832 * * *

833 **[From and after July 1, 1999, and until July 1, 2002, Section**
834 **37-21-7 will read as follows:]**

835 37-21-7. (1) This section shall be referred to as the
836 "Mississippi Elementary Schools Assistant Teacher Program," the
837 purpose of which shall be to provide an early childhood education
838 program that assists in the instruction of basic skills. The
839 State Board of Education is authorized, empowered and directed to
840 implement a statewide system of assistant teachers in kindergarten
841 classes and in the first, second and third grades. The assistant
842 teacher shall assist pupils in actual instruction under the strict
843 supervision of a licensed teacher.

844 (2) (a) Each school district shall employ the total number
845 of assistant teachers funded under subsection (6) of this
846 section. The superintendent of each district shall assign the
847 assistant teachers to the kindergarten, first-, second- and

848 third-grade classes in the district in a manner that will promote
849 the maximum efficiency, as determined by the superintendent, in
850 the instruction of skills such as verbal and linguistic skills,
851 logical and mathematical skills, and social skills.

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

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

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

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

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

874 (b) Additionally, each school district shall:

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

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

882 teachers;

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

885 (iv) Annually evaluate their program in accordance
886 with their educational accountability and assessment of
887 performance plan; and

888 (v) Designate the necessary personnel to supervise
889 and report on their program.

890 (5) The State Department of Education shall:

891 (a) Develop and assist in the implementation of a
892 statewide uniform training module, subject to the availability of
893 funds specifically appropriated therefor by the Legislature, which
894 shall be used in all school districts for training administrators,
895 teachers and assistant teachers. The module shall provide for the
896 consolidated training of each assistant teacher and teacher to
897 whom the assistant teacher is assigned, working together as a
898 team, and shall require further periodical training for
899 administrators, teachers and assistant teachers regarding the role
900 of assistant teachers;

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

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

916 (6) In addition to other funds allotted under the Minimum
917 Education Program, each school district shall be allotted Eight
918 Thousand Seven Hundred Seventy Dollars (\$8,770.00) per teacher
919 unit as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for
920 the purpose of employing an assistant teacher. Assistant teachers
921 shall be paid a minimum annual salary of Eight Thousand Seven
922 Hundred Seventy Dollars (\$8,770.00). However, no assistant
923 teacher shall be paid less than the amount he or she received in
924 the prior school year. In the 1995-1996 school year and school
925 years thereafter, no school district shall receive any funds under
926 this section for any school year during which the aggregate amount
927 of the local contribution to the salaries of assistant teachers by
928 the district shall have been reduced below such amount for the
929 previous year. The assistant teachers shall not be restricted to
930 working only in the grades for which the funds were allotted, but
931 may be assigned to other classes as provided in subsection (2)(a)
932 of this section.

933 (7) (a) As an alternative to employing assistant teachers,
934 the State Board of Education may authorize any school district
935 meeting Level 3, 4 or 5 accreditation requirements to use the
936 minimum program allotment provided under subsection (6) of this
937 section for the purpose of employing licensed teachers for
938 kindergarten, first-, second- and third-grade classes; however, no
939 school district shall be authorized to use the minimum program
940 allotment for assistant teachers for the purpose of employing
941 licensed teachers unless the district has established that the
942 employment of licensed teachers using such funds will reduce the
943 teacher:student ratio in the kindergarten, first-, second- and
944 third-grade classes. All minimum program funds for assistant
945 teachers shall be applied to reducing teacher:student ratio in
946 Grades K-3.

947 It is the intent of the Legislature that no school district
948 shall dismiss any assistant teacher for the purpose of using the
949 minimum program assistant teacher allotment to employ licensed

950 teachers. School districts may rely only upon normal attrition to
951 reduce the number of assistant teachers employed in that district.

952 (b) In the event any school district meets Level 4 or 5
953 accreditation requirements, the State Board of Education * * *
954 shall exempt such school district from any accreditation
955 requirements for the district's early childhood education program
956 or reading improvement program.

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

958 37-21-7. (1) This section shall be referred to as the
959 "Mississippi Elementary Schools Assistant Teacher Program," the
960 purpose of which shall be to provide an early childhood education
961 program that assists in the instruction of basic skills. The
962 State Board of Education is authorized, empowered and directed to
963 implement a statewide system of assistant teachers in kindergarten
964 classes and in the first, second and third grades. The assistant
965 teacher shall assist pupils in actual instruction under the strict
966 supervision of a certified teacher.

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

975 (b) If a certified teacher to whom an assistant teacher
976 has been assigned is required to be absent from the classroom, the
977 assistant teacher may assume responsibility for the classroom in
978 lieu of a substitute teacher. However, no assistant teacher shall
979 assume sole responsibility of the classroom for more than three

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

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

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

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

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

998 (b) Additionally, each school district shall:

999 (i) Provide annually a mandatory preservice
1000 orientation session, using an existing in-school service day, for
1001 administrators and teachers on the effective use of assistant
1002 teachers as part of a team in the classroom setting and on the
1003 role of assistant teachers, with emphasis on program goals;

1004 (ii) Hold periodic workshops for administrators
1005 and teachers on the effective use and supervision of assistant
1006 teachers;

1007 (iii) Provide training annually on specific
1008 instructional skills for assistant teachers;

1009 (iv) Annually evaluate their program in accordance
1010 with their educational accountability and assessment of
1011 performance plan; and

1012 (v) Designate the necessary personnel to supervise
1013 and report on their program.

1014 (5) The State Department of Education shall:

1015 (a) Develop and assist in the implementation of a
1016 statewide uniform training module, subject to the availability of
1017 funds specifically appropriated therefor by the Legislature, which

1018 shall be used in all school districts for training administrators,
1019 teachers and assistant teachers. The module shall provide for the
1020 consolidated training of each assistant teacher and teacher to
1021 whom the assistant teacher is assigned, working together as a
1022 team, and shall require further periodical training for
1023 administrators, teachers and assistant teachers regarding the role
1024 of assistant teachers;

1025 (b) Annually evaluate the program on the district and
1026 state level. Subject to the availability of funds specifically
1027 appropriated therefor by the Legislature, the department shall
1028 develop: (i) uniform evaluation reports, to be performed by the
1029 principal or assistant principal, to collect data for the annual
1030 overall program evaluation conducted by the department; or (ii) a
1031 program evaluation model that, at a minimum, addresses process
1032 evaluation; and

1033 (c) Promulgate rules, regulations and such other
1034 standards deemed necessary to effectuate the purposes of this
1035 section. Noncompliance with the provisions of this section and
1036 any rules, regulations or standards adopted by the department may
1037 result in a violation of compulsory accreditation standards as
1038 established by the State Board of Education and Commission on
1039 School Accreditation.

1040 (6) No assistant teacher shall be paid less than the amount
1041 he or she received in the prior school year. In the 1995-1996
1042 school year and school years thereafter, no school district shall
1043 receive any funds under this section for any school year during
1044 which the aggregate amount of the local contribution to the
1045 salaries of assistant teachers by the district shall have been
1046 reduced below such amount for the previous year. The assistant
1047 teachers shall not be restricted to working only in the grades for
1048 which the funds were allotted, but may be assigned to other
1049 classes as provided in subsection (2)(a) of this section.

1050 (7) (a) As an alternative to employing assistant teachers,
1051 the State Board of Education may authorize any school district

1052 meeting Level 3, 4 or 5 accreditation requirements to use the
1053 adequate education program allotment for the purpose of employing
1054 certified teachers for kindergarten, first-, second- and
1055 third-grade classes; however, no school district shall be
1056 authorized to use the funds for assistant teachers for the purpose
1057 of employing certified teachers unless the district has
1058 established that the employment of certified teachers using such
1059 funds will reduce the teacher:student ratio in the kindergarten,
1060 first-, second- and third-grade classes. All adequate education
1061 program funds for assistant teachers shall be applied to reducing
1062 teacher:student ratio in Grades K-3.

1063 It is the intent of the Legislature that no school district
1064 shall dismiss any assistant teacher for the purpose of using state
1065 funds to employ certified teachers. School districts may rely
1066 only upon normal attrition to reduce the number of assistant
1067 teachers employed in that district.

1068 (b) In the event any school district meets Level 4 or 5
1069 accreditation requirements, the State Board of Education * * *
1070 shall exempt such school district from any accreditation
1071 requirements for the district's early childhood education program
1072 or reading improvement program.

1073 SECTION 8. This act shall take effect and be in force from
1074 and after July 1, 1999.