

By: Senator(s) Smith

To: Education;
Appropriations

SENATE BILL NO. 2696

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN ADDITIONAL ALLOTMENT OF MINIMUM EDUCATION PROGRAM FUNDS
3 FOR EMPLOYING ASSISTANT READING INSTRUCTORS IN SCHOOL DISTRICTS
4 HAVING GREATER THAN 60% OF ENROLLED PUPILS PARTICIPATING IN THE
5 FEDERAL FREE SCHOOL LUNCH PROGRAM; AND FOR RELATED PURPOSES.

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

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

9 **[From and after July 1, 1999, and until July 1, 2002, Section**
10 **37-21-7 will read as 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

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

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

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

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

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

50 (b) Additionally, each school district shall:

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

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

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

61 (iv) Annually evaluate their program in accordance
62 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

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

109 (b) In addition to the allotment provided above, school
110 districts shall receive a grant for the support of the assistant
111 teacher program in accordance with the following: Any school
112 district having sixty percent (60%) or more of the currently
113 enrolled pupils of the district participating in the federal free
114 school lunch program shall receive an additional amount of minimum
115 program funds equal to twenty percent (20%) of the allotment
116 otherwise provided under this section for the purpose of employing
117 full- or part-time assistant teachers.

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

131 Grades K-3.

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

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

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

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

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

160 (b) If a certified teacher to whom an assistant teacher
161 has been assigned is required to be absent from the classroom, the
162 assistant teacher may assume responsibility for the classroom in
163 lieu of a substitute teacher. However, no assistant teacher shall
164 assume sole responsibility of the classroom for more than three

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

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

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

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

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

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

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

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

194 (iv) Annually evaluate their program in accordance
195 with their educational accountability and assessment of
196 performance plan; and

197 (v) Designate the necessary personnel to supervise
198 and report on their program.

199 (5) The State Department of Education shall:

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201 statewide uniform training module, subject to the availability of
202 funds specifically appropriated therefor by the Legislature, which
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204 teachers and assistant teachers. The module shall provide for the
205 consolidated training of each assistant teacher and teacher to
206 whom the assistant teacher is assigned, working together as a
207 team, and shall require further periodical training for
208 administrators, teachers and assistant teachers regarding the role
209 of assistant teachers;

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

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

225 (6) No assistant teacher shall be paid less than the amount
226 he or she received in the prior school year. In the 1995-1996
227 school year and school years thereafter, no school district shall
228 receive any funds under this section for any school year during
229 which the aggregate amount of the local contribution to the
230 salaries of assistant teachers by the district shall have been
231 reduced below such amount for the previous year. The assistant
232 teachers shall not be restricted to working only in the grades for

233 which the funds were allotted, but may be assigned to other
234 classes as provided in subsection (2)(a) of this section.

235 (7) (a) As an alternative to employing assistant teachers,
236 the State Board of Education may authorize any school district
237 meeting Level 3, 4 or 5 accreditation requirements to use the
238 adequate education program allotment for the purpose of employing
239 certified teachers for kindergarten, first-, second- and
240 third-grade classes; however, no school district shall be
241 authorized to use the funds for assistant teachers for the purpose
242 of employing certified teachers unless the district has
243 established that the employment of certified teachers using such
244 funds will reduce the teacher:student ratio in the kindergarten,
245 first-, second- and third-grade classes. All adequate education
246 program funds for assistant teachers shall be applied to reducing
247 teacher:student ratio in Grades K-3.

248 It is the intent of the Legislature that no school district
249 shall dismiss any assistant teacher for the purpose of using state
250 funds to employ certified teachers. School districts may rely
251 only upon normal attrition to reduce the number of assistant
252 teachers employed in that district.

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

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