

By: Holland

To: Education;
AppropriationsCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 106

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
2 ALLOW PERSONS POSSESSING A GED EQUIVALENT TO QUALIFY AS ASSISTANT
3 TEACHERS AND TO AUTHORIZE ANY SCHOOL DISTRICT, REGARDLESS OF
4 ACCREDITATION LEVEL, TO USE MINIMUM PROGRAM ASSISTANT TEACHER
5 FUNDS FOR EMPLOYING ADDITIONAL LICENSED TEACHERS IN KINDERGARTEN
6 AND GRADES 1-3; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 37-21-7, Mississippi Code of 1972, is
9 amended as follows:[BD1]

10 **[Until July 1, 2002, this section 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) Except as otherwise authorized under subsection
21 (7), each school district shall employ the total number of
22 assistant teachers funded under subsection (6) of this section.
23 The superintendent of each district shall assign the assistant
24 teachers to the kindergarten, first-, second- and third-grade
25 classes in the district in a manner that will promote the maximum
26 efficiency, as determined by the superintendent, in the
27 instruction of skills such as verbal and linguistic skills,
28 logical and mathematical skills, and social skills.

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

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

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

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

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

52 (b) Additionally, each school district shall:

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

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

61 (iii) Provide training annually on specific

62 instructional skills for assistant teachers;

63 (iv) Annually evaluate their program in accordance
64 with their educational accountability and assessment of
65 performance plan; and

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

68 (5) The State Department of Education shall:

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

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

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

94 (6) In addition to other funds allotted under the Minimum

95 Education Program, each school district shall be allotted Nine
96 Thousand One Hundred Fifteen Dollars (\$9,115.00) per teacher unit
97 as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for the
98 purpose of employing an assistant teacher. Assistant teachers
99 shall be paid a minimum annual salary of Nine Thousand One Hundred
100 Fifteen Dollars (\$9,115.00). However, no assistant teacher shall
101 be paid less than the amount he or she received in the prior
102 school year. * * * No school district shall receive any funds
103 under this section for any school year during which the aggregate
104 amount of the local contribution to the salaries of assistant
105 teachers by the district shall have been reduced below such amount
106 for the previous year. The assistant teachers shall not be
107 restricted to working only in the grades for which the funds were
108 allotted, but may be assigned to other classes as provided in
109 subsection (2)(a) of this section.

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

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

127 (b) In the event any school district meets Level 4 or 5

128 accreditation requirements, the State Board of Education, in its
129 discretion, may exempt such school district from any accreditation
130 requirements for the district's early childhood education program
131 or reading improvement program.

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

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

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

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

160 (3) Assistant teachers shall have, at a minimum, a high

161 school diploma or a GED equivalent, and shall show demonstratable
162 proficiency in reading and writing skills. The State Department
163 of Education shall develop a testing procedure for assistant
164 teacher applicants to be used in all school districts in the
165 state.

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

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

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

174 (b) Additionally, each school district shall:

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

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

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

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

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

190 (5) The State Department of Education shall:

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

194 shall be used in all school districts for training administrators,
195 teachers and assistant teachers. The module shall provide for the
196 consolidated training of each assistant teacher and teacher to
197 whom the assistant teacher is assigned, working together as a
198 team, and shall require further periodical training for
199 administrators, teachers and assistant teachers regarding the role
200 of assistant teachers;

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

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

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

225 (7) (a) As an alternative to employing assistant
226 teachers, * * * any school district may use the adequate education

227 program allotments for the purpose of employing licensed teachers
228 for kindergarten, first-, second- and third-grade classes;
229 however, no school district shall be authorized to use the funds
230 for assistant teachers for the purpose of employing licensed
231 teachers unless the district has established that the employment
232 of licensed teachers using such funds will reduce the
233 teacher:student ratio in the kindergarten, first-, second- and
234 third-grade classes. All adequate education program funds for
235 assistant teachers shall be applied to reducing teacher:student
236 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 licensed teachers. School districts may rely only
240 upon normal attrition to reduce the number of assistant teachers
241 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, 2000.