

By: Holland

To: Education;  
Appropriations

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 FOR RELATED PURPOSES.

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

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

7 **[Until July 1, 2002, this section will read as follows:]**

8 37-21-7. (1) This section shall be referred to as the  
9 "Mississippi Elementary Schools Assistant Teacher Program," the  
10 purpose of which shall be to provide an early childhood education  
11 program that assists in the instruction of basic skills. The  
12 State Board of Education is authorized, empowered and directed to  
13 implement a statewide system of assistant teachers in kindergarten  
14 classes and in the first, second and third grades. The assistant  
15 teacher shall assist pupils in actual instruction under the strict  
16 supervision of a licensed teacher.

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

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

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

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

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

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

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

48 (b) Additionally, each school district shall:

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

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

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

59 (iv) Annually evaluate their program in accordance  
60 with their educational accountability and assessment of  
61 performance plan; and

62 (v) Designate the necessary personnel to supervise  
63 and report on their program.

64 (5) The State Department of Education shall:

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

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

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

90 (6) In addition to other funds allotted under the Minimum  
91 Education Program, each school district shall be allotted Nine  
92 Thousand One Hundred Fifteen Dollars (\$9,115.00) per teacher unit  
93 as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for the  
94 purpose of employing an assistant teacher. Assistant teachers  
95 shall be paid a minimum annual salary of Nine Thousand One Hundred  
96 Fifteen Dollars (\$9,115.00). However, no assistant teacher shall

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

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

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

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

130 or reading improvement program.

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

132 37-21-7. (1) This section shall be referred to as the  
133 "Mississippi Elementary Schools Assistant Teacher Program," the  
134 purpose of which shall be to provide an early childhood education  
135 program that assists in the instruction of basic skills. The  
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137 implement a statewide system of assistant teachers in kindergarten  
138 classes and in the first, second and third grades. The assistant  
139 teacher shall assist pupils in actual instruction under the strict  
140 supervision of a certified teacher.

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142 of assistant teachers funded under subsection (6) of this section.  
143 The superintendent of each district shall assign the assistant  
144 teachers to the kindergarten, first-, second- and third-grade  
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146 efficiency, as determined by the superintendent, in the  
147 instruction of skills such as verbal and linguistic skills,  
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150 has been assigned is required to be absent from the classroom, the  
151 assistant teacher may assume responsibility for the classroom in  
152 lieu of a substitute teacher. However, no assistant teacher shall  
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154 (3) consecutive school days. Further, in no event shall any  
155 assistant teacher be assigned to serve as a substitute teacher for  
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194 consolidated training of each assistant teacher and teacher to  
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200 state level. Subject to the availability of funds specifically  
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204 overall program evaluation conducted by the department; or (ii) a  
205 program evaluation model that, at a minimum, addresses process  
206 evaluation; and

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

214           (6) No assistant teacher shall be paid less than the amount  
215 he or she received in the prior school year. In the 1995-1996  
216 school year and school years thereafter, no school district shall  
217 receive any funds under this section for any school year during  
218 which the aggregate amount of the local contribution to the  
219 salaries of assistant teachers by the district shall have been  
220 reduced below such amount for the previous year. The assistant  
221 teachers shall not be restricted to working only in the grades for  
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226 meeting Level 3, 4 or 5 accreditation requirements to use the  
227 adequate education program allotments for the purpose of employing  
228 certified teachers for kindergarten, first-, second- and

229 third-grade classes; however, no school district shall be  
230 authorized to use the funds for assistant teachers for the purpose  
231 of employing certified teachers unless the district has  
232 established that the employment of certified teachers using such  
233 funds will reduce the teacher:student ratio in the kindergarten,  
234 first-, second- and third-grade classes. All adequate education  
235 program funds for assistant teachers shall be applied to reducing  
236 teacher:student ratio in Grades K-3.

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238 shall dismiss any assistant teacher for the purpose of using state  
239 funds to employ certified teachers. School districts may rely  
240 only upon normal attrition to reduce the number of assistant  
241 teachers employed in that district.

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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.