

By: Holland

To: Education;  
AppropriationsHOUSE BILL NO. 106  
(As Passed the House)

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.

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161 school diploma or a GED equivalent, and shall show demonstratable  
162 proficiency in reading and writing skills. The State Department  
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164 teacher applicants to be used in all school districts in the  
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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;

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186 with their educational accountability and assessment of  
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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  
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202 state level. Subject to the availability of funds specifically  
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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.