

By: Holland

To: Education;
Appropriations

HOUSE BILL NO. 109

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 37-35-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A GENERAL
3 EDUCATIONAL DEVELOPMENT (GED) DIPLOMA OR CERTIFICATE IS RECOGNIZED
4 AND ACCEPTED BY THE STATE AND ITS POLITICAL SUBDIVISIONS AS THE
5 EQUIVALENCY OF A HIGH SCHOOL DIPLOMA AND TO PROHIBIT STATE
6 AGENCIES AND POLITICAL SUBDIVISIONS FROM DENYING PERSONS HOLDING A
7 GED CERTIFICATE OR DIPLOMA THOSE RIGHTS AND PRIVILEGES CONFERRED
8 UPON PERSONS HOLDING A HIGH SCHOOL DIPLOMA; TO AMEND SECTIONS
9 37-21-7 AND 47-7-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
10 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

12 SECTION 1. The following shall be codified as Section
13 37-35-11, Mississippi Code of 1972:

14 37-35-11. (1) A General Educational Development (GED)
15 certificate or diploma awarded through a GED testing program under
16 the policies and guidelines of the GED Testing Service of the
17 American Council on Education is recognized and accepted by the
18 State of Mississippi and its political subdivisions as the
19 equivalency of a high school diploma.

20 (2) The holder of a GED certificate or diploma is entitled
21 to all rights and privileges conferred, on or before July 1, 2000,
22 and subsequently, upon those persons possessing a high school
23 diploma by the Mississippi Code of 1972 and by rules, regulations,
24 policies and orders of state agencies, boards, commissions,
25 departments and institutions and political subdivisions of the

26 state, and no person holding a GED certificate or diploma may be
27 denied any right or privilege granted to persons holding a high
28 school diploma. Whenever a high school diploma is required as a
29 minimum qualification for a public employment position,
30 educational opportunity or public office, a GED certificate or
31 diploma must be accepted, in lieu of a high school diploma, as
32 satisfactory for meeting the qualification.

33 SECTION 2. Section 37-21-7, Mississippi Code of 1972, is
34 amended as follows:

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

36 37-21-7. (1) This section shall be referred to as the
37 "Mississippi Elementary Schools Assistant Teacher Program," the
38 purpose of which shall be to provide an early childhood education
39 program that assists in the instruction of basic skills. The
40 State Board of Education is authorized, empowered and directed to
41 implement a statewide system of assistant teachers in kindergarten
42 classes and in the first, second and third grades. The assistant
43 teacher shall assist pupils in actual instruction under the strict
44 supervision of a licensed teacher.

45 (2) (a) Each school district shall employ the total number
46 of assistant teachers funded under subsection (6) of this section.
47 The superintendent of each district shall assign the assistant
48 teachers to the kindergarten, first-, second- and third-grade
49 classes in the district in a manner that will promote the maximum
50 efficiency, as determined by the superintendent, in the
51 instruction of skills such as verbal and linguistic skills,
52 logical and mathematical skills, and social skills.

53 (b) If a licensed teacher to whom an assistant teacher
54 has been assigned is required to be absent from the classroom, the
55 assistant teacher may assume responsibility for the classroom in
56 lieu of a substitute teacher. However, no assistant teacher shall

57 assume sole responsibility of the classroom for more than three
58 (3) consecutive school days. Further, in no event shall any
59 assistant teacher be assigned to serve as a substitute teacher for
60 any teacher other than the licensed teacher to whom that assistant
61 teacher has been assigned.

62 (3) Assistant teachers shall have, at a minimum, a high
63 school diploma or General Educational Development (GED)
64 equivalency certificate or diploma and shall show demonstratable
65 proficiency in reading and writing skills. The State Department
66 of Education shall develop a testing procedure for assistant
67 teacher applicants to be used in all school districts in the
68 state.

69 (4) (a) In order to receive funding, each school district
70 shall:

71 (i) Submit a plan on the implementation of a
72 reading improvement program to the State Department of Education;
73 and

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

77 (b) Additionally, each school district shall:

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

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

85 teachers;

86 (iii) Provide training annually on specific
87 instructional skills for assistant teachers;

88 (iv) Annually evaluate their program in accordance
89 with their educational accountability and assessment of
90 performance plan; and

91 (v) Designate the necessary personnel to supervise
92 and report on their program.

93 (5) The State Department of Education shall:

94 (a) Develop and assist in the implementation of a
95 statewide uniform training module, subject to the availability of
96 funds specifically appropriated therefor by the Legislature, which
97 shall be used in all school districts for training administrators,
98 teachers and assistant teachers. The module shall provide for the
99 consolidated training of each assistant teacher and teacher to
100 whom the assistant teacher is assigned, working together as a
101 team, and shall require further periodical training for
102 administrators, teachers and assistant teachers regarding the role
103 of assistant teachers;

104 (b) Annually evaluate the program on the district and
105 state level. Subject to the availability of funds specifically
106 appropriated therefor by the Legislature, the department shall
107 develop: (i) uniform evaluation reports, to be performed by the
108 principal or assistant principal, to collect data for the annual
109 overall program evaluation conducted by the department; or (ii) a
110 program evaluation model that, at a minimum, addresses process
111 evaluation; and

112 (c) Promulgate rules, regulations and such other

113 standards deemed necessary to effectuate the purposes of this
114 section. Noncompliance with the provisions of this section and
115 any rules, regulations or standards adopted by the department may
116 result in a violation of compulsory accreditation standards as
117 established by the State Board of Education and Commission on
118 School Accreditation.

119 (6) In addition to other funds allotted under the Minimum
120 Education Program, each school district shall be allotted Nine
121 Thousand One Hundred Fifteen Dollars (\$9,115.00) per teacher unit
122 as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for the
123 purpose of employing an assistant teacher. Assistant teachers
124 shall be paid a minimum annual salary of Nine Thousand One Hundred
125 Fifteen Dollars (\$9,115.00). However, no assistant teacher shall
126 be paid less than the amount he or she received in the prior
127 school year. In the 1995-1996 school year and school years
128 thereafter, no school district shall receive any funds under this
129 section for any school year during which the aggregate amount of
130 the local contribution to the salaries of assistant teachers by
131 the district shall have been reduced below such amount for the
132 previous year. The assistant teachers shall not be restricted to
133 working only in the grades for which the funds were allotted, but
134 may be assigned to other classes as provided in subsection (2)(a)
135 of this section.

136 (7) (a) As an alternative to employing assistant teachers,
137 the State Board of Education may authorize any school district
138 meeting Level 3, 4 or 5 accreditation requirements to use the
139 minimum program allotment provided under subsection (6) of this
140 section for the purpose of employing licensed teachers for

141 kindergarten, first-, second- and third-grade classes; however, no
142 school district shall be authorized to use the minimum program
143 allotment for assistant teachers for the purpose of employing
144 licensed teachers unless the district has established that the
145 employment of licensed teachers using such funds will reduce the
146 teacher:student ratio in the kindergarten, first-, second- and
147 third-grade classes. All minimum program funds for assistant
148 teachers shall be applied to reducing teacher:student ratio in
149 Grades K-3.

150 It is the intent of the Legislature that no school district
151 shall dismiss any assistant teacher for the purpose of using the
152 minimum program assistant teacher allotment to employ licensed
153 teachers. School districts may rely only upon normal attrition to
154 reduce the number of assistant teachers employed in that district.

155 (b) In the event any school district meets Level 4 or 5
156 accreditation requirements, the State Board of Education, in its
157 discretion, may exempt such school district from any accreditation
158 requirements for the district's early childhood education program
159 or reading improvement program.

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

161 37-21-7. (1) This section shall be referred to as the
162 "Mississippi Elementary Schools Assistant Teacher Program," the
163 purpose of which shall be to provide an early childhood education
164 program that assists in the instruction of basic skills. The
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168 teacher shall assist pupils in actual instruction under the strict

169 supervision of a certified teacher.

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171 of assistant teachers funded under subsection (6) of this section.

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175 efficiency, as determined by the superintendent, in the
176 instruction of skills such as verbal and linguistic skills,
177 logical and mathematical skills, and social skills.

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179 has been assigned is required to be absent from the classroom, the
180 assistant teacher may assume responsibility for the classroom in
181 lieu of a substitute teacher. However, no assistant teacher shall
182 assume sole responsibility of the classroom for more than three
183 (3) consecutive school days. Further, in no event shall any
184 assistant teacher be assigned to serve as a substitute teacher for
185 any teacher other than the certified teacher to whom that
186 assistant teacher has been assigned.

187 (3) Assistant teachers shall have, at a minimum, a high
188 school diploma or a GED equivalent, and shall show demonstratable
189 proficiency in reading and writing skills. The State Department
190 of Education shall develop a testing procedure for assistant
191 teacher applicants to be used in all school districts in the
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207 (ii) Hold periodic workshops for administrators
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216 and report on their program.

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223 consolidated training of each assistant teacher and teacher to
224 whom the assistant teacher is assigned, working together as a

225 team, and shall require further periodical training for
226 administrators, teachers and assistant teachers regarding the role
227 of assistant teachers;

228 (b) Annually evaluate the program on the district and
229 state level. Subject to the availability of funds specifically
230 appropriated therefor by the Legislature, the department shall
231 develop: (i) uniform evaluation reports, to be performed by the
232 principal or assistant principal, to collect data for the annual
233 overall program evaluation conducted by the department; or (ii) a
234 program evaluation model that, at a minimum, addresses process
235 evaluation; and

236 (c) Promulgate rules, regulations and such other
237 standards deemed necessary to effectuate the purposes of this
238 section. Noncompliance with the provisions of this section and
239 any rules, regulations or standards adopted by the department may
240 result in a violation of compulsory accreditation standards as
241 established by the State Board of Education and Commission on
242 School Accreditation.

243 (6) No assistant teacher shall be paid less than the amount
244 he or she received in the prior school year. In the 1995-1996
245 school year and school years thereafter, no school district shall
246 receive any funds under this section for any school year during
247 which the aggregate amount of the local contribution to the
248 salaries of assistant teachers by the district shall have been
249 reduced below such amount for the previous year. The assistant
250 teachers shall not be restricted to working only in the grades for
251 which the funds were allotted, but may be assigned to other
252 classes as provided in subsection (2)(a) of this section.

253 (7) (a) As an alternative to employing assistant teachers,
254 the State Board of Education may authorize any school district
255 meeting Level 3, 4 or 5 accreditation requirements to use the
256 adequate education program allotments for the purpose of employing
257 certified teachers for kindergarten, first-, second- and
258 third-grade classes; however, no school district shall be
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260 of employing certified teachers unless the district has
261 established that the employment of certified teachers using such
262 funds will reduce the teacher:student ratio in the kindergarten,
263 first-, second- and third-grade classes. All adequate education
264 program funds for assistant teachers shall be applied to reducing
265 teacher:student ratio in Grades K-3.

266 It is the intent of the Legislature that no school district
267 shall dismiss any assistant teacher for the purpose of using state
268 funds to employ certified teachers. School districts may rely
269 only upon normal attrition to reduce the number of assistant
270 teachers employed in that district.

271 (b) In the event any school district meets Level 4 or 5
272 accreditation requirements, the State Board of Education, in its
273 discretion, may exempt such school district from any accreditation
274 requirements for the district's early childhood education program
275 or reading improvement program.

276 SECTION 3. Section 47-7-5, Mississippi Code of 1972, is
277 amended as follows:

278 47-7-5. (1) The State Parole Board, created under former
279 Section 47-7-5, is hereby created, continued and reconstituted and
280 shall be composed of five (5) members, one (1) from each

281 congressional district. The Governor shall appoint the members
282 with the advice and consent of the Senate. The terms of the
283 members serving on the board from Supreme Court districts shall
284 expire on June 30, 1997. The three (3) members may be reappointed
285 to the board. The terms of the members of the reconstituted board
286 shall begin on July 1, 1997. All terms shall be coterminous with
287 the term of the Governor. Any vacancy shall be filled for the
288 unexpired term by the Governor, with the advice and consent of the
289 Senate. The board shall elect a chairman of the board annually.
290 No member may serve consecutive terms as chairman.

291 (2) Any person who is appointed to serve on the board shall
292 possess at least a bachelor's degree, or a high school diploma or
293 General Educational Development (GED) equivalency certificate or
294 diploma and four (4) years' work experience. Each member shall
295 devote his full time to the duties of his office and shall not
296 engage in any other business or profession or hold any other
297 public office. A member shall not receive compensation or per
298 diem in addition to his salary as prohibited under Section
299 25-3-38. Each member shall keep such hours and workdays as
300 required of full-time state employees under Section 25-1-98.
301 Individuals shall be appointed to serve on the board without
302 reference to their political affiliations. Each board member,
303 including the chairman, may be reimbursed for actual and necessary
304 expenses as authorized by Section 25-3-41; but a member shall not
305 be reimbursed for travel expenses from his residence to the
306 nearest state penitentiary. In addition, a member must use a
307 state vehicle, if available, for travel and a member who refuses
308 to use an available state vehicle shall not receive reimbursement

309 for mileage expenses for use of a privately owned motor vehicle.

310 (3) The board shall have exclusive responsibility for the
311 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
312 shall have exclusive authority for revocation of the same. The
313 board shall have exclusive responsibility for investigating
314 clemency recommendations upon request of the Governor.

315 (4) The board, its members and staff shall be immune from
316 civil liability for any official acts taken in good faith and in
317 exercise of the board's legitimate governmental authority.

318 (5) The budget of the board shall be funded through a
319 separate line item within the general appropriation bill for the
320 support and maintenance of the department. Employees of the
321 department which are employed by or assigned to the board shall
322 work under the guidance and supervision of the board. There shall
323 be an executive secretary to the board who shall be responsible
324 for all administrative and general accounting duties related to
325 the board. The executive secretary shall keep and preserve all
326 records and papers pertaining to board.

327 (6) The board shall have no authority or responsibility for
328 supervision of offenders granted probation, parole or executive
329 clemency or other offenders requiring the same through interstate
330 compact agreements. The supervision shall be provided exclusively
331 by the staff of the Division of Community Services of the
332 department.

333 (7) This section shall stand repealed on July 1, 2000.

334 SECTION 4. This act shall take effect and be in force from
335 and after July 1, 2000.