

By: McCoy

To: Education;
Appropriations

HOUSE BILL NO. 296

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE ANY SCHOOL DISTRICT, REGARDLESS OF ACCREDITATION LEVEL,
3 TO USE MINIMUM PROGRAM ASSISTANT TEACHER FUNDS FOR EMPLOYING
4 ADDITIONAL LICENSED TEACHERS IN KINDERGARTEN AND GRADES 1-3; AND
5 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:[BD1]

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

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

19 (2) (a) Except as otherwise authorized under subsection
20 (7), each school district shall employ the total number of
21 assistant teachers funded under subsection (6) of this section.

22 The superintendent of each district shall assign the assistant

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

108 (7) (a) As an alternative to employing assistant
109 teachers, * * * any school district may use the minimum program

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

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

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

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

131 37-21-7. (1) This section shall be referred to as the
132 "Mississippi Elementary Schools Assistant Teacher Program," the
133 purpose of which shall be to provide an early childhood education
134 program that assists in the instruction of basic skills. The
135 State Board of Education is authorized, empowered and directed to
136 implement a statewide system of assistant teachers in kindergarten
137 classes and in the first, second and third grades. The assistant

138 teacher shall assist pupils in actual instruction under the strict
139 supervision of a licensed teacher.

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

149 (b) If a licensed teacher to whom an assistant teacher
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
153 assume sole responsibility of the classroom for more than three

154 (3) consecutive school days. Further, in no event shall any
155 assistant teacher be assigned to serve as a substitute teacher for
156 any teacher other than the licensed teacher to whom that assistant
157 teacher has been assigned.

158 (3) Assistant teachers shall have, at a minimum, a high
159 school diploma or a GED equivalent, and shall show demonstratable
160 proficiency in reading and writing skills. The State Department
161 of Education shall develop a testing procedure for assistant
162 teacher applicants to be used in all school districts in the
163 state.

164 (4) (a) In order to receive funding, each school district
165 shall:

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

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

172 (b) Additionally, each school district shall:

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

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

181 (iii) Provide training annually on specific
182 instructional skills for assistant teachers;

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

186 (v) Designate the necessary personnel to supervise
187 and report on their program.

188 (5) The State Department of Education shall:

189 (a) Develop and assist in the implementation of a
190 statewide uniform training module, subject to the availability of
191 funds specifically appropriated therefor by the Legislature, which
192 shall be used in all school districts for training administrators,
193 teachers and assistant teachers. The module shall provide for the

194 consolidated training of each assistant teacher and teacher to
195 whom the assistant teacher is assigned, working together as a
196 team, and shall require further periodical training for
197 administrators, teachers and assistant teachers regarding the role
198 of assistant teachers;

199 (b) Annually evaluate the program on the district and
200 state level. Subject to the availability of funds specifically
201 appropriated therefor by the Legislature, the department shall
202 develop: (i) uniform evaluation reports, to be performed by the
203 principal or assistant principal, to collect data for the annual
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. * * * No school
216 district shall receive any funds * * * for any school year during
217 which the aggregate amount of the local contribution to the
218 salaries of assistant teachers by the district shall have been
219 reduced below such amount for the previous year. The assistant
220 teachers shall not be restricted to working only in the grades for
221 which the funds were allotted, but may be assigned to other

222 classes as provided in subsection (2)(a) of this section.

223 (7) (a) As an alternative to employing assistant
224 teachers, * * * any school district may use the adequate education
225 program allotments for the purpose of employing licensed teachers
226 for kindergarten, first-, second- and third-grade classes;
227 however, no school district shall be authorized to use the funds
228 for assistant teachers for the purpose of employing licensed
229 teachers unless the district has established that the employment
230 of licensed teachers using such funds will reduce the
231 teacher:student ratio in the kindergarten, first-, second- and
232 third-grade classes. All adequate education program funds for
233 assistant teachers shall be applied to reducing teacher:student
234 ratio in Grades K-3.

235 It is the intent of the Legislature that no school district
236 shall dismiss any assistant teacher for the purpose of using state
237 funds to employ licensed teachers. School districts may rely only
238 upon normal attrition to reduce the number of assistant teachers
239 employed in that district.

240 (b) In the event any school district meets Level 4 or 5
241 accreditation requirements, the State Board of Education, in its
242 discretion, may exempt such school district from any accreditation
243 requirements for the district's early childhood education program
244 or reading improvement program.

245 SECTION 2. This act shall take effect and be in force from
246 and after July 1, 2000.