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To: Education;
Appropriations

HOUSE BILL NO. 1134
(As Sent to Governor)

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH
2 AND IMPLEMENT A SUPERIOR-PERFORMING AND EXEMPLARY SCHOOLS PROGRAM
3 FOR IDENTIFYING AND GRANTING FINANCIAL INCENTIVES TO LOW
4 PERFORMING SCHOOLS THAT IMPROVE AND TO THE HIGHEST PERFORMING
5 SCHOOLS IN THEIR CLASSIFICATION; TO ESTABLISH CRITERIA FOR THIS
6 PROGRAM SUBJECT TO SPECIFIC APPROPRIATION BY THE LEGISLATURE; TO
7 AUTHORIZE THE STATE BOARD OF EDUCATION TO DEVELOP A SCHOOL
8 IMPROVEMENT PROGRAM AND A PROBATIONARY PERIOD FOR SCHOOLS WITH
9 ACCREDITATION DEFICIENCIES, TO BE DESIGNATED AS "PRIORITY
10 SCHOOLS," TO PROVIDE FOR AN EVALUATION PROCESS, TO PROVIDE FOR THE
11 IDENTIFICATION AND TRAINING OF INDEPENDENT EVALUATION TEAM MEMBERS
12 AND TO PROVIDE SCHOOL EVALUATION PROCEDURES FOR THE EVALUATION
13 TEAMS; TO PROVIDE FOR THE DEVELOPMENT OF SCHOOL IMPROVEMENT PLANS
14 FOR PRIORITY SCHOOLS AND TO PROVIDE FOR THE APPOINTMENT OF
15 ASSISTANCE TEAMS BY THE STATE DEPARTMENT OF EDUCATION; TO
16 AUTHORIZE THE PRIORITY SCHOOL IMPROVEMENT PROCESS TO INCLUDE
17 MANDATORY PROFESSIONAL DEVELOPMENT FOR INDIVIDUAL PRINCIPALS,
18 TEACHERS AND SUPERINTENDENTS OF SUCH SCHOOLS AND TO PROVIDE
19 EMPLOYMENT SANCTIONS FOR PRINCIPALS OR TEACHERS WHO FAIL TO
20 PARTICIPATE IN SUCH PROFESSIONAL DEVELOPMENT, TO PROVIDE FOR A
21 PERFORMANCE-BASED EVALUATION OF SUCH PRINCIPALS AND TEACHERS WHO
22 HAVE PARTICIPATED IN SUCH PROFESSIONAL DEVELOPMENT, TO PROVIDE FOR
23 RECALL ELECTIONS OR APPOINTMENT DECISIONS FOR SUPERINTENDENTS OR
24 SCHOOL BOARD MEMBERS IN CERTAIN SITUATIONS WHERE PRIORITY SCHOOLS
25 DO NOT IMPROVE DEFICIENCIES, AND TO REQUIRE CERTAIN REPORTS BY THE
26 STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-9-25,
27 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
28 37-17-6, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REMOVAL OF
29 AN INTERIM CONSERVATOR AFTER 3 YEARS IN A SCHOOL DISTRICT IF THE
30 SCHOOL DOES NOT DEMONSTRATE SUBSTANTIAL INSTRUCTIONAL IMPROVEMENT;
31 TO AMEND SECTION 37-7-306, MISSISSIPPI CODE OF 1972, TO REQUIRE
32 ALL LOCAL SCHOOL BOARD MEMBERS SELECTED AFTER JULY 1, 2004, TO
33 HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; TO ENACT THE
34 "TEACHER OPPORTUNITY PROGRAM (TOP)"; TO AMEND SECTION 37-19-7,
35 MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF PUBLIC
36 SCHOOLTEACHERS TO THE SOUTHEASTERN STATES' ESTIMATED AVERAGE OVER
37 A SIX-YEAR PERIOD, BY EARMARKING DISCRETIONARY FUNDS IN THE
38 LEGISLATIVE BUDGET OFFICE'S OUT-YEAR BUDGET PLAN; TO PROVIDE FOR
39 THE FOLLOWING TEACHER SALARY PERCENTAGE INCREASES ONLY IN THE
40 EVENT THE SINE DIE GENERAL FUND REVENUE ESTIMATE INCREASES BY AT
41 LEAST 5% IN EACH OF THE OUT-YEARS AS PROJECTED BY THE LEGISLATIVE
42 BUDGET OFFICE: 2% SALARY INCREASE FOR FY 2002, 6% SALARY INCREASE
43 FOR FY 2003, 6% SALARY INCREASE FOR FY 2004, 8% SALARY INCREASE
44 FOR FY 2005 AND 8% SALARY INCREASE FOR FY 2006; TO PROVIDE THAT
45 FOR EACH 1% ADDITIONAL REVENUE GROWTH OVER AND ABOVE THE 5%
46 MINIMUM IN ANY OUT-YEAR, THE TEACHER BASE SALARIES SHALL RECEIVE
47 AN ADDITIONAL 1% INCREASE; TO AMEND SECTION 37-19-21, MISSISSIPPI
48 CODE OF 1972, TO INCREASE THE MINIMUM PROGRAM ALLOTMENT FOR
49 SUPPORTIVE SERVICES IN CONFORMITY THERETO; TO AMEND SECTION
50 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF

51 ASSISTANT TEACHERS IN CONFORMITY THERETO; AND FOR RELATED
52 PURPOSES.

53

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

55 SECTION 1. (1) The State Board of Education shall
56 establish, design and implement a Superior-Performing Schools
57 Program and an Exemplary Schools Program for identifying and
58 rewarding public schools that improve. The State Board of
59 Education shall develop rules and regulations for the program,
60 establish criteria, and establish a process through which
61 Superior-Performing and Exemplary Schools will be identified and
62 rewarded. Upon full implementation of the statewide testing
63 program, Superior-Performing or Exemplary School designation shall
64 be made by the State Board of Education in accordance with the
65 following:

66 (a) A growth expectation will be established by testing
67 students annually and, using a psychometrically approved formula,
68 by tracking their progress. This growth expectation will be one
69 (1) of the components which result in a composite score each year
70 for each school, and other components of this score shall include,
71 but are not limited to, student attendance and effort, teacher
72 attendance and certification.

73 (b) A determination will be made as to the percentage
74 of students proficient in each school. This measurement will
75 define what a student must know in order to be deemed proficient
76 at each grade level and will clearly show how well a student is
77 performing. The definition of proficiency shall be developed for
78 each grade, based on input from teachers and their review of the
79 curriculum requirements.

80 (c) A school has the following two (2) methods for
81 designation as either a Superior-Performing or an Exemplary
82 School, to be determined on an annual basis:

83 (i) A school exceeds its growth expectation by a

84 percentage established by the State Board of Education; or

85 (ii) A school achieves the grade level proficiency
86 standard established by the State Board of Education.

87 Any school having lost its accreditation and designated as a
88 Priority School which exceeds its growth expectation by a
89 percentage established by the State Board of Education shall no
90 longer be considered a Priority School and shall be eligible for
91 monetary awards under this section. Superior-Performing School
92 designation may not be achieved by a school where the lowest
93 quartile of student achievement scores is not improving.

94 (2) Superior-Performing and Exemplary Schools may apply to
95 the State Board of Education for monetary incentives to be used
96 for selected school needs, as identified by a vote of all licensed
97 and instructional personnel employed at the school. These
98 incentive funds may be used for specific school needs, including,
99 but not limited to:

100 (a) Funding for unique staff professional development
101 activities. Staff participating in such activities will report to
102 the school and school district about the benefits and lessons
103 learned from such training;

104 (b) Technology needs;

105 (c) Sabbaticals for teachers or administrators, or
106 both, to pursue additional professional development or educational
107 enrichment;

108 (d) Paid professional leave.

109 All funds awarded under this subsection shall be subject to
110 specific appropriation therefor by the Legislature.

111 (3) The State Board of Education shall provide special
112 recognition to all schools receiving Superior-Performing or
113 Exemplary designation and their school districts. Examples of
114 such recognition include, but are not limited to: public
115 announcements and events; special recognition of student progress
116 and effort; certificates of recognition and plaques for teachers,

117 principals, superintendents, support and classified personnel and
118 parents; and media announcements utilizing the services of
119 Mississippi Educational Television.

120 SECTION 2. (1) Upon full implementation of the statewide
121 testing programs developed by the State Board of Education
122 pursuant to Chapter 16, Title 37, Mississippi Code of 1972, not
123 later than July, 2002, the board shall establish for those
124 individual schools failing to meet accreditation standards
125 established under this chapter, a program of development to be
126 complied with in order to receive state funds.

127 (2) Following a thorough analysis of school data each year,
128 the State Department of Education shall identify those schools
129 that are the most deficient in educating students and are in need
130 of improvement. This analysis shall measure the individual school
131 performance by determining if a school met its assigned yearly
132 growth expectation and by determining what percentage of the
133 students in the school are proficient. A school shall be
134 identified as needing assistance or a Priority School if the
135 school: (a) does not meet its growth expectation; and (b) has a
136 percentage of students functioning below grade level, as
137 designated by the State Board of Education.

138 (3) Within fifteen (15) days after a Priority School has
139 been identified, written notice shall be sent by the State Board
140 of Education by certified mail to both the school principal and
141 the local board of education. Within fifteen (15) days after
142 notification the State Board of Education shall assign an
143 evaluation team to the school. The evaluation team shall consist
144 of a minimum of seven (7) trained members appointed by the State
145 Superintendent of Education and approved by the State Board of
146 Education from the following categories: (a) school
147 superintendents; (b) school principals; (c) curriculum
148 coordinators; (d) at least two (2) teachers; (e) local school
149 board members; (f) community leaders; (g) parents; and (h)

150 institutions of higher learning personnel. Optional evaluation
151 team members in specialized areas may be utilized by the State
152 Department of Education if needed. These additional members may
153 include individuals with expertise and knowledge in such areas as
154 vocational-technical education, special education, federal
155 programs and school technology. Evaluation team members shall be
156 independent of the school being evaluated and shall not be
157 employees of the State Department of Education. The team may
158 include retired educators who have met certain standards and have
159 completed all necessary training. All evaluation team members
160 shall be trained, at a minimum, in the following: (a) school
161 accreditation legal requirements; (b) data analysis; (c)
162 curriculum alignment; (d) effective curriculum and instructional
163 strategies; (e) the State Department of Education school
164 improvement plan process; (f) personnel appraisal; (g) effective
165 community involvement; (h) public relations; (i) safe and orderly
166 school climate; (j) policy development and implementation; (k)
167 effective school resource allocation; and (l) effective school
168 management. A team leader shall be chosen by the department for
169 each evaluation team to provide overall guidance to the team. The
170 State Department of Education shall assist each evaluation team by
171 providing administrative and clerical support.

172 (4) An approved evaluation team shall have the following
173 powers and duties:

174 (a) The evaluation team may request any financial
175 documentation that it deems necessary, and the Priority School,
176 with the assistance and cooperation of the school district central
177 office, shall submit such requested financial information to the
178 evaluation team.

179 (b) The evaluation team shall analyze the Priority
180 Schools' data to determine probable areas of weakness before
181 conducting an on-site audit. The evaluation team shall proceed to
182 conduct an on-site audit and shall prepare an evaluation report.

183 If necessary, the evaluation team may request additional
184 individuals in specialty areas to participate as team members in
185 preparing the evaluation. After completing the evaluation of the
186 Priority School, the team shall prepare and adopt its school
187 evaluation report, which shall be submitted to the State
188 Superintendent of Public Education for approval within forty-five
189 (45) calendar days. The school evaluation report shall identify
190 any personnel who were found by the evaluation team to be in need
191 of improvement and need to participate in a professional
192 development plan. Evaluation instruments will be developed and
193 field tested by the State Department of Education at least one (1)
194 year prior to implementation.

195 (5) Following the approval of the evaluation report by the
196 State Superintendent of Public Education, a representative from
197 the State Superintendent of Education and the evaluation team
198 leader shall present the evaluation report to the principal of the
199 Priority School and to the superintendent and school board members
200 of the local school district. Following this presentation, the
201 evaluation report shall be presented to the community served by
202 the Priority School at an advertised public meeting.

203 SECTION 3. (1) Based on the findings of the evaluation
204 report and the results of the public meeting, the State Department
205 of Education and the evaluation team leader shall assist the
206 school principal and other local school officials in the
207 development of a school improvement plan to improve its
208 deficiencies. A local parent advisory committee shall be
209 established by the evaluation team at the school in order to
210 provide input and guidance into the development of the school
211 improvement plan and its evaluation during the implementation
212 period. Local parent-teacher associations or organizations shall
213 have input in the selection of the parent advisory committee.
214 Where no active local parent-teacher group exists, the State
215 Department of Education may request assistance from the

216 Mississippi Parent-Teacher Association and other community-based
217 organizations in the selection of the local parent advisory
218 committee.

219 (2) The school improvement plan shall be developed and
220 approved by the principal of the Priority School, the
221 superintendent of the local school district, the local school
222 board and a majority of the teachers of the school, within
223 forty-five (45) days.

224 (3) The State Department of Education shall provide
225 technical assistance to the Priority School in the implementation
226 of the school improvement plan, including the implementation of
227 any recommended professional development plan, and the department
228 shall contract with the institutions of higher learning to provide
229 such technical assistance. The assistance team shall collaborate
230 with school and school district employees in the implementation
231 and monitoring of the school improvement plan and shall report
232 monthly to the local school board and the local community.

233 SECTION 4. (1) As part of the school improvement plan for a
234 Priority School, a professional development plan shall be prepared
235 for those school administrators, teachers or other employees who
236 are identified by the evaluation team as needing improvement.

237 (2) (a) If a principal is deemed to be in need of
238 improvement by the evaluation team, a professional development
239 plan shall be developed for the principal. The principal's full
240 participation in the professional development plan shall be
241 required as a condition of continued employment. The plan shall
242 provide professional training in the roles and behaviors of an
243 instructional leader and shall offer training specifically
244 identified for that principal's needs. The principal of a
245 Priority School may be assigned mentors who have demonstrated
246 expertise as a high-performing principal. Mentors shall make a
247 personal time commitment to this process and may not be evaluators
248 of the principals being mentored. The local school board and

249 superintendent shall continue to evaluate all school personnel
250 during this period, evaluate their professional development plans
251 and make personnel decisions as appropriate.

252 (b) At the end of the second year, if a school
253 continues to be a Priority School, the local school board shall
254 dismiss the principal consistent with the provisions of Section
255 37-9-59. If extenuating circumstances exist, such as the
256 assignment of a principal at a Priority School for less than two
257 (2) years, other options may be considered subject to approval by
258 the State Board of Education.

259 (3) (a) If a teacher is deemed to be in need of
260 professional development by the independent evaluation team, that
261 teacher shall be required to participate in a professional
262 development plan. This plan will provide professional training
263 and will be based on each teacher's specific needs and teaching
264 assignments and shall commence no later than thirty (30) days
265 after being identified. The teacher's full participation in the
266 professional development plan shall be required as a condition of
267 continued employment. This process shall be followed by a
268 performance-based evaluation, which shall monitor the teacher's
269 teaching skills and teaching behavior over a period of time. This
270 monitoring shall include announced and unannounced reviews.
271 Evaluation instruments will be developed and field tested by the
272 State Department of Education prior to implementation of this
273 evaluation. Additionally, the teacher may also be assigned a
274 mentor who has demonstrated expertise as a high-performing
275 teacher.

276 (b) If, after one (1) year, the teacher fails to
277 perform, the local school board shall reevaluate the teacher's
278 professional development plan, make any necessary adjustments to
279 it, and require his participation in the plan for a second year.

280 (c) If, after the second year, the teacher fails to
281 perform, the local school board shall dismiss the teacher,

282 consistent with the provisions of Section 37-9-59.

283 (4) (a) If the evaluation report reveals a school district
284 central office problem, a superintendent of the school district
285 having a Priority School shall be required to participate in a
286 professional development plan. Additionally, the superintendent
287 may be assigned mentors who are high-performing superintendents
288 and have demonstrated expertise and knowledge of
289 Superior-Performing Schools. The local school board shall
290 continue to evaluate the performance of the superintendent and his
291 participation in a professional development plan, making
292 appropriate revisions to the plan as needed. The local school
293 board shall continue to evaluate all school personnel during this
294 period, and make personnel decisions as appropriate.

295 (b) If a school continues to be a Priority School after
296 a second year, the local school board may (i) impose a cap on the
297 superintendent's salary, or (ii) make any necessary adjustments to
298 his professional development plan, and require his continued
299 participation in a plan.

300 (c) In the event a school continues to be designated a
301 Priority School after three (3) years of implementing a school
302 improvement plan the State Board of Education shall, or in the
303 event that more than fifty percent (50%) of the schools within the
304 school district are designated as Priority Schools in any one (1)
305 year the State Board of Education may, issue a written request
306 with documentation to the Governor that the office of the
307 superintendent of such school district shall be subject to recall.

308 Whenever the Governor declares that the office of superintendent
309 of such school district shall be subject to recall, the local
310 school board or the county election commission, as the case may
311 be, shall take the following action:

312 (i) If the office of superintendent is an elected
313 office, in those years in which there is no general election, the
314 name shall be submitted by the State Board of Education to the

315 county election commission at least sixty (60) days before the
316 next regular special election, and the county election commission
317 shall submit the question at the next regular special election to
318 the voters eligible to vote for the office of superintendent
319 within the county. The ballot shall read substantially as
320 follows:

321 "Shall County Superintendent of Education _____
322 (here the name of the superintendent shall be inserted) of the
323 _____ (here the title of the school district shall be
324 inserted) be retained in office? Yes _____ No _____"

325 If a majority of those voting on the question vote against
326 retaining the superintendent in office, a vacancy shall exist
327 which shall be filled in the manner provided by law; otherwise,
328 the superintendent shall remain in office for the term of such
329 office, and at the expiration of such term shall be eligible for
330 qualification and election to another term or terms.

331 (ii) If the office of superintendent is an
332 appointive office, the name of the superintendent shall be
333 submitted by the president of the local school board at the next
334 regular meeting of the school board for retention in office or
335 dismissal from office. If a majority of the school board voting
336 on the question vote against retaining him in office, a vacancy
337 shall exist which shall be filled as provided by law, otherwise
338 the superintendent shall remain in office for the duration of his
339 employment contract.

340 (5) In the event a school continues to be designated a
341 Priority School after four (4) years of implementing a school
342 improvement plan the State Board of Education shall, or in the
343 event that more than fifty percent (50%) of the schools within the
344 school district are designated as Priority Schools in any one (1)
345 year the State Board of Education may, issue a written request
346 with documentation to the Governor that the membership of the
347 school board of such school district shall be subject to recall.

348 Whenever the Governor declares that the membership of the school
349 board shall be subject to recall, the county election commission
350 or the local governing authorities, as the case may be, shall take
351 the following action:

352 (a) If the members of the local school board are
353 elected to office, in those years in which the specific member's
354 office is not up for election, the name of the school board member
355 shall be submitted by the State Board of Education to the county
356 election commission at least sixty (60) days before the next
357 regular special election, and the county election commission at
358 the next regular special election shall submit the question to the
359 voters eligible to vote for the particular member's office within
360 the county or school district, as the case may be. The ballot
361 shall read substantially as follows:

362 "Members of the _____ (here the title of the school
363 district shall be inserted) School Board who are not up for
364 election this year are subject to recall because of the school
365 district's continued designation as a Priority School. Shall the
366 member of the school board representing this area, _____
367 (here the name of the school board member holding the office shall
368 be inserted), be retained in office? Yes _____ No _____"

369 If a majority of those voting on the question vote against
370 retaining the member of the school board in office, a vacancy in
371 that board member's office shall exist which shall be filled in
372 the manner provided by law; otherwise, the school board member
373 shall remain in office for the term of such office, and at the
374 expiration of the term of office, the member shall be eligible for
375 qualification and election to another term or terms of office.
376 However, if a majority of the school board members are recalled in
377 the regular special election, the Governor shall authorize the
378 board of supervisors of the county in which the school district is
379 situated to appoint members to fill the offices of the members
380 recalled. The board of supervisors shall make such appointments

381 in the manner provided by law for filling vacancies on the school
382 board, and the appointed members shall serve until the office is
383 filled at the next regular special election or general election.

384 (b) If the local school board is an appointed school
385 board, the name of all school board members shall be submitted as
386 a collective board by the president of the municipal or county
387 governing authority, as the case may be, at the next regular
388 meeting of the governing authority for retention in office or
389 dismissal from office. If a majority of the governing authority
390 voting on the question vote against retaining the board in office,
391 a vacancy shall exist in each school board member's office, which
392 shall be filled as provided by law; otherwise, the members of the
393 appointed school board shall remain in office for the duration of
394 their term of appointment, and such members may be reappointed.

395 (c) If the local school board is comprised of both
396 elected and appointed members, the elected members shall be
397 subject to recall in the manner provided in paragraph (a) of this
398 subsection. Appointed members shall be subject to recall in the
399 manner provided in paragraph (b).

400 (6) In the event a school continues to be designated a
401 Priority School after three (3) years of implementing a school
402 improvement plan, or in the event that more than fifty percent
403 (50%) of the schools within the school district are designated as
404 Priority Schools in any one (1) year, the State Board of Education
405 may request that the Governor declare a state of emergency in that
406 school district. Upon the declaration of the state of emergency
407 by the Governor, the State Board of Education may take all such
408 action for dealing with school districts as is authorized under
409 subsection (11) or (14) of Section 37-17-6, including the
410 appointment of an interim conservator.

411 (7) The State Department of Education shall make a
412 semiannual report to the State Board of Education identifying the
413 number and names of schools classified as Priority Schools, which

414 shall include a description of the deficiencies identified and the
415 actions recommended and implemented. The department shall also
416 notify the State Board of Education of any Priority School which
417 has successfully completed their improvement plans and shall
418 notify the Governor and the Legislature of such school's progress.

419 (8) The State Board of Education shall direct, and provide
420 technical assistance to, the superintendents of all school
421 districts to conduct intensive staff development training for
422 school administrators and teachers on the new requirements of this
423 section relative to required professional development
424 participation as a condition of continued employment.

425 SECTION 5. Section 37-9-25, Mississippi Code of 1972, is
426 amended as follows:[RDD1]

427 37-9-25. The school board shall have the power and
428 authority, in its discretion, to employ the superintendent, unless
429 such superintendent is elected, for not exceeding four (4)
430 scholastic years and the principals or licensed employees for not
431 exceeding three (3) scholastic years. In such case, contracts
432 shall be entered into with such superintendents, principals and
433 licensed employees for the number of years for which they have
434 been employed. All such contracts with licensed employees shall
435 for the years after the first year thereof be subject to the
436 contingency that the licensed employee may be released if, during
437 the life of the contract, the average daily attendance should
438 decrease from that existing during the previous year and thus
439 necessitate a reduction in the number of licensed employees during
440 any year after the first year of the contract. However, in all
441 such cases the licensed employee must be released before July 1 or
442 at least thirty (30) days prior to the beginning of the school
443 term, whichever date should occur earlier. All such contracts
444 with superintendents, principals or licensed teachers shall for
445 the years after the first year thereof be subject to the
446 contingency that the superintendent, principal or teacher may be

447 released if, during the life of the contract, the school becomes
448 designated as a Priority School pursuant to the provisions of
449 Section 37-17-6(17), Mississippi Code of 1972, and the school or
450 school district's deficiencies are not improved as required in
451 said provision. The salary to be paid for the years after the
452 first year of such contract shall be subject to revision, either
453 upward or downward, in the event of an increase or decrease in the
454 funds available for the payment thereof, but, unless such salary
455 is revised prior to the beginning of a school year, it shall
456 remain for such school year at the amount fixed in such contract.

457 However, where school district funds, other than minimum
458 education program funds, are available during the school year in
459 excess of the amount anticipated at the beginning of the school
460 year the salary to be paid for such year may be increased to the
461 extent that such additional funds are available and nothing herein
462 shall be construed to prohibit same.

463 SECTION 6. Section 37-17-6, Mississippi Code of 1972, is
464 amended as follows:[RDD2]

465 37-17-6. (1) The State Board of Education, acting through
466 the Commission on School Accreditation, shall establish and
467 implement a permanent performance-based accreditation system, and
468 all public elementary and secondary schools shall be accredited
469 under this system.

470 (2) No later than June 30, 1995, the State Board of
471 Education, acting through the Commission on School Accreditation,
472 shall require school districts to provide school classroom space
473 that is air conditioned as a minimum requirement for
474 accreditation.

475 (3) (a) Beginning with the 1994-1995 school year, the State
476 Board of Education, acting through the Commission on School
477 Accreditation, shall require that school districts employ
478 certified school librarians according to the following formula:

479 Number of Students Number of Certified

480	Per School Library		School Librarians
481	0 - 499 Students	½	Full-time Equivalent
482			Certified Librarian
483	500 or More Students	1	Full-time Certified
484			Librarian

485 (b) The State Board of Education, however, may increase
486 the number of positions beyond the above requirements.

487 (c) The assignment of such school librarians to the
488 particular schools shall be at the discretion of the local school
489 district. No individual shall be employed as a certified school
490 librarian without appropriate training and certification as a
491 school librarian by the State Department of Education.

492 (d) School librarians in such district shall spend at
493 least fifty percent (50%) of direct work time in a school library
494 and shall devote no more than one-fourth (1/4) of the workday to
495 administrative activities which are library related.

496 (e) Nothing in this subsection shall prohibit any
497 school district from employing more certified school librarians
498 than are provided for in this section.

499 (f) Any additional millage levied to fund school
500 librarians required for accreditation under this subsection shall
501 be included in the tax increase limitation set forth in Sections
502 37-57-105 and 37-57-107 and shall not be deemed a new program for
503 purposes of the limitation.

504 (4) On or before July 1, 2000, the State Board of Education
505 shall implement the performance-based accreditation system for
506 school districts and for individual schools which shall include
507 the following:

508 (a) High expectations for students and high standards
509 for all schools, with a focus on the basic curriculum;

510 (b) Strong accountability for results with appropriate
511 local flexibility for local implementation;

512 (c) A process to implement accountability at both the

513 school district level and the school level;

514 (d) Individual schools shall be held accountable for
515 student growth and performance;

516 (e) Set annual performance standards for each of the
517 schools of the state and measure the performance of each school
518 against itself through the standard that has been set for it;

519 (f) A determination of which schools exceed their
520 standards and a plan for providing recognition and rewards to such
521 schools;

522 (g) A determination of which schools are failing to
523 meet their standards and a determination of the appropriate role
524 of the State Board of Education and the State Department of
525 Education in providing assistance and initiating possible
526 intervention; and

527 (h) Development of a comprehensive student assessment
528 system to implement these requirements.

529 The State Board of Education may continue to assign school
530 district performance levels by using a number classification and
531 may assign individual school performance levels by using a number
532 classification to be consistent with school district performance
533 levels.

534 (5) Nothing in this section shall be deemed to require a
535 nonpublic school which receives no local, state or federal funds
536 for support to become accredited by the State Board of Education.

537 (6) The State Board of Education shall create an
538 accreditation audit unit under the Commission on School
539 Accreditation to determine whether schools are complying with
540 accreditation standards.

541 (7) The State Board of Education shall be specifically
542 authorized and empowered to withhold adequate minimum education
543 program or adequate education program fund allocations, whichever
544 is applicable, to any public school district for failure to timely
545 report student, school personnel and fiscal data necessary to meet

546 state and/or federal requirements.

547 (8) Deleted.

548 (9) The State Board of Education shall establish, for those
549 school districts failing to meet accreditation standards, a
550 program of development to be complied with in order to receive
551 state funds, except as otherwise provided in subsection (14) of
552 this section when the Governor has declared a state of emergency
553 in a school district or as otherwise provided in Section 206,
554 Mississippi Constitution of 1890. The state board, in
555 establishing these standards, shall provide for notice to schools
556 and sufficient time and aid to enable schools to attempt to meet
557 these standards, unless procedures under subsection (14) of this
558 section have been invoked.

559 (10) Beginning July 1, 1998, the State Board of Education
560 shall be charged with the implementation of the program of
561 development in each applicable school district as follows:

562 (a) Develop an impairment report for each district
563 failing to meet accreditation standards in conjunction with school
564 district officials;

565 (b) Notify any applicable school district failing to
566 meet accreditation standards that it is on probation until
567 corrective actions are taken or until the deficiencies have been
568 removed. The local school district shall develop a corrective
569 action plan to improve its deficiencies. For district academic
570 deficiencies, the corrective action plan for each such school
571 district shall be based upon a complete analysis of the following:

572 student test data, student grades, student attendance reports,
573 student drop-out data, existence and other relevant data. The
574 corrective action plan shall describe the specific measures to be
575 taken by the particular school district and school to improve:

576 (a) instruction; (b) curriculum; (c) professional development; (d)
577 personnel and classroom organization; (e) student incentives for
578 performance; (f) process deficiencies; and (g) reporting to the

579 local school board, parents and the community. The corrective
580 action plan shall describe the specific individuals responsible
581 for implementing each component of the recommendation and how each
582 will be evaluated. All corrective action plans shall be provided
583 to the State Board of Education as may be required. The decision
584 of the State Board of Education establishing the probationary
585 period of time shall be final;

586 (c) Offer, during the probationary period, technical
587 assistance to the school district in making corrective actions.
588 Beginning July 1, 1998, subject to the availability of funds, the
589 State Department of Education shall provide technical and/or
590 financial assistance to all such school districts in order to
591 implement each measure identified in that district's corrective
592 action plan through professional development and on-site
593 assistance. Each such school district shall apply for and utilize
594 all available federal funding in order to support its corrective
595 action plan in addition to state funds made available under this
596 paragraph;

597 (d) Contract, in its discretion, with the institutions
598 of higher learning or other appropriate private entities to assist
599 school districts;

600 (e) Provide for publication of public notice at least
601 one (1) time during the probationary period, in a newspaper
602 published within the jurisdiction of the school district failing
603 to meet accreditation standards, or if no newspaper is published
604 therein, then in a newspaper having a general circulation therein.

605 The publication shall include the following: declaration of
606 school system's status as being on probation; all details relating
607 to the impairment report, and other information as the State Board
608 of Education deems appropriate. Public notices issued under this
609 section shall be subject to Section 13-3-31 and not contrary to
610 other laws regarding newspaper publication.

611 (11) (a) If the recommendations for corrective action are

612 not taken by the local school district or if the deficiencies are
613 not removed by the end of the probationary period, the Commission
614 on School Accreditation shall conduct a hearing to allow such
615 affected school district to present evidence or other reasons why
616 its accreditation should not be withdrawn. Subsequent to its
617 consideration of the results of such hearing, the Commission on
618 School Accreditation shall be authorized, with the approval of the
619 State Board of Education, to withdraw the accreditation of a
620 public school district, and issue a request to the Governor that a
621 state of emergency be declared in that district.

622 (b) If the State Board of Education and the Commission
623 on School Accreditation determine that an extreme emergency
624 situation exists in a school district which jeopardizes the
625 safety, security or educational interests of the children enrolled
626 in the schools in that district and such emergency situation is
627 believed to be related to a serious violation or violations of
628 accreditation standards or state or federal law, the State Board
629 of Education may request the Governor to declare a state of
630 emergency in that school district. For purposes of this
631 paragraph, such declarations of a state of emergency shall not be
632 limited to those instances when a school district's impairments
633 are related to a lack of financial resources, but also shall
634 include serious failure to meet minimum academic standards, as
635 evidenced by a continued pattern of poor student performance.

636 (c) Whenever the Governor declares a state of emergency
637 in a school district in response to a request made under paragraph
638 (a) or (b) of this subsection, the State Board of Education may
639 take one or more of the following actions:

640 (i) Declare a state of emergency, under which some
641 or all of state funds can be escrowed except as otherwise provided
642 in Section 206, Constitution of 1890, until the board determines
643 corrective actions are being taken or the deficiencies have been
644 removed, or that the needs of students warrant the release of

645 funds. Such funds may be released from escrow for any program
646 which the board determines to have been restored to standard even
647 though the state of emergency may not as yet be terminated for the
648 district as a whole;

649 (ii) Override any decision of the local school
650 board or superintendent of education, or both, concerning the
651 management and operation of the school district, or initiate and
652 make decisions concerning the management and operation of the
653 school district;

654 (iii) Assign an interim conservator who will have
655 those powers and duties prescribed in subsection (14) of this
656 section;

657 (iv) Grant transfers to students who attend this
658 school district so that they may attend other accredited schools
659 or districts in a manner which is not in violation of state or
660 federal law;

661 (v) For states of emergency declared under
662 paragraph (a) only, if the accreditation deficiencies are related
663 to the fact that the school district is too small, with too few
664 resources, to meet the required standards and if another school
665 district is willing to accept those students, abolish that
666 district and assign that territory to another school district or
667 districts. If the school district has proposed a voluntary
668 consolidation with another school district or districts, then if
669 the State Board of Education finds that it is in the best interest
670 of the pupils of the district for such consolidation to proceed,
671 the voluntary consolidation shall have priority over any such
672 assignment of territory by the State Board of Education;

673 (vi) For states of emergency declared under
674 paragraph (b) only, reduce local supplements paid to school
675 district employees, including, but not limited to, instructional
676 personnel, assistant teachers and extracurricular activities
677 personnel, if the district's impairment is related to a lack of

678 financial resources, but only to an extent which will result in
679 the salaries being comparable to districts similarly situated, as
680 determined by the State Board of Education;

681 (vii) For states of emergency declared under
682 paragraph (b) only, the State Board of Education must take such
683 action as prescribed in Section 37-17-13.

684 (d) At such time as satisfactory corrective action has
685 been taken in a school district in which a state of emergency has
686 been declared, the State Board of Education may request the
687 Governor to declare that the state of emergency no longer exists
688 in the district.

689 (e) The State Department of Education shall develop a
690 comprehensive annual report to the school district and to the
691 Legislature evaluating the progress of the interim conservator
692 assigned to such school district, with recommendations regarding
693 the viability of continuing the operation of the conservator's
694 duties and responsibilities in such district. If at the end of
695 the third year of the operation of the responsibilities of the
696 interim conservator, the school or school district has not shown
697 substantial instruction improvement or continues to be designated
698 as a Priority School, the State Board of Education shall develop a
699 plan for the removal of the interim conservator from the school
700 district, including the restructure of the school improvement plan
701 through the local community and the local school administration,
702 and shall make a report thereon to the Legislature.

703 (12) Upon the declaration of a state of emergency in a
704 school district under subsection (11) of this section, the
705 Commission on School Accreditation shall be responsible for public
706 notice at least once a week for at least three (3) consecutive
707 weeks in a newspaper published within the jurisdiction of the
708 school district failing to meet accreditation standards, or if no
709 newspaper is published therein, then in a newspaper having a
710 general circulation therein. The size of such notice shall be no

711 smaller than one-fourth (1/4) of a standard newspaper page and
712 shall be printed in bold print. If a conservator has been
713 appointed for the school district, such notice shall begin as
714 follows: "By authority of Section 37-17-6, Mississippi Code of
715 1972, as amended, adopted by the Mississippi Legislature during
716 the 1991 Regular Session, this school district (name of school
717 district) is hereby placed under the jurisdiction of the State
718 Department of Education acting through its appointed conservator
719 (name of conservator)."

720 The notice also shall include, in the discretion of the State
721 Board of Education, any or all details relating to the school
722 district's emergency status, including the declaration of a state
723 of emergency in the school district and a description of the
724 district's impairment deficiencies, conditions of any
725 conservatorship and corrective actions recommended and being
726 taken. Public notices issued under this section shall be subject
727 to Section 13-3-31 and not contrary to other laws regarding
728 newspaper publication.

729 Upon termination of the state of emergency in a school
730 district, the Commission on School Accreditation shall cause
731 notice to be published in the school district in the same manner
732 provided in this section, to include any or all details relating
733 to the corrective action taken in the school district which
734 resulted in the termination of the state of emergency.

735 (13) The State Board of Education or the Commission on
736 School Accreditation shall have the authority to require school
737 districts to produce the necessary reports, correspondence,
738 financial statements, and any other documents and information
739 necessary to fulfill the requirements of this section.

740 Nothing in this section shall be construed to grant any
741 individual, corporation, board or conservator the authority to
742 levy taxes except in accordance with presently existing statutory
743 provisions.

744 (14) (a) Whenever the Governor declares a state of
745 emergency in a school district in response to a request made under
746 subsection (11) of this section, the State Board of Education, in
747 its discretion, may assign an interim conservator to the school
748 district who will be responsible for the administration,
749 management and operation of the school district, including, but
750 not limited to, the following activities:

751 (i) Approving or disapproving all financial
752 obligations of the district, including, but not limited to, the
753 employment, termination, nonrenewal and reassignment of all
754 certified and noncertified personnel, contractual agreements and
755 purchase orders, and approving or disapproving all claim dockets
756 and the issuance of checks; in approving or disapproving
757 employment contracts of superintendents, assistant superintendents
758 or principals, the interim conservator shall not be required to
759 comply with the time limitations prescribed in Sections 37-9-15
760 and 37-9-105;

761 (ii) Supervising the day-to-day activities of the
762 district's staff, including reassigning the duties and
763 responsibilities of personnel in a manner which, in the
764 determination of the conservator, will best suit the needs of the
765 district;

766 (iii) Reviewing the district's total financial
767 obligations and operations and making recommendations to the
768 district for cost savings, including, but not limited to,
769 reassigning the duties and responsibilities of staff;

770 (iv) Attending all meetings of the district's
771 school board and administrative staff;

772 (v) Approving or disapproving all athletic, band
773 and other extracurricular activities and any matters related to
774 those activities;

775 (vi) Maintaining a detailed account of
776 recommendations made to the district and actions taken in response

777 to those recommendations;

778 (vii) Reporting periodically to the State Board of
779 Education on the progress or lack of progress being made in the
780 district to improve the district's impairments during the state of
781 emergency; and

782 (viii) Appointing a parent advisory committee,
783 comprised of parents of students in the school district, which may
784 make recommendations to the conservator concerning the
785 administration, management and operation of the school district.

786 Except when, in the determination of the State Board of
787 Education, the school district's impairment is related to a lack
788 of financial resources, the cost of the salary of the conservator
789 and any other actual and necessary costs related to the
790 conservatorship paid by the State Department of Education shall be
791 reimbursed by the local school district from nonminimum program
792 funds. The department shall submit an itemized statement to the
793 superintendent of the local school district for reimbursement
794 purposes, and any unpaid balance may be withheld from the
795 district's minimum or adequate education program funds.

796 At such time as the Governor, pursuant to the request of the
797 State Board of Education, declares that the state of emergency no
798 longer exists in a school district, the powers and
799 responsibilities of the interim conservator assigned to such
800 district shall cease.

801 (b) In order to provide loans to school districts under
802 a state of emergency which have impairments related to a lack of
803 financial resources, the School District Emergency Assistance Fund
804 is created as a special fund in the State Treasury into which
805 monies may be transferred or appropriated by the Legislature from
806 any available public education funds. The maximum amount that may
807 be appropriated or transferred to the School District Emergency
808 Assistance Fund for any one (1) emergency shall be Two Million
809 Dollars (\$2,000,000.00), and the maximum amount that may be

810 appropriated during any fiscal year shall be Three Million Dollars
811 (\$3,000,000.00).

812 The State Board of Education may loan monies from the School
813 District Emergency Assistance Fund to a school district that is
814 under a state of emergency in such amounts, as determined by the
815 board, which are necessary to correct the district's impairments
816 related to a lack of financial resources. The loans shall be
817 evidenced by an agreement between the school district and the
818 State Board of Education and shall be repayable in principal,
819 without necessity of interest, to the State General Fund or the
820 Education Enhancement Fund, depending on the source of funding for
821 such loan, by the school district from any allowable funds that
822 are available. The total amount loaned to the district shall be
823 due and payable within five (5) years after the impairments
824 related to a lack of financial resources are corrected. If a
825 school district fails to make payments on the loan in accordance
826 with the terms of the agreement between the district and the State
827 Board of Education, the State Department of Education, in
828 accordance with rules and regulations established by the State
829 Board of Education, may withhold that district's minimum program
830 funds in an amount and manner that will effectuate repayment
831 consistent with the terms of the agreement; such funds withheld by
832 the department shall be deposited into the State General Fund or
833 the Education Enhancement Fund, as the case may be.

834 If the State Board of Education determines that an extreme
835 emergency exists, simultaneous with the powers exercised in this
836 subsection, it shall take immediate action against all parties
837 responsible for the affected school districts having been
838 determined to be in an extreme emergency. Such action shall
839 include, but not be limited to, initiating civil actions to
840 recover funds and criminal actions to account for criminal
841 activity. Any funds recovered by the State Auditor or the State
842 Board of Education from the surety bonds of school officials or

843 from any civil action brought under this subsection shall be
844 applied toward the repayment of any loan made to a school district
845 hereunder.

846 (15) In the event a majority of the membership of the school
847 board of any school district resigns from office, the State Board
848 of Education shall be authorized to assign an interim conservator,
849 who shall be responsible for the administration, management and
850 operation of the school district until such time as new board
851 members are selected or the Governor declares a state of emergency
852 in that school district under subsection (11), whichever occurs
853 first. In such case, the State Board of Education, acting through
854 the interim conservator, shall have all powers which were held by
855 the previously existing school board, and may take such action as
856 prescribed in Section 37-17-13 and/or one or more of the actions
857 authorized in this section.

858 (16) Beginning with the school district audits conducted for
859 the 1997-1998 fiscal year, the State Board of Education, acting
860 through the Commission on School Accreditation, shall require each
861 school district to comply with standards established by the State
862 Department of Audit for the verification of fixed assets and the
863 auditing of fixed assets records as a minimum requirement for
864 accreditation.

865 (17) Before December 1, 1999, the State Board of Education
866 shall recommend a program to the Education Committees of the House
867 of Representatives and the Senate for identifying and rewarding
868 public schools that improve or are high-performing. The program
869 shall be described by the board in a written report, which shall
870 include criteria and a process through which improving schools and
871 high-performing schools will be identified and rewarded.

872 The State Superintendent of Education and the State Board of
873 Education also shall develop a comprehensive accountability plan
874 to ensure that local school boards, superintendents, principals
875 and teachers are held accountable for student achievement. A

876 written report on the accountability plan shall be submitted to
877 the Education Committees of both houses of the Legislature before
878 December 1, 1999, with any necessary legislative recommendations.

879 SECTION 7. Section 37-7-306, Mississippi Code of 1972, is
880 amended as follows:[JU3]

881 37-7-306. (1) Every school board member selected after July
882 1, 2000, shall have a high school diploma or its equivalent.

883 (2) Every school board member selected after July 1, 1993,
884 shall be required to complete a basic course of training and
885 education for local school board members, in order for board
886 members to carry out their duties more effectively and be exposed
887 to new ideas involving school restructuring. Such basic course of
888 training, approved by the State Board of Education, shall be
889 conducted by the School Executive Management Institute of the
890 State Department of Education. Upon completion of the basic
891 course of training, the School Executive Management Institute
892 shall file a certificate of completion for the school board member
893 with the office of the local school board. In the event that a
894 board member fails to complete such training within six (6) months
895 of his selection, or six (6) months from April 15, 1993, such
896 board member shall no longer be qualified to serve and shall be
897 removed from office.

898 (3) In addition to meeting the requirements of subsection
899 (2) of this section, after taking office, each school board member
900 shall be required to file annually in the office of the school
901 board a certificate of completion of a course of continuing
902 education conducted by the Mississippi School Boards Association.

903 (4) Every school board member selected after July 1, 2000,
904 shall spend at least one (1) full day in a school in the district
905 they represent, without compensation.

906 (5) Upon the failure of any local school board member to
907 file with the school board the certificate of completion of the
908 basic course of training as provided in subsection (2) of this

909 section, the school board member shall be removed from office by
910 the Attorney General.

911 SECTION 8. Section 37-19-7, Mississippi Code of 1972, is
912 amended as follows:[RDD4]

913 37-19-7. (1) This section shall be known and may be cited
914 as the Mississippi "Teacher Opportunity Program (TOP)." The
915 allowance in the minimum education program and the Mississippi
916 Adequate Education Program for teachers' salaries in each county
917 and separate school district shall be determined and paid in
918 accordance with the scale for teachers' salaries as provided in
919 this subsection * * *. For teachers holding the following types
920 of licenses or the equivalent as determined by the State Board of
921 Education, and the following number of years of teaching
922 experience, the scale shall be as follows:

923 **1999-2000 School Year**

924 **and School Years Thereafter**

925 **Less Than 25 Years of Teaching Experience**

926 AAAA.....\$ 25,790.00
927 AAA.....24,940.00
928 AA.....24,090.00
929 A.....23,040.00

930 **25 or More Years of Teaching Experience**

931 AAAA.....\$ 26,790.00
932 AAA.....25,940.00
933 AA.....25,090.00
934 A.....24,040.00

935 Provided, however, that in the event the Sine Die General
936 Fund Revenue Estimate Increase for fiscal year 2002 is at least
937 five percent (5%), as certified by the Legislative Budget Office
938 to the State Board of Education, the scale shall be as follows:

939 **2001-2002 School Year and School Years Thereafter**

940 **Less Than 25 Years of Teaching Experience**

941 AAAA.....\$ 26,290.00

942	<u>AAA</u>	<u>25,440.00</u>
943	<u>AA</u>	<u>24,590.00</u>
944	<u>A</u>	<u>23,540.00</u>

25 or More Years of Teaching Experience

946	<u>AAAA</u>	<u>\$ 27,790.00</u>
947	<u>AAA</u>	<u>26,940.00</u>
948	<u>AA</u>	<u>26,090.00</u>
949	<u>A</u>	<u>25,040.00</u>

950 Provided further, that for each one percent (1%) that the Sine Die
951 General Fund Revenue Estimate Growth exceeds the five percent (5%)
952 minimum for fiscal year 2002, as certified by the Legislative
953 Budget Office to the State Board of Education and subject to
954 specific appropriation therefor by the Legislature, the State
955 Board of Education shall revise the salary scale to provide an
956 additional one percent (1%) across the board increase in the base
957 salaries for each type of certificate.

958 In the event the Sine Die General Fund Revenue Estimate
959 Increase for fiscal year 2003 is at least five percent (5%), as
960 certified by the Legislative Budget Office to the State Board of
961 Education, the scale shall be as follows:

2002-2003 School Year and School Years Thereafter

Less Than 25 Years of Teaching Experience

964	<u>AAAA</u>	<u>\$ 27,850.00</u>
965	<u>AAA</u>	<u>27,000.00</u>
966	<u>AA</u>	<u>26,150.00</u>
967	<u>A</u>	<u>24,700.00</u>

25 or More Years of Teaching Experience

969	<u>AAAA</u>	<u>\$ 29,850.00</u>
970	<u>AAA</u>	<u>29,000.00</u>
971	<u>AA</u>	<u>28,150.00</u>
972	<u>A</u>	<u>26,700.00</u>

973 The State Board of Education shall revise the salary scale
974 prescribed above for the 2002-2003 school year to conform to any

975 adjustments made to the salary scale in the prior fiscal year due
 976 to revenue growth over and above five percent (5%). Provided
 977 further, that for each one percent (1%) that the Sine Die General
 978 Fund Revenue Estimate Growth exceeds the five percent (5%) minimum
 979 for fiscal year 2003, as certified by the Legislative Budget
 980 Office to the State Board of Education and subject to specific
 981 appropriation therefor by the Legislature, the State Board of
 982 Education shall revise the salary scale to provide an additional
 983 one percent (1%) across the board increase in the base salaries
 984 for each type of certificate.

985 In the event the Sine Die General Fund Revenue Estimate
 986 Increase for fiscal year 2004 is at least five percent (5%), as
 987 certified by the Legislative Budget Office to the State Board of
 988 Education, the scale shall be as follows:

989 **2003-2004 School Year and School Years Thereafter**

990 **Less Than 25 Years of Teaching Experience**

991	<u>AAAA</u>	<u>\$ 29,550.00</u>
992	<u>AAA</u>	<u>28,700.00</u>
993	<u>AA</u>	<u>27,850.00</u>
994	<u>A</u>	<u>26,000.00</u>

995 **25 or More Years of Teaching Experience**

996	<u>AAAA</u>	<u>\$ 31,550.00</u>
997	<u>AAA</u>	<u>30,700.00</u>
998	<u>AA</u>	<u>29,850.00</u>
999	<u>A</u>	<u>28,000.00</u>

1000 The State Board of Education shall revise the salary scale
 1001 prescribed above for the 2003-2004 school year to conform to any
 1002 adjustments made to the salary scale in prior fiscal years due to
 1003 revenue growth over and above five percent (5%). Provided
 1004 further, that for each one percent (1%) that the Sine Die General
 1005 Fund Revenue Estimate Growth exceeds the five percent (5%) minimum
 1006 for fiscal year 2004, as certified by the Legislative Budget
 1007 Office to the State Board of Education and subject to specific

1008 appropriation therefor by the Legislature, the State Board of
1009 Education shall revise the salary scale to provide an additional
1010 one percent (1%) across the board increase in the base salaries
1011 for each type of certificate.

1012 In the event the Sine Die General Fund Revenue Estimate
1013 Increase for fiscal year 2005 is at least five percent (5%), as
1014 certified by the Legislative Budget Office to the State Board of
1015 Education, the scale shall be as follows:

1016 **2004-2005 School Year and School Years Thereafter**

1017 **Less Than 25 Years of Teaching Experience**

1018	<u>AAAA</u>	<u>\$ 31,775.00</u>
1019	<u>AAA</u>	<u>30,850.00</u>
1020	<u>AA</u>	<u>29,925.00</u>
1021	<u>A</u>	<u>28,000.00</u>

1022 **25 or More Years of Teaching Experience**

1023	<u>AAAA</u>	<u>\$ 33,775.00</u>
1024	<u>AAA</u>	<u>32,850.00</u>
1025	<u>AA</u>	<u>31,925.00</u>
1026	<u>A</u>	<u>30,000.00</u>

1027 The State Board of Education shall revise the salary scale
1028 prescribed above for the 2004-2005 school year to conform to any
1029 adjustments made to the salary scale in prior fiscal years due to
1030 revenue growth over and above five percent (5%). Provided
1031 further, that for each one percent (1%) that the Sine Die General
1032 Fund Revenue Estimate Growth exceeds the five percent (5%) minimum
1033 for fiscal year 2005, as certified by the Legislative Budget
1034 Office to the State Board of Education and subject to specific
1035 appropriation therefor by the Legislature, the State Board of
1036 Education shall revise the salary scale to provide an additional
1037 one percent (1%) across the board increase in the base salaries
1038 for each type of certificate.

1039 In the event the Sine Die General Fund Revenue Estimate
1040 Increase for fiscal year 2006 is at least five percent (5%), as

1041 certified by the Legislative Budget Office to the State Board of
1042 Education, the scale shall be as follows:

1043 **2005-2006 School Year and School Years Thereafter**

1044 **Less Than 25 Years of Teaching Experience**

1045	<u>AAAA</u>	<u>\$ 34,000.00</u>
1046	<u>AAA</u>	<u>33,000.00</u>
1047	<u>AA</u>	<u>32,000.00</u>
1048	<u>A</u>	<u>30,000.00</u>

1049 **25 or More Years of Teaching Experience**

1050	<u>AAAA</u>	<u>\$ 36,000.00</u>
1051	<u>AAA</u>	<u>35,000.00</u>
1052	<u>AA</u>	<u>34,000.00</u>
1053	<u>A</u>	<u>32,000.00</u>

1054 The State Board of Education shall revise the salary scale
1055 prescribed above for the 2005-2006 school year to conform to any
1056 adjustments made to the salary scale in prior fiscal years due to
1057 revenue growth over and above five percent (5%). Provided
1058 further, that for each one percent (1%) that the Sine Die General
1059 Fund Revenue Estimate Growth exceeds the five percent (5%) minimum
1060 for fiscal year 2006, as certified by the Legislative Budget
1061 Office to the State Board of Education and subject to specific
1062 appropriation therefor by the Legislature, the State Board of
1063 Education shall revise the salary scale to provide an additional
1064 one percent (1%) across the board increase in the base salaries
1065 for each type of certificate.

1066 It is the intent of the Legislature that any state funds made
1067 available for salaries of licensed personnel in excess of the
1068 funds paid for such salaries for the 1986-1987 school year shall
1069 be paid to licensed personnel pursuant to a personnel appraisal
1070 and compensation system implemented by the State Board of
1071 Education. The State Board of Education shall have the authority
1072 to adopt and amend rules and regulations as are necessary to
1073 establish, administer and maintain the system.

1074 All teachers employed on a full-time basis shall be paid a
1075 minimum salary in accordance with the above scale. However, no
1076 school district shall receive any funds under this section for any
1077 school year during which the local supplement paid to any
1078 individual teacher shall have been reduced to a sum less than that
1079 paid to that individual teacher for performing the same duties
1080 from local supplement during the immediately preceding school
1081 year. The amount actually spent for the purposes of group health
1082 and/or life insurance shall be considered as a part of the
1083 aggregate amount of local supplement but shall not be considered
1084 a part of the amount of individual local supplement.

1085 For teachers holding a Class AAAA license, the minimum base
1086 pay specified in this subsection shall be increased by the sum of
1087 Six Hundred Sixty Dollars (\$660.00) for each year of teaching
1088 experience possessed by the person holding such license until such
1089 person shall have twenty-five (25) years of teaching experience.

1090 For teachers holding a Class AAA license, the minimum base
1091 pay specified in this subsection shall be increased by the sum of
1092 Five Hundred Ninety-five Dollars (\$595.00) for each year of
1093 teaching experience possessed by the person holding such license
1094 until such person shall have twenty-five (25) years of teaching
1095 experience.

1096 For teachers holding a Class AA license, the minimum base pay
1097 specified in this subsection shall be increased by the sum of Five
1098 Hundred Thirty Dollars (\$530.00) for each year of teaching
1099 experience possessed by the person holding such license until such
1100 person shall have twenty-five (25) years of teaching experience.

1101 For teachers holding a Class A license, the minimum base pay
1102 specified in this subsection shall be increased by the sum of Four
1103 Hundred Thirty-five Dollars (\$435.00) for each year of teaching
1104 experience possessed by the person holding such license until such
1105 person shall have twenty-one (21) years of teaching experience.

1106 Provided, however, that in the event the Sine Die General

1107 Fund Revenue Estimate Increase for fiscal year 2003 is at least
1108 five percent (5%), as certified by the Legislative Budget Office
1109 to the State Board of Education, the annual increments shall be as
1110 follows:

1111 For teachers holding a Class AAAA license, the minimum base
1112 pay specified in this subsection shall be increased by the sum of
1113 Six Hundred Eighty-five Dollars (\$685.00) for each year of
1114 teaching experience possessed by the person holding such license
1115 until such person shall have twenty-five (25) years of teaching
1116 experience.

1117 For teachers holding a Class AAA license, the minimum base
1118 pay specified in this subsection shall be increased by the sum of
1119 Six Hundred Twenty Dollars (\$620.00) for each year of teaching
1120 experience possessed by the person holding such license until such
1121 person shall have twenty-five (25) years of teaching experience.

1122 For teachers holding a Class AA license, the minimum base pay
1123 specified in this subsection shall be increased by the sum of Five
1124 Hundred Fifty-five Dollars (\$555.00) for each year of teaching
1125 experience possessed by the person holding such license until such
1126 person shall have twenty-five (25) years of teaching experience.

1127 For teachers holding a Class A license, the minimum base pay
1128 specified in this subsection shall be increased by the sum of Four
1129 Hundred Forty-five Dollars (\$445.00) for each year of teaching
1130 experience possessed by the person holding such license until such
1131 person shall have twenty-two (22) years of teaching experience.

1132 In the event the Sine Die General Fund Revenue Estimate
1133 Increase for fiscal year 2004 is at least five percent (5%), as
1134 certified by the Legislative Budget Office to the State Board of
1135 Education, the annual increments shall be as follows:

1136 For teachers holding a Class AAAA license, the minimum base
1137 pay specified in this subsection shall be increased by the sum of
1138 Seven Hundred Ten Dollars (\$710.00) for each year of teaching
1139 experience possessed by the person holding such license until such

1140 person shall have twenty-five (25) years of teaching experience.

1141 For teachers holding a Class AAA license, the minimum base
1142 pay specified in this subsection shall be increased by the sum of
1143 Six Hundred Forty-five Dollars (\$645.00) for each year of teaching
1144 experience possessed by the person holding such license until such
1145 person shall have twenty-five (25) years of teaching experience.

1146 For teachers holding a Class AA license, the minimum base pay
1147 specified in this subsection shall be increased by the sum of Five
1148 Hundred Eighty Dollars (\$580.00) for each year of teaching
1149 experience possessed by the person holding such license until such
1150 person shall have twenty-five (25) years of teaching experience.

1151 For teachers holding a Class A license, the minimum base pay
1152 specified in this subsection shall be increased by the sum of Four
1153 Hundred Fifty-five Dollars (\$455.00) for each year of teaching
1154 experience possessed by the person holding such license until such
1155 person shall have twenty-three (23) years of teaching experience.

1156 In the event the Sine Die General Fund Revenue Estimate
1157 Increase for fiscal year 2005 is at least five percent (5%), as
1158 certified by the Legislative Budget Office to the State Board of
1159 Education, the annual increments shall be as follows:

1160 For teachers holding a Class AAAA license, the minimum base
1161 pay specified in this subsection shall be increased by the sum of
1162 Seven Hundred Forty Dollars (\$740.00) for each year of teaching
1163 experience possessed by the person holding such license until such
1164 person shall have twenty-five (25) years of teaching experience.

1165 For teachers holding a Class AAA license, the minimum base
1166 pay specified in this subsection shall be increased by the sum of
1167 Six Hundred Seventy-five Dollars (\$675.00) for each year of
1168 teaching experience possessed by the person holding such license
1169 until such person shall have twenty-five (25) years of teaching
1170 experience.

1171 For teachers holding a Class AA license, the minimum base pay
1172 specified in this subsection shall be increased by the sum of Six

1173 Hundred Ten Dollars (\$610.00) for each year of teaching experience
1174 possessed by the person holding such license until such person
1175 shall have twenty-five (25) years of teaching experience.

1176 For teachers holding a Class A license, the minimum base pay
1177 specified in this subsection shall be increased by the sum of Four
1178 Hundred Sixty-five Dollars (\$465.00) for each year of teaching
1179 experience possessed by the person holding such license until such
1180 person shall have twenty-four (24) years of teaching experience.

1181 In the event the Sine Die General Fund Revenue Estimate
1182 Increase for fiscal year 2006 is at least five percent (5%), as
1183 certified by the Legislative Budget Office to the State Board of
1184 Education, the annual increments shall be as follows:

1185 For teachers holding a Class AAAA license, the minimum base
1186 pay specified in this subsection shall be increased by the sum of
1187 Seven Hundred Seventy Dollars (\$770.00) for each year of teaching
1188 experience possessed by the person holding such license until such
1189 person shall have twenty-five (25) years of teaching experience.

1190 For teachers holding a Class AAA license, the minimum base
1191 pay specified in this subsection shall be increased by the sum of
1192 Seven Hundred Five Dollars (\$705.00) for each year of teaching
1193 experience possessed by the person holding such license until such
1194 person shall have twenty-five (25) years of teaching experience.

1195 For teachers holding a Class AA license, the minimum base pay
1196 specified in this subsection shall be increased by the sum of Six
1197 Hundred Forty Dollars (\$640.00) for each year of teaching
1198 experience possessed by the person holding such license until such
1199 person shall have twenty-five (25) years of teaching experience.

1200 For teachers holding a Class A license, the minimum base pay
1201 specified in this subsection shall be increased by the sum of Four
1202 Hundred Eighty Dollars (\$480.00) for each year of teaching
1203 experience possessed by the person holding such license until such
1204 person shall have twenty-four (24) years of teaching experience.

1205 The level of professional training of each teacher to be used

1206 in establishing the salary allotment for the teachers for each
1207 year shall be determined by the type of valid teacher's license
1208 issued to those teachers on or before October 1 of the current
1209 school year.

1210 (2) (a) The following employees shall receive an annual
1211 salary supplement in the amount of Six Thousand Dollars
1212 (\$6,000.00), plus fringe benefits, in addition to any other
1213 compensation to which the employee may be entitled:

1214 (i) Any licensed teacher who has met the
1215 requirements and acquired a Master Teacher certificate from the
1216 National Board for Professional Teaching Standards and who is
1217 employed by a local school board or the State Board of Education
1218 as a teacher and not as an administrator. In the 1999-2000 and
1219 2000-2001 school year, such teacher shall submit documentation to
1220 the State Department of Education that the certificate was
1221 received prior to April 15 in order to be eligible for the full
1222 salary supplement in the current school year. In the 2001-2002
1223 school year and in school years thereafter, such teacher shall
1224 submit documentation to the State Department of Education that the
1225 certificate was received prior to October 15 in order to be
1226 eligible for the full salary supplement in the current school
1227 year, or the teacher shall submit such documentation to the State
1228 Department of Education prior to February 15 in order to be
1229 eligible for a prorated salary supplement beginning with the
1230 second term of the school year.

1231 (ii) From and after July 1, 1999, any licensed
1232 school counselor who has met the requirements and acquired a
1233 National Certified School Counselor (NCSC) endorsement from the
1234 National Board of Certified Counselors and who is employed by a
1235 local school board or the State Board of Education as a counselor
1236 and not as an administrator. Such licensed school counselor
1237 shall submit documentation to the State Department of Education
1238 that the endorsement was received prior to October 15 in order to

1239 be eligible for the full salary supplement in the current school
1240 year, or the licensed school counselor shall submit such
1241 documentation to the State Department of Education prior to
1242 February 15 in order to be eligible for a prorated salary
1243 supplement beginning with the second term of the school year.
1244 However, the salary supplement authorized under this item shall be
1245 discontinued two (2) years after the date on which the National
1246 Board for Professional Teaching Standards offers a certification
1247 process for a Master Teacher certificate for school counselors,
1248 and any school counselor receiving the salary supplement will be
1249 required to complete the Master Teacher certificate process under
1250 item (i) of this paragraph in order to continue receiving such
1251 salary supplement.

1252 (iii) From and after July 1, 1999, any licensed
1253 speech-language pathologist and audiologist who has met the
1254 requirements and acquired a Certificate of Clinical Competence
1255 from the American Speech-Language-Hearing Association and who is
1256 employed by a local school board. Such licensed speech-language
1257 pathologist and audiologist shall submit documentation to the
1258 State Department of Education that the certificate or endorsement
1259 was received prior to October 15 in order to be eligible for the
1260 full salary supplement in the current school year, or the licensed
1261 speech-language pathologist and audiologist shall submit such
1262 documentation to the State Department of Education prior to
1263 February 15 in order to be eligible for a prorated salary
1264 supplement beginning with the second term of the school year.
1265 However, the salary supplement authorized under this item shall be
1266 discontinued two (2) years after the date on which the National
1267 Board for Professional Teaching Standards offers a certification
1268 process for a Master Teacher certificate for school speech
1269 pathologists and audiologists, and any school speech pathologist
1270 and audiologist receiving the salary supplement will be required
1271 to complete the Master Teacher certificate process under item (i)

1272 of this paragraph in order to continue receiving such salary
1273 supplement.

1274 (b) An employee shall be reimbursed one (1) time for
1275 the actual cost of completing the process of acquiring the
1276 certificate or endorsement, excluding any costs incurred for
1277 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
1278 for a school counselor or speech-language pathologist and
1279 audiologist, regardless of whether or not the process resulted in
1280 the award of the certificate or endorsement. A local school
1281 district or any private individual or entity may pay the cost of
1282 completing the process of acquiring the certificate or endorsement
1283 for any employee of the school district described under paragraph
1284 (a), and the State Department of Education shall reimburse the
1285 school district for such cost, regardless of whether or not the
1286 process resulted in the award of the certificate or endorsement.
1287 If a private individual or entity has paid the cost of completing
1288 the process of acquiring the certificate or endorsement for an
1289 employee, the local school district may agree to directly
1290 reimburse the individual or entity for such cost on behalf of the
1291 employee.

1292 (c) All salary supplements, fringe benefits and process
1293 reimbursement authorized under this subsection shall be paid
1294 directly by the State Department of Education to the local school
1295 district and shall be in addition to its minimum education program
1296 allotments and not a part thereof in accordance with regulations
1297 promulgated by the State Board of Education, and subject to
1298 appropriation by the Legislature. Local school districts shall
1299 not reduce the local supplement paid to any employee receiving
1300 such salary supplement, and the employee shall receive any local
1301 supplement to which employees with similar training and experience
1302 otherwise are entitled.

1303 (d) The State Department of Education may not pay any
1304 process reimbursement to a school district for an employee who

1305 does not complete the certification or endorsement process
1306 required to be eligible for the certificate or endorsement. If an
1307 employee for whom such cost has been paid in full or in part by a
1308 local school district or private individual or entity fails to
1309 complete the certification or endorsement process, the employee
1310 shall be liable to the school district or individual or entity for
1311 all amounts paid by the school district or individual or entity on
1312 behalf of that employee toward his or her certificate or
1313 endorsement.

1314 SECTION 9. Section 37-19-21, Mississippi Code of 1972, is
1315 amended as follows:[RDD5]

1316 37-19-21. In addition to other funds allowed in this
1317 chapter, each school district shall be allotted Four Thousand Nine
1318 Hundred Sixty-three Dollars (\$4,963.00) annually per teacher unit
1319 for use in supportive services.

1320 Provided, however, that in the event the Sine Die General
1321 Fund Revenue Estimate Increase for fiscal year 2002 is at least
1322 five percent (5%), as certified by the Legislative Budget Office
1323 to the State Board of Education, each school district shall be
1324 allotted Five Thousand Ninety-seven Dollars (\$5,097.00) per
1325 teacher unit for use in supportive services. Provided further,
1326 that for each one percent (1%) that the Sine Die General Fund
1327 Revenue Estimate Growth exceeds the five percent (5%) minimum in
1328 fiscal year 2002, as certified by the Legislative Budget Office to
1329 the State Board of Education and subject to specific appropriation
1330 therefor by the Legislature, the State Board of Education shall
1331 revise the allotment for supportive services to provide an
1332 additional one percent (1%) increase.

1333 This section shall be repealed on July 1, 2002.

1334 SECTION 10. Section 37-21-7, Mississippi Code of 1972, is
1335 amended as follows:[RDD6]

1336 **[Until July 1, 2002, this section will read as follows:]**

1337 37-21-7. (1) This section shall be referred to as the

1338 "Mississippi Elementary Schools Assistant Teacher Program," the
1339 purpose of which shall be to provide an early childhood education
1340 program that assists in the instruction of basic skills. The
1341 State Board of Education is authorized, empowered and directed to
1342 implement a statewide system of assistant teachers in kindergarten
1343 classes and in the first, second and third grades. The assistant
1344 teacher shall assist pupils in actual instruction under the strict
1345 supervision of a licensed teacher.

1346 (2) (a) Each school district shall employ the total number
1347 of assistant teachers funded under subsection (6) of this section.

1348 The superintendent of each district shall assign the assistant
1349 teachers to the kindergarten, first-, second- and third-grade
1350 classes in the district in a manner that will promote the maximum
1351 efficiency, as determined by the superintendent, in the
1352 instruction of skills such as verbal and linguistic skills,
1353 logical and mathematical skills, and social skills.

1354 (b) If a licensed teacher to whom an assistant teacher
1355 has been assigned is required to be absent from the classroom, the
1356 assistant teacher may assume responsibility for the classroom in
1357 lieu of a substitute teacher. However, no assistant teacher shall
1358 assume sole responsibility of the classroom for more than three

1359 (3) consecutive school days. Further, in no event shall any
1360 assistant teacher be assigned to serve as a substitute teacher for
1361 any teacher other than the licensed teacher to whom that assistant
1362 teacher has been assigned.

1363 (3) Assistant teachers shall have, at a minimum, a high
1364 school diploma and shall show demonstratable proficiency in
1365 reading and writing skills. The State Department of Education
1366 shall develop a testing procedure for assistant teacher applicants
1367 to be used in all school districts in the state.

1368 (4) (a) In order to receive funding, each school district
1369 shall:

1370 (i) Submit a plan on the implementation of a

1371 reading improvement program to the State Department of Education;
1372 and

1373 (ii) Develop a plan of educational accountability
1374 and assessment of performance, including pretests and posttests,
1375 for reading in Grades 1 through 6.

1376 (b) Additionally, each school district shall:

1377 (i) Provide annually a mandatory preservice
1378 orientation session, using an existing in-school service day, for
1379 administrators and teachers on the effective use of assistant
1380 teachers as part of a team in the classroom setting and on the
1381 role of assistant teachers, with emphasis on program goals;

1382 (ii) Hold periodic workshops for administrators
1383 and teachers on the effective use and supervision of assistant
1384 teachers;

1385 (iii) Provide training annually on specific
1386 instructional skills for assistant teachers;

1387 (iv) Annually evaluate their program in accordance
1388 with their educational accountability and assessment of
1389 performance plan; and

1390 (v) Designate the necessary personnel to supervise
1391 and report on their program.

1392 (5) The State Department of Education shall:

1393 (a) Develop and assist in the implementation of a
1394 statewide uniform training module, subject to the availability of
1395 funds specifically appropriated therefor by the Legislature, which
1396 shall be used in all school districts for training administrators,
1397 teachers and assistant teachers. The module shall provide for the
1398 consolidated training of each assistant teacher and teacher to
1399 whom the assistant teacher is assigned, working together as a
1400 team, and shall require further periodical training for
1401 administrators, teachers and assistant teachers regarding the role
1402 of assistant teachers;

1403 (b) Annually evaluate the program on the district and

1404 state level. Subject to the availability of funds specifically
1405 appropriated therefor by the Legislature, the department shall
1406 develop: (i) uniform evaluation reports, to be performed by the
1407 principal or assistant principal, to collect data for the annual
1408 overall program evaluation conducted by the department; or (ii) a
1409 program evaluation model that, at a minimum, addresses process
1410 evaluation; and

1411 (c) Promulgate rules, regulations and such other
1412 standards deemed necessary to effectuate the purposes of this
1413 section. Noncompliance with the provisions of this section and
1414 any rules, regulations or standards adopted by the department may
1415 result in a violation of compulsory accreditation standards as
1416 established by the State Board of Education and Commission on
1417 School Accreditation.

1418 (6) In addition to other funds allotted under the Minimum
1419 Education Program, each school district shall be allotted Nine
1420 Thousand One Hundred Fifteen Dollars (\$9,115.00) per teacher unit
1421 as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for the
1422 purpose of employing an assistant teacher. Assistant teachers
1423 shall be paid a minimum annual salary of Nine Thousand One Hundred
1424 Fifteen Dollars (\$9,115.00). However, no assistant teacher shall
1425 be paid less than the amount he or she received in the prior
1426 school year. In the 1995-1996 school year and school years
1427 thereafter, no school district shall receive any funds under this
1428 section for any school year during which the aggregate amount of
1429 the local contribution to the salaries of assistant teachers by
1430 the district shall have been reduced below such amount for the
1431 previous year. Provided, however, that in the event the Sine Die
1432 General Fund Revenue Estimate Increase for fiscal year 2002 is at
1433 least five percent (5%), as certified by the Legislative Budget
1434 Office to the State Board of Education, the minimum salary for
1435 assistant teachers shall be Nine Thousand Three Hundred Sixty-five
1436 Dollars (\$9,365.00).

1437 In the event the Sine Die General Fund Revenue Estimate
1438 Increase for fiscal year 2003 is at least five percent (5%), as
1439 certified by the Legislative Budget Office to the State Board of
1440 Education, the minimum salary for assistant teachers shall be Nine
1441 Thousand Nine Hundred Dollars (\$9,900.00).

1442 In the event the Sine Die General Fund Revenue Estimate
1443 Increase for fiscal year 2004 is at least five percent (5%), as
1444 certified by the Legislative Budget Office to the State Board of
1445 Education, the minimum salary for assistant teachers shall be Ten
1446 Thousand Five Hundred Dollars (\$10,500.00).

1447 In the event the Sine Die General Fund Revenue Estimate
1448 Increase for fiscal year 2005 is at least five percent (5%), as
1449 certified by the Legislative Budget Office to the State Board of
1450 Education, the minimum salary for assistant teachers shall be
1451 Eleven Thousand Two Hundred Dollars (\$11,200.00).

1452 In the event the Sine Die General Fund Revenue Estimate
1453 Increase for fiscal year 2006 is at least five percent (5%), as
1454 certified by the Legislative Budget Office to the State Board of
1455 Education, the minimum salary for assistant teachers shall be
1456 Twelve Thousand Dollars (\$12,000.00).

1457 Provided further, that for each one percent (1%) that the
1458 Sine Die General Fund Revenue Estimate Growth exceeds the five
1459 percent (5%) minimum in fiscal year 2002, 2003, 2004, 2005 or
1460 2006, as certified by the Legislative Budget Office to the State
1461 Board of Education and subject to the specific appropriation
1462 therefor by the Legislature, the State Board of Education shall
1463 revise the salary scale in the appropriate year to provide an
1464 additional one percent (1%) across the board increase in the base
1465 salaries for assistant teachers. The State Board of Education
1466 shall revise the salaries prescribed above for assistant teachers
1467 to conform to any adjustments made in prior fiscal years due to
1468 revenue growth over and above five percent (5%). The assistant
1469 teachers shall not be restricted to working only in the grades for

1470 which the funds were allotted, but may be assigned to other
1471 classes as provided in subsection (2)(a) of this section.

1472 (7) (a) As an alternative to employing assistant teachers,
1473 the State Board of Education may authorize any school district
1474 meeting Level 3, 4 or 5 accreditation requirements to use the
1475 minimum program allotment provided under subsection (6) of this
1476 section for the purpose of employing licensed teachers for
1477 kindergarten, first-, second- and third-grade classes; however, no
1478 school district shall be authorized to use the minimum program
1479 allotment for assistant teachers for the purpose of employing
1480 licensed teachers unless the district has established that the
1481 employment of licensed teachers using such funds will reduce the
1482 teacher:student ratio in the kindergarten, first-, second- and
1483 third-grade classes. All minimum program funds for assistant
1484 teachers shall be applied to reducing teacher:student ratio in
1485 Grades K-3.

1486 It is the intent of the Legislature that no school district
1487 shall dismiss any assistant teacher for the purpose of using the
1488 minimum program assistant teacher allotment to employ licensed
1489 teachers. School districts may rely only upon normal attrition to
1490 reduce the number of assistant teachers employed in that district.

1491 (b) In the event any school district meets Level 4 or 5
1492 accreditation requirements, the State Board of Education, in its
1493 discretion, may exempt such school district from any accreditation
1494 requirements for the district's early childhood education program
1495 or reading improvement program.

1496 **[From and after July 1, 2002, this section reads as follows:]**

1497 37-21-7. (1) This section shall be referred to as the
1498 "Mississippi Elementary Schools Assistant Teacher Program," the
1499 purpose of which shall be to provide an early childhood education
1500 program that assists in the instruction of basic skills. The
1501 State Board of Education is authorized, empowered and directed to
1502 implement a statewide system of assistant teachers in kindergarten

1503 classes and in the first, second and third grades. The assistant
1504 teacher shall assist pupils in actual instruction under the strict
1505 supervision of a certified teacher.

1506 (2) (a) Each school district shall employ the total number
1507 of assistant teachers funded under subsection (6) of this section.

1508 The superintendent of each district shall assign the assistant
1509 teachers to the kindergarten, first-, second- and third-grade
1510 classes in the district in a manner that will promote the maximum
1511 efficiency, as determined by the superintendent, in the
1512 instruction of skills such as verbal and linguistic skills,
1513 logical and mathematical skills, and social skills.

1514 (b) If a certified teacher to whom an assistant teacher
1515 has been assigned is required to be absent from the classroom, the
1516 assistant teacher may assume responsibility for the classroom in
1517 lieu of a substitute teacher. However, no assistant teacher shall
1518 assume sole responsibility of the classroom for more than three

1519 (3) consecutive school days. Further, in no event shall any
1520 assistant teacher be assigned to serve as a substitute teacher for
1521 any teacher other than the certified teacher to whom that
1522 assistant teacher has been assigned.

1523 (3) Assistant teachers shall have, at a minimum, a high
1524 school diploma or a GED equivalent, and shall show demonstratable
1525 proficiency in reading and writing skills. The State Department
1526 of Education shall develop a testing procedure for assistant
1527 teacher applicants to be used in all school districts in the
1528 state.

1529 (4) (a) In order to receive funding, each school district
1530 shall:

1531 (i) Submit a plan on the implementation of a
1532 reading improvement program to the State Department of Education;
1533 and

1534 (ii) Develop a plan of educational accountability
1535 and assessment of performance, including pretests and posttests,

1536 for reading in Grades 1 through 6.

1537 (b) Additionally, each school district shall:

1538 (i) Provide annually a mandatory preservice
1539 orientation session, using an existing in-school service day, for
1540 administrators and teachers on the effective use of assistant
1541 teachers as part of a team in the classroom setting and on the
1542 role of assistant teachers, with emphasis on program goals;

1543 (ii) Hold periodic workshops for administrators
1544 and teachers on the effective use and supervision of assistant
1545 teachers;

1546 (iii) Provide training annually on specific
1547 instructional skills for assistant teachers;

1548 (iv) Annually evaluate their program in accordance
1549 with their educational accountability and assessment of
1550 performance plan; and

1551 (v) Designate the necessary personnel to supervise
1552 and report on their program.

1553 (5) The State Department of Education shall:

1554 (a) Develop and assist in the implementation of a
1555 statewide uniform training module, subject to the availability of
1556 funds specifically appropriated therefor by the Legislature, which
1557 shall be used in all school districts for training administrators,
1558 teachers and assistant teachers. The module shall provide for the
1559 consolidated training of each assistant teacher and teacher to
1560 whom the assistant teacher is assigned, working together as a
1561 team, and shall require further periodical training for
1562 administrators, teachers and assistant teachers regarding the role
1563 of assistant teachers;

1564 (b) Annually evaluate the program on the district and
1565 state level. Subject to the availability of funds specifically
1566 appropriated therefor by the Legislature, the department shall
1567 develop: (i) uniform evaluation reports, to be performed by the
1568 principal or assistant principal, to collect data for the annual

1569 overall program evaluation conducted by the department; or (ii) a
1570 program evaluation model that, at a minimum, addresses process
1571 evaluation; and

1572 (c) Promulgate rules, regulations and such other
1573 standards deemed necessary to effectuate the purposes of this
1574 section. Noncompliance with the provisions of this section and
1575 any rules, regulations or standards adopted by the department may
1576 result in a violation of compulsory accreditation standards as
1577 established by the State Board of Education and Commission on
1578 School Accreditation.

1579 (6) No assistant teacher shall be paid less than the amount
1580 he or she received in the prior school year. In the 1995-1996
1581 school year and school years thereafter, no school district shall
1582 receive any funds under this section for any school year during
1583 which the aggregate amount of the local contribution to the
1584 salaries of assistant teachers by the district shall have been
1585 reduced below such amount for the previous year. Provided,
1586 however, that in the event the Sine Die General Fund Revenue
1587 Estimate Increase for fiscal year 2002 is at least five percent
1588 (5%), as certified by the Legislative Budget Office to the State
1589 Board of Education, the minimum salary for assistant teachers
1590 shall be Nine Thousand Three Hundred Sixty-five Dollars
1591 (\$9,365.00).

1592 In the event the Sine Die General Fund Revenue Estimate
1593 Increase for fiscal year 2003 is at least five percent (5%), as
1594 certified by the Legislative Budget Office to the State Board of
1595 Education, the minimum salary for assistant teachers shall be Nine
1596 Thousand Nine Hundred Dollars (\$9,900.00).

1597 In the event the Sine Die General Fund Revenue Estimate
1598 Increase for fiscal year 2004 is at least five percent (5%), as
1599 certified by the Legislative Budget Office to the State Board of
1600 Education, the minimum salary for assistant teachers shall be Ten
1601 Thousand Five Hundred Dollars (\$10,500.00).

1602 In the event the Sine Die General Fund Revenue Estimate
1603 Increase for fiscal year 2005 is at least five percent (5%), as
1604 certified by the Legislative Budget Office to the State Board of
1605 Education, the minimum salary for assistant teachers shall be
1606 Eleven Thousand Two Hundred Dollars (\$11,200.00).

1607 In the event the Sine Die General Fund Revenue Estimate
1608 Increase for fiscal year 2006 is at least five percent (5%), as
1609 certified by the Legislative Budget Office to the State Board of
1610 Education, the minimum salary for assistant teachers shall be
1611 Twelve Thousand Dollars (\$12,000.00).

1612 Provided further, that for each one percent (1%) that the
1613 Sine Die General Fund Revenue Estimate Growth exceeds the five
1614 percent (5%) minimum in fiscal year 2002, 2003, 2004, 2005 or
1615 2006, as certified by the Legislative Budget Office to the State
1616 Board of Education and subject to the specific appropriation
1617 therefor by the Legislature, the State Board of Education shall
1618 revise the salary scale in the appropriate year to provide an
1619 additional one percent (1%) across the board increase in the base
1620 salaries for assistant teachers. The State Board of Education
1621 shall revise the salaries prescribed above for assistant teachers
1622 to conform to any adjustments made in prior fiscal years due to
1623 revenue growth over and above five percent (5%). The assistant
1624 teachers shall not be restricted to working only in the grades for
1625 which the funds were allotted, but may be assigned to other
1626 classes as provided in subsection (2)(a) of this section.

1627 (7) (a) As an alternative to employing assistant teachers,
1628 the State Board of Education may authorize any school district
1629 meeting Level 3, 4 or 5 accreditation requirements to use the
1630 adequate education program allotments for the purpose of employing
1631 certified teachers for kindergarten, first-, second- and
1632 third-grade classes; however, no school district shall be
1633 authorized to use the funds for assistant teachers for the purpose
1634 of employing certified teachers unless the district has

1635 established that the employment of certified teachers using such
1636 funds will reduce the teacher:student ratio in the kindergarten,
1637 first-, second- and third-grade classes. All adequate education
1638 program funds for assistant teachers shall be applied to reducing
1639 teacher:student ratio in Grades K-3.

1640 It is the intent of the Legislature that no school district
1641 shall dismiss any assistant teacher for the purpose of using state
1642 funds to employ certified teachers. School districts may rely
1643 only upon normal attrition to reduce the number of assistant
1644 teachers employed in that district.

1645 (b) In the event any school district meets Level 4 or 5
1646 accreditation requirements, the State Board of Education, in its
1647 discretion, may exempt such school district from any accreditation
1648 requirements for the district's early childhood education program
1649 or reading improvement program.

1650 SECTION 11. The Attorney General of the State of Mississippi
1651 shall submit Sections 4 and 7 of this act, immediately upon
1652 approval by the Governor, or upon approval by the Legislature
1653 subsequent to a veto, to the Attorney General of the United States
1654 or to the United States District Court for the District of
1655 Columbia in accordance with the provisions of the Voting Rights
1656 Act of 1965, as amended and extended.

1657 SECTION 12. This act shall take effect and be in force from
1658 and after July 1, 2000; provided that Sections 4 and 7 shall take
1659 effect and be in force from and after the date it is effectuated
1660 under Section 5 of the Voting Rights Act of 1965, as amended and
1661 extended.