

By: Harden

To: Education;  
Appropriations

SENATE BILL NO. 2505

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ANY SCHOOL DISTRICT TO USE MINIMUM PROGRAM ASSISTANT  
3 TEACHER FUNDS TO EMPLOY ADDITIONAL CERTIFIED TEACHERS IN GRADES  
4 K-3, REGARDLESS OF ACCREDITATION LEVEL; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 37-21-7, Mississippi Code of 1972, is  
7 amended as follows:[RDD1]

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

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

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

20 The superintendent of each district shall assign the assistant  
21 teachers to the kindergarten, first-, second- and third-grade  
22 classes in the district in a manner that will promote the maximum

23 efficiency, as determined by the superintendent, in the  
24 instruction of skills such as verbal and linguistic skills,  
25 logical and mathematical skills, and social skills.

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

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

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

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

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

48 (b) Additionally, each school district shall:

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

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

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

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

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

64           (5) The State Department of Education shall:

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

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

82 evaluation; and

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

90 (6) In addition to other funds allotted under the Minimum  
91 Education Program, each school district shall be allotted Nine  
92 Thousand One Hundred Fifteen Dollars (\$9,115.00) per teacher unit  
93 as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for the  
94 purpose of employing an assistant teacher. Assistant teachers  
95 shall be paid a minimum annual salary of Nine Thousand One Hundred  
96 Fifteen Dollars (\$9,115.00). However, no assistant teacher shall  
97 be paid less than the amount he or she received in the prior  
98 school year. In the 1995-1996 school year and school years  
99 thereafter, no school district shall receive any funds under this  
100 section for any school year during which the aggregate amount of  
101 the local contribution to the salaries of assistant teachers by  
102 the district shall have been reduced below such amount for the  
103 previous year. The assistant teachers shall not be restricted to  
104 working only in the grades for which the funds were allotted, but  
105 may be assigned to other classes as provided in subsection (2)(a)  
106 of this section.

107 (7) (a) As an alternative to employing assistant  
108 teachers, \* \* \* any school district \* \* \* is authorized to use the  
109 minimum program allotment provided under subsection (6) of this

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

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

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

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

131 37-21-7. (1) This section shall be referred to as the  
132 "Mississippi Elementary Schools Assistant Teacher Program," the  
133 purpose of which shall be to provide an early childhood education  
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137 classes and in the first, second and third grades. The assistant

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

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

142 The superintendent of each district shall assign the assistant  
143 teachers to the kindergarten, first-, second- and third-grade  
144 classes in the district in a manner that will promote the maximum  
145 efficiency, as determined by the superintendent, in the  
146 instruction of skills such as verbal and linguistic skills,  
147 logical and mathematical skills, and social skills.

148 (b) If a certified teacher to whom an assistant teacher  
149 has been assigned is required to be absent from the classroom, the  
150 assistant teacher may assume responsibility for the classroom in  
151 lieu of a substitute teacher. However, no assistant teacher shall  
152 assume sole responsibility of the classroom for more than three

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

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

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

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186 and report on their program.

187 (5) The State Department of Education shall:

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

194 whom the assistant teacher is assigned, working together as a  
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199 state level. Subject to the availability of funds specifically  
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202 principal or assistant principal, to collect data for the annual  
203 overall program evaluation conducted by the department; or (ii) a  
204 program evaluation model that, at a minimum, addresses process  
205 evaluation; and

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

213           (6) No assistant teacher shall be paid less than the amount  
214 he or she received in the prior school year. In the 1995-1996  
215 school year and school years thereafter, no school district shall  
216 receive any funds under this section for any school year during  
217 which the aggregate amount of the local contribution to the  
218 salaries of assistant teachers by the district shall have been  
219 reduced below such amount for the previous year. The assistant  
220 teachers shall not be restricted to working only in the grades for  
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222 classes as provided in subsection (2)(a) of this section.

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

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236 shall dismiss any assistant teacher for the purpose of using state  
237 funds to employ certified teachers. School districts may rely  
238 only upon normal attrition to reduce the number of assistant  
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241 accreditation requirements, the State Board of Education, in its  
242 discretion, may exempt such school district from any accreditation  
243 requirements for the district's early childhood education program  
244 or reading improvement program.

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