

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 TO AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1134**

**By Senator(s) Chaney, Harden**

**AMEND** by inserting the following new sections after line 891 and renumbering subsequent sections accordingly:

SECTION \*. Section 37-19-7, Mississippi Code of 1972, is amended as follows:

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

**1999-2000 School Year**

**and School Years Thereafter**

**Less Than 25 Years of Teaching Experience**

AAAA.....	\$ 25,790.00
AAA.....	24,940.00
AA.....	24,090.00
A.....	23,040.00

**25 or More Years of Teaching Experience**

AAAA.....	\$ 26,790.00
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AAA.....	25,940.00
AA.....	25,090.00
A.....	24,040.00

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

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

**Less Than 25 Years of Teaching Experience**

<u>AAAA.....</u>	<u>\$ 26,290.00</u>
<u>AAA.....</u>	<u>25,440.00</u>
<u>AA.....</u>	<u>24,590.00</u>
<u>A.....</u>	<u>23,540.00</u>

**25 or More Years of Teaching Experience**

<u>AAAA.....</u>	<u>\$ 27,790.00</u>
<u>AAA.....</u>	<u>26,940.00</u>
<u>AA.....</u>	<u>26,090.00</u>
<u>A.....</u>	<u>25,040.00</u>

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

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

**2002-2003 School Year and School Years Thereafter**

**Less Than 25 Years of Teaching Experience**

<u>AAAA.....</u>	<u>\$ 27,850.00</u>
<u>AAA.....</u>	<u>27,000.00</u>
<u>AA.....</u>	<u>26,150.00</u>

A.....24,700.00

**25 or More Years of Teaching Experience**

AAAA.....\$ 29,850.00

AAA.....29,000.00

AA.....28,150.00

A.....26,700.00

The State Board of Education shall revise the salary scale prescribed above for the 2002-2003 school year to conform to any adjustments made to the salary scale in the prior fiscal year due to revenue growth over and above five percent (5%). Provided, further, that for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds the five percent (5%) minimum for fiscal year 2003, as certified by the Legislative Budget Office to the State Board of Education and subject to specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale to provide an additional one percent (1%) across the board increase in the base salaries for each type of certificate.

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

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

**Less Than 25 Years of Teaching Experience**

AAAA.....\$ 29,550.00

AAA.....28,700.00

AA.....27,850.00

A.....26,000.00

**25 or More Years of Teaching Experience**

AAAA.....\$ 31,550.00

AAA.....30,700.00

AA.....29,850.00

A.....28,000.00

The State Board of Education shall revise the salary scale prescribed above for the 2003-2004 school year to conform to any

adjustments made to the salary scale in prior fiscal years due to revenue growth over and above five percent (5%). Provided, further, that for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds the five percent (5%) minimum for fiscal year 2004, as certified by the Legislative Budget Office to the State Board of Education and subject to specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale to provide an additional one percent (1%) across the board increase in the base salaries for each type of certificate.

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

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

**Less Than 25 Years of Teaching Experience**

<u>AAAA</u> .....	<u>\$ 31,775.00</u>
<u>AAA</u> .....	<u>30,850.00</u>
<u>AA</u> .....	<u>29,925.00</u>
<u>A</u> .....	<u>28,000.00</u>

**25 or More Years of Teaching Experience**

<u>AAAA</u> .....	<u>\$ 33,775.00</u>
<u>AAA</u> .....	<u>32,850.00</u>
<u>AA</u> .....	<u>31,925.00</u>
<u>A</u> .....	<u>30,000.00</u>

The State Board of Education shall revise the salary scale prescribed above for the 2004-2005 school year to conform to any adjustments made to the salary scale in prior fiscal years due to revenue growth over and above five percent (5%). Provided, further, that for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds the five percent (5%) minimum for fiscal year 2005, as certified by the Legislative Budget Office to the State Board of Education and subject to specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale to provide an additional

one percent (1%) across the board increase in the base salaries for each type of certificate.

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

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

**Less Than 25 Years of Teaching Experience**

<u>AAAA</u> .....	<u>\$ 34,000.00</u>
<u>AAA</u> .....	<u>33,000.00</u>
<u>AA</u> .....	<u>32,000.00</u>
<u>A</u> .....	<u>30,000.00</u>

**25 or More Years of Teaching Experience**

<u>AAAA</u> .....	<u>\$ 36,000.00</u>
<u>AAA</u> .....	<u>35,000.00</u>
<u>AA</u> .....	<u>34,000.00</u>
<u>A</u> .....	<u>32,000.00</u>

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

It is the intent of the Legislature that any state funds made available for salaries of licensed personnel in excess of the funds paid for such salaries for the 1986-1987 school year shall be paid to licensed personnel pursuant to a personnel appraisal and compensation system implemented by the State Board of Education. The State Board of Education shall have the authority

to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

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

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

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

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

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

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

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

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

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

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

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

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

For teachers holding a Class AAAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Ten Dollars (\$710.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

For teachers holding a Class AAA license, the minimum base

pay specified in this subsection shall be increased by the sum of Six Hundred Forty-five Dollars (\$645.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

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

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

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

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

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

For teachers holding a Class AA license, the minimum base pay specified in this subsection shall be increased by the sum of Six Hundred Ten Dollars (\$610.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

For teachers holding a Class A license, the minimum base pay



specified in this subsection shall be increased by the sum of Four Hundred Sixty-five Dollars (\$465.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-four (24) years of teaching experience.

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

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

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

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

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

The level of professional training of each teacher to be used in establishing the salary allotment for the teachers for each year shall be determined by the type of valid teacher's license issued to those teachers on or before October 1 of the current school year.

(2) (a) The following employees shall receive an annual salary supplement in the amount of Six Thousand Dollars

(\$6,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

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

(ii) From and after July 1, 1999, any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, the salary supplement authorized under this item shall be discontinued two (2) years after the date on which the National Board for Professional Teaching Standards offers a certification

process for a Master Teacher certificate for school counselors, and any school counselor receiving the salary supplement will be required to complete the Master Teacher certificate process under item (i) of this paragraph in order to continue receiving such salary supplement.

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

(b) An employee shall be reimbursed one (1) time for the actual cost of completing the process of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars (\$500.00) for a school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. A local school district or any private individual or entity may pay the cost of

completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

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

(d) The State Department of Education may not pay any process reimbursement to a school district for an employee who does not complete the certification or endorsement process required to be eligible for the certificate or endorsement. If an employee for whom such cost has been paid in full or in part by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

SECTION \*. Section 37-19-21, Mississippi Code of 1972, is amended as follows:

37-19-21. In addition to other funds allowed in this

chapter, each school district shall be allotted Four Thousand Nine Hundred Sixty-three Dollars (\$4,963.00) annually per teacher unit for use in supportive services.

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

This section shall be repealed on July 1, 2002.

SECTION \*. Section 37-21-7, Mississippi Code of 1972, is amended as follows:

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

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

(2) (a) Each school district shall employ the total number of assistant teachers funded under subsection (6) of this section. The superintendent of each district shall assign the assistant teachers to the kindergarten, first-, second- and third-grade classes in the district in a manner that will promote the maximum efficiency, as determined by the superintendent, in the

instruction of skills such as verbal and linguistic skills, logical and mathematical skills, and social skills.

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

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

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

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

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

(b) Additionally, each school district shall:

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

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

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

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

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

(5) The State Department of Education shall:

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

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

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

(6) In addition to other funds allotted under the Minimum Education Program, each school district shall be allotted Nine Thousand One Hundred Fifteen Dollars (\$9,115.00) per teacher unit as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for the

purpose of employing an assistant teacher. Assistant teachers shall be paid a minimum annual salary of Nine Thousand One Hundred Fifteen Dollars (\$9,115.00). However, no assistant teacher shall be paid less than the amount he or she received in the prior school year. In the 1995-1996 school year and school years thereafter, no school district shall receive any funds under this section for any school year during which the aggregate amount of the local contribution to the salaries of assistant teachers by the district shall have been reduced below such amount for the previous year. Provided, however, that in the event the Sine Die General Fund Revenue Estimate Increase for fiscal year 2002 is at least five percent (5%), as certified by the Legislative Budget Office to the State Board of Education, the minimum salary for assistant teachers shall be Nine Thousand Three Hundred Sixty-five Dollars (\$9,365.00).

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

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

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

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



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

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

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

(b) In the event any school district meets Level 4 or 5

accreditation requirements, the State Board of Education, in its discretion, may exempt such school district from any accreditation requirements for the district's early childhood education program or reading improvement program.

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

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

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

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

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

(3) Assistant teachers shall have, at a minimum, a high school diploma or a GED equivalent, and shall show demonstratable proficiency in reading and writing skills. The State Department of Education shall develop a testing procedure for assistant

teacher applicants to be used in all school districts in the state.

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

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

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

(b) Additionally, each school district shall:

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

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

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

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

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

(5) The State Department of Education shall:

(a) Develop and assist in the implementation of a statewide uniform training module, subject to the availability of funds specifically appropriated therefor by the Legislature, which shall be used in all school districts for training administrators, teachers and assistant teachers. The module shall provide for the consolidated training of each assistant teacher and teacher to whom the assistant teacher is assigned, working together as a team, and shall require further periodical training for

administrators, teachers and assistant teachers regarding the role of assistant teachers;

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

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

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

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

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

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

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

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

(7) (a) As an alternative to employing assistant teachers, the State Board of Education may authorize any school district meeting Level 3, 4 or 5 accreditation requirements to use the adequate education program allotments for the purpose of employing certified teachers for kindergarten, first-, second- and

third-grade classes; however, no school district shall be authorized to use the funds for assistant teachers for the purpose of employing certified teachers unless the district has established that the employment of certified teachers using such funds will reduce the teacher:student ratio in the kindergarten, first-, second- and third-grade classes. All adequate education program funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3.

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

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

**FURTHER amend the title by inserting the following after the semicolon on line 33:**

TO ENACT THE "TEACHER OPPORTUNITY PROGRAM (TOP)"; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF PUBLIC SCHOOLTEACHERS TO THE SOUTHEASTERN STATES' ESTIMATED AVERAGE OVER A SIX-YEAR PERIOD, BY EARMARKING DISCRETIONARY FUNDS IN THE LEGISLATIVE BUDGET OFFICE'S OUT-YEAR BUDGET PLAN; TO PROVIDE FOR THE FOLLOWING TEACHER SALARY PERCENTAGE INCREASES ONLY IN THE EVENT THE SINE DIE GENERAL FUND REVENUE ESTIMATE INCREASES BY AT LEAST 5% IN EACH OF THE OUT-YEARS AS PROJECTED BY THE LEGISLATIVE BUDGET OFFICE: 2% SALARY INCREASE FOR FY 2002, 6% SALARY INCREASE FOR FY 2003, 6% SALARY INCREASE FOR FY 2004, 8% SALARY INCREASE FOR FY 2005 AND 8% SALARY INCREASE FOR FY 2006; TO PROVIDE THAT FOR EACH 1% ADDITIONAL REVENUE GROWTH OVER AND ABOVE THE 5% MINIMUM IN ANY OUT-YEAR, THE TEACHER BASE SALARIES SHALL RECEIVE AN ADDITIONAL 1% INCREASE; TO AMEND SECTION 37-19-21, MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM PROGRAM

ALLOTMENT FOR SUPPORTIVE SERVICES IN CONFORMITY THERETO; TO AMEND  
SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
SALARIES OF ASSISTANT TEACHERS IN CONFORMITY THERETO;