

By: Representatives Weathersby, Rogers,
Brown

To: Education;
Appropriations

HOUSE BILL NO. 763

1 AN ACT TO AMEND SECTIONS 37-19-7, 37-19-21 AND 37-21-7,
2 MISSISSIPPI CODE OF 1972, TO ELIMINATE THE REQUIREMENT THAT THE
3 SINE DIE GENERAL FUND REVENUE ESTIMATE INCREASE BY AT LEAST FIVE
4 PERCENT ANNUALLY AS A PREREQUISITE TO IMPLEMENTING INCREASES IN
5 SALARIES FOR TEACHERS AND ASSISTANT TEACHERS AND IN THE ALLOTMENT
6 FOR SUPPORTIVE SERVICES IN ACCORDANCE WITH THE PLAN TO RAISE
7 TEACHERS' SALARIES TO THE SOUTHEASTERN AVERAGE OVER THE NEXT FIVE
8 YEARS, AND TO ELIMINATE THE REQUIREMENT THAT SUCH SALARIES BE
9 INCREASED FOR REVENUE GROWTH EXCEEDING FIVE PERCENT; AND FOR
10 RELATED PURPOSES.

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

12 SECTION 1. Section 37-19-7, Mississippi Code of 1972, is
13 amended as follows:

14 37-19-7. (1) This section shall be known and may be cited
15 as the Mississippi "Teacher Opportunity Program (TOP)." The
16 allowance in the minimum education program and the Mississippi
17 Adequate Education Program for teachers' salaries in each county
18 and separate school district shall be determined and paid in
19 accordance with the scale for teachers' salaries as provided in
20 this subsection. For teachers holding the following types of
21 licenses or the equivalent as determined by the State Board of
22 Education, and the following number of years of teaching
23 experience, the scale shall be as follows:

24 * * *

25 2001-2002 School Year * * *

26 Less Than 25 Years of Teaching Experience

27	AAAA.....	\$ 26,290.00
28	AAA.....	25,440.00
29	AA.....	24,590.00
30	A.....	23,540.00

31	25 or More Years of Teaching Experience	
32	AAAA.....	\$ 27,790.00
33	AAA.....	26,940.00
34	AA.....	26,090.00
35	A.....	25,040.00

36 * * *

37 **2002-2003 School Year * * ***

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

39	AAAA.....	\$ 27,850.00
40	AAA.....	27,000.00
41	AA.....	26,150.00
42	A.....	24,700.00

43 **25 or More Years of Teaching Experience**

44	AAAA.....	\$ 29,850.00
45	AAA.....	29,000.00
46	AA.....	28,150.00
47	A.....	26,700.00

48 * * *

49 **2003-2004 School Year * * ***

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

51	AAAA.....	\$ 29,550.00
52	AAA.....	28,700.00
53	AA.....	27,850.00
54	A.....	26,000.00

55 **25 or More Years of Teaching Experience**

56	AAAA.....	\$ 31,550.00
57	AAA.....	30,700.00
58	AA.....	29,850.00
59	A.....	28,000.00

60 * * *

61 **2004-2005 School Year * * ***

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

63	AAAA.....	\$ 31,775.00
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64	AAA.....	30,850.00
65	AA.....	29,925.00
66	A.....	28,000.00

67 **25 or More Years of Teaching Experience**

68	AAAA.....	\$ 33,775.00
69	AAA.....	32,850.00
70	AA.....	31,925.00
71	A.....	30,000.00

72 * * *

73 **2005-2006 School Year and School Years Thereafter**

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

75	AAAA.....	\$ 34,000.00
76	AAA.....	33,000.00
77	AA.....	32,000.00
78	A.....	30,000.00

79 **25 or More Years of Teaching Experience**

80	AAAA.....	\$ 36,000.00
81	AAA.....	35,000.00
82	AA.....	34,000.00
83	A.....	32,000.00

84 * * *

85 It is the intent of the Legislature that any state funds made
86 available for salaries of licensed personnel in excess of the
87 funds paid for such salaries for the 1986-1987 school year shall
88 be paid to licensed personnel pursuant to a personnel appraisal
89 and compensation system implemented by the State Board of
90 Education. The State Board of Education shall have the authority
91 to adopt and amend rules and regulations as are necessary to
92 establish, administer and maintain the system.

93 All teachers employed on a full-time basis shall be paid a
94 minimum salary in accordance with the above scale. However, no
95 school district shall receive any funds under this section for any
96 school year during which the local supplement paid to any

97 individual teacher shall have been reduced to a sum less than that
98 paid to that individual teacher for performing the same duties
99 from local supplement during the immediately preceding school
100 year. The amount actually spent for the purposes of group health
101 and/or life insurance shall be considered as a part of the
102 aggregate amount of local supplement but shall not be considered
103 a part of the amount of individual local supplement.

104 *** * * 2001-2002 School Year Annual Increment**

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

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

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

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

126 * * *

127 **2002-2003 School Year Annual Increment**

128 For teachers holding a Class AAAA license, the minimum base
129 pay specified in this subsection shall be increased by the sum of

130 Six Hundred Eighty-five Dollars (\$685.00) for each year of
131 teaching experience possessed by the person holding such license
132 until such person shall have twenty-five (25) years of teaching
133 experience.

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

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

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

149 * * *

150 **2003-2004 School Year Annual Increment**

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

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

161 For teachers holding a Class AA license, the minimum base pay
162 specified in this subsection shall be increased by the sum of Five

163 Hundred Eighty Dollars (\$580.00) for each year of teaching
164 experience possessed by the person holding such license until such
165 person shall have twenty-five (25) years of teaching experience.

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

171 * * *

172 **2004-2005 School Year Annual Increment**

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

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

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

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

194 * * *

195 **2005-2006 School Year**

196 **and School Years Thereafter Annual Increments**

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

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

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

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

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

222 (2) (a) The following employees shall receive an annual
223 salary supplement in the amount of Six Thousand Dollars
224 (\$6,000.00), plus fringe benefits, in addition to any other
225 compensation to which the employee may be entitled:

226 (i) Any licensed teacher who has met the
227 requirements and acquired a Master Teacher certificate from the
228 National Board for Professional Teaching Standards and who is

229 employed by a local school board or the State Board of Education
230 as a teacher and not as an administrator. * * * In the 2001-2002
231 school year and in school years thereafter, such teacher shall
232 submit documentation to the State Department of Education that the
233 certificate was received prior to October 15 in order to be
234 eligible for the full salary supplement in the current school
235 year, or the teacher shall submit such documentation to the State
236 Department of Education prior to February 15 in order to be
237 eligible for a prorated salary supplement beginning with the
238 second term of the school year.

239 (ii) * * * Any licensed school counselor who has
240 met the requirements and acquired a National Certified School
241 Counselor (NCSC) endorsement from the National Board of Certified
242 Counselors and who is employed by a local school board or the
243 State Board of Education as a counselor and not as an
244 administrator. Such licensed school counselor shall submit
245 documentation to the State Department of Education that the
246 endorsement was received prior to October 15 in order to be
247 eligible for the full salary supplement in the current school
248 year, or the licensed school counselor shall submit such
249 documentation to the State Department of Education prior to
250 February 15 in order to be eligible for a prorated salary
251 supplement beginning with the second term of the school year.
252 However, the salary supplement authorized under this item shall be
253 discontinued two (2) years after the date on which the National
254 Board for Professional Teaching Standards offers a certification
255 process for a Master Teacher certificate for school counselors,
256 and any school counselor receiving the salary supplement will be
257 required to complete the Master Teacher certificate process under
258 item (i) of this paragraph in order to continue receiving such
259 salary supplement.

260 (iii) * * * Any licensed speech-language
261 pathologist and audiologist who has met the requirements and

262 acquired a Certificate of Clinical Competence from the American
263 Speech-Language-Hearing Association and who is employed by a local
264 school board. Such licensed speech-language pathologist and
265 audiologist shall submit documentation to the State Department of
266 Education that the certificate or endorsement was received prior
267 to October 15 in order to be eligible for the full salary
268 supplement in the current school year, or the licensed
269 speech-language pathologist and audiologist shall submit such
270 documentation to the State Department of Education prior to
271 February 15 in order to be eligible for a prorated salary
272 supplement beginning with the second term of the school year.
273 However, the salary supplement authorized under this item shall be
274 discontinued two (2) years after the date on which the National
275 Board for Professional Teaching Standards offers a certification
276 process for a Master Teacher certificate for school
277 speech-language pathologists and audiologists, and any school
278 speech-language pathologist and audiologist receiving the salary
279 supplement will be required to complete the Master Teacher
280 certificate process under item (i) of this paragraph in order to
281 continue receiving such salary supplement.

282 (b) An employee shall be reimbursed one (1) time for
283 the actual cost of completing the process of acquiring the
284 certificate or endorsement, excluding any costs incurred for
285 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
286 for a school counselor or speech-language pathologist and
287 audiologist, regardless of whether or not the process resulted in
288 the award of the certificate or endorsement. A local school
289 district or any private individual or entity may pay the cost of
290 completing the process of acquiring the certificate or endorsement
291 for any employee of the school district described under paragraph
292 (a), and the State Department of Education shall reimburse the
293 school district for such cost, regardless of whether or not the
294 process resulted in the award of the certificate or endorsement.

295 If a private individual or entity has paid the cost of completing
296 the process of acquiring the certificate or endorsement for an
297 employee, the local school district may agree to directly
298 reimburse the individual or entity for such cost on behalf of the
299 employee.

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

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

322 SECTION 2. Section 37-19-21, Mississippi Code of 1972, is
323 amended as follows:

324 37-19-21. * * *

325 * * * For fiscal year 2002 * * *, each school district shall
326 be allotted Five Thousand Ninety-seven Dollars (\$5,097.00) per
327 teacher unit for use in supportive services. * * *

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

329 SECTION 3. Section 37-21-7, Mississippi Code of 1972, is
330 amended as follows:

331 37-21-7. (1) This section shall be referred to as the
332 "Mississippi Elementary Schools Assistant Teacher Program," the
333 purpose of which shall be to provide an early childhood education
334 program that assists in the instruction of basic skills. The
335 State Board of Education is authorized, empowered and directed to
336 implement a statewide system of assistant teachers in kindergarten
337 classes and in the first, second and third grades. The assistant
338 teacher shall assist pupils in actual instruction under the strict
339 supervision of a licensed teacher.

340 (2) (a) Except as otherwise authorized under subsection
341 (7), each school district shall employ the total number of
342 assistant teachers funded under subsection (6) of this section.
343 The superintendent of each district shall assign the assistant
344 teachers to the kindergarten, first-, second- and third-grade
345 classes in the district in a manner that will promote the maximum
346 efficiency, as determined by the superintendent, in the
347 instruction of skills such as verbal and linguistic skills,
348 logical and mathematical skills, and social skills.

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

358 (3) Assistant teachers shall have, at a minimum, a high
359 school diploma or a GED equivalent, and shall show demonstratable
360 proficiency in reading and writing skills. The State Department

361 of Education shall develop a testing procedure for assistant
362 teacher applicants to be used in all school districts in the
363 state.

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

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

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

372 (b) Additionally, each school district shall:

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

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

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

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

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

388 (5) The State Department of Education shall:

389 (a) Develop and assist in the implementation of a
390 statewide uniform training module, subject to the availability of
391 funds specifically appropriated therefor by the Legislature, which
392 shall be used in all school districts for training administrators,
393 teachers and assistant teachers. The module shall provide for the

394 consolidated training of each assistant teacher and teacher to
395 whom the assistant teacher is assigned, working together as a
396 team, and shall require further periodical training for
397 administrators, teachers and assistant teachers regarding the role
398 of assistant teachers;

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

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

414 (6) In addition to other funds allotted under the Minimum
415 Education or Adequate Education Program, each school district
416 shall be allotted sufficient funding for the purpose of employing
417 an assistant teacher. * * * No assistant teacher shall be paid
418 less than the amount he or she received in the prior school year.
419 No school district shall receive any funds under this section for
420 any school year during which the aggregate amount of the local
421 contribution to the salaries of assistant teachers by the district
422 shall have been reduced below such amount for the previous
423 year. * * *

424 For the 2001-2002 school year, the minimum salary for
425 assistant teachers shall be Nine Thousand Three Hundred Sixty-five
426 Dollars (\$9,365.00).

427 For the 2002-2003 school year, the minimum salary for
428 assistant teachers shall be Nine Thousand Nine Hundred Dollars
429 (\$9,900.00).

430 For the 2003-2004 school year, the minimum salary for
431 assistant teachers shall be Ten Thousand Five Hundred Dollars
432 (\$10,500.00).

433 For the 2004-2005 school year, the minimum salary for
434 assistant teachers shall be Eleven Thousand Two Hundred Dollars
435 (\$11,200.00).

436 For the 2005-2006 school year and school years thereafter,
437 the minimum salary for assistant teachers shall be Twelve Thousand
438 Dollars (\$12,000.00).

439 * * * The assistant teachers shall not be restricted to
440 working only in the grades for which the funds were allotted, but
441 may be assigned to other classes as provided in subsection (2)(a)
442 of this section.

443 (7) (a) As an alternative to employing assistant teachers,
444 any school district may use the * * * allotment provided under
445 subsection (6) of this section for the purpose of employing
446 licensed teachers for kindergarten, first-, second- and
447 third-grade classes; however, no school district shall be
448 authorized to use the * * * allotment for assistant teachers for
449 the purpose of employing licensed teachers unless the district has
450 established that the employment of licensed teachers using such
451 funds will reduce the teacher:student ratio in the kindergarten,
452 first-, second- and third-grade classes. All state funds for
453 assistant teachers shall be applied to reducing teacher:student
454 ratio in Grades K-3.

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

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

465 SECTION 4. This act shall take effect and be in force from
466 and after July 1, 2001.