HOUSE BILL NO. 763

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

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

SECTION 1. 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:

* * *

2001-2002 School Year * * *

Less Than 25 Years of Teaching Experience

<table>
<thead>
<tr>
<th>License Level</th>
<th>0 Years of Experience</th>
<th>26,290.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAAA</td>
<td></td>
<td>25,440.00</td>
</tr>
<tr>
<td>AAA</td>
<td></td>
<td>24,590.00</td>
</tr>
<tr>
<td>AA</td>
<td></td>
<td>23,540.00</td>
</tr>
</tbody>
</table>
### 2002-2003 School Year * * *

#### Less Than 25 Years of Teaching Experience

<table>
<thead>
<tr>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>$27,850.00</td>
</tr>
<tr>
<td>AA</td>
<td>$27,000.00</td>
</tr>
<tr>
<td>A</td>
<td>$26,150.00</td>
</tr>
<tr>
<td></td>
<td>$24,700.00</td>
</tr>
</tbody>
</table>

#### 25 or More Years of Teaching Experience

<table>
<thead>
<tr>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>$29,850.00</td>
</tr>
<tr>
<td>AA</td>
<td>$29,000.00</td>
</tr>
<tr>
<td>A</td>
<td>$28,150.00</td>
</tr>
</tbody>
</table>

### 2003-2004 School Year * * *

#### Less Than 25 Years of Teaching Experience

<table>
<thead>
<tr>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>$29,550.00</td>
</tr>
<tr>
<td>AA</td>
<td>$28,700.00</td>
</tr>
<tr>
<td>A</td>
<td>$27,850.00</td>
</tr>
</tbody>
</table>

#### 25 or More Years of Teaching Experience

<table>
<thead>
<tr>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>$31,550.00</td>
</tr>
<tr>
<td>AA</td>
<td>$30,700.00</td>
</tr>
<tr>
<td>A</td>
<td>$29,850.00</td>
</tr>
</tbody>
</table>

### 2004-2005 School Year * * *

#### Less Than 25 Years of Teaching Experience

<table>
<thead>
<tr>
<th>Grade</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>$31,775.00</td>
</tr>
</tbody>
</table>
AAA................................................ 30,850.00
AA.................................................. 29,925.00
A.................................................. 28,000.00

25 or More Years of Teaching Experience

AAAA............................................. $ 33,775.00
AAA................................................ 32,850.00
AA................................................. 31,925.00
A.................................................. 30,000.00

* * *

2005-2006 School Year and School Years Thereafter

Less Than 25 Years of Teaching Experience

AAAA............................................. $ 34,000.00
AAA................................................ 33,000.00
AA................................................. 32,000.00
A.................................................. 30,000.00

25 or More Years of Teaching Experience

AAAA............................................. $ 36,000.00
AAA................................................ 35,000.00
AA................................................. 34,000.00
A.................................................. 32,000.00

* * *

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.

** 2001-2002 School Year Annual Increment**

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
teaching experience possessed by the person holding such license
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
teaching experience possessed by the person holding such license
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
teaching experience possessed by the person holding such license
person shall have twenty-one (21) years of teaching experience.

** 2002-2003 School Year Annual Increment**

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

H. B. No.  763  *HR40/ R1150*
01/HR40/R1150
PAGE 4 (RM\BD)
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.

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

**2003-2004 School Year Annual Increment**

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.

* * *

2004-2005 School Year Annual Increment

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.

* * *

2005-2006 School Year
and School Years Thereafter Annual Increments

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 school 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 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) * * * 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) * * * 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-language pathologists and audiologists, and any school speech-language 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 2. Section 37-19-21, Mississippi Code of 1972, is
amended as follows:

37-19-21. * * *

* * * For fiscal year 2002 * * *, each school district shall
be allotted Five Thousand Ninety-seven Dollars ($5,097.00) per
teacher unit for use in supportive services. * * *
This section shall be repealed on July 1, 2002.

SECTION 3. Section 37-21-7, Mississippi Code of 1972, is amended 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) Except as otherwise authorized under subsection (7), 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 or a GED equivalent, and shall show demonstrable 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 or Adequate Education Program, each school district shall be allotted sufficient funding for the purpose of employing an assistant teacher. *** No assistant teacher shall be paid less than the amount he or she received in the prior school year. 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. ***

For the 2001-2002 school year, the minimum salary for assistant teachers shall be Nine Thousand Three Hundred Sixty-five Dollars ($9,365.00).
For the 2002-2003 school year, the minimum salary for assistant teachers shall be Nine Thousand Nine Hundred Dollars ($9,900.00).

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

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

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

* * * 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, any school district may use the * * * 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 * * * 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 state 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 * * * 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.

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