AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO REQUIRE ASSISTANT TEACHERS WHO WORK FOR SCHOOL DISTRICTS THAT RECEIVE CERTAIN FEDERAL FUNDS UNDER THE "NO CHILD LEFT BEHIND ACT OF 2001" TO POSSESS TWO YEARS OF HIGHER EDUCATION OR AN ASSOCIATE'S DEGREE OR PASS A RIGOROUS ASSESSMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. 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) (a) 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.

(b) In any school district receiving assistance under
Title I, Part A of the federal "No Child Left Behind Act of 2001,"
Public Law 107-110 ("the federal act"), assistant teachers hired
on or after January 8, 2002, and working in a program supported
with funds under Title I, Part A of the federal act must have, in
addition to the requirements specified in paragraph (a) of this
subsection:

(i) Completed at least two (2) years of study at
an institution of higher learning;

(ii) Obtained an associate's, or higher, degree;

or

(iii) Met a rigorous standard of quality and can
demonstrate, through a formal state or local academic assessment:

1. Knowledge of, and the ability to assist in
instructing, reading, writing, and mathematics; or

2. Knowledge of, and the ability to assist in
instructing, reading readiness, writing readiness, and mathematics
readiness, as appropriate.
The receipt of a secondary school diploma, or its recognized
equivalent, shall be necessary but not sufficient to satisfy the
requirements of this subparagraph (iii).

(c) Each school district receiving assistance under
Title I, Part A of the federal act shall ensure that all assistant
teachers hired before January 8, 2002, and working in a program
supported with funds under Title I, Part A of the federal act
shall, not later than January 8, 2006, satisfy the requirements of
paragraph (b) of this subsection.

(d) Paragraphs (b) and (c) of this subsection shall not
apply to any assistant teacher:

(i) Who is proficient in English and a language
other than English and who provides services primarily to enhance
the participation of children in programs under Title I, Part A of
the federal act by acting as a translator; or

(ii) Whose duties consist solely of conducting
parental involvement activities consistent with Section 1118 of
Title I, Part A of the federal act.

(e) Each school district receiving assistance under
Title I, Part A of the federal act shall ensure that all assistant
teachers working in a program supported with funds under Title I,
Part A of the federal act, regardless of the assistant teacher's
hiring date, have earned a secondary school diploma or its
recognized equivalent.

(f) Each school district shall submit a plan to the
State Department of Education to meet the requirements of
paragraphs (a), (b) and (c) of this subsection and must report
progress annually to the State Department of Education.

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

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

In addition, for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) in fiscal year 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, 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
ST: Assistant teachers; require to be qualified according to federal standards.