

By: Representative Reeves

To: Education

HOUSE BILL NO. 540

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

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

8 **SECTION 1.** Section 37-21-7, Mississippi Code of 1972, is
9 amended as follows:

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

19 (2) (a) Except as otherwise authorized under subsection
20 (7), each school district shall employ the total number of
21 assistant teachers funded under subsection (6) of this section.
22 The superintendent of each district shall assign the assistant
23 teachers to the kindergarten, first-, second- and third-grade
24 classes in the district in a manner that will promote the maximum
25 efficiency, as determined by the superintendent, in the
26 instruction of skills such as verbal and linguistic skills,
27 logical and mathematical skills, and social skills.

28 (b) If a licensed teacher to whom an assistant teacher
29 has been assigned is required to be absent from the classroom, the



30 assistant teacher may assume responsibility for the classroom in
31 lieu of a substitute teacher. However, no assistant teacher shall
32 assume sole responsibility of the classroom for more than three
33 (3) consecutive school days. Further, in no event shall any
34 assistant teacher be assigned to serve as a substitute teacher for
35 any teacher other than the licensed teacher to whom that assistant
36 teacher has been assigned.

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

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

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

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

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

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

58 2. Knowledge of, and the ability to assist in
59 instructing, reading readiness, writing readiness, and mathematics
60 readiness, as appropriate.



61 The receipt of a secondary school diploma, or its recognized
62 equivalent, shall be necessary but not sufficient to satisfy the
63 requirements of this subparagraph (iii).

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

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

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

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

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

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

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

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



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

97 (b) Additionally, each school district shall:

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

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

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

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

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

113 (5) The State Department of Education shall:

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

124 (b) Annually evaluate the program on the district and
125 state level. Subject to the availability of funds specifically
126 appropriated therefor by the Legislature, the department shall



127 develop: (i) uniform evaluation reports, to be performed by the
128 principal or assistant principal, to collect data for the annual
129 overall program evaluation conducted by the department; or (ii) a
130 program evaluation model that, at a minimum, addresses process
131 evaluation; and

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

139 (6) In addition to other funds allotted under the Minimum
140 Education or Adequate Education Program, each school district
141 shall be allotted sufficient funding for the purpose of employing
142 assistant teachers. No assistant teacher shall be paid less than
143 the amount he or she received in the prior school year. No school
144 district shall receive any funds under this section for any school
145 year during which the aggregate amount of the local contribution
146 to the salaries of assistant teachers by the district shall have
147 been reduced below such amount for the previous year.

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

151 For the 2002-2003 school year, the minimum salary for
152 assistant teachers shall be Nine Thousand Nine Hundred Dollars
153 (\$9,900.00).

154 For the 2003-2004 school year, the minimum salary for
155 assistant teachers shall be Ten Thousand Five Hundred Dollars
156 (\$10,500.00).

157 For the 2004-2005 school year, the minimum salary for
158 assistant teachers shall be Eleven Thousand Two Hundred Dollars
159 (\$11,200.00).



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

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

178 (7) (a) As an alternative to employing assistant teachers,
179 any school district may use the allotment provided under
180 subsection (6) of this section for the purpose of employing
181 licensed teachers for kindergarten, first-, second- and
182 third-grade classes; however, no school district shall be
183 authorized to use the allotment for assistant teachers for the
184 purpose of employing licensed teachers unless the district has
185 established that the employment of licensed teachers using such
186 funds will reduce the teacher:student ratio in the kindergarten,
187 first-, second- and third-grade classes. All state funds for
188 assistant teachers shall be applied to reducing teacher:student
189 ratio in Grades K-3.

190 It is the intent of the Legislature that no school district
191 shall dismiss any assistant teacher for the purpose of using the
192 assistant teacher allotment to employ licensed teachers. School



193 districts may rely only upon normal attrition to reduce the number
194 of assistant teachers employed in that district.

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

200 **SECTION 2.** This act shall take effect and be in force from
201 and after July 1, 2003.

