

By: Representative Chism

To: Education;
Appropriations

HOUSE BILL NO. 22

1 AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE AUTHORITY FOR AUTOMATIC ADJUSTMENTS TO THE TEACHER
3 SALARY SCALE UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM DUE
4 TO REVENUE GROWTH OVER AND ABOVE FIVE PERCENT; TO AMEND SECTION
5 37-21-7, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTHORITY FOR
6 AUTOMATIC ADJUSTMENTS TO THE SALARY SCALE UNDER THE MISSISSIPPI
7 ELEMENTARY SCHOOLS ASSISTANT TEACHER PROGRAM DUE TO REVENUE GROWTH
8 OVER AND ABOVE FIVE PERCENT; AND FOR RELATED PURPOSES.

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

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

12 37-19-7. (1) This section shall be known and may be cited
13 as the Mississippi "Teacher Opportunity Program (TOP)." The
14 allowance in the minimum education program and the Mississippi
15 Adequate Education Program for teachers' salaries in each county
16 and separate school district shall be determined and paid in
17 accordance with the scale for teachers' salaries as provided in
18 this subsection. For teachers holding the following types of
19 licenses or the equivalent as determined by the State Board of
20 Education, and the following number of years of teaching
21 experience, the scale shall be as follows:

22 * * *

23 2005-2006 School Year and School Years Thereafter

24 Less Than 25 Years of Teaching Experience

25	AAAA.....	\$ 34,000.00
26	AAA.....	33,000.00
27	AA.....	32,000.00
28	A.....	30,000.00

29 25 or More Years of Teaching Experience

30	AAAA.....	\$ 36,000.00
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31	AAA.....	35,000.00
32	AA.....	34,000.00
33	A.....	32,000.00

34 * * *

35 It is the intent of the Legislature that any state funds made
36 available for salaries of licensed personnel in excess of the
37 funds paid for such salaries for the 1986-1987 school year shall
38 be paid to licensed personnel pursuant to a personnel appraisal
39 and compensation system implemented by the State Board of
40 Education. The State Board of Education shall have the authority
41 to adopt and amend rules and regulations as are necessary to
42 establish, administer and maintain the system.

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

54 * * *

55 **2005-2006 School Year**

56 **and School Years Thereafter Annual Increments**

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

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

64 Seven Hundred Five Dollars (\$705.00) for each year of teaching
65 experience possessed by the person holding such license until such
66 person shall have twenty-five (25) years of teaching experience.

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

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

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

82 (2) (a) The following employees shall receive an annual
83 salary supplement in the amount of Six Thousand Dollars
84 (\$6,000.00), plus fringe benefits, in addition to any other
85 compensation to which the employee may be entitled:

86 (i) Any licensed teacher who has met the
87 requirements and acquired a Master Teacher certificate from the
88 National Board for Professional Teaching Standards and who is
89 employed by a local school board or the State Board of Education
90 as a teacher and not as an administrator. Such teacher shall
91 submit documentation to the State Department of Education that the
92 certificate was received prior to October 15 in order to be
93 eligible for the full salary supplement in the current school
94 year, or the teacher shall submit such documentation to the State
95 Department of Education prior to February 15 in order to be

96 eligible for a prorated salary supplement beginning with the
97 second term of the school year.

98 (ii) A licensed nurse who has met the requirements
99 and acquired a certificate from the National Board for
100 Certification of School Nurses, Inc., and who is employed by a
101 local school board or the State Board of Education as a school
102 nurse and not as an administrator. The licensed school nurse
103 shall submit documentation to the State Department of Education
104 that the certificate was received before October 15 in order to be
105 eligible for the full salary supplement in the current school
106 year, or the licensed school nurse shall submit the documentation
107 to the State Department of Education before February 15 in order
108 to be eligible for a prorated salary supplement beginning with the
109 second term of the school year. Provided, however, that the total
110 number of licensed school nurses eligible for a salary supplement
111 under this paragraph (ii) shall not exceed twenty (20).

112 (iii) Any licensed school counselor who has met
113 the requirements and acquired a National Certified School
114 Counselor (NCSC) endorsement from the National Board of Certified
115 Counselors and who is employed by a local school board or the
116 State Board of Education as a counselor and not as an
117 administrator. Such licensed school counselor shall submit
118 documentation to the State Department of Education that the
119 endorsement was received prior to October 15 in order to be
120 eligible for the full salary supplement in the current school
121 year, or the licensed school counselor shall submit such
122 documentation to the State Department of Education prior to
123 February 15 in order to be eligible for a prorated salary
124 supplement beginning with the second term of the school year.
125 However, any school counselor who started the National Board for
126 Professional Teaching Standards process for school counselors
127 between June 1, 2003, and June 30, 2004, and completes the
128 requirements and acquires the master teacher certificate shall be

129 entitled to the master teacher supplement, and those counselors
130 who complete the process shall be entitled to a one (1) time
131 reimbursement for the actual cost of the process as outlined in
132 paragraph (b) of this subsection.

133 (iv) Any licensed speech-language pathologist and
134 audiologist who has met the requirements and acquired a
135 Certificate of Clinical Competence from the American
136 Speech-Language-Hearing Association and who is employed by a local
137 school board. Such licensed speech-language pathologist and
138 audiologist shall submit documentation to the State Department of
139 Education that the certificate or endorsement was received prior
140 to October 15 in order to be eligible for the full salary
141 supplement in the current school year, or the licensed
142 speech-language pathologist and audiologist shall submit such
143 documentation to the State Department of Education prior to
144 February 15 in order to be eligible for a prorated salary
145 supplement beginning with the second term of the school year.

146 (b) An employee shall be reimbursed one (1) time for
147 the actual cost of completing the process of acquiring the
148 certificate or endorsement, excluding any costs incurred for
149 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
150 for a school counselor or speech-language pathologist and
151 audiologist, regardless of whether or not the process resulted in
152 the award of the certificate or endorsement. A local school
153 district or any private individual or entity may pay the cost of
154 completing the process of acquiring the certificate or endorsement
155 for any employee of the school district described under paragraph
156 (a), and the State Department of Education shall reimburse the
157 school district for such cost, regardless of whether or not the
158 process resulted in the award of the certificate or endorsement.
159 If a private individual or entity has paid the cost of completing
160 the process of acquiring the certificate or endorsement for an
161 employee, the local school district may agree to directly

162 reimburse the individual or entity for such cost on behalf of the
163 employee.

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

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

186 **SECTION 2.** Section 37-21-7, Mississippi Code of 1972, is
187 amended as follows:

188 37-21-7. (1) This section shall be referred to as the
189 "Mississippi Elementary Schools Assistant Teacher Program," the
190 purpose of which shall be to provide an early childhood education
191 program that assists in the instruction of basic skills. The
192 State Board of Education is authorized, empowered and directed to
193 implement a statewide system of assistant teachers in kindergarten
194 classes and in the first, second and third grades. The assistant

195 teacher shall assist pupils in actual instruction under the strict
196 supervision of a licensed teacher.

197 (2) (a) Except as otherwise authorized under subsection
198 (7), each school district shall employ the total number of
199 assistant teachers funded under subsection (6) of this section.
200 The superintendent of each district shall assign the assistant
201 teachers to the kindergarten, first-, second- and third-grade
202 classes in the district in a manner that will promote the maximum
203 efficiency, as determined by the superintendent, in the
204 instruction of skills such as verbal and linguistic skills,
205 logical and mathematical skills, and social skills.

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

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

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

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

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

229 (b) Additionally, each school district shall:

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

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

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

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

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

245 (5) The State Department of Education shall:

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

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

259 develop: (i) uniform evaluation reports, to be performed by the
260 principal or assistant principal, to collect data for the annual
261 overall program evaluation conducted by the department; or (ii) a
262 program evaluation model that, at a minimum, addresses process
263 evaluation; and

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

271 (6) In addition to other funds allotted under the Minimum
272 Education or Adequate Education Program, each school district
273 shall be allotted sufficient funding for the purpose of employing
274 assistant teachers. No assistant teacher shall be paid less than
275 the amount he or she received in the prior school year. No school
276 district shall receive any funds under this section for any school
277 year during which the aggregate amount of the local contribution
278 to the salaries of assistant teachers by the district shall have
279 been reduced below such amount for the previous year.

280 * * *

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

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

288 (7) (a) As an alternative to employing assistant teachers,
289 any school district may use the allotment provided under
290 subsection (6) of this section for the purpose of employing
291 licensed teachers for kindergarten, first-, second- and

292 third-grade classes; however, no school district shall be
293 authorized to use the allotment for assistant teachers for the
294 purpose of employing licensed teachers unless the district has
295 established that the employment of licensed teachers using such
296 funds will reduce the teacher:student ratio in the kindergarten,
297 first-, second- and third-grade classes. All state funds for
298 assistant teachers shall be applied to reducing teacher:student
299 ratio in Grades K-3.

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

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

310 **SECTION 3.** This act shall take effect and be in force from
311 and after July 1, 2005.