

By: Representatives Brown, Flaggs, Holland,  
Peranich, Stringer, Watson

To: Education

HOUSE BILL NO. 239

1 AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE TEACHER SALARY SCALE UNDER THE MISSISSIPPI ADEQUATE  
3 EDUCATION PROGRAM; TO INCREASE THE TOTAL NUMBER OF LICENSED SCHOOL  
4 NURSES ELIGIBLE FOR A SALARY SUPPLEMENT; TO AMEND SECTION 37-21-7,  
5 MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM SALARY FOR  
6 ASSISTANT TEACHERS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-19-7, Mississippi Code of 1972, is  
9 amended as follows:

10 37-19-7. (1) This section shall be known and may be cited  
11 as the Mississippi "Teacher Opportunity Program (TOP)." The  
12 allowance in the minimum education program and the Mississippi  
13 Adequate Education Program for teachers' salaries in each county  
14 and separate school district shall be determined and paid in  
15 accordance with the scale for teachers' salaries as provided in  
16 this subsection. For teachers holding the following types of  
17 licenses or the equivalent as determined by the State Board of  
18 Education, and the following number of years of teaching  
19 experience, the scale shall be as follows:

20 **2007-2008 School Year and School Years Thereafter**

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

22	AAAA.....	\$ <u>35,020.00</u>
23	AAA.....	<u>33,990.00</u>
24	AA.....	<u>32,960.00</u>
25	A.....	<u>30,900.00</u>

26 **25 or More Years of Teaching Experience**

27	AAAA.....	\$ <u>37,020.00</u>
28	AAA.....	<u>35,990.00</u>
29	AA.....	<u>34,960.00</u>



63 For teachers holding a Class AAAA license, the minimum base  
64 pay specified in this subsection shall be increased by the sum of  
65 Seven Hundred Ninety-four Dollars (\$794.00) for each year of  
66 teaching experience possessed by the person holding such license  
67 until such person shall have twenty-five (25) years of teaching  
68 experience.

69 For teachers holding a Class AAA license, the minimum base  
70 pay specified in this subsection shall be increased by the sum of  
71 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of  
72 teaching experience possessed by the person holding such license  
73 until such person shall have twenty-five (25) years of teaching  
74 experience.

75 For teachers holding a Class AA license, the minimum base pay  
76 specified in this subsection shall be increased by the sum of Six  
77 Hundred Sixty Dollars (\$660.00) for each year of teaching  
78 experience possessed by the person holding such license until such  
79 person shall have twenty-five (25) years of teaching experience.

80 For teachers holding a Class A license, the minimum base pay  
81 specified in this subsection shall be increased by the sum of Four  
82 Hundred Ninety-five Dollars (\$495.00) for each year of teaching  
83 experience possessed by the person holding such license until such  
84 person shall have twenty-four (24) years of teaching experience.

85 The level of professional training of each teacher to be used  
86 in establishing the salary allotment for the teachers for each  
87 year shall be determined by the type of valid teacher's license  
88 issued to those teachers on or before October 1 of the current  
89 school year.

90 (2) (a) The following employees shall receive an annual  
91 salary supplement in the amount of Six Thousand Dollars  
92 (\$6,000.00), plus fringe benefits, in addition to any other  
93 compensation to which the employee may be entitled:

94 (i) Any licensed teacher who has met the  
95 requirements and acquired a Master Teacher certificate from the

96 National Board for Professional Teaching Standards and who is  
97 employed by a local school board or the State Board of Education  
98 as a teacher and not as an administrator. Such teacher shall  
99 submit documentation to the State Department of Education that the  
100 certificate was received prior to October 15 in order to be  
101 eligible for the full salary supplement in the current school  
102 year, or the teacher shall submit such documentation to the State  
103 Department of Education prior to February 15 in order to be  
104 eligible for a prorated salary supplement beginning with the  
105 second term of the school year.

106 (ii) A licensed nurse who has met the requirements  
107 and acquired a certificate from the National Board for  
108 Certification of School Nurses, Inc., and who is employed by a  
109 local school board or the State Board of Education as a school  
110 nurse and not as an administrator. The licensed school nurse  
111 shall submit documentation to the State Department of Education  
112 that the certificate was received before October 15 in order to be  
113 eligible for the full salary supplement in the current school  
114 year, or the licensed school nurse shall submit the documentation  
115 to the State Department of Education before February 15 in order  
116 to be eligible for a prorated salary supplement beginning with the  
117 second term of the school year. Provided, however, that the total  
118 number of licensed school nurses eligible for a salary supplement  
119 under this paragraph (ii) shall not exceed twenty-three (23).

120 (iii) Any licensed school counselor who has met  
121 the requirements and acquired a National Certified School  
122 Counselor (NCSC) endorsement from the National Board of Certified  
123 Counselors and who is employed by a local school board or the  
124 State Board of Education as a counselor and not as an  
125 administrator. Such licensed school counselor shall submit  
126 documentation to the State Department of Education that the  
127 endorsement was received prior to October 15 in order to be  
128 eligible for the full salary supplement in the current school

129 year, or the licensed school counselor shall submit such  
130 documentation to the State Department of Education prior to  
131 February 15 in order to be eligible for a prorated salary  
132 supplement beginning with the second term of the school year.  
133 However, any school counselor who started the National Board for  
134 Professional Teaching Standards process for school counselors  
135 between June 1, 2003, and June 30, 2004, and completes the  
136 requirements and acquires the master teacher certificate shall be  
137 entitled to the master teacher supplement, and those counselors  
138 who complete the process shall be entitled to a one-time  
139 reimbursement for the actual cost of the process as outlined in  
140 paragraph (b) of this subsection.

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

154 (b) An employee shall be reimbursed one (1) time for  
155 the actual cost of completing the process of acquiring the  
156 certificate or endorsement, excluding any costs incurred for  
157 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)  
158 for a school counselor or speech-language pathologist and  
159 audiologist, regardless of whether or not the process resulted in  
160 the award of the certificate or endorsement. A local school  
161 district or any private individual or entity may pay the cost of

162 completing the process of acquiring the certificate or endorsement  
163 for any employee of the school district described under paragraph  
164 (a), and the State Department of Education shall reimburse the  
165 school district for such cost, regardless of whether or not the  
166 process resulted in the award of the certificate or endorsement.  
167 If a private individual or entity has paid the cost of completing  
168 the process of acquiring the certificate or endorsement for an  
169 employee, the local school district may agree to directly  
170 reimburse the individual or entity for such cost on behalf of the  
171 employee.

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

183 (d) The State Department of Education may not pay any  
184 process reimbursement to a school district for an employee who  
185 does not complete the certification or endorsement process  
186 required to be eligible for the certificate or endorsement. If an  
187 employee for whom such cost has been paid in full or in part by a  
188 local school district or private individual or entity fails to  
189 complete the certification or endorsement process, the employee  
190 shall be liable to the school district or individual or entity for  
191 all amounts paid by the school district or individual or entity on  
192 behalf of that employee toward his or her certificate or  
193 endorsement.

194           (3) (a) Effective July 1, 2007, if funds are available for  
195 that purpose, the Legislature may authorize state funds for  
196 additional base compensation for teachers holding licenses in  
197 critical subject areas or the equivalent and who teach at least a  
198 majority of their courses in a critical subject area, as  
199 determined by the State Board of Education.

200           (b) Effective July 1, 2007, if funds are available for  
201 that purpose, the Legislature may authorize state funds for  
202 additional base compensation for teachers employed in a public  
203 school district located in a geographic area of the state  
204 designated as a critical teacher shortage area by the State Board  
205 of Education.

206           (4) (a) This section shall be known and may be cited as the  
207 "Mississippi Performance Based Pay (MPBP)" plan. In addition to  
208 the minimum base pay described in this section, only after full  
209 funding of MAEP and if funds are available for that purpose, the  
210 State of Mississippi may provide monies from state funds to school  
211 districts for the purposes of rewarding certified teachers,  
212 administrators and nonlicensed personnel at individual schools  
213 showing improvement in student test scores. The MPBP plan shall  
214 be developed by the State Department of Education based on the  
215 following criteria:

216                   (i) It is the express intent of this legislation  
217 that the MPBP plan shall utilize only existing standards of  
218 accreditation and assessment as established by the State Board of  
219 Education.

220                   (ii) To ensure that all of Mississippi's teachers,  
221 administrators and nonlicensed personnel at all schools have equal  
222 access to the monies set aside in this section, the MPBP program  
223 shall be designed to calculate each school's performance as  
224 determined by the school's increase in scores from the prior  
225 school year. The MPBP program shall be based on a standardized  
226 scores rating where all levels of schools can be judged in a

227 statistically fair and reasonable way upon implementation. At the  
228 end of each year, after all student achievement scores have been  
229 standardized, the State Department of Education shall implement  
230 the MPBP plan.

231 (iii) To ensure all teachers cooperate in the  
232 spirit of teamwork, individual schools shall submit a plan to the  
233 local school educational authority to be approved before the  
234 beginning of each school year beginning July 1, 2008. The plan  
235 shall include, but not be limited to, how all teachers, regardless  
236 of subject area, and administrators will be responsible for  
237 improving student achievement for their individual school.

238 (b) The State Board of Education shall develop the  
239 processes and procedures for designating schools eligible to  
240 participate in the MPBP. State assessment results, growth in  
241 student achievement at individual schools and other measures  
242 deemed appropriate in designating successful student achievement  
243 shall be used in establishing MPBP criteria. The State Board of  
244 Education shall develop the MPBP policies and procedures and  
245 report to the Legislature and Governor by December 1, 2006.

246 (5) (a) Beginning in the 2006-2007 school year, if funds  
247 are available for that purpose, each middle school in Mississippi  
248 shall have at least two (2) mentor teachers, as defined by  
249 Sections 37-9-201 through 37-9-213, who shall receive additional  
250 base compensation provided for by the State Legislature in the  
251 amount of One Thousand Dollars (\$1,000.00). For the purposes of  
252 this subsection (5), "middle school" means any school composed  
253 individually or of some composite of Grades 6 through 8.

254 (b) To be eligible for this state funding, the  
255 individual school must have a classroom management program  
256 approved by the local school board.

257 (c) If funds are available for that purpose, the state  
258 shall provide additional funding under this subsection for two (2)  
259 mentor teachers per middle school; however, local school districts



260 may provide additional salary supplements for more than two (2)  
261 teacher mentors from nonadequate education program funds. The  
262 state department may develop an implementation process that fairly  
263 distributes these funds for the consideration of the Legislature.

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

266 37-21-7. (1) This section shall be referred to as the  
267 "Mississippi Elementary Schools Assistant Teacher Program," the  
268 purpose of which shall be to provide an early childhood education  
269 program that assists in the instruction of basic skills. The  
270 State Board of Education is authorized, empowered and directed to  
271 implement a statewide system of assistant teachers in kindergarten  
272 classes and in the first, second and third grades. The assistant  
273 teacher shall assist pupils in actual instruction under the strict  
274 supervision of a licensed teacher.

275 (2) (a) Except as otherwise authorized under subsection  
276 (7), each school district shall employ the total number of  
277 assistant teachers funded under subsection (6) of this section.  
278 The superintendent of each district shall assign the assistant  
279 teachers to the kindergarten, first-, second- and third-grade  
280 classes in the district in a manner that will promote the maximum  
281 efficiency, as determined by the superintendent, in the  
282 instruction of skills such as verbal and linguistic skills,  
283 logical and mathematical skills, and social skills.

284 (b) If a licensed teacher to whom an assistant teacher  
285 has been assigned is required to be absent from the classroom, the  
286 assistant teacher may assume responsibility for the classroom in  
287 lieu of a substitute teacher. However, no assistant teacher shall  
288 assume sole responsibility of the classroom for more than three  
289 (3) consecutive school days. Further, in no event shall any  
290 assistant teacher be assigned to serve as a substitute teacher for  
291 any teacher other than the licensed teacher to whom that assistant  
292 teacher has been assigned.

293           (3) Assistant teachers shall have, at a minimum, a high  
294 school diploma or a GED equivalent, and shall show demonstratable  
295 proficiency in reading and writing skills. The State Department  
296 of Education shall develop a testing procedure for assistant  
297 teacher applicants to be used in all school districts in the  
298 state.

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

301                   (i) Submit a plan on the implementation of a  
302 reading improvement program to the State Department of Education;  
303 and

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

307           (b) Additionally, each school district shall:

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

313                   (ii) Hold periodic workshops for administrators  
314 and teachers on the effective use and supervision of assistant  
315 teachers;

316                   (iii) Provide training annually on specific  
317 instructional skills for assistant teachers;

318                   (iv) Annually evaluate their program in accordance  
319 with their educational accountability and assessment of  
320 performance plan; and

321                   (v) Designate the necessary personnel to supervise  
322 and report on their program.

323           (5) The State Department of Education shall:

324                   (a) Develop and assist in the implementation of a  
325 statewide uniform training module, subject to the availability of

326 funds specifically appropriated therefor by the Legislature, which  
327 shall be used in all school districts for training administrators,  
328 teachers and assistant teachers. The module shall provide for the  
329 consolidated training of each assistant teacher and teacher to  
330 whom the assistant teacher is assigned, working together as a  
331 team, and shall require further periodic training for  
332 administrators, teachers and assistant teachers regarding the role  
333 of assistant teachers;

334 (b) Annually evaluate the program on the district and  
335 state level. Subject to the availability of funds specifically  
336 appropriated therefor by the Legislature, the department shall  
337 develop: (i) uniform evaluation reports, to be performed by the  
338 principal or assistant principal, to collect data for the annual  
339 overall program evaluation conducted by the department; or (ii) a  
340 program evaluation model that, at a minimum, addresses process  
341 evaluation; and

342 (c) Promulgate rules, regulations and such other  
343 standards deemed necessary to effectuate the purposes of this  
344 section. Noncompliance with the provisions of this section and  
345 any rules, regulations or standards adopted by the department may  
346 result in a violation of compulsory accreditation standards as  
347 established by the State Board of Education and the Commission on  
348 School Accreditation.

349 (6) In addition to other funds allotted under the Minimum  
350 Education or Adequate Education Program, each school district  
351 shall be allotted sufficient funding for the purpose of employing  
352 assistant teachers. No assistant teacher shall be paid less than  
353 the amount he or she received in the prior school year. No school  
354 district shall receive any funds under this section for any school  
355 year during which the aggregate amount of the local contribution  
356 to the salaries of assistant teachers by the district shall have  
357 been reduced below such amount for the previous year.

358           For the 2007-2008 school year and school years thereafter,  
359 the minimum salary for assistant teachers shall be Twelve Thousand  
360 Five Hundred Dollars (\$12,500.00).

361           In addition, for each one percent (1%) that the Sine Die  
362 General Fund Revenue Estimate Growth exceeds five percent (5%) in  
363 fiscal year 2006, as certified by the Legislative Budget Office to  
364 the State Board of Education and subject to the specific  
365 appropriation therefor by the Legislature, the State Board of  
366 Education shall revise the salary scale in the appropriate year to  
367 provide an additional one percent (1%) across the board increase  
368 in the base salaries for assistant teachers. The State Board of  
369 Education shall revise the salaries prescribed above for assistant  
370 teachers to conform to any adjustments made in prior fiscal years  
371 due to revenue growth over and above five percent (5%). The  
372 assistant teachers shall not be restricted to working only in the  
373 grades for which the funds were allotted, but may be assigned to  
374 other classes as provided in subsection (2)(a) of this section.

375           (7) (a) As an alternative to employing assistant teachers,  
376 any school district may use the allotment provided under  
377 subsection (6) of this section for the purpose of employing  
378 licensed teachers for kindergarten, first-, second- and  
379 third-grade classes; however, no school district shall be  
380 authorized to use the allotment for assistant teachers for the  
381 purpose of employing licensed teachers unless the district has  
382 established that the employment of licensed teachers using such  
383 funds will reduce the teacher:student ratio in the kindergarten,  
384 first-, second- and third-grade classes. All state funds for  
385 assistant teachers shall be applied to reducing teacher:student  
386 ratio in Grades K-3.

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

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

392 (b) Districts meeting Level 4 or 5 accreditation  
393 standards, as defined by the State Board of Education, shall be  
394 exempted from the provisions of subsection (4) of this section.

395 **SECTION 3.** This act shall take effect and be in force from  
396 and after July 1, 2007.