

By: Representatives Brown, Flaggs, Holland, Peranich, Stringer, Watson, Mayo, Whittington, Reynolds, Franks, Walley, Clark, Scott, Patterson, Perkins

To: Education

HOUSE BILL NO. 239
(As Passed the House)

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 FOR THE NEXT TWO FISCAL YEARS; TO AUTHORIZE
7 PUBLIC SCHOOL DISTRICTS TO PAY WITH LOCAL FUNDS THE FULL COST OF
8 THE HEALTH INSURANCE PREMIUMS FOR RETIRED MEMBERS OF THE PUBLIC
9 EMPLOYEES' RETIREMENT SYSTEM WHO ARE EMPLOYED AS SCHOOL BUS
10 DRIVERS BY THE SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

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

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

24 2007-2008 School Year and School Years Thereafter

25 Less Than 25 Years of Teaching Experience

26	AAAA.....	\$ <u>35,020.00</u>
27	AAA.....	<u>33,990.00</u>
28	AA.....	<u>32,960.00</u>
29	A.....	<u>30,900.00</u>

30 25 or More Years of Teaching Experience

31	<u>AAAA</u>	\$ <u>37,080.00</u>
----	-------------------	---------------------

32	<u>AAA</u>	<u>36,050.00</u>
33	<u>AA</u>	<u>35,020.00</u>
34	<u>A</u>	<u>32,960.00</u>

35 The State Board of Education shall revise the salary scale
36 prescribed above for the 2007-2008 school year to conform to any
37 adjustments made to the salary scale in prior fiscal years due to
38 revenue growth over and above five percent (5%). For each one
39 percent (1%) that the Sine Die General Fund Revenue Estimate
40 Growth exceeds five percent (5%) for fiscal year 2006, as
41 certified by the Legislative Budget Office to the State Board of
42 Education and subject to specific appropriation therefor by the
43 Legislature, the State Board of Education shall revise the salary
44 scale to provide an additional one percent (1%) across the board
45 increase in the base salaries for each type of license.

46 It is the intent of the Legislature that any state funds made
47 available for salaries of licensed personnel in excess of the
48 funds paid for such salaries for the 1986-1987 school year shall
49 be paid to licensed personnel pursuant to a personnel appraisal
50 and compensation system implemented by the State Board of
51 Education. The State Board of Education shall have the authority
52 to adopt and amend rules and regulations as are necessary to
53 establish, administer and maintain the system.

54 All teachers employed on a full-time basis shall be paid a
55 minimum salary in accordance with the above scale. However, no
56 school district shall receive any funds under this section for any
57 school year during which the local supplement paid to any
58 individual teacher shall have been reduced to a sum less than that
59 paid to that individual teacher for performing the same duties
60 from local supplement during the immediately preceding school
61 year. The amount actually spent for the purposes of group health
62 and/or life insurance shall be considered as a part of the
63 aggregate amount of local supplement but shall not be considered a
64 part of the amount of individual local supplement.

98 (i) Any licensed teacher who has met the
99 requirements and acquired a Master Teacher certificate from the
100 National Board for Professional Teaching Standards and who is
101 employed by a local school board or the State Board of Education
102 as a teacher and not as an administrator. Such teacher shall
103 submit documentation to the State Department of Education that the
104 certificate was received prior to October 15 in order to be
105 eligible for the full salary supplement in the current school
106 year, or the teacher shall submit such documentation to the State
107 Department of Education prior to February 15 in order to be
108 eligible for a prorated salary supplement beginning with the
109 second term of the school year.

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

124 (iii) Any licensed school counselor who has met
125 the requirements and acquired a National Certified School
126 Counselor (NCSC) endorsement from the National Board of Certified
127 Counselors and who is employed by a local school board or the
128 State Board of Education as a counselor and not as an
129 administrator. Such licensed school counselor shall submit
130 documentation to the State Department of Education that the

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

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

158 (b) An employee shall be reimbursed one (1) time for
159 the actual cost of completing the process of acquiring the
160 certificate or endorsement, excluding any costs incurred for
161 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
162 for a school counselor or speech-language pathologist and
163 audiologist, regardless of whether or not the process resulted in

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

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

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

196 behalf of that employee toward his or her certificate or
197 endorsement.

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

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

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

220 (i) It is the express intent of this legislation
221 that the MPBP plan shall utilize only existing standards of
222 accreditation and assessment as established by the State Board of
223 Education.

224 (ii) To ensure that all of Mississippi's teachers,
225 administrators and nonlicensed personnel at all schools have equal
226 access to the monies set aside in this section, the MPBP program
227 shall be designed to calculate each school's performance as
228 determined by the school's increase in scores from the prior

229 school year. The MPBP program shall be based on a standardized
230 scores rating where all levels of schools can be judged in a
231 statistically fair and reasonable way upon implementation. At the
232 end of each year, after all student achievement scores have been
233 standardized, the State Department of Education shall implement
234 the MPBP plan.

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

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

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

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

261 (c) If funds are available for that purpose, the state
262 shall provide additional funding under this subsection for two (2)
263 mentor teachers per middle school; however, local school districts
264 may provide additional salary supplements for more than two (2)
265 teacher mentors from nonadequate education program funds. The
266 state department may develop an implementation process that fairly
267 distributes these funds for the consideration of the Legislature.

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

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

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

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

294 assistant teacher be assigned to serve as a substitute teacher for
295 any teacher other than the licensed teacher to whom that assistant
296 teacher has been assigned.

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

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

305 (i) Submit a plan on the implementation of a
306 reading improvement program to the State Department of Education;
307 and

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

311 (b) Additionally, each school district shall:

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

317 (ii) Hold periodic workshops for administrators
318 and teachers on the effective use and supervision of assistant
319 teachers;

320 (iii) Provide training annually on specific
321 instructional skills for assistant teachers;

322 (iv) Annually evaluate their program in accordance
323 with their educational accountability and assessment of
324 performance plan; and

325 (v) Designate the necessary personnel to supervise
326 and report on their program.

327 (5) The State Department of Education shall:

328 (a) Develop and assist in the implementation of a
329 statewide uniform training module, subject to the availability of
330 funds specifically appropriated therefor by the Legislature, which
331 shall be used in all school districts for training administrators,
332 teachers and assistant teachers. The module shall provide for the
333 consolidated training of each assistant teacher and teacher to
334 whom the assistant teacher is assigned, working together as a
335 team, and shall require further periodic training for
336 administrators, teachers and assistant teachers regarding the role
337 of assistant teachers;

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

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

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

360 to the salaries of assistant teachers by the district shall have
361 been reduced below such amount for the previous year.

362 For the 2007-2008 school year * * *, the minimum salary for
363 assistant teachers shall be Thirteen Thousand Dollars
364 (\$13,000.00). For the 2008-2009 school year and school years
365 thereafter, the minimum salary for assistant teachers shall be
366 Thirteen Thousand Five Hundred Dollars (\$13,500.00).

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

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

393 It is the intent of the Legislature that no school district
394 shall dismiss any assistant teacher for the purpose of using the
395 assistant teacher allotment to employ licensed teachers. School
396 districts may rely only upon normal attrition to reduce the number
397 of assistant teachers employed in that district.

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

401 **SECTION 3.** The public school districts of the state, in
402 their discretion, may pay with local funds one hundred percent
403 (100%) of the cost of the health insurance premiums of the State
404 and School Employees Health Insurance Plan for all retired members
405 of the Public Employees' Retirement System who are employed as
406 school bus drivers by the school districts. No state funds shall
407 be used for payment of the health insurance premiums under the
408 authority of this section. If a school district chooses to pay
409 the health insurance premiums for school bus drivers under the
410 authority of this section, the district shall not be authorized to
411 pay any amount that is less than one hundred percent (100%) of the
412 cost of the health insurance premiums for the school bus drivers,
413 but shall pay the full amount of the cost of the health insurance
414 premiums for each school bus driver who is employed by the
415 district.

416 **SECTION 4.** This act shall take effect and be in force from
417 and after July 1, 2007.