

By: Representative Simpson

To: Education

HOUSE BILL NO. 323

1 AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE SALARIES OF PUBLIC SCHOOL TEACHERS; TO AMEND SECTION
3 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF
4 ASSISTANT TEACHERS; AND FOR RELATED PURPOSES.

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

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

8 37-19-7. (1) This subsection shall be known and may be
9 cited as the Mississippi "Teacher Opportunity Program (TOP)." The
10 allowance in * * * the Mississippi Adequate Education Program for
11 teachers' salaries in each * * * school district shall be
12 determined and paid in accordance with the scale for teachers'
13 salaries as provided in this subsection. For teachers holding the
14 following types of licenses or the equivalent, as determined by
15 the State Board of Education, and the following number of years of
16 teaching experience, the scale shall be as follows:

17 2007-2008 School Year and School Years Thereafter

18 Less Than 25 Years of Teaching Experience

Table with 2 columns: License type and Salary. Rows include AAAA (\$35,020.00), AAA (33,990.00), AA (32,960.00), and A (30,900.00).

23 25 or More Years of Teaching Experience

Table with 2 columns: License type and Salary. Rows include AAAA (\$37,080.00), AAA (36,050.00), AA (35,020.00), and A (32,960.00).

28 * * *

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

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

48 **2007-2008 School Year**

49 **and School Years Thereafter Annual Increments**

50 For teachers holding a Class AAAA license, the minimum base
51 pay specified in this subsection shall be increased by the sum of
52 Seven Hundred Ninety-five Dollars (\$795.00) for each year of
53 teaching experience possessed by the person holding such license
54 until such person shall have twenty-five (25) years of teaching
55 experience.

56 For teachers holding a Class AAA license, the minimum base
57 pay specified in this subsection shall be increased by the sum of
58 Seven Hundred Thirty Dollars (\$730.00) for each year of teaching
59 experience possessed by the person holding such license until such
60 person shall have twenty-five (25) years of teaching experience.

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

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

71 The level of professional training of each teacher to be used
72 in establishing the salary allotment for the teachers for each
73 year shall be determined by the type of valid teacher's license
74 issued to those teachers on or before October 1 of the current
75 school year.

76 (2) (a) The following employees shall receive an annual
77 salary supplement in the amount of Six Thousand Dollars
78 (\$6,000.00), plus fringe benefits, in addition to any other
79 compensation to which the employee may be entitled:

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

92 (ii) A licensed nurse who has met the requirements
93 and acquired a certificate from the National Board for

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

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

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

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

158 (c) All salary supplements, fringe benefits and process
159 reimbursement authorized under this subsection shall be paid

160 directly by the State Department of Education to the local school
161 district and shall be in addition to its adequate education
162 program allotments and not a part thereof in accordance with
163 regulations promulgated by the State Board of Education, and
164 subject to appropriation by the Legislature. Local school
165 districts shall not reduce the local supplement paid to any
166 employee receiving such salary supplement, and the employee shall
167 receive any local supplement to which employees with similar
168 training and experience otherwise are entitled.

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

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

186 (b) Effective July 1, 2007, if funds are available for
187 that purpose, the Legislature may authorize state funds for
188 additional base compensation for teachers employed in a public
189 school district located in a geographic area of the state
190 designated as a critical teacher shortage area by the State Board
191 of Education.

192 (4) (a) This subsection shall be known and may be cited as
193 the "Mississippi Performance Based Pay (MPBP)" plan. In addition
194 to the minimum base pay described in this section, only after full
195 funding of MAEP and if funds are available for that purpose, the
196 State of Mississippi may provide monies from state funds to school
197 districts for the purposes of rewarding certified teachers,
198 administrators and nonlicensed personnel at individual schools
199 showing improvement in student test scores. The MPBP plan shall
200 be developed by the State Department of Education based on the
201 following criteria:

202 (i) It is the express intent of this subsection
203 that the MPBP plan shall utilize only existing standards of
204 accreditation and assessment as established by the State Board of
205 Education.

206 (ii) To ensure that all of Mississippi's teachers,
207 administrators and nonlicensed personnel at all schools have equal
208 access to the monies set aside in this subsection, the MPBP
209 program shall be designed to calculate each school's performance
210 as determined by the school's increase in scores from the prior
211 school year. The MPBP program shall be based on a standardized
212 scores rating where all levels of schools can be judged in a
213 statistically fair and reasonable way upon implementation. At the
214 end of each year, after all student achievement scores have been
215 standardized, the State Department of Education shall implement
216 the MPBP plan.

217 (iii) To ensure all teachers cooperate in the
218 spirit of teamwork, individual schools shall submit a plan to the
219 local school educational authority to be approved before the
220 beginning of each school year beginning July 1, 2008. The plan
221 shall include, but not be limited to, how all teachers, regardless
222 of subject area, and administrators will be responsible for
223 improving student achievement for their individual school.

224 (b) The State Board of Education shall develop the
225 processes and procedures for designating schools eligible to
226 participate in the MPBP. State assessment results, growth in
227 student achievement at individual schools and other measures
228 deemed appropriate in designating successful student achievement
229 shall be used in establishing MPBP criteria. The State Board of
230 Education shall develop the MPBP policies and procedures and
231 report to the Legislature and Governor by December 1, 2006.

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

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

243 (c) If funds are available for that purpose, the state
244 shall provide additional funding under this subsection for two (2)
245 mentor teachers per middle school; however, local school districts
246 may provide additional salary supplements for more than two (2)
247 teacher mentors from nonadequate education program funds. The
248 State Department of Education may develop an implementation
249 process that fairly distributes these funds for the consideration
250 of the Legislature.

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

253 37-21-7. (1) This section shall be referred to as the
254 "Mississippi Elementary Schools Assistant Teacher Program," the
255 purpose of which shall be to provide an early childhood education
256 program that assists in the instruction of basic skills. The

257 State Board of Education is authorized, empowered and directed to
258 implement a statewide system of assistant teachers in kindergarten
259 classes and in the first, second and third grades. The assistant
260 teacher shall assist pupils in actual instruction under the strict
261 supervision of a licensed teacher.

262 (2) (a) Except as otherwise authorized under subsection
263 (7), each school district shall employ the total number of
264 assistant teachers funded under subsection (6) of this section.
265 The superintendent of each district shall assign the assistant
266 teachers to the kindergarten, first-, second- and third-grade
267 classes in the district in a manner that will promote the maximum
268 efficiency, as determined by the superintendent, in the
269 instruction of skills such as verbal and linguistic skills,
270 logical and mathematical skills, and social skills.

271 (b) If a licensed teacher to whom an assistant teacher
272 has been assigned is required to be absent from the classroom, the
273 assistant teacher may assume responsibility for the classroom in
274 lieu of a substitute teacher. However, no assistant teacher shall
275 assume sole responsibility of the classroom for more than three
276 (3) consecutive school days. Further, in no event shall any
277 assistant teacher be assigned to serve as a substitute teacher for
278 any teacher other than the licensed teacher to whom that assistant
279 teacher has been assigned.

280 (3) Assistant teachers shall have, at a minimum, a high
281 school diploma or a GED equivalent, and shall show demonstratable
282 proficiency in reading and writing skills. The State Department
283 of Education shall develop a testing procedure for assistant
284 teacher applicants to be used in all school districts in the
285 state.

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

288 (i) Submit a plan on the implementation of a
289 reading improvement program to the State Department of Education;
290 and

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

294 (b) Additionally, each school district shall:

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

300 (ii) Hold periodic workshops for administrators
301 and teachers on the effective use and supervision of assistant
302 teachers;

303 (iii) Provide training annually on specific
304 instructional skills for assistant teachers;

305 (iv) Annually evaluate their program in accordance
306 with their educational accountability and assessment of
307 performance plan; and

308 (v) Designate the necessary personnel to supervise
309 and report on their program.

310 (5) The State Department of Education shall:

311 (a) Develop and assist in the implementation of a
312 statewide uniform training module, subject to the availability of
313 funds specifically appropriated therefor by the Legislature, which
314 shall be used in all school districts for training administrators,
315 teachers and assistant teachers. The module shall provide for the
316 consolidated training of each assistant teacher and teacher to
317 whom the assistant teacher is assigned, working together as a
318 team, and shall require further periodic training for
319 administrators, teachers and assistant teachers regarding the role
320 of assistant teachers;

321 (b) Annually evaluate the program on the district and
322 state level. Subject to the availability of funds specifically
323 appropriated therefor by the Legislature, the department shall
324 develop: (i) uniform evaluation reports, to be performed by the
325 principal or assistant principal, to collect data for the annual
326 overall program evaluation conducted by the department; or (ii) a
327 program evaluation model that, at a minimum, addresses process
328 evaluation; and

329 (c) Promulgate rules, regulations and such other
330 standards deemed necessary to effectuate the purposes of this
331 section. Noncompliance with the provisions of this section and
332 any rules, regulations or standards adopted by the department may
333 result in a violation of compulsory accreditation standards as
334 established by the State Board of Education and the Commission on
335 School Accreditation.

336 (6) In addition to other funds allotted under the * * *
337 Adequate Education Program, each school district shall be allotted
338 sufficient funding for the purpose of employing assistant
339 teachers. No assistant teacher shall be paid less than the amount
340 he or she received in the prior school year. No school district
341 shall receive any funds under this section for any school year
342 during which the aggregate amount of the local contribution to the
343 salaries of assistant teachers by the district shall have been
344 reduced below such amount for the previous year.

345 For the 2007-2008 school year and school years thereafter,
346 the minimum salary for assistant teachers shall be Twelve Thousand
347 Three Hundred Sixty Dollars (\$12,360.00).

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

352 (7) (a) As an alternative to employing assistant teachers,
353 any school district may use the allotment provided under

354 subsection (6) of this section for the purpose of employing
355 licensed teachers for kindergarten, first-, second- and
356 third-grade classes; however, no school district shall be
357 authorized to use the allotment for assistant teachers for the
358 purpose of employing licensed teachers unless the district has
359 established that the employment of licensed teachers using such
360 funds will reduce the teacher:student ratio in the kindergarten,
361 first-, second- and third-grade classes. All state funds for
362 assistant teachers shall be applied to reducing teacher:student
363 ratio in Grades K-3.

364 It is the intent of the Legislature that no school district
365 shall dismiss any assistant teacher for the purpose of using the
366 assistant teacher allotment to employ licensed teachers. School
367 districts may rely only upon normal attrition to reduce the number
368 of assistant teachers employed in that district.

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

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