

By: Representative Harrison

To: Education

HOUSE BILL NO. 1087

1 AN ACT TO AMEND SECTION 37-9-23, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE LOCAL SCHOOL DISTRICT SUPERINTENDENTS TO ENTER INTO
3 EMPLOYMENT CONTRACTS WITH ASSISTANT TEACHERS; TO AMEND SECTIONS
4 37-9-14, 37-9-17, 37-9-33, 37-9-41, 37-9-43, 37-9-55 AND 37-9-57,
5 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
6 PROVISION; TO AMEND SECTIONS 37-9-103 AND 37-9-105, MISSISSIPPI
7 CODE OF 1972, TO INCLUDE ASSISTANT TEACHERS IN THE DEFINITION OF
8 THE TERM "EMPLOYEE" AS USED TO DEFINE EMPLOYMENT POSITIONS COVERED
9 BY THE EDUCATION EMPLOYMENT PROCEDURES LAW OF 2001; TO BRING
10 FORWARD SECTION 37-21-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
11 FOR THE EMPLOYMENT OF ASSISTANT TEACHERS IN THE LOCAL SCHOOL
12 DISTRICTS; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 37-9-23, Mississippi Code of 1972, is
15 amended as follows:

16 37-9-23. The superintendent shall enter into a contract with
17 each assistant superintendent, principal, licensed employee,
18 assistant teacher and person anticipating graduation from an
19 approved teacher education program or the issuance of a proper
20 license before October 15 or February 15, as the case may be, who
21 is elected and approved for employment by the school board. The
22 contracts shall be in a form * * * prescribed by the State Board
23 of Education and shall be executed in duplicate with one (1) copy
24 to be retained by the appropriate superintendent and one (1) copy
25 to be retained by the principal, licensed employee, assistant
26 teacher or person recommended for a licensed position contracted
27 with. The contract shall show the name of the district, the
28 length of the school term, the position held (whether an assistant
29 superintendent, principal, licensed employee or assistant
30 teacher), the scholastic years which it covers, the total amount
31 of the annual salary and how the salary is payable. The amount of
32 salary to be shown in the contract shall be the amount which shall

33 have been fixed and determined by the school board, but, as to the
34 licensed employees and assistant teachers paid in whole or in part
35 with adequate education program funds, the salary shall not be
36 less than that required under state law. The contract entered
37 into with any person recommended for a licensed position who is
38 anticipating either graduation from an approved teacher education
39 program before September 1 or December 31, as the case may be, or
40 the issuance of a proper license before October 15 or February 15,
41 as the case may be, shall be a conditional contract and shall
42 include a provision stating that the contract will be null and
43 void if, as specified in the contract, the contingency upon which
44 the contract is conditioned has not occurred. If any
45 superintendent, other than those elected, principal, licensed
46 employee, assistant teacher or person recommended for a licensed
47 position who has been elected and approved shall not execute and
48 return the contract within ten (10) days after the contract has
49 been tendered to him for execution, then, at the option of the
50 school board, the election of the licensed employee and the
51 contract tendered to him shall be void and of no effect.

52 **SECTION 2.** Section 37-9-14, Mississippi Code of 1972, is
53 amended as follows:

54 37-9-14. (1) It shall be the duty of the superintendent of
55 schools to administer the schools within his district and to
56 implement the decisions of the school board.

57 (2) In addition to all other powers, authority and duties
58 imposed or granted by law, the superintendent of schools shall
59 have the following powers, authority and duties:

60 (a) To enter into contracts in the manner provided by
61 law with each assistant superintendent, principal, teacher and
62 assistant teacher of the public schools under his supervision,
63 after the assistant superintendent, principal, teachers and
64 assistant teachers have been selected and approved in the manner
65 provided by law.

66 (b) To enforce in the public schools of the school
67 district the courses of study provided by law or the rules and
68 regulations of the State Board of Education, and to comply with
69 the law with reference to the use and distribution of free
70 textbooks.

71 (c) To administer oaths in all cases to persons
72 testifying before him relative to disputes relating to the schools
73 submitted to him for determination, and to take testimony in those
74 cases as provided by law.

75 (d) To examine the monthly and annual reports submitted
76 to him by principals and teachers for the purpose of determining
77 and verifying the accuracy of the reports.

78 (e) To preserve all reports of superintendents,
79 principals, teachers and other school officers, and to deliver to
80 his successor or clerk of the board of supervisors all money,
81 property, books, effects and papers.

82 (f) To prepare and keep in his office a map or maps
83 showing the territory embraced in his school district, to furnish
84 the county assessor with a copy of the map or maps, and to revise
85 and correct the map or maps from time to time as changes in or
86 alterations of school districts may necessitate.

87 (g) To keep an accurate record of the names of all of
88 the members of the school board showing the districts for which
89 each was elected or appointed, the post office address of each,
90 and the date of the expiration of his term of office. All
91 official correspondence shall be addressed to the school board,
92 and notice to the members shall be regarded as notice to the
93 residents of the district, and it shall be the duty of the members
94 to notify the residents.

95 (h) To deliver in proper time to the assistant
96 superintendents, principals, teachers and board members those
97 forms, records and other supplies which will be needed during the
98 school year as provided by law or any applicable rules and

99 regulations, and to give to those individuals any information with
100 regard to their duties that may be required.

101 (i) To make to the school board reports for each
102 scholastic month in the form * * * the school board may require.

103 (j) To distribute promptly all reports, letters, forms,
104 circulars and instructions which he may receive for the use of
105 school officials.

106 (k) To keep on file and preserve in his office all
107 appropriate information concerning the affairs of the school
108 district.

109 (l) To visit the schools of his school district in his
110 discretion, and to require the assistant superintendents,
111 principals and teachers in the schools to perform their duties as
112 prescribed by law.

113 (m) To observe any instructions and regulations that
114 the school board and other public officials may prescribe, and to
115 make special reports to these officers whenever required.

116 (n) To keep his office open for the transaction of
117 business upon the days and during the hours to be designated by
118 the school board.

119 (o) To make those reports that are required by the
120 State Board of Education.

121 (p) To make an enumeration of educable children in his
122 school district as prescribed by law.

123 (q) To keep in his office and carefully preserve the
124 public school record provided, to enter into the record the
125 proceedings of the school board and his decision upon cases and
126 his other official acts, to record in the record the data required
127 from the monthly and term reports of principals and teachers, and
128 from the summaries of records thus kept.

129 (r) To delegate student disciplinary matters to
130 appropriate school personnel.

131 (s) To make assignments to the various schools in the
132 district of all noninstructional and nonlicensed employees and all
133 licensed employees, as provided in Sections 37-9-15 and 37-9-17,
134 and to make reassignments of those employees from time to time;
135 however, a reassignment of a licensed employee may only be to an
136 area in which the employee has a valid license issued by the State
137 Department of Education. Upon request from any employee
138 transferred, the assignment shall be subject to review by the
139 school board.

140 (t) To employ substitutes for licensed employees,
141 regardless of whether or not a substitute holds the proper
142 license, subject to any reasonable rules and regulations that may
143 be adopted by the State Board of Education.

144 (u) To comply in a timely manner with the compulsory
145 education reporting requirements prescribed in Section
146 37-13-91(6).

147 (v) To perform any other duties that may be required of
148 him by law.

149 (w) To notify, in writing, the parent, guardian or
150 custodian, the youth court and local law enforcement of any
151 expulsion of a student for criminal activity, as defined in
152 Section 37-11-92.

153 (x) To notify the youth court and local law enforcement
154 agencies, by affidavit, of the occurrence of any crime committed
155 by a student or students upon school property or during any
156 school-related activity, regardless of location and the identity
157 of the student or students committing the crime.

158 (y) To employ and dismiss noninstructional and
159 nonlicensed employees as provided by law.

160 (3) All funds to the credit of a school district shall be
161 paid out on pay certificates issued by the superintendent upon
162 order of the school board of the school district properly entered
163 upon the minutes of the school board, and these orders shall be

164 supported by properly itemized invoices from the vendors covering
165 the materials and supplies purchased. The orders and the itemized
166 invoices supporting those orders shall be filed as a public record
167 in the office of the superintendent for a period of five (5)
168 years. The superintendent shall be liable upon his official bond
169 for the amount of any pay certificate issued in violation of
170 * * * this section. The school board shall have the power and
171 authority to direct and cause warrants to be issued against school
172 district funds for the purpose of refunding any amount of taxes
173 erroneously or illegally paid into the fund when a refund has been
174 approved in the manner provided by law.

175 (4) The superintendent of schools shall be special
176 accounting officer and treasurer with respect to any and all
177 district school funds for his school district. He or his designee
178 shall issue all warrants without the necessity of registration
179 thereof by the chancery clerk. Transactions with the depositories
180 and with the various tax collecting agencies which involve school
181 funds for the school district shall be with the superintendent of
182 schools, or his designee.

183 (5) The superintendent of schools will have no
184 responsibility with regard to agricultural high school and
185 community and junior college funds.

186 All agricultural high school and community and junior college
187 funds shall be handled and expended in the manner provided for in
188 Sections 37-29-31 through 37-29-39.

189 (6) It shall be the duty of the superintendent of schools to
190 keep and preserve the minutes of the proceedings of the school
191 board.

192 (7) The superintendent of schools shall maintain as a record
193 in his office a book or a computer printout in which he shall
194 enter all demands, claims and accounts paid from any funds of the
195 school district. The record shall be in a form to be prescribed
196 by the State Auditor. All demands, claims and accounts filed

197 shall be preserved by the superintendent of schools as a public
198 record for a period of five (5) years. All claims found by the
199 school board to be illegal shall be rejected or disallowed. To
200 the extent allowed by board policy, all claims which are found to
201 be legal and proper may be paid and then ratified by the school
202 board at the next regularly scheduled board meeting, as paid by
203 the superintendent of schools. All claims as to which a
204 continuance is requested by the claimant and those found to be
205 defective but which may be perfected by amendment shall be
206 continued. The superintendent of schools shall issue a pay
207 certificate against any legal and proper fund of the school
208 district in favor of the claimant in payment of claims. The
209 provisions of this section, however, shall not be applicable to
210 the payment of salaries and applicable benefits, travel advances,
211 amounts due private contractors or other obligations where the
212 amount thereof has been previously approved by a contract or by an
213 order of the school board entered upon its minutes, or paid by
214 board policy, or by inclusion in the current fiscal year budget,
215 and those amounts may be paid by the superintendent of schools by
216 pay certificates issued by him against the legal and proper fund
217 without allowance of a specific claim therefor as provided in this
218 section, provided that the payment thereof is otherwise in
219 conformity with law.

220 **SECTION 3.** Section 37-9-17, Mississippi Code of 1972, is
221 amended as follows:

222 37-9-17. (1) On or before April 1 of each year, the
223 principal of each school shall recommend to the superintendent of
224 the local school district the licensed employees or
225 noninstructional employees to be employed for the school involved
226 except those licensed employees or noninstructional employees who
227 have been previously employed and who have a contract valid for
228 the ensuing scholastic year. If the recommendations meet with the
229 approval of the superintendent, the superintendent shall recommend

230 the employment of the licensed employees or noninstructional
231 employees to the local school board, and, unless good reason to
232 the contrary exists, the board shall elect the employees so
233 recommended. If, for any reason, the local school board shall
234 decline to elect any employee so recommended, additional
235 recommendations for the places to be filled shall be made by the
236 principal to the superintendent and then by the superintendent to
237 the local school board as provided above. The school board of any
238 local school district shall be authorized to designate a personnel
239 supervisor or another principal employed by the school district to
240 recommend to the superintendent licensed employees or
241 noninstructional employees; however, this authorization shall be
242 restricted to no more than two (2) positions for each employment
243 period for each school in the local school district. Any
244 noninstructional employee employed upon the recommendation of a
245 personnel supervisor or another principal employed by the local
246 school district must have been employed by the local school
247 district at the time the superintendent was elected or appointed
248 to office; a noninstructional employee employed under this
249 authorization may not be paid compensation in excess of the
250 statewide average compensation for such noninstructional position
251 with comparable experience, as established by the State Department
252 of Education. The school board of any local school district shall
253 be authorized to designate a personnel supervisor or another
254 principal employed by the school district to accept the
255 recommendations of principals or their designees for licensed
256 employees or noninstructional employees and to transmit approved
257 recommendations to the local school board; however, this
258 authorization shall be restricted to no more than two (2)
259 positions for each employment period for each school in the local
260 school district.

261 When the licensed employees and assistant teachers have been
262 elected as provided in the preceding paragraph, the superintendent

263 of the district shall enter into a contract with those persons in
264 the manner provided in this chapter.

265 If, at the commencement of the scholastic year, any licensed
266 employee shall present to the superintendent a license of a higher
267 grade than that specified in that individual's contract, the
268 individual may, if funds are available from adequate education
269 program funds of the district, or from district funds, be paid
270 from those funds the amount to which the higher grade license
271 would have entitled the individual, had the license been held at
272 the time the contract was executed.

273 (2) Superintendents or directors of schools under the
274 purview of the State Board of Education, the superintendent of the
275 local school district and any private firm under contract with the
276 local public school district to provide substitute teachers to
277 teach during the absence of a regularly employed schoolteacher
278 shall require, through the appropriate governmental authority,
279 that current criminal records background checks and current child
280 abuse registry checks are obtained, and that the criminal record
281 information and registry checks are on file for any new hires
282 applying for employment as a licensed or nonlicensed employee at a
283 school and not previously employed in that school under the
284 purview of the State Board of Education or at the local school
285 district prior to July 1, 2000. In order to determine the
286 applicant's suitability for employment, the applicant shall be
287 fingerprinted. If no disqualifying record is identified at the
288 state level, the fingerprints shall be forwarded by the Department
289 of Public Safety to the Federal Bureau of Investigation for a
290 national criminal history record check. The fee for the
291 fingerprinting and criminal history record check shall be paid by
292 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
293 State Board of Education, the school board of the local school
294 district or a private firm under contract with a local school
295 district to provide substitute teachers to teach during the

296 temporary absence of the regularly employed schoolteacher, in its
297 discretion, may elect to pay the fee for the fingerprinting and
298 criminal history record check on behalf of any applicant. Under
299 no circumstances shall a member of the State Board of Education,
300 superintendent or director of schools under the purview of the
301 State Board of Education, local school district superintendent,
302 local school board member or any individual other than the subject
303 of the criminal history record checks disseminate information
304 received through any * * * checks except insofar as required to
305 fulfill the purposes of this section. Any nonpublic school which
306 is accredited or approved by the State Board of Education may
307 avail itself of the procedures provided for in this subsection and
308 shall be responsible for the same fee charged in the case of local
309 public schools of this state. The determination whether the
310 applicant has a disqualifying crime, as set forth in subsection
311 (3) of this section, shall be made by the appropriate governmental
312 authority, and the appropriate governmental authority shall notify
313 the private firm whether a disqualifying crime exists.

314 (3) If the fingerprinting or criminal record checks disclose
315 a felony conviction, guilty plea or plea of nolo contendere to a
316 felony of possession or sale of drugs, murder, manslaughter, armed
317 robbery, rape, sexual battery, sex offense listed in Section
318 45-33-23(g), child abuse, arson, grand larceny, burglary,
319 gratification of lust or aggravated assault which has not been
320 reversed on appeal or for which a pardon has not been granted, the
321 new hire shall not be eligible to be employed at the school. Any
322 employment contract for a new hire executed by the superintendent
323 of the local school district or any employment of a new hire by a
324 superintendent or director of a new school under the purview of
325 the State Board of Education or by a private firm shall be
326 voidable if the new hire receives a disqualifying criminal record
327 check. However, the State Board of Education or the school board
328 may, in its discretion, allow any applicant aggrieved by the

329 employment decision under this section to appear before the
330 respective board, or before a hearing officer designated for that
331 purpose, to show mitigating circumstances which may exist and
332 allow the new hire to be employed at the school. The State Board
333 of Education or local school board may grant waivers for the
334 mitigating circumstances, which shall include, but not be limited
335 to: (a) age at which the crime was committed; (b) circumstances
336 surrounding the crime; (c) length of time since the conviction and
337 criminal history since the conviction; (d) work history; (e)
338 current employment and character references; (f) other evidence
339 demonstrating the ability of the person to perform the employment
340 responsibilities competently and that the person does not pose a
341 threat to the health or safety of the children at the school.

342 (4) No local school district, local school district
343 employee, member of the State Board of Education or employee of a
344 school under the purview of the State Board of Education shall be
345 held liable in any employment discrimination suit in which an
346 allegation of discrimination is made regarding an employment
347 decision authorized under this Section 37-9-17.

348 **SECTION 4.** Section 37-9-33, Mississippi Code of 1972, is
349 amended as follows:

350 37-9-33. In employing and contracting with appointed
351 superintendents, principals, licensed employees and assistant
352 teachers, the school board shall in all cases determine whether
353 the amount of salary to be paid to the superintendent, principals,
354 licensed employees and assistant teachers is in compliance with
355 the provisions of the adequate education program. No contract
356 shall be entered into where the salary of a superintendent,
357 principal, licensed employee or assistant teacher is to be paid in
358 whole or in part from adequate education program funds except
359 where the requirements of state statutes as to the amount of the
360 salary are fully met. Nothing in this section shall be construed,
361 however, to prohibit any school district from increasing the

362 salaries of appointed superintendents, principals, licensed
363 employees and assistant teachers above the amounts fixed by
364 statute, provided that the amount of the increase is paid from
365 funds available to that district other than adequate program
366 funds.

367 **SECTION 5.** Section 37-9-41, Mississippi Code of 1972, is
368 amended as follows:

369 37-9-41. The salaries of superintendents, principals,
370 licensed employees and assistant teachers shall be paid by pay
371 certificates issued by the school district superintendent. The
372 pay certificates may be issued without additional authorization of
373 the school board where the amount of salary has been fixed and a
374 contract entered into as is provided in this chapter. All pay
375 certificates shall be preserved by him as a part of the official
376 records of his office for the same time and in the same manner as
377 other records are preserved. Except as is * * * provided in this
378 section, the * * * warrants shall be governed in all respects by
379 the same laws regulating the issuance of other warrants for other
380 purposes. All pay certificates and warrants issued shall show the
381 gross amount of the salary and all authorized deductions from the
382 gross amount for income taxes, social security, retirement
383 contributions and other lawful purposes.

384 **SECTION 6.** Section 37-9-43, Mississippi Code of 1972, is
385 amended as follows:

386 37-9-43. It shall be unlawful for any appointed
387 superintendent, principal, licensed employee or assistant teacher
388 to be paid for any services in that position until a written
389 contract has been executed as is provided and required by this
390 chapter. If any school district superintendent shall make any
391 unlawful payment prior to the execution of the contract, he shall
392 be civilly liable for the amount of that payment, and, in
393 addition, shall be liable upon his bond. If any assistant
394 teacher, licensed employee, appointed superintendent or principal

395 shall willfully and without just cause breach his contract and
396 abandon his employment, he shall not be entitled to any further
397 salary payments either for services rendered before that breach or
398 for services which were * * * to have been rendered after the
399 breach. Nothing in this section, however, shall prevent the
400 employment and payment of substitute teachers without a written
401 contract.

402 **SECTION 7.** Section 37-9-55, Mississippi Code of 1972, is
403 amended as follows:

404 37-9-55. Any appointed superintendent, principal, licensed
405 employee or assistant teacher in any public school who is under
406 contract to teach or perform other duties and who desires to be
407 released from his contract shall make application in writing to
408 the school board of the school district for release from the
409 contract, in which application the reasons for the desired release
410 shall be clearly stated. If the board acts favorably upon the
411 application for release, the superintendent, principal, licensed
412 employee or assistant teacher shall be released from his contract,
413 and the contract shall be null and void on the date specified in
414 the school board's order.

415 **SECTION 8.** Section 37-9-57, Mississippi Code of 1972, is
416 amended as follows:

417 37-9-57. If any appointed superintendent, principal,
418 licensed employee or assistant teacher in any public school of
419 this state shall arbitrarily or willfully breach his or her
420 contract and abandon his or her employment without being released
421 from the contract as provided in Section 37-9-55, the contract of
422 that superintendent, principal, licensed employee or assistant
423 teacher shall be null and void. In addition, the license of the
424 superintendent, principal or licensed employee may be suspended by
425 the State Board of Education for a period of one (1) school year,
426 as provided in Section 37-3-2(8), upon written recommendation of

427 the majority of the members of the school board of the school
428 district involved.

429 **SECTION 9.** Section 37-9-103, Mississippi Code of 1972, is
430 amended as follows:

431 37-9-103. As used in Sections 37-9-101 through 37-9-113, the
432 word "employee" shall include:

433 (a) Any teacher, principal, superintendent or other
434 professional personnel employed by the local school district for a
435 continuous period of two (2) years with that district and required
436 to have a valid license issued by the State Department of
437 Education as a prerequisite of employment; * * *

438 (b) Any teacher, principal, superintendent or other
439 professional personnel who has completed a continuous period of
440 two (2) years of employment in a Mississippi public school
441 district and one (1) full year of employment with the school
442 district of current employment, and who is required to have a
443 valid license issued by the State Department of Education as a
444 prerequisite of employment; or

445 (c) Any assistant teacher who has been employed for a
446 continuous period of two (2) years with a local school district or
447 for a continuous period of two (2) years in a Mississippi public
448 school district, with one (1) full year of employment being with
449 the school district of current employment.

450 For purposes of Sections 37-9-101 through 37-9-113, the term
451 "days" means calendar days.

452 **SECTION 10.** Section 37-9-105, Mississippi Code of 1972, is
453 amended as follows:

454 37-9-105. If a recommendation is made by the school district
455 not to offer an employee a renewal contract for a successive year,
456 written notice of the proposed nonreemployment stating the reasons
457 for the proposed nonreemployment shall be given no later than the
458 following:

459 (a) If the employee is a principal, the superintendent,
460 without further board action, shall give notice of nonreemployment
461 on or before March 1; or

462 (b) If the employee is a teacher, assistant teacher,
463 administrator or other professional educator covered under
464 Sections 37-9-101 through 37-9-113, the superintendent, without
465 further board action, shall give notice of nonreemployment on or
466 before April 15, or within ten (10) days after the date that the
467 Governor approves the appropriation bill(s) comprising the state's
468 education budget for funding K-12, whichever date is later.

469 An interim conservator appointed pursuant to Section
470 37-17-6(14)(a) or a school board acting on the recommendation of a
471 school district financial advisor appointed pursuant to Section
472 37-9-18 shall not be required to comply with the time limitations
473 prescribed in this section for recommending the reemployment of
474 principals, teachers, assistant teachers, administrators or other
475 professional educators.

476 **SECTION 11.** Section 37-21-7, Mississippi Code of 1972, is
477 brought forward as follows:

478 37-21-7. (1) This section shall be referred to as the
479 "Mississippi Elementary Schools Assistant Teacher Program," the
480 purpose of which shall be to provide an early childhood education
481 program that assists in the instruction of basic skills. The
482 State Board of Education is authorized, empowered and directed to
483 implement a statewide system of assistant teachers in kindergarten
484 classes and in the first, second and third grades. The assistant
485 teacher shall assist pupils in actual instruction under the strict
486 supervision of a licensed teacher.

487 (2) (a) Except as otherwise authorized under subsection
488 (7), each school district shall employ the total number of
489 assistant teachers funded under subsection (6) of this section.
490 The superintendent of each district shall assign the assistant
491 teachers to the kindergarten, first-, second- and third-grade

492 classes in the district in a manner that will promote the maximum
493 efficiency, as determined by the superintendent, in the
494 instruction of skills such as verbal and linguistic skills,
495 logical and mathematical skills, and social skills.

496 (b) If a licensed teacher to whom an assistant teacher
497 has been assigned is required to be absent from the classroom, the
498 assistant teacher may assume responsibility for the classroom in
499 lieu of a substitute teacher. However, no assistant teacher shall
500 assume sole responsibility of the classroom for more than three
501 (3) consecutive school days. Further, in no event shall any
502 assistant teacher be assigned to serve as a substitute teacher for
503 any teacher other than the licensed teacher to whom that assistant
504 teacher has been assigned.

505 (3) Assistant teachers shall have, at a minimum, a high
506 school diploma or a GED equivalent, and shall show demonstratable
507 proficiency in reading and writing skills. The State Department
508 of Education shall develop a testing procedure for assistant
509 teacher applicants to be used in all school districts in the
510 state.

511 (4) (a) In order to receive funding, each school district
512 shall:

513 (i) Submit a plan on the implementation of a
514 reading improvement program to the State Department of Education;
515 and

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

519 (b) Additionally, each school district shall:

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

525 (ii) Hold periodic workshops for administrators
526 and teachers on the effective use and supervision of assistant
527 teachers;

528 (iii) Provide training annually on specific
529 instructional skills for assistant teachers;

530 (iv) Annually evaluate their program in accordance
531 with their educational accountability and assessment of
532 performance plan; and

533 (v) Designate the necessary personnel to supervise
534 and report on their program.

535 (5) The State Department of Education shall:

536 (a) Develop and assist in the implementation of a
537 statewide uniform training module, subject to the availability of
538 funds specifically appropriated therefor by the Legislature, which
539 shall be used in all school districts for training administrators,
540 teachers and assistant teachers. The module shall provide for the
541 consolidated training of each assistant teacher and teacher to
542 whom the assistant teacher is assigned, working together as a
543 team, and shall require further periodical training for
544 administrators, teachers and assistant teachers regarding the role
545 of assistant teachers;

546 (b) Annually evaluate the program on the district and
547 state level. Subject to the availability of funds specifically
548 appropriated therefor by the Legislature, the department shall
549 develop: (i) uniform evaluation reports, to be performed by the
550 principal or assistant principal, to collect data for the annual
551 overall program evaluation conducted by the department; or (ii) a
552 program evaluation model that, at a minimum, addresses process
553 evaluation; and

554 (c) Promulgate rules, regulations and such other
555 standards deemed necessary to effectuate the purposes of this
556 section. Noncompliance with the provisions of this section and
557 any rules, regulations or standards adopted by the department may

558 result in a violation of compulsory accreditation standards as
559 established by the State Board of Education and Commission on
560 School Accreditation.

561 (6) In addition to other funds allotted under the Minimum
562 Education or Adequate Education Program, each school district
563 shall be allotted sufficient funding for the purpose of employing
564 assistant teachers. No assistant teacher shall be paid less than
565 the amount he or she received in the prior school year. No school
566 district shall receive any funds under this section for any school
567 year during which the aggregate amount of the local contribution
568 to the salaries of assistant teachers by the district shall have
569 been reduced below such amount for the previous year.

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

573 In addition, for each one percent (1%) that the Sine Die
574 General Fund Revenue Estimate Growth exceeds five percent (5%) in
575 fiscal year 2006, as certified by the Legislative Budget Office to
576 the State Board of Education and subject to the specific
577 appropriation therefor by the Legislature, the State Board of
578 Education shall revise the salary scale in the appropriate year to
579 provide an additional one percent (1%) across the board increase
580 in the base salaries for assistant teachers. The State Board of
581 Education shall revise the salaries prescribed above for assistant
582 teachers to conform to any adjustments made in prior fiscal years
583 due to revenue growth over and above five percent (5%). The
584 assistant teachers shall not be restricted to working only in the
585 grades for which the funds were allotted, but may be assigned to
586 other classes as provided in subsection (2)(a) of this section.

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

591 third-grade classes; however, no school district shall be
592 authorized to use the allotment for assistant teachers for the
593 purpose of employing licensed teachers unless the district has
594 established that the employment of licensed teachers using such
595 funds will reduce the teacher:student ratio in the kindergarten,
596 first-, second- and third-grade classes. All state funds for
597 assistant teachers shall be applied to reducing teacher:student
598 ratio in Grades K-3.

599 It is the intent of the Legislature that no school district
600 shall dismiss any assistant teacher for the purpose of using the
601 assistant teacher allotment to employ licensed teachers. School
602 districts may rely only upon normal attrition to reduce the number
603 of assistant teachers employed in that district.

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

607 **SECTION 12.** This act shall take effect and be in force from
608 and after July 1, 2007.