

By: Senator(s) Fillingane

To: Education;  
Appropriations

SENATE BILL NO. 2278

1 AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT A LICENSED ATHLETIC TRAINER WHO HAS MET THE  
3 REQUIREMENTS AND ACQUIRED A NATIONAL CERTIFIED ATHLETIC TRAINER  
4 (NCAT) CERTIFICATE FROM THE NATIONAL ATHLETIC TRAINERS ASSOCIATION  
5 BOARD OF CERTIFICATION, INC., AND WHO IS EMPLOYED BY A LOCAL  
6 SCHOOL BOARD OR THE STATE BOARD OF EDUCATION AS AN ATHLETIC  
7 TRAINER AND NOT AS AN ADMINISTRATOR SHALL RECEIVE AN ANNUAL SALARY  
8 SUPPLEMENT; AND FOR RELATED PURPOSES.

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

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

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

22 **2005-2006 School Year and School Years Thereafter**

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

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

28 **25 or More Years of Teaching Experience**

29	AAAA.....	\$ 36,000.00
30	AAA.....	35,000.00

31 AA..... 34,000.00

32 A..... 32,000.00

33 The State Board of Education shall revise the salary scale  
34 prescribed above for the 2005-2006 school year to conform to any  
35 adjustments made to the salary scale in prior fiscal years due to  
36 revenue growth over and above five percent (5%). For each one  
37 percent (1%) that the Sine Die General Fund Revenue Estimate  
38 Growth exceeds five percent (5%) for fiscal year 2006, as  
39 certified by the Legislative Budget Office to the State Board of  
40 Education and subject to specific appropriation therefor by the  
41 Legislature, the State Board of Education shall revise the salary  
42 scale to provide an additional one percent (1%) across the board  
43 increase in the base salaries for each type of license.

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

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

63 **2005-2006 School Year**

64 **and School Years Thereafter Annual Increments**

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

70 For teachers holding a Class AAA license, the minimum base  
71 pay specified in this subsection shall be increased by the sum of  
72 Seven Hundred Five Dollars (\$705.00) for each year of teaching  
73 experience possessed by the person holding such license until such  
74 person shall have twenty-five (25) years of teaching 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 Forty Dollars (\$640.00) 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 Eighty Dollars (\$480.00) 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 (20).

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           (v) Any licensed athletic trainer who has met the  
155 requirements and acquired a National Certified Athletic Trainer  
156 (NCAT) certificate from the National Athletic Trainers Association  
157 Board of Certification, Inc., and who is employed by a local  
158 school board or the State Board of Education as an athletic  
159 trainer and not as an administrator. The licensed athletic  
160 trainer shall submit documentation to the State Department of  
161 Education that the certificate was received before October 15 in  
162 order to be eligible for the full salary supplement in the current

163 school year, or the licensed athletic trainer shall submit the  
164 documentation to the State Department of Education before February  
165 15 in order to be eligible for a prorated salary supplement  
166 beginning with the second term of the school year.

167 (b) An employee shall be reimbursed one (1) time for  
168 the actual cost of completing the process of acquiring the  
169 certificate or endorsement, excluding any costs incurred for  
170 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)  
171 for a school counselor or speech-language pathologist and  
172 audiologist, regardless of whether or not the process resulted in  
173 the award of the certificate or endorsement. A local school  
174 district or any private individual or entity may pay the cost of  
175 completing the process of acquiring the certificate or endorsement  
176 for any employee of the school district described under paragraph  
177 (a), and the State Department of Education shall reimburse the  
178 school district for such cost, regardless of whether or not the  
179 process resulted in the award of the certificate or endorsement.  
180 If a private individual or entity has paid the cost of completing  
181 the process of acquiring the certificate or endorsement for an  
182 employee, the local school district may agree to directly  
183 reimburse the individual or entity for such cost on behalf of the  
184 employee.

185 (c) All salary supplements, fringe benefits and process  
186 reimbursement authorized under this subsection shall be paid  
187 directly by the State Department of Education to the local school  
188 district and shall be in addition to its minimum education program  
189 allotments and not a part thereof in accordance with regulations  
190 promulgated by the State Board of Education, and subject to  
191 appropriation by the Legislature. Local school districts shall  
192 not reduce the local supplement paid to any employee receiving  
193 such salary supplement, and the employee shall receive any local  
194 supplement to which employees with similar training and experience  
195 otherwise are entitled.

196           (d) The State Department of Education may not pay any  
197 process reimbursement to a school district for an employee who  
198 does not complete the certification or endorsement process  
199 required to be eligible for the certificate or endorsement. If an  
200 employee for whom such cost has been paid in full or in part by a  
201 local school district or private individual or entity fails to  
202 complete the certification or endorsement process, the employee  
203 shall be liable to the school district or individual or entity for  
204 all amounts paid by the school district or individual or entity on  
205 behalf of that employee toward his or her certificate or  
206 endorsement.

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

213           (b) Effective July 1, 2007, if funds are available for  
214 that purpose, the Legislature may authorize state funds for  
215 additional base compensation for teachers employed in a public  
216 school district located in a geographic area of the state  
217 designated as a critical teacher shortage area by the State Board  
218 of Education.

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

229                   (i) It is the express intent of this legislation  
230 that the MPBP plan shall utilize only existing standards of  
231 accreditation and assessment as established by the State Board of  
232 Education.

233                   (ii) To ensure that all of Mississippi's teachers,  
234 administrators and nonlicensed personnel at all schools have equal  
235 access to the monies set aside in this section, the MPBP program  
236 shall be designed to calculate each school's performance as  
237 determined by the school's increase in scores from the prior  
238 school year. The MPBP program shall be based on a standardized  
239 scores rating where all levels of schools can be judged in a  
240 statistically fair and reasonable way upon implementation. At the  
241 end of each year, after all student achievement scores have been  
242 standardized, the State Department of Education shall implement  
243 the MPBP plan.

244                   (iii) To ensure all teachers cooperate in the  
245 spirit of teamwork, individual schools shall submit a plan to the  
246 local school educational authority to be approved before the  
247 beginning of each school year beginning July 1, 2008. The plan  
248 shall include, but not be limited to, how all teachers, regardless  
249 of subject area, and administrators will be responsible for  
250 improving student achievement for their individual school.

251                   (b) The State Board of Education shall develop the  
252 processes and procedures for designating schools eligible to  
253 participate in the MPBP. State assessment results, growth in  
254 student achievement at individual schools and other measures  
255 deemed appropriate in designating successful student achievement  
256 shall be used in establishing MPBP criteria. The State Board of  
257 Education shall develop the MPBP policies and procedures and  
258 report to the Legislature and Governor by December 1, 2006.

259                   (5) (a) Beginning in the 2006-2007 school year, if funds  
260 are available for that purpose, each middle school in Mississippi  
261 shall have at least two (2) mentor teachers, as defined by



262 Sections 37-9-201 through 37-9-213, who shall receive additional  
263 base compensation provided for by the State Legislature in the  
264 amount of One Thousand Dollars (\$1,000.00). For the purposes of  
265 this subsection (5), "middle school" means any school composed  
266 individually or of some composite of Grades 6 through 8.

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

270 (c) If funds are available for that purpose, the state  
271 shall provide additional funding under this subsection for two (2)  
272 mentor teachers per middle school; however, local school districts  
273 may provide additional salary supplements for more than two (2)  
274 teacher mentors from nonadequate education program funds. The  
275 state department may develop an implementation process that fairly  
276 distributes these funds for the consideration of the Legislature.

277 **SECTION 2.** This act shall take effect and be in force from  
278 and after July 1, 2007.