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To: Education; Appropriations

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2323

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 CLARIFY THAT LICENSED
5 SPEECH PATHOLOGISTS/AUDIOLOGISTS EMPLOYED BY STATE AGENCIES ARE
6 ELIGIBLE FOR THE SALARY SUPPLEMENT FOR BOARD CERTIFICATION; TO
7 AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE
8 MINIMUM SALARY FOR ASSISTANT TEACHERS; 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 2007-2008 School Year and School Years Thereafter

23 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).

28 25 or More Years of Teaching Experience

Table with 2 columns: License type and Salary. Rows include AAAA (\$37,080.00) and AAA (\$36,050.00).

31	AA.....	<u>35,020.00</u>
32	A.....	<u>32,960.00</u>

33 The State Board of Education shall revise the salary scale  
34 prescribed above for the 2007-2008 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 **2007-2008 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 Ninety-four Dollars (\$794.00) for each year of  
68 teaching experience possessed by the person holding such license  
69 until such person shall have twenty-five (25) years of teaching  
70 experience.

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

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

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

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

92 (2) (a) The following employees shall receive an annual  
93 salary supplement in the amount of Six Thousand Dollars  
94 (\$6,000.00), plus fringe benefits, in addition to any other  
95 compensation to which the employee may be entitled:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

310 (b) Additionally, each school district shall:

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

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

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

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

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

326 (5) The State Department of Education shall:

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

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

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

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

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

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

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

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

390 It is the intent of the Legislature that no school district  
391 shall dismiss any assistant teacher for the purpose of using the

392 assistant teacher allotment to employ licensed teachers. School  
393 districts may rely only upon normal attrition to reduce the number  
394 of assistant teachers employed in that district.

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

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