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To: Education; Appropriations

SENATE BILL NO. 2323 (As Sent to Governor)

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

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

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

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

26 2007-2008 School Year and School Years Thereafter

27 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).

32 25 or More Years of Teaching Experience

33	AAAA.....	\$ <u>37,080.00</u>
34	AAA.....	<u>36,050.00</u>
35	AA.....	<u>35,020.00</u>
36	A.....	<u>32,960.00</u>

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

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

56 All teachers employed on a full-time basis shall be paid a
57 minimum salary in accordance with the above scale. However, no
58 school district shall receive any funds under this section for any
59 school year during which the local supplement paid to any
60 individual teacher shall have been reduced to a sum less than that
61 paid to that individual teacher for performing the same duties
62 from local supplement during the immediately preceding school
63 year. The amount actually spent for the purposes of group health
64 and/or life insurance shall be considered as a part of the

65 aggregate amount of local supplement but shall not be considered a
66 part of the amount of individual local supplement.

67 **2007-2008 School Year**

68 **and School Years Thereafter Annual Increments**

69 For teachers holding a Class AAAA license, the minimum base
70 pay specified in this subsection shall be increased by the sum of
71 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
72 teaching experience possessed by the person holding such license
73 until such person shall have twenty-five (25) years of teaching
74 experience.

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

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

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

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

96 (2) (a) The following employees shall receive an annual
97 salary supplement in the amount of Six Thousand Dollars

98 (\$6,000.00), plus fringe benefits, in addition to any other
99 compensation to which the employee may be entitled:

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

112 (ii) A licensed nurse who has met the requirements
113 and acquired a certificate from the National Board for
114 Certification of School Nurses, Inc., and who is employed by a
115 local school board or the State Board of Education as a school
116 nurse and not as an administrator. The licensed school nurse
117 shall submit documentation to the State Department of Education
118 that the certificate was received before October 15 in order to be
119 eligible for the full salary supplement in the current school
120 year, or the licensed school nurse shall submit the documentation
121 to the State Department of Education before February 15 in order
122 to be eligible for a prorated salary supplement beginning with the
123 second term of the school year. Provided, however, that the total
124 number of licensed school nurses eligible for a salary supplement
125 under this paragraph (ii) shall not exceed twenty-six (26).

126 (iii) Any licensed school counselor who has met
127 the requirements and acquired a National Certified School
128 Counselor (NCSC) endorsement from the National Board of Certified
129 Counselors and who is employed by a local school board or the
130 State Board of Education as a counselor and not as an

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

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

161 (b) An employee shall be reimbursed one (1) time for
162 the actual cost of completing the process of acquiring the
163 certificate or endorsement, excluding any costs incurred for

164 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
165 for a school counselor or speech-language pathologist and
166 audiologist, regardless of whether or not the process resulted in
167 the award of the certificate or endorsement. A local school
168 district or any private individual or entity may pay the cost of
169 completing the process of acquiring the certificate or endorsement
170 for any employee of the school district described under paragraph
171 (a), and the State Department of Education shall reimburse the
172 school district for such cost, regardless of whether or not the
173 process resulted in the award of the certificate or endorsement.
174 If a private individual or entity has paid the cost of completing
175 the process of acquiring the certificate or endorsement for an
176 employee, the local school district may agree to directly
177 reimburse the individual or entity for such cost on behalf of the
178 employee.

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

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

197 shall be liable to the school district or individual or entity for
198 all amounts paid by the school district or individual or entity on
199 behalf of that employee toward his or her certificate or
200 endorsement.

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

207 (b) 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 employed in a public
210 school district located in a geographic area of the state
211 designated as a critical teacher shortage area by the State Board
212 of Education.

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

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

227 (ii) To ensure that all of Mississippi's teachers,
228 administrators and nonlicensed personnel at all schools have equal
229 access to the monies set aside in this section, the MPBP program

230 shall be designed to calculate each school's performance as
231 determined by the school's increase in scores from the prior
232 school year. The MPBP program shall be based on a standardized
233 scores rating where all levels of schools can be judged in a
234 statistically fair and reasonable way upon implementation. At the
235 end of each year, after all student achievement scores have been
236 standardized, the State Department of Education shall implement
237 the MPBP plan.

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

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

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

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

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

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

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

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

291 (b) If a licensed teacher to whom an assistant teacher
292 has been assigned is required to be absent from the classroom, the
293 assistant teacher may assume responsibility for the classroom in

294 lieu of a substitute teacher. However, no assistant teacher shall
295 assume sole responsibility of the classroom for more than three
296 (3) consecutive school days. Further, in no event shall any
297 assistant teacher be assigned to serve as a substitute teacher for
298 any teacher other than the licensed teacher to whom that assistant
299 teacher has been assigned.

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

306 (4) (a) In order to receive funding, each school district
307 shall:

308 (i) Submit a plan on the implementation of a
309 reading improvement program to the State Department of Education;
310 and

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

314 (b) Additionally, each school district shall:

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

320 (ii) Hold periodic workshops for administrators
321 and teachers on the effective use and supervision of assistant
322 teachers;

323 (iii) Provide training annually on specific
324 instructional skills for assistant teachers;

325 (iv) Annually evaluate their program in accordance
326 with their educational accountability and assessment of
327 performance plan; and

328 (v) Designate the necessary personnel to supervise
329 and report on their program.

330 (5) The State Department of Education shall:

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

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

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

356 (6) In addition to other funds allotted under the Minimum
357 Education or Adequate Education Program, each school district

358 shall be allotted sufficient funding for the purpose of employing
359 assistant teachers. No assistant teacher shall be paid less than
360 the amount he or she received in the prior school year. No school
361 district shall receive any funds under this section for any school
362 year during which the aggregate amount of the local contribution
363 to the salaries of assistant teachers by the district shall have
364 been reduced below such amount for the previous year.

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

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

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

391 first-, second- and third-grade classes. All state funds for
392 assistant teachers shall be applied to reducing teacher:student
393 ratio in Grades K-3.

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

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

402 **SECTION 3.** The public school districts of the state, in
403 their discretion, may pay with local funds one hundred percent
404 (100%) of the cost of the health insurance premiums of the State
405 and School Employees Health Insurance Plan for all retired members
406 of the Public Employees' Retirement System who are employed as
407 school bus drivers by the school districts. No state funds shall
408 be used for payment of the health insurance premiums under the
409 authority of this section. If a school district chooses to pay
410 the health insurance premiums for school bus drivers under the
411 authority of this section, the district shall be authorized to pay
412 any amount that is one hundred percent (100%) or less of the cost
413 of the health insurance premiums for the school bus drivers.

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