

By: Representatives Bennett, Felsher, Miles, Crawford, Scoggin, Roberson, Karriem, Anderson (110th), Stamps, Mickens, Anthony To: Education

HOUSE BILL NO. 1365

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT LOCAL SCHOOL DISTRICTS FROM USING ANY STATE-FUNDED
3 INCREASES TO THE MINIMUM SALARY OF ASSISTANT TEACHERS AS A
4 SUBSTITUTE FOR THE LOCAL CONTRIBUTION; TO REQUIRE SCHOOL DISTRICTS
5 DETERMINED TO HAVE VIOLATED THE PURPOSE STATE-FUNDED SALARY
6 INCREASES TO BE HELD FINANCIALLY LIABLE FOR THE RETROACTIVE
7 PAYMENT OF THE LOCAL CONTRIBUTION FOR EACH YEAR THE DISTRICT
8 FAILED TO PROVIDE THE LOCAL CONTRIBUTION TO TEACHERS EMPLOYED BY
9 THE DISTRICT; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 37-21-7, Mississippi Code of 1972, is
12 amended as follows:

13 37-21-7. (1) This section shall be referred to as the
14 "Mississippi Elementary Schools Assistant Teacher Program," the
15 purpose of which shall be to provide an early childhood education
16 program that assists in the instruction of basic skills. The
17 State Board of Education is authorized, empowered and directed to
18 implement a statewide system of assistant teachers in kindergarten
19 classes and in the first, second and third grades. The assistant
20 teacher shall assist pupils in actual instruction under the strict
21 supervision of a licensed teacher.



22           (2)   (a)   Except as otherwise authorized under subsection  
23   (7), each school district shall employ the total number of  
24   assistant teachers funded under subsection (6) of this section.  
25   The superintendent of each district shall assign the assistant  
26   teachers to the kindergarten, first-, second- and third-grade  
27   classes in the district in a manner that will promote the maximum  
28   efficiency, as determined by the superintendent, in the  
29   instruction of skills such as verbal and linguistic skills,  
30   logical and mathematical skills, and social skills.

31           (b)   If a licensed teacher to whom an assistant teacher  
32   has been assigned is required to be absent from the classroom, the  
33   assistant teacher may assume responsibility for the classroom in  
34   lieu of a substitute teacher. However, no assistant teacher shall  
35   assume sole responsibility of the classroom for more than three  
36   (3) consecutive school days. Further, in no event shall any  
37   assistant teacher be assigned to serve as a substitute teacher for  
38   any teacher other than the licensed teacher to whom that assistant  
39   teacher has been assigned.

40           (3)   Assistant teachers shall have, at a minimum, a high  
41   school diploma or a High School Equivalency Diploma equivalent,  
42   and shall show demonstratable proficiency in reading and writing  
43   skills. The State Department of Education shall develop a testing  
44   procedure for assistant teacher applicants to be used in all  
45   school districts in the state.



46           (4)   (a)   In order to receive funding, each school district  
47 shall:

48                       (i)   Submit a plan on the implementation of a  
49 reading improvement program to the State Department of Education;  
50 and

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

54           (b)   Additionally, each school district shall:

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

60                       (ii)   Hold periodic workshops for administrators  
61 and teachers on the effective use and supervision of assistant  
62 teachers;

63                       (iii)   Provide training annually on specific  
64 instructional skills for assistant teachers;

65                       (iv)   Annually evaluate their program in accordance  
66 with their educational accountability and assessment of  
67 performance plan; and

68                       (v)   Designate the necessary personnel to supervise  
69 and report on their program.

70           (5)   The State Department of Education shall:



71           (a) Develop and assist in the implementation of a  
72 statewide uniform training module, subject to the availability of  
73 funds specifically appropriated therefor by the Legislature, which  
74 shall be used in all school districts for training administrators,  
75 teachers and assistant teachers. The module shall provide for the  
76 consolidated training of each assistant teacher and teacher to  
77 whom the assistant teacher is assigned, working together as a  
78 team, and shall require further periodic training for  
79 administrators, teachers and assistant teachers regarding the role  
80 of assistant teachers;

81           (b) Annually evaluate the program on the district and  
82 state level. Subject to the availability of funds specifically  
83 appropriated therefor by the Legislature, the department shall  
84 develop: (i) uniform evaluation reports, to be performed by the  
85 principal or assistant principal, to collect data for the annual  
86 overall program evaluation conducted by the department; or (ii) a  
87 program evaluation model that, at a minimum, addresses process  
88 evaluation; and

89           (c) Promulgate rules, regulations and such other  
90 standards deemed necessary to effectuate the purposes of this  
91 section. Noncompliance with the provisions of this section and  
92 any rules, regulations or standards adopted by the department may  
93 result in a violation of compulsory accreditation standards as  
94 established by the State Board of Education and the Commission on  
95 School Accreditation.



96           (6) In addition to other funds allotted under the Minimum  
97 Education or Adequate Education Program, each school district  
98 shall be allotted sufficient funding for the purpose of employing  
99 assistant teachers. No assistant teacher shall be paid less in  
100 local contribution funds than the amount he or she received in  
101 such fund during the \* \* \* immediately preceding school year. No  
102 school district shall substitute the usage of state funds  
103 appropriated for any increase to the minimum salary established in  
104 the subsection for assistant teachers for purposes of negating the  
105 intent of such increase by supplanting the state funds in lieu of  
106 providing the local contribution. No school district shall  
107 receive any funds under this section for any school year during  
108 which the aggregate amount of the local contribution to the  
109 salaries of assistant teachers by the district shall have been  
110 reduced below such amount for the previous year. Any school  
111 district found to be in violation of this subsection for failure  
112 to provide the local contribution to the salaries of assistant  
113 teachers in an amount equal to or greater than the amount of the  
114 local contribution provided to assistant teachers employed by the  
115 district in the immediately preceding year shall be financially  
116 responsible for the retroactive payment of the local contribution  
117 for each year a violation is determined to have occurred.

118           For assistant teachers, the state-funded share for the  
119 minimum annual salary shall be as follows:  
120 2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00



121 In addition, for each one percent (1%) that the Sine Die  
122 General Fund Revenue Estimate Growth exceeds five percent (5%) in  
123 fiscal year 2006, as certified by the Legislative Budget Office to  
124 the State Board of Education and subject to the specific  
125 appropriation therefor by the Legislature, the State Board of  
126 Education shall revise the salary scale in the appropriate year to  
127 provide an additional one percent (1%) across-the-board increase  
128 in the base salaries for assistant teachers. The State Board of  
129 Education shall revise the salaries prescribed above for assistant  
130 teachers to conform to any adjustments made in prior fiscal years  
131 due to revenue growth over and above five percent (5%). The  
132 assistant teachers shall not be restricted to working only in the  
133 grades for which the funds were allotted, but may be assigned to  
134 other classes as provided in subsection (2)(a) of this section.

135 (7) (a) As an alternative to employing assistant teachers,  
136 any school district may use the allotment provided under  
137 subsection (6) of this section for the purpose of employing  
138 licensed teachers for kindergarten, first-, second- and  
139 third-grade classes; however, no school district shall be  
140 authorized to use the allotment for assistant teachers for the  
141 purpose of employing licensed teachers unless the district has  
142 established that the employment of licensed teachers using such  
143 funds will reduce the teacher:student ratio in the kindergarten,  
144 first-, second- and third-grade classes. All state funds for



145 assistant teachers shall be applied to reducing teacher:student  
146 ratio in Grades K-3.

147 It is the intent of the Legislature that no school district  
148 shall dismiss any assistant teacher for the purpose of using the  
149 assistant teacher allotment to employ licensed teachers. School  
150 districts may rely only upon normal attrition to reduce the number  
151 of assistant teachers employed in that district.

152 (b) Districts meeting the highest levels of  
153 accreditation standards, as defined by the State Board of  
154 Education, shall be exempted from the provisions of subsection (4)  
155 of this section.

156 **SECTION 2.** This act shall take effect and be in force from  
157 and after July 1, 2023.

