

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

HOUSE BILL NO. 1365
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN INCREASE TO THE MINIMUM BASE SALARY FOR ASSISTANT
3 TEACHERS IN THE AMOUNT OF \$3,000.00; TO PROHIBIT LOCAL SCHOOL
4 DISTRICTS FROM USING ANY STATE-FUNDED INCREASES TO THE MINIMUM
5 SALARY OF ASSISTANT TEACHERS AS A SUBSTITUTE FOR THE LOCAL
6 CONTRIBUTION; TO REQUIRE SCHOOL DISTRICTS DETERMINED TO HAVE
7 VIOLATED THE PURPOSE STATE-FUNDED SALARY INCREASES TO BE HELD
8 FINANCIALLY LIABLE FOR THE RETROACTIVE PAYMENT OF THE LOCAL
9 CONTRIBUTION FOR EACH YEAR THE DISTRICT FAILED TO PROVIDE THE
10 LOCAL CONTRIBUTION TO TEACHERS EMPLOYED BY THE DISTRICT; AND FOR
11 RELATED PURPOSES.

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

13 **SECTION 1.** Section 37-21-7, Mississippi Code of 1972, is
14 amended as follows:

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



22 teacher shall assist pupils in actual instruction under the strict
23 supervision of a licensed teacher.

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

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

42 (3) Assistant teachers shall have, at a minimum, a high
43 school diploma or a High School Equivalency Diploma equivalent,
44 and shall show demonstratable proficiency in reading and writing
45 skills. The State Department of Education shall develop a testing



46 procedure for assistant teacher applicants to be used in all
47 school districts in the state.

48 (4) (a) In order to receive funding, each school district
49 shall:

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

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

56 (b) Additionally, each school district shall:

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

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

65 (iii) Provide training annually on specific
66 instructional skills for assistant teachers;

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



70 (v) Designate the necessary personnel to supervise
71 and report on their program.

72 (5) The State Department of Education shall:

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

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

91 (c) Promulgate rules, regulations and such other
92 standards deemed necessary to effectuate the purposes of this
93 section. Noncompliance with the provisions of this section and
94 any rules, regulations or standards adopted by the department may



95 result in a violation of compulsory accreditation standards as
96 established by the State Board of Education and the Commission on
97 School Accreditation.

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



120 For assistant teachers, the state-funded share for the
121 minimum annual salary shall be as follows:

122 * * * 2023-2024 and Subsequent Years Minimum

123 Salary..... * * * \$20,000.00

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

138 (7) (a) As an alternative to employing assistant teachers,
139 any school district may use the allotment provided under
140 subsection (6) of this section for the purpose of employing
141 licensed teachers for kindergarten, first-, second- and
142 third-grade classes; however, no school district shall be
143 authorized to use the allotment for assistant teachers for the
144 purpose of employing licensed teachers unless the district has



145 established that the employment of licensed teachers using such
146 funds will reduce the teacher:student ratio in the kindergarten,
147 first-, second- and third-grade classes. All state funds for
148 assistant teachers shall be applied to reducing teacher:student
149 ratio in Grades K-3.

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

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

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

