

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2811

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT NO SCHOOL DISTRICT SHALL REDUCE THE LOCAL SUPPLEMENT
 3 OR PAY AN INDIVIDUAL ASSISTANT TEACHER LESS THAN THE STATE MINIMUM
 4 SALARY IN A YEAR IN WHICH THE STATE MINIMUM SALARY IS INCREASED;
 5 TO PROVIDE THAT NO SCHOOL DISTRICT SHALL PAY ANY ASSISTANT TEACHER
 6 LESS THAN THE STATE MINIMUM SALARY UNLESS DONE SO BY A PRO RATA
 7 DAILY AMOUNT WHERE THERE HAS BEEN A REDUCTION IN ADEQUATE
 8 EDUCATION PROGRAM ALLOCATIONS FOR SUCH DISTRICT IN SUCH YEAR OR
 9 WHERE THERE HAS BEEN A REDUCTION IN THE AMOUNT OF FEDERAL FUNDS TO
 10 SUCH DISTRICT FROM THE PREVIOUS YEAR; AND FOR RELATED PURPOSES.

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

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

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



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

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

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



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

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

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

55 (b) Additionally, each school district shall:

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

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

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

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

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

71 (5) The State Department of Education shall:



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

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

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



97 (6) In addition to other funds allotted under the Minimum
98 Education or Adequate Education Program, each school district
99 shall be allotted sufficient funding for the purpose of employing
100 assistant teachers. * * * No school district shall pay any
101 assistant teacher less than the state minimum salary. No school
102 district shall reduce the local supplement or amount paid to an
103 individual assistant teacher by the school district below the
104 state minimum salary contained in this section from the previous
105 year in a year in which the state minimum salary is increased.
106 Provided, however, that school districts are authorized to reduce
107 the state minimum salary by a pro rata daily amount (a) where
108 there has been a reduction in adequate education program
109 allocations for such district in such year, or (b) where there has
110 been a reduction in the amount of federal funds to such district
111 compared to the amount received from the previous year. Nothing
112 herein contained shall prohibit any school district from adopting
113 or continuing a program or plan whereby assistant teachers are
114 paid varying salaries according to classroom performance and other
115 similar standards.

116 For assistant teachers, the minimum annual salary shall be as
117 follows:

118 2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00

119 In addition, for each one percent (1%) that the Sine Die
120 General Fund Revenue Estimate Growth exceeds five percent (5%) in
121 fiscal year 2006, as certified by the Legislative Budget Office to



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

133 (7) (a) As an alternative to employing assistant teachers,
134 any school district may use the allotment provided under
135 subsection (6) of this section for the purpose of employing
136 licensed teachers for kindergarten, first-, second- and
137 third-grade classes; however, no school district shall be
138 authorized to use the allotment for assistant teachers for the
139 purpose of employing licensed teachers unless the district has
140 established that the employment of licensed teachers using such
141 funds will reduce the teacher:student ratio in the kindergarten,
142 first-, second- and third-grade classes. All state funds for
143 assistant teachers shall be applied to reducing teacher:student
144 ratio in Grades K-3.

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



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

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

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

