

By: Senator(s) DeBar, Jordan, McLendon

To: Education

COMMITTEE SUBSTITUTE
FOR
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 FOR A REDUCTION IN FUNDS FOR SCHOOL DISTRICTS THAT
6 VIOLATE THE PROVISIONS OF THIS SECTION; TO PROVIDE THAT NO SCHOOL
7 DISTRICT SHALL PAY ANY ASSISTANT TEACHER LESS THAN THE STATE
8 MINIMUM SALARY UNLESS DONE SO BY A PRO RATA DAILY AMOUNT WHERE
9 THERE HAS BEEN A REDUCTION IN ADEQUATE EDUCATION PROGRAM
10 ALLOCATIONS FOR SUCH DISTRICT IN SUCH YEAR OR WHERE THERE HAS BEEN
11 A REDUCTION IN THE AMOUNT OF FEDERAL FUNDS TO SUCH DISTRICT FROM
12 THE PREVIOUS YEAR; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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



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

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

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

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

57 (b) Additionally, each school district shall:

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

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

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

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



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

73 (5) The State Department of Education shall:

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

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

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



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

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



120 paid varying salaries according to classroom performance and other
121 similar standards.

122 For assistant teachers, the minimum annual salary shall be as
123 follows:

124 2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00

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

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



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

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

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

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

