

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2169

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, 2024.

