

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2805

1 AN ACT TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THAT THE STATUTORY SALARY FOR ASSISTANT TEACHERS IS BASED
3 UPON AN 8-HOUR WORKDAY FOR A CERTAIN NUMBER OF SCHOOL DAYS; AND
4 FOR RELATED PURPOSES.

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

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

8 **[Until July 1, 2002, this section will read as follows:]**

9 37-21-7. (1) This section shall be referred to as the
10 "Mississippi Elementary Schools Assistant Teacher Program," the
11 purpose of which shall be to provide an early childhood education
12 program that assists in the instruction of basic skills. The
13 State Board of Education is authorized, empowered and directed to
14 implement a statewide system of assistant teachers in kindergarten
15 classes and in the first, second and third grades. The assistant
16 teacher shall assist pupils in actual instruction under the strict
17 supervision of a licensed teacher.

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

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

36 (3) Assistant teachers shall have, at a minimum, a high
37 school diploma or a GED equivalent, and shall show demonstratable
38 proficiency in reading and writing skills. The State Department
39 of Education shall develop a testing procedure for assistant
40 teacher applicants to be used in all school districts in the
41 state.

42 (4) (a) In order to receive funding, each school district
43 shall:

44 (i) Submit a plan on the implementation of a
45 reading improvement program to the State Department of Education;
46 and

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

50 (b) Additionally, each school district shall:

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

56 (ii) Hold periodic workshops for administrators
57 and teachers on the effective use and supervision of assistant
58 teachers;

59 (iii) Provide training annually on specific
60 instructional skills for assistant teachers;

61 (iv) Annually evaluate their program in accordance
62 with their educational accountability and assessment of
63 performance plan; and

64 (v) Designate the necessary personnel to supervise
65 and report on their program.

66 (5) The State Department of Education shall:

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

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

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

92 (6) In addition to other funds allotted under the Minimum
93 Education Program, each school district shall be allotted Nine
94 Thousand One Hundred Fifteen Dollars (\$9,115.00) per teacher unit
95 as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for the
96 purpose of employing an assistant teacher. Assistant teachers
97 shall be paid a minimum annual salary of Nine Thousand One Hundred
98 Fifteen Dollars (\$9,115.00). However, no assistant teacher shall
99 be paid less than the amount he or she received in the prior
100 school year. No school district shall receive any funds under
101 this section for any school year during which the aggregate amount
102 of the local contribution to the salaries of assistant teachers by
103 the district shall have been reduced below such amount for the
104 previous year. Provided, however, that in the event the Sine Die
105 General Fund Revenue Estimate Increase for fiscal year 2002 is at
106 least five percent (5%), as certified by the Legislative Budget
107 Office to the State Board of Education, the minimum salary for
108 assistant teachers shall be Nine Thousand Three Hundred Sixty-five
109 Dollars (\$9,365.00).

110 In the event the Sine Die General Fund Revenue Estimate
111 Increase for fiscal year 2003 is at least five percent (5%), as
112 certified by the Legislative Budget Office to the State Board of
113 Education, the minimum salary for assistant teachers shall be Nine
114 Thousand Nine Hundred Dollars (\$9,900.00).

115 In the event the Sine Die General Fund Revenue Estimate
116 Increase for fiscal year 2004 is at least five percent (5%), as
117 certified by the Legislative Budget Office to the State Board of
118 Education, the minimum salary for assistant teachers shall be Ten
119 Thousand Five Hundred Dollars (\$10,500.00).

120 In the event the Sine Die General Fund Revenue Estimate
121 Increase for fiscal year 2005 is at least five percent (5%), as
122 certified by the Legislative Budget Office to the State Board of
123 Education, the minimum salary for assistant teachers shall be
124 Eleven Thousand Two Hundred Dollars (\$11,200.00).

125 In the event the Sine Die General Fund Revenue Estimate
126 Increase for fiscal year 2006 is at least five percent (5%), as
127 certified by the Legislative Budget Office to the State Board of
128 Education, the minimum salary for assistant teachers shall be
129 Twelve Thousand Dollars (\$12,000.00).

130 Provided further, that for each one percent (1%) that the
131 Sine Die General Fund Revenue Estimate Growth exceeds the five
132 percent (5%) minimum in fiscal year 2002, 2003, 2004, 2005 or
133 2006, as certified by the Legislative Budget Office to the State
134 Board of Education and subject to the specific appropriation
135 therefor by the Legislature, the State Board of Education shall
136 revise the salary scale in the appropriate year to provide an
137 additional one percent (1%) across the board increase in the base
138 salaries for assistant teachers. The State Board of Education
139 shall revise the salaries prescribed above for assistant teachers
140 to conform to any adjustments made in prior fiscal years due to
141 revenue growth over and above five percent (5%). The assistant
142 teachers shall not be restricted to working only in the grades for
143 which the funds were allotted, but may be assigned to other
144 classes as provided in subsection (2)(a) of this section.

145 For purposes of the federal Fair Labor Standards Act of 1938,
146 as amended, it is the intent of the Legislature that the
147 compensation provided for assistant teachers by the state in this
148 subsection shall be based upon an eight-hour workday and shall be
149 for a period of workdays being the greater of one hundred
150 eighty-seven (187) days or the number of actual days that regular
151 certified teachers are required to work under contract in their
152 respective school district.

153 (7) (a) As an alternative to employing assistant teachers,
154 any school district may use the minimum program allotment provided
155 under subsection (6) of this section for the purpose of employing
156 licensed teachers for kindergarten, first-, second- and
157 third-grade classes; however, no school district shall be

158 authorized to use the minimum program allotment for assistant
159 teachers for the purpose of employing licensed teachers unless the
160 district has established that the employment of licensed teachers
161 using such funds will reduce the teacher:student ratio in the
162 kindergarten, first-, second- and third-grade classes. All
163 minimum program funds for assistant teachers shall be applied to
164 reducing teacher:student ratio in Grades K-3.

165 It is the intent of the Legislature that no school district
166 shall dismiss any assistant teacher for the purpose of using the
167 minimum program assistant teacher allotment to employ licensed
168 teachers. School districts may rely only upon normal attrition to
169 reduce the number of assistant teachers employed in that district.

170 (b) In the event any school district meets Level 4 or 5
171 accreditation requirements, the State Board of Education, in its
172 discretion, may exempt such school district from any accreditation
173 requirements for the district's early childhood education program
174 or reading improvement program.

175 **[From and after July 1, 2002, this section reads as follows:]**

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177 "Mississippi Elementary Schools Assistant Teacher Program," the
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183 teacher shall assist pupils in actual instruction under the strict
184 supervision of a licensed teacher.

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186 (7), each school district shall employ the total number of
187 assistant teachers funded under the Mississippi Adequate Education
188 Program of this section. The superintendent of each district
189 shall assign the assistant teachers to the kindergarten, first-,
190 second- and third-grade classes in the district in a manner that

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193 linguistic skills, logical and mathematical skills, and social
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335 SECTION 2. This act shall take effect and be in force from
336 and after its passage.