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To: Education; Appropriations

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2323

1 AN ACT TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE TEACHER SALARY SCALE UNDER THE MISSISSIPPI ADEQUATE
3 EDUCATION PROGRAM; TO INCREASE THE TOTAL NUMBER OF LICENSED SCHOOL
4 NURSES ELIGIBLE FOR A SALARY SUPPLEMENT; TO CLARIFY THAT LICENSED
5 SPEECH PATHOLOGISTS/AUDIOLOGISTS EMPLOYED BY STATE AGENCIES ARE
6 ELIGIBLE FOR THE SALARY SUPPLEMENT FOR BOARD CERTIFICATION; TO
7 AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE
8 MINIMUM SALARY FOR ASSISTANT TEACHERS; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 37-19-7, Mississippi Code of 1972, is
11 amended as follows:

12 37-19-7. (1) This section shall be known and may be cited
13 as the Mississippi "Teacher Opportunity Program (TOP)." The
14 allowance in the minimum education program and the Mississippi
15 Adequate Education Program for teachers' salaries in each county
16 and separate school district shall be determined and paid in
17 accordance with the scale for teachers' salaries as provided in
18 this subsection. For teachers holding the following types of
19 licenses or the equivalent as determined by the State Board of
20 Education, and the following number of years of teaching
21 experience, the scale shall be as follows:

22 2007-2008 School Year and School Years Thereafter

23 Less Than 25 Years of Teaching Experience

Table with 2 columns: License type and Salary. Rows include AAAA (\$35,020.00), AAA (\$33,990.00), AA (\$32,960.00), and A (\$30,900.00).

28 25 or More Years of Teaching Experience

Table with 2 columns: License type and Salary. Rows include AAAA (\$37,080.00) and AAA (\$36,050.00).

31	AA.....	<u>35,020.00</u>
32	A.....	<u>32,960.00</u>

33 The State Board of Education shall revise the salary scale
34 prescribed above for the 2007-2008 school year to conform to any
35 adjustments made to the salary scale in prior fiscal years due to
36 revenue growth over and above five percent (5%). For each one
37 percent (1%) that the Sine Die General Fund Revenue Estimate
38 Growth exceeds five percent (5%) for fiscal year 2006, as
39 certified by the Legislative Budget Office to the State Board of
40 Education and subject to specific appropriation therefor by the
41 Legislature, the State Board of Education shall revise the salary
42 scale to provide an additional one percent (1%) across the board
43 increase in the base salaries for each type of license.

44 It is the intent of the Legislature that any state funds made
45 available for salaries of licensed personnel in excess of the
46 funds paid for such salaries for the 1986-1987 school year shall
47 be paid to licensed personnel pursuant to a personnel appraisal
48 and compensation system implemented by the State Board of
49 Education. The State Board of Education shall have the authority
50 to adopt and amend rules and regulations as are necessary to
51 establish, administer and maintain the system.

52 All teachers employed on a full-time basis shall be paid a
53 minimum salary in accordance with the above scale. However, no
54 school district shall receive any funds under this section for any
55 school year during which the local supplement paid to any
56 individual teacher shall have been reduced to a sum less than that
57 paid to that individual teacher for performing the same duties
58 from local supplement during the immediately preceding school
59 year. The amount actually spent for the purposes of group health
60 and/or life insurance shall be considered as a part of the
61 aggregate amount of local supplement but shall not be considered a
62 part of the amount of individual local supplement.

63 **2007-2008 School Year**

64 **and School Years Thereafter Annual Increments**

65 For teachers holding a Class AAAA license, the minimum base
66 pay specified in this subsection shall be increased by the sum of
67 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
68 teaching experience possessed by the person holding such license
69 until such person shall have twenty-five (25) years of teaching
70 experience.

71 For teachers holding a Class AAA license, the minimum base
72 pay specified in this subsection shall be increased by the sum of
73 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of
74 teaching experience possessed by the person holding such license
75 until such person shall have twenty-five (25) years of teaching
76 experience.

77 For teachers holding a Class AA license, the minimum base pay
78 specified in this subsection shall be increased by the sum of Six
79 Hundred Sixty Dollars (\$660.00) for each year of teaching
80 experience possessed by the person holding such license until such
81 person shall have twenty-five (25) years of teaching experience.

82 For teachers holding a Class A license, the minimum base pay
83 specified in this subsection shall be increased by the sum of Four
84 Hundred Ninety-five Dollars (\$495.00) for each year of teaching
85 experience possessed by the person holding such license until such
86 person shall have twenty-four (24) years of teaching experience.

87 The level of professional training of each teacher to be used
88 in establishing the salary allotment for the teachers for each
89 year shall be determined by the type of valid teacher's license
90 issued to those teachers on or before October 1 of the current
91 school year.

92 (2) (a) The following employees shall receive an annual
93 salary supplement in the amount of Six Thousand Dollars
94 (\$6,000.00), plus fringe benefits, in addition to any other
95 compensation to which the employee may be entitled:

96 (i) Any licensed teacher who has met the
97 requirements and acquired a Master Teacher certificate from the
98 National Board for Professional Teaching Standards and who is
99 employed by a local school board or the State Board of Education
100 as a teacher and not as an administrator. Such teacher shall
101 submit documentation to the State Department of Education that the
102 certificate was received prior to October 15 in order to be
103 eligible for the full salary supplement in the current school
104 year, or the teacher shall submit such documentation to the State
105 Department of Education prior to February 15 in order to be
106 eligible for a prorated salary supplement beginning with the
107 second term of the school year.

108 (ii) A licensed nurse who has met the requirements
109 and acquired a certificate from the National Board for
110 Certification of School Nurses, Inc., and who is employed by a
111 local school board or the State Board of Education as a school
112 nurse and not as an administrator. The licensed school nurse
113 shall submit documentation to the State Department of Education
114 that the certificate was received before October 15 in order to be
115 eligible for the full salary supplement in the current school
116 year, or the licensed school nurse shall submit the documentation
117 to the State Department of Education before February 15 in order
118 to be eligible for a prorated salary supplement beginning with the
119 second term of the school year. Provided, however, that the total
120 number of licensed school nurses eligible for a salary supplement
121 under this paragraph (ii) shall not exceed twenty-three (23).

122 (iii) Any licensed school counselor who has met
123 the requirements and acquired a National Certified School
124 Counselor (NCSC) endorsement from the National Board of Certified
125 Counselors and who is employed by a local school board or the
126 State Board of Education as a counselor and not as an
127 administrator. Such licensed school counselor shall submit
128 documentation to the State Department of Education that the

129 endorsement was received prior to October 15 in order to be
130 eligible for the full salary supplement in the current school
131 year, or the licensed school counselor shall submit such
132 documentation to the State Department of Education prior to
133 February 15 in order to be eligible for a prorated salary
134 supplement beginning with the second term of the school year.
135 However, any school counselor who started the National Board for
136 Professional Teaching Standards process for school counselors
137 between June 1, 2003, and June 30, 2004, and completes the
138 requirements and acquires the master teacher certificate shall be
139 entitled to the master teacher supplement, and those counselors
140 who complete the process shall be entitled to a one-time
141 reimbursement for the actual cost of the process as outlined in
142 paragraph (b) of this subsection.

143 (iv) Any licensed speech-language pathologist and
144 audiologist who has met the requirements and acquired a
145 Certificate of Clinical Competence from the American
146 Speech-Language-Hearing Association and who is employed by a local
147 school board or teachers who are employed by state agencies under
148 the State Personnel Board. Such licensed speech-language
149 pathologist and audiologist shall submit documentation to the
150 State Department of Education that the certificate or endorsement
151 was received prior to October 15 in order to be eligible for the
152 full salary supplement in the current school year, or the licensed
153 speech-language pathologist and audiologist shall submit such
154 documentation to the State Department of Education prior to
155 February 15 in order to be eligible for a prorated salary
156 supplement beginning with the second term of the school year.

157 (b) An employee shall be reimbursed one (1) time for
158 the actual cost of completing the process of acquiring the
159 certificate or endorsement, excluding any costs incurred for
160 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
161 for a school counselor or speech-language pathologist and

162 audiologist, regardless of whether or not the process resulted in
163 the award of the certificate or endorsement. A local school
164 district or any private individual or entity may pay the cost of
165 completing the process of acquiring the certificate or endorsement
166 for any employee of the school district described under paragraph
167 (a), and the State Department of Education shall reimburse the
168 school district for such cost, regardless of whether or not the
169 process resulted in the award of the certificate or endorsement.
170 If a private individual or entity has paid the cost of completing
171 the process of acquiring the certificate or endorsement for an
172 employee, the local school district may agree to directly
173 reimburse the individual or entity for such cost on behalf of the
174 employee.

175 (c) All salary supplements, fringe benefits and process
176 reimbursement authorized under this subsection shall be paid
177 directly by the State Department of Education to the local school
178 district and shall be in addition to its minimum education program
179 allotments and not a part thereof in accordance with regulations
180 promulgated by the State Board of Education, and subject to
181 appropriation by the Legislature. Local school districts shall
182 not reduce the local supplement paid to any employee receiving
183 such salary supplement, and the employee shall receive any local
184 supplement to which employees with similar training and experience
185 otherwise are entitled.

186 (d) The State Department of Education may not pay any
187 process reimbursement to a school district for an employee who
188 does not complete the certification or endorsement process
189 required to be eligible for the certificate or endorsement. If an
190 employee for whom such cost has been paid in full or in part by a
191 local school district or private individual or entity fails to
192 complete the certification or endorsement process, the employee
193 shall be liable to the school district or individual or entity for
194 all amounts paid by the school district or individual or entity on

195 behalf of that employee toward his or her certificate or
196 endorsement.

197 (3) (a) Effective July 1, 2007, if funds are available for
198 that purpose, the Legislature may authorize state funds for
199 additional base compensation for teachers holding licenses in
200 critical subject areas or the equivalent and who teach at least a
201 majority of their courses in a critical subject area, as
202 determined by the State Board of Education.

203 (b) Effective July 1, 2007, if funds are available for
204 that purpose, the Legislature may authorize state funds for
205 additional base compensation for teachers employed in a public
206 school district located in a geographic area of the state
207 designated as a critical teacher shortage area by the State Board
208 of Education.

209 (4) (a) This section shall be known and may be cited as the
210 "Mississippi Performance Based Pay (MPBP)" plan. In addition to
211 the minimum base pay described in this section, only after full
212 funding of MAEP and if funds are available for that purpose, the
213 State of Mississippi may provide monies from state funds to school
214 districts for the purposes of rewarding certified teachers,
215 administrators and nonlicensed personnel at individual schools
216 showing improvement in student test scores. The MPBP plan shall
217 be developed by the State Department of Education based on the
218 following criteria:

219 (i) It is the express intent of this legislation
220 that the MPBP plan shall utilize only existing standards of
221 accreditation and assessment as established by the State Board of
222 Education.

223 (ii) To ensure that all of Mississippi's teachers,
224 administrators and nonlicensed personnel at all schools have equal
225 access to the monies set aside in this section, the MPBP program
226 shall be designed to calculate each school's performance as
227 determined by the school's increase in scores from the prior

228 school year. The MPBP program shall be based on a standardized
229 scores rating where all levels of schools can be judged in a
230 statistically fair and reasonable way upon implementation. At the
231 end of each year, after all student achievement scores have been
232 standardized, the State Department of Education shall implement
233 the MPBP plan.

234 (iii) To ensure all teachers cooperate in the
235 spirit of teamwork, individual schools shall submit a plan to the
236 local school educational authority to be approved before the
237 beginning of each school year beginning July 1, 2008. The plan
238 shall include, but not be limited to, how all teachers, regardless
239 of subject area, and administrators will be responsible for
240 improving student achievement for their individual school.

241 (b) The State Board of Education shall develop the
242 processes and procedures for designating schools eligible to
243 participate in the MPBP. State assessment results, growth in
244 student achievement at individual schools and other measures
245 deemed appropriate in designating successful student achievement
246 shall be used in establishing MPBP criteria. The State Board of
247 Education shall develop the MPBP policies and procedures and
248 report to the Legislature and Governor by December 1, 2006.

249 (5) (a) Beginning in the 2006-2007 school year, if funds
250 are available for that purpose, each middle school in Mississippi
251 shall have at least two (2) mentor teachers, as defined by
252 Sections 37-9-201 through 37-9-213, who shall receive additional
253 base compensation provided for by the State Legislature in the
254 amount of One Thousand Dollars (\$1,000.00). For the purposes of
255 this subsection (5), "middle school" means any school composed
256 individually or of some composite of Grades 6 through 8.

257 (b) To be eligible for this state funding, the
258 individual school must have a classroom management program
259 approved by the local school board.

260 (c) If funds are available for that purpose, the state
261 shall provide additional funding under this subsection for two (2)
262 mentor teachers per middle school; however, local school districts
263 may provide additional salary supplements for more than two (2)
264 teacher mentors from nonadequate education program funds. The
265 state department may develop an implementation process that fairly
266 distributes these funds for the consideration of the Legislature.

267 **SECTION 2.** Section 37-21-7, Mississippi Code of 1972, is
268 amended as follows:

269 37-21-7. (1) This section shall be referred to as the
270 "Mississippi Elementary Schools Assistant Teacher Program," the
271 purpose of which shall be to provide an early childhood education
272 program that assists in the instruction of basic skills. The
273 State Board of Education is authorized, empowered and directed to
274 implement a statewide system of assistant teachers in kindergarten
275 classes and in the first, second and third grades. The assistant
276 teacher shall assist pupils in actual instruction under the strict
277 supervision of a licensed teacher.

278 (2) (a) Except as otherwise authorized under subsection
279 (7), each school district shall employ the total number of
280 assistant teachers funded under subsection (6) of this section.
281 The superintendent of each district shall assign the assistant
282 teachers to the kindergarten, first-, second- and third-grade
283 classes in the district in a manner that will promote the maximum
284 efficiency, as determined by the superintendent, in the
285 instruction of skills such as verbal and linguistic skills,
286 logical and mathematical skills, and social skills.

287 (b) If a licensed teacher to whom an assistant teacher
288 has been assigned is required to be absent from the classroom, the
289 assistant teacher may assume responsibility for the classroom in
290 lieu of a substitute teacher. However, no assistant teacher shall
291 assume sole responsibility of the classroom for more than three
292 (3) consecutive school days. Further, in no event shall any

293 assistant teacher be assigned to serve as a substitute teacher for
294 any teacher other than the licensed teacher to whom that assistant
295 teacher has been assigned.

296 (3) Assistant teachers shall have, at a minimum, a high
297 school diploma or a GED equivalent, and shall show demonstratable
298 proficiency in reading and writing skills. The State Department
299 of Education shall develop a testing procedure for assistant
300 teacher applicants to be used in all school districts in the
301 state.

302 (4) (a) In order to receive funding, each school district
303 shall:

304 (i) Submit a plan on the implementation of a
305 reading improvement program to the State Department of Education;
306 and

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

310 (b) Additionally, each school district shall:

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

316 (ii) Hold periodic workshops for administrators
317 and teachers on the effective use and supervision of assistant
318 teachers;

319 (iii) Provide training annually on specific
320 instructional skills for assistant teachers;

321 (iv) Annually evaluate their program in accordance
322 with their educational accountability and assessment of
323 performance plan; and

324 (v) Designate the necessary personnel to supervise
325 and report on their program.

326 (5) The State Department of Education shall:

327 (a) Develop and assist in the implementation of a
328 statewide uniform training module, subject to the availability of
329 funds specifically appropriated therefor by the Legislature, which
330 shall be used in all school districts for training administrators,
331 teachers and assistant teachers. The module shall provide for the
332 consolidated training of each assistant teacher and teacher to
333 whom the assistant teacher is assigned, working together as a
334 team, and shall require further periodic training for
335 administrators, teachers and assistant teachers regarding the role
336 of assistant teachers;

337 (b) Annually evaluate the program on the district and
338 state level. Subject to the availability of funds specifically
339 appropriated therefor by the Legislature, the department shall
340 develop: (i) uniform evaluation reports, to be performed by the
341 principal or assistant principal, to collect data for the annual
342 overall program evaluation conducted by the department; or (ii) a
343 program evaluation model that, at a minimum, addresses process
344 evaluation; and

345 (c) Promulgate rules, regulations and such other
346 standards deemed necessary to effectuate the purposes of this
347 section. Noncompliance with the provisions of this section and
348 any rules, regulations or standards adopted by the department may
349 result in a violation of compulsory accreditation standards as
350 established by the State Board of Education and the Commission on
351 School Accreditation.

352 (6) In addition to other funds allotted under the Minimum
353 Education or Adequate Education Program, each school district
354 shall be allotted sufficient funding for the purpose of employing
355 assistant teachers. No assistant teacher shall be paid less than
356 the amount he or she received in the prior school year. No school
357 district shall receive any funds under this section for any school
358 year during which the aggregate amount of the local contribution

359 to the salaries of assistant teachers by the district shall have
360 been reduced below such amount for the previous year.

361 For the 2007-2008 school year and school years thereafter,
362 the minimum salary for assistant teachers shall be Twelve Thousand
363 Five Hundred Dollars (\$12,500.00).

364 In addition, for each one percent (1%) that the Sine Die
365 General Fund Revenue Estimate Growth exceeds five percent (5%) in
366 fiscal year 2006, as certified by the Legislative Budget Office to
367 the State Board of Education and subject to the specific
368 appropriation therefor by the Legislature, the State Board of
369 Education shall revise the salary scale in the appropriate year to
370 provide an additional one percent (1%) across the board increase
371 in the base salaries for assistant teachers. The State Board of
372 Education shall revise the salaries prescribed above for assistant
373 teachers to conform to any adjustments made in prior fiscal years
374 due to revenue growth over and above five percent (5%). The
375 assistant teachers shall not be restricted to working only in the
376 grades for which the funds were allotted, but may be assigned to
377 other classes as provided in subsection (2)(a) of this section.

378 (7) (a) As an alternative to employing assistant teachers,
379 any school district may use the allotment provided under
380 subsection (6) of this section for the purpose of employing
381 licensed teachers for kindergarten, first-, second- and
382 third-grade classes; however, no school district shall be
383 authorized to use the allotment for assistant teachers for the
384 purpose of employing licensed teachers unless the district has
385 established that the employment of licensed teachers using such
386 funds will reduce the teacher:student ratio in the kindergarten,
387 first-, second- and third-grade classes. All state funds for
388 assistant teachers shall be applied to reducing teacher:student
389 ratio in Grades K-3.

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

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

395 (b) Districts meeting Level 4 or 5 accreditation
396 standards, as defined by the State Board of Education, shall be
397 exempted from the provisions of subsection (4) of this section.

398 **SECTION 3.** This act shall take effect and be in force from
399 and after July 1, 2007.