

**House Amendments to Senate Bill No. 2323**

**TO THE SECRETARY OF THE SENATE:**

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

**AMENDMENT NO. 1**

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

15       **SECTION 1.** Section 37-19-7, Mississippi Code of 1972, is  
16 amended as follows:

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

27               **2007-2008 School Year and School Years Thereafter**

28                       **Less Than 25 Years of Teaching Experience**

29	AAAA.....	\$ <u>35,020.00</u>
30	AAA.....	<u>33,990.00</u>
31	AA.....	<u>32,960.00</u>
32	A.....	<u>30,900.00</u>

33                       **25 or More Years of Teaching Experience**

34	AAAA.....	\$ <u>37,080.00</u>
35	AAA.....	<u>36,050.00</u>
36	AA.....	<u>35,020.00</u>
37	A.....	<u>32,960.00</u>

38       The State Board of Education shall revise the salary scale  
39 prescribed above for the 2007-2008 school year to conform to any  
40 adjustments made to the salary scale in prior fiscal years due to

41 revenue growth over and above five percent (5%). For each one  
42 percent (1%) that the Sine Die General Fund Revenue Estimate  
43 Growth exceeds five percent (5%) for fiscal year 2006, as  
44 certified by the Legislative Budget Office to the State Board of  
45 Education and subject to specific appropriation therefor by the  
46 Legislature, the State Board of Education shall revise the salary  
47 scale to provide an additional one percent (1%) across the board  
48 increase in the base salaries for each type of license.

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

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

68 **2007-2008 School Year**

69 **and School Years Thereafter Annual Increments**

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

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

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

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

92 The level of professional training of each teacher to be used  
93 in establishing the salary allotment for the teachers for each  
94 year shall be determined by the type of valid teacher's license  
95 issued to those teachers on or before October 1 of the current  
96 school year.

97 (2) (a) The following employees shall receive an annual  
98 salary supplement in the amount of Six Thousand Dollars  
99 (\$6,000.00), plus fringe benefits, in addition to any other  
100 compensation to which the employee may be entitled:

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

111 eligible for a prorated salary supplement beginning with the  
112 second term of the school year.

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

127           (iii) Any licensed school counselor who has met  
128 the requirements and acquired a National Certified School  
129 Counselor (NCSC) endorsement from the National Board of Certified  
130 Counselors and who is employed by a local school board or the  
131 State Board of Education as a counselor and not as an  
132 administrator. Such licensed school counselor shall submit  
133 documentation to the State Department of Education that the  
134 endorsement was received prior to October 15 in order to be  
135 eligible for the full salary supplement in the current school  
136 year, or the licensed school counselor shall submit such  
137 documentation to the State Department of Education prior to  
138 February 15 in order to be eligible for a prorated salary  
139 supplement beginning with the second term of the school year.  
140 However, any school counselor who started the National Board for  
141 Professional Teaching Standards process for school counselors  
142 between June 1, 2003, and June 30, 2004, and completes the  
143 requirements and acquires the master teacher certificate shall be  
144 entitled to the master teacher supplement, and those counselors  
145 who complete the process shall be entitled to a one-time

146 reimbursement for the actual cost of the process as outlined in  
147 paragraph (b) of this subsection.

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

162 (b) An employee shall be reimbursed one (1) time for  
163 the actual cost of completing the process of acquiring the  
164 certificate or endorsement, excluding any costs incurred for  
165 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)  
166 for a school counselor or speech-language pathologist and  
167 audiologist, regardless of whether or not the process resulted in  
168 the award of the certificate or endorsement. A local school  
169 district or any private individual or entity may pay the cost of  
170 completing the process of acquiring the certificate or endorsement  
171 for any employee of the school district described under paragraph  
172 (a), and the State Department of Education shall reimburse the  
173 school district for such cost, regardless of whether or not the  
174 process resulted in the award of the certificate or endorsement.  
175 If a private individual or entity has paid the cost of completing  
176 the process of acquiring the certificate or endorsement for an  
177 employee, the local school district may agree to directly  
178 reimburse the individual or entity for such cost on behalf of the  
179 employee.

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

191           (d) The State Department of Education may not pay any  
192 process reimbursement to a school district for an employee who  
193 does not complete the certification or endorsement process  
194 required to be eligible for the certificate or endorsement. If an  
195 employee for whom such cost has been paid in full or in part by a  
196 local school district or private individual or entity fails to  
197 complete the certification or endorsement process, the employee  
198 shall be liable to the school district or individual or entity for  
199 all amounts paid by the school district or individual or entity on  
200 behalf of that employee toward his or her certificate or  
201 endorsement.

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

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

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

224                   (i) It is the express intent of this legislation  
225 that the MPBP plan shall utilize only existing standards of  
226 accreditation and assessment as established by the State Board of  
227 Education.

228                   (ii) To ensure that all of Mississippi's teachers,  
229 administrators and nonlicensed personnel at all schools have equal  
230 access to the monies set aside in this section, the MPBP program  
231 shall be designed to calculate each school's performance as  
232 determined by the school's increase in scores from the prior  
233 school year. The MPBP program shall be based on a standardized  
234 scores rating where all levels of schools can be judged in a  
235 statistically fair and reasonable way upon implementation. At the  
236 end of each year, after all student achievement scores have been  
237 standardized, the State Department of Education shall implement  
238 the MPBP plan.

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

246           (b) The State Board of Education shall develop the  
247 processes and procedures for designating schools eligible to  
248 participate in the MPBP. State assessment results, growth in

249 student achievement at individual schools and other measures  
250 deemed appropriate in designating successful student achievement  
251 shall be used in establishing MPBP criteria. The State Board of  
252 Education shall develop the MPBP policies and procedures and  
253 report to the Legislature and Governor by December 1, 2006.

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

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

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

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

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

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

292           (b) If a licensed teacher to whom an assistant teacher  
293 has been assigned is required to be absent from the classroom, the  
294 assistant teacher may assume responsibility for the classroom in  
295 lieu of a substitute teacher. However, no assistant teacher shall  
296 assume sole responsibility of the classroom for more than three  
297 (3) consecutive school days. Further, in no event shall any  
298 assistant teacher be assigned to serve as a substitute teacher for  
299 any teacher other than the licensed teacher to whom that assistant  
300 teacher has been assigned.

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

307           (4) (a) In order to receive funding, each school district  
308 shall:

309                   (i) Submit a plan on the implementation of a  
310 reading improvement program to the State Department of Education;  
311 and

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

315           (b) Additionally, each school district shall:

316                   (i) Provide annually a mandatory preservice  
317 orientation session, using an existing in-school service day, for

318 administrators and teachers on the effective use of assistant  
319 teachers as part of a team in the classroom setting and on the  
320 role of assistant teachers, with emphasis on program goals;

321 (ii) Hold periodic workshops for administrators  
322 and teachers on the effective use and supervision of assistant  
323 teachers;

324 (iii) Provide training annually on specific  
325 instructional skills for assistant teachers;

326 (iv) Annually evaluate their program in accordance  
327 with their educational accountability and assessment of  
328 performance plan; and

329 (v) Designate the necessary personnel to supervise  
330 and report on their program.

331 (5) The State Department of Education shall:

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

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

350 (c) Promulgate rules, regulations and such other  
351 standards deemed necessary to effectuate the purposes of this  
352 section. Noncompliance with the provisions of this section and

353 any rules, regulations or standards adopted by the department may  
354 result in a violation of compulsory accreditation standards as  
355 established by the State Board of Education and the Commission on  
356 School Accreditation.

357 (6) In addition to other funds allotted under the Minimum  
358 Education or Adequate Education Program, each school district  
359 shall be allotted sufficient funding for the purpose of employing  
360 assistant teachers. No assistant teacher shall be paid less than  
361 the amount he or she received in the prior school year. No school  
362 district shall receive any funds under this section for any school  
363 year during which the aggregate amount of the local contribution  
364 to the salaries of assistant teachers by the district shall have  
365 been reduced below such amount for the previous year.

366 For the 2007-2008 school year \* \* \*, the minimum salary for  
367 assistant teachers shall be Thirteen Thousand Dollars  
368 (\$13,000.00). For the 2008-2009 school year and school years  
369 thereafter, the minimum salary for assistant teachers shall be  
370 Thirteen Thousand Five Hundred Dollars (\$13,500.00).

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

385 (7) (a) As an alternative to employing assistant teachers,  
386 any school district may use the allotment provided under  
387 subsection (6) of this section for the purpose of employing

388 licensed teachers for kindergarten, first-, second- and  
389 third-grade classes; however, no school district shall be  
390 authorized to use the allotment for assistant teachers for the  
391 purpose of employing licensed teachers unless the district has  
392 established that the employment of licensed teachers using such  
393 funds will reduce the teacher:student ratio in the kindergarten,  
394 first-, second- and third-grade classes. All state funds for  
395 assistant teachers shall be applied to reducing teacher:student  
396 ratio in Grades K-3.

397 It is the intent of the Legislature that no school district  
398 shall dismiss any assistant teacher for the purpose of using the  
399 assistant teacher allotment to employ licensed teachers. School  
400 districts may rely only upon normal attrition to reduce the number  
401 of assistant teachers employed in that district.

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

405 **SECTION 3.** The public school districts of the state, in  
406 their discretion, may pay with local funds one hundred percent  
407 (100%) of the cost of the health insurance premiums of the State  
408 and School Employees Health Insurance Plan for all retired members  
409 of the Public Employees' Retirement System who are employed as  
410 school bus drivers by the school districts. No state funds shall  
411 be used for payment of the health insurance premiums under the  
412 authority of this section. If a school district chooses to pay  
413 the health insurance premiums for school bus drivers under the  
414 authority of this section, the district shall not be authorized to  
415 pay any amount that is less than one hundred percent (100%) of the  
416 cost of the health insurance premiums for the school bus drivers,  
417 but shall pay the full amount of the cost of the health insurance  
418 premiums for each school bus driver who is employed by the  
419 district.

420 **SECTION 4.** This act shall take effect and be in force from  
421 and after July 1, 2007.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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/AUDILOGISTS 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 FOR THE NEXT TWO FISCAL  
9 YEARS; TO AUTHORIZE PUBLIC SCHOOL DISTRICTS TO PAY WITH LOCAL  
10 FUNDS THE FULL COST OF THE HEALTH INSURANCE PREMIUMS FOR RETIRED  
11 MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO ARE  
12 EMPLOYED AS SCHOOL BUS DRIVERS BY THE SCHOOL DISTRICTS; AND FOR  
13 RELATED PURPOSES.

HR03\SB2323PH.J

Don Richardson  
Clerk of the House of Representatives