

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

June 7, 2019

Dorian E. Turner, Board Attorney
Greenville Public School District
300 West Capitol Street, Suite 200
Jackson, MS 39203

Re: Senate Bill 2770, 2019 Regular Session

Dear Ms. Turner:

Attorney General Jim Hood has received your opinion request and assigned it to me for research and reply.

Issue Presented

In your request, you provide:

On behalf of the Greenville Public School District ("the District"), I respectfully request an Attorney General opinion regarding the interpretation of Senate Bill 2770 adopted by the Legislature during the 2019 Regular Session. S.B. 2770 revises Mississippi Code Section 37-21-7 to state, in part, "For the 2019-2020 school year and school years thereafter, the minimum annual salary for assistant teachers shall be \$14,000.00." Please provide an official Attorney General opinion as to whether SB 2770 mandates a raise only for those teacher assistants making less than \$14,000.00, and in such event, a raise only in such amount as to raise their salary to at least \$14,000.00, or does SB 2770 mandate a raise, in the amount of \$1,500.00, for every assistant teacher?

Response

2019 Miss. Laws S.B. 2770 does not mandate a \$1,500.00 raise for every assistant teacher.

Applicable Law and Discussion

Section 37-21-7(6) as amended by 2019 Miss. Laws S.B. 2770 ("S.B. 2770") provides, in part:

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

For the 2019-2020 school year and school years thereafter, the minimum annual salary for assistant teachers shall be Fourteen Thousand Dollars (\$14,000.00).

(Emphasis added.)

Contrast this with the comparable section that applies to licensed teachers:

However, **no school district shall receive any funds under this section for any school year during which the local supplement paid to any individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year.** The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.

Miss. Code Ann. Section 37-19-7(emphasis added).

Local school districts are prohibited from reducing the local supplement to individual licensed teachers under Section 37-19-7 from year to year. However, the same is not true for assistant teachers under Section 37-21-7. Section 37-21-7 simply prohibits the reduction of the **aggregate**¹ amount of the local supplement for assistant teachers.

S.B. 2770 amends Section 37-21-7 by raising the minimum salary for assistant teachers from \$12,500.00 to \$14,000.00. Section 37-21-7 further provides that assistant teachers

¹ For example, if a school district hires additional assistant teachers for the 2019-2020 school year, the local supplement paid to individual assistant teachers could be lowered without reducing the aggregate amount of local contribution to the salaries of assistant teachers.

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cannot be paid less than the amount he or she received in the prior school year, nor can the local school district reduce the aggregate amount of the local contribution to the salaries of assistant teachers. While the Legislature clearly chose to give raises to all teachers, it chose to require raises only for those assistant teachers who make the minimum salary.

If we may be of further service, please let us know.

Very truly yours,

JIM HOOD, ATTORNEY GENERAL

By:



Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION