

By: Senator(s) Wiggins, Tollison

To: Education;
Appropriations

SENATE BILL NO. 2395

1 AN ACT TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF
2 EDUCATION TO IMPLEMENT A PREKINDERGARTEN PROGRAM IN THE STATE OF
3 MISSISSIPPI ON A PHASED-IN BASIS; TO AMEND SECTION 37-21-51,
4 MISSISSIPPI CODE OF 1972, TO TRANSFER THE DUTIES AND
5 RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES RELATIVE TO
6 THE "EARLY LEARNING COLLABORATIVE ACT" TO THE STATE DEPARTMENT OF
7 EDUCATION, TO REDESIGNATE THE PREKINDERGARTEN PROGRAM AS THE
8 "EARLY LEARNING COLLABORATIVE ACT OF 2013," TO COMMIT FUNDING OF
9 THE "EARLY LEARNING COLLABORATIVE ACT OF 2013" ON A PHASED-IN
10 BASIS, AND TO PROVIDE THAT MANDATORY PREKINDERGARTEN PROGRAMS
11 SHALL FIRST BE PROVIDED IN UNDERPERFORMING SCHOOL DISTRICTS; TO
12 AMEND SECTION 37-21-53, MISSISSIPPI CODE OF 1972, TO DESIGNATE AND
13 EMPOWER THE STATE EARLY CHILDHOOD ADVISORY COUNCIL (SECAC) AND
14 PRESCRIBE ITS RESPONSIBILITIES TO ASSIST THE STATE DEPARTMENT OF
15 EDUCATION IN IMPLEMENTING THE "EARLY LEARNING COLLABORATIVE ACT OF
16 2013" PURSUANT TO FEDERAL LAW; TO AMEND SECTION 37-7-301,
17 MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO
18 IMPLEMENT THE "EARLY LEARNING COLLABORATIVE ACT OF 2013"; TO AMEND
19 SECTIONS 37-21-3 AND 37-21-5, MISSISSIPPI CODE OF 1972, TO PROVIDE
20 QUALIFICATIONS FOR STATE OR FEDERAL FUNDED EARLY CHILDHOOD
21 EDUCATION PROGRAM PERSONNEL; TO PROVIDE FOR A STATE INCOME TAX
22 CREDIT FOR CONTRIBUTIONS TO QUALIFIED PREKINDERGARTEN PROGRAMS; TO
23 REPEAL SECTION 37-21-55, MISSISSIPPI CODE OF 1972, WHICH
24 ESTABLISHES THE EARLY CHILDHOOD SERVICES ADVISORY COMMITTEE; AND
25 FOR RELATED PURPOSES.

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

27 **SECTION 1.** Section 37-21-51, Mississippi Code of 1972, is
28 amended as follows:



29 37-21-51. (1) As used in * * *~~Sections~~ Section

30 37-21-51 * * * ~~through 37-21-55~~ the term:

31 (a) "Preschool or prekindergarten children" means any
32 children who have not entered kindergarten but will have obtained
33 four (4) years of age on or before September 1 of a school year.

34 (b) An "early learning collaborative council" is a
35 district or countywide council that writes and submits an
36 application to participate in the voluntary prekindergarten
37 program. An early learning collaborative council is comprised, at
38 a minimum, of a public school district and a local Head Start
39 affiliate, private or parochial schools, or one or more licensed
40 child care centers. Agencies or other organizations that work
41 with young children and their families may also participate in the
42 council to provide resources and coordination even if those
43 agencies or organizations are not prekindergarten providers.

44 (c) A "prekindergarten provider" is a public, private
45 or parochial school, licensed childcare center or Head Start
46 center that serves prekindergarten children and participates in
47 the voluntary prekindergarten program.

48 (d) A "lead partner" is a public school district or
49 other nonprofit entity with the instructional expertise and
50 operational capacity to manage the early learning collaborative
51 council's prekindergarten program as described in the council's
52 approved application for funds. The lead partner serves as the
53 fiscal agent for the council and shall disburse awarded funds in



54 accordance with the council's approved application. The lead
55 partner must facilitate a professional learning community for the
56 teachers in the prekindergarten program and lead the collaborative
57 council. The lead partner ensures that the collaborative council
58 adopts and implements curriculum and assessments that align with
59 the comprehensive early learning standards.

60 (e) "Comprehensive early learning standards" are
61 standards adopted by the State Board of Education that address the
62 fundamental domains of early learning identified by the National
63 Education Goals Panel as physical well-being and motor
64 development, social/emotional development, approaches toward
65 learning, language development and cognition and general
66 knowledge. The comprehensive early learning standards shall also
67 include standards for emergent literacy skills, including oral
68 communication, knowledge of print and letters, phonological and
69 phonemic awareness, and vocabulary and comprehension development.

70 (f) A "research-based curriculum" is an age-appropriate
71 curriculum that is based on the findings of current research and
72 has been found to be effective in improving student learning based
73 on the results of rigorous evaluations.

74 (2) To ensure that all children have access to quality early
75 childhood education and development services, the Legislature
76 finds and declares the following:

77 (a) Parents have the primary duty to educate their
78 young preschool children;



79 (b) The State of Mississippi can assist and educate
80 parents in their role as the primary caregivers and educators of
81 young preschool children; * * *~~and~~

82 (c) There is a need to explore innovative approaches
83 and strategies for aiding parents and families in the education
84 and development of young preschool children * * *~~;~~ and

85 (d) There exists a patchwork of prekindergarten
86 entities but no coordination of services and there needs to be a
87 coordination of these services.

88 (3) (a) This subsection shall be known and may be cited as
89 the "Early Learning Collaborative Act of * * *~~2007~~ 2013."

90 (b) Effective with the 2013-2014 school year, the
91 Mississippi State Department of * * *~~Human Services~~ Education
92 shall * * *~~implement~~ establish a voluntary * * *~~early care and~~
93 education grant prekindergarten program, which shall be a
94 collaboration among the entities providing prekindergarten
95 programs including Head Start, licensed child care facilities and
96 licensed public, parochial and private school prekindergarten
97 programs. * * *~~Enrollment in the preschool or prekindergarten~~
98 program shall be coordinated with the Head Start agencies in the
99 local areas and shall not be permitted to cause a reduction in
100 children served by the Head Start program. This program shall be
101 implemented no later than the 2014-2015 school year. Under this
102 program, eligible entities may submit an application for funds to
103 (i) defray the cost of additional and/or more qualified teaching



104 staff, appropriate educational materials and equipment and to
105 improve the quality of educational experiences offered to
106 four-year-old children in * * * ~~in existing licensed~~ early care
107 and education programs, and/or to (ii) extend developmentally
108 appropriate education services at such * * * ~~existing licensed~~
109 programs currently serving four-year-old children to include
110 practices of high quality instruction, and to (iii) administer,
111 implement, monitor and evaluate the programs. * * * ~~Grant funds~~
112 ~~shall be provided on a local entity matching fund basis to be~~
113 ~~determined by the Department of Human Services.~~

114 (c) Subject to the availability of funds appropriated
115 therefor, the State Department of * * * ~~Human Services~~ Education
116 shall * * * ~~contract with an appropriate early care and education~~
117 ~~program entity to serve as the fiscal agent for the program serve~~
118 ~~as fiscal agent for the program. All grant applicants shall be~~
119 ~~required to collaborate with other early care and education~~
120 ~~programs, provide a local community match to the grant award,~~
121 ~~designate one (1) entity as fiscal agent for the grant and meet~~
122 ~~teacher qualifications~~ administer the implementation, monitoring
123 and evaluation of the voluntary prekindergarten program, including
124 awards and the application process.

125 (i) The department shall establish a rigorous
126 application process for the awarding of funds. Lead partners
127 shall submit the applications on behalf of their early learning
128 collaborative council.



129 (ii) The department will establish monitoring
130 policies and procedures that, at a minimum, will include at least
131 one (1) site visit a year.

132 (iii) The department will provide technical
133 assistance to councils and their providers to improve the quality
134 of prekindergarten programs.

135 (iv) The department will evaluate the
136 effectiveness of each early childhood collaborative council and
137 each prekindergarten provider. If the State Department of
138 Education adopts a statewide kindergarten screening that assesses
139 the readiness of each student for kindergarten, the State
140 Department of Education shall adopt a minimum rate of readiness
141 that each prekindergarten provider must meet in order to remain
142 eligible for prekindergarten program funds. Each parent who
143 enrolls his or her child in the prekindergarten program must
144 submit the child for the statewide kindergarten screening,
145 regardless of whether the child is admitted to kindergarten in a
146 public school.

147 ~~(d) * * * The early care and education program grants~~
148 Prekindergarten program funds shall be awarded to * * *successful
149 applicants early childhood collaborative councils whose proposed
150 programs * * * who meet the program criteria * * * developed by a
151 committee appointed by the Governor, consisting of, but not
152 limited to, representatives of the Mississippi Department of Human
153 Services Office for Children and Youth, the Mississippi Head Start



154 ~~Association, the Mississippi Head Start Collaboration Office, the~~
155 ~~Mississippi Department of Education, the Mississippi State~~
156 ~~Department of Health Child Care Licensure Division and licensed~~
157 ~~child care facilities, one (1) of which must have a majority~~
158 ~~low-income population, in the state. The committee shall meet~~
159 ~~upon call of the Governor and shall organize for business by~~
160 ~~electing a chairman. Administrative and clerical support for the~~
161 ~~committee shall be provided by the Department of Human~~
162 ~~Services. The committee State Department of Education shall~~
163 ~~establish grant funding application criteria, procedures and~~
164 ~~deadlines. The criteria * * * must include all conditions~~
165 ~~prescribed in paragraph (c), and shall include, but not be limited~~
166 ~~to:~~

167 ~~(i) Voluntary enrollment of children; * * *~~
168 ~~qualifications for teachers and assistant teachers, allowed~~
169 ~~expenses, children with special needs, use of a research-based~~
170 ~~curriculum aligned with the learning objectives/milestones in the~~
171 ~~Mississippi Early Learning Guidelines for Four-Year-Old Children,~~
172 ~~teacher/child ratios, child care facility licensure requirements,~~
173 ~~and collaboration with other early childhood programs. all~~
174 ~~conditions prescribed in paragraph (c), and shall include, but not~~
175 ~~be limited to: voluntary enrollment of children, qualifications~~
176 ~~for teachers and assistant teachers, allowed expenses, children~~
177 ~~with special needs, use of a research-based curriculum aligned~~
178 ~~with the learning objectives/milestones in the Mississippi Early~~



179 ~~Learning Guidelines for Four-Year-Old Children, teacher/child~~
180 ~~ratios, child care facility licensure requirements, and~~
181 ~~collaboration with other early childhood programs.~~

182 (ii) Collaboration among prekindergarten providers
183 and other early childhood programs through the establishment of an
184 early learning collaborative council;

185 (iii) Qualifications of master teachers, teachers
186 and assistants, which must conform to guidelines in Section
187 37-21-3;

188 (iv) At least fifteen (15) hours of annual
189 professional development for program instructional staff,
190 including professional development in early literacy;

191 (v) The use of state-adopted comprehensive early
192 learning standards;

193 (vi) The use of a research-based curriculum that
194 is designed to prepare students to be ready for kindergarten, with
195 emphasis in early literacy, and is aligned with the comprehensive
196 early learning standards;

197 (vii) The use of age-appropriate assessments
198 aligned to the comprehensive early learning standards;

199 (viii) Teacher/child ratios of one (1) adult for
200 every ten (10) children with a maximum of twenty (20) children per
201 classroom and a minimum of five (5) children per classroom;

202 (ix) The provision of at least one (1) meal
203 meeting state and federal nutrition guidelines for young children;



204 (x) Plans to screen and/or refer children for
205 vision, hearing and other health issues;
206 (xi) Parent involvement opportunities;
207 (xii) Plans to serve children with disabilities;
208 (xiii) The number of instructional hours to be
209 provided, which shall equal no less than five hundred forty (540)
210 instructional hours per school year for half-day programs and one
211 thousand eighty (1,080) instructional hours per school year for
212 full-day programs; and
213 (xiv) A budget detailing the use of funds for
214 allowed expenses.

215 Participating childcare centers shall meet state child care
216 facility licensure requirements as well as have a rating of at
217 least a "3" on the Quality Rating and Improvement Scale.

218 Participating Head Start centers must meet state child care
219 facility licensure standards when applicable as well as be in
220 compliance with federal Head Start program guidelines.

221 Within the prekindergarten program, a prekindergarten
222 provider must comply with the antidiscrimination requirements
223 applicable to public schools. A prekindergarten provider may not
224 discriminate against a parent or child, including the refusal to
225 admit a child for enrollment in the prekindergarten program, in
226 violation of these antidiscrimination requirements. However, a
227 prekindergarten provider may refuse to admit a child based on the



228 provider's standard eligibility guidelines, provided that these
229 guidelines do not violate the antidiscrimination requirements.

230 The State Department of Education may add program criteria
231 not inconsistent with these requirements and shall develop
232 policies and procedures to implement and enforce these criteria.

233 (e) The State Department of Education shall ensure that
234 early learning collaborative councils provide each parent
235 enrolling a child in the voluntary prekindergarten program with a
236 profile of every prekindergarten provider participating in the
237 council's geographic catchment area. The State Department of
238 Education shall prescribe the information to be included in each
239 profile as well as the format of the profiles. At a minimum, the
240 profiles must include the prekindergarten provider's services,
241 curriculum, instructor credentials and instructor-to-student
242 ratio.

243 (* * *~~ef~~) * * *—Any A teacher, assistant teacher or
244 other employee whose salary and fringe benefits are paid
245 from * * *~~early care and education grants~~ state funds under this
246 act shall * * *~~not~~ only be * * *~~deemed to be~~ classified as a
247 state or local school district * * *~~employees~~ employee * * *~~and~~
248 ~~shall not only~~ be eligible for state health insurance benefits or
249 membership in the Public Employees' Retirement System, if the
250 person's employer is already an agency or instrumentality of the
251 state, such as a school district, and the employee would be
252 eligible for such benefits in the normal course of business.—



253 (* * *fg) * * *—~~Subject to the availability of funds~~
254 ~~appropriated therefor, the State Department of Human Services~~
255 ~~Human Services shall administer the implementation, monitoring and~~
256 ~~evaluation of the early care and education grant grant program~~
257 ~~including the awards and the application process. The State~~
258 ~~Department of Education, Office of Reading, Early Childhood and~~
259 ~~Language Arts, in partnership with the Mississippi Department of~~
260 ~~Human Services, Office for Children and Youth, shall develop~~
261 ~~educational criteria regarding research-based curriculum, the~~
262 ~~state's early learning guidelines and developmentally appropriate~~
263 ~~educational services. Funding shall be provided * * *—subject to~~
264 ~~appropriation for this program beginning with the * * *—2008 2014~~
265 ~~fiscal year subject to appropriation by the Legislature as~~
266 ~~provided in paragraph (h) of this subsection. The department~~
267 ~~shall make an annual report to the Legislature and the Governor~~
268 ~~regarding the effectiveness of the program.~~

269 (* * *gh) (i) The Legislature shall appropriate funds
270 to implement the Early Education Collaborative Act of 2013 on a
271 phased-in basis as follows:

272 1. The first phase shall be based an annual
273 state appropriation of not less than Eight Million Dollars
274 (\$8,000,000.00) and shall serve approximately three thousand five
275 hundred (3,500) children through five (5) to eight (8) early
276 learning collaborative councils and their prekindergarten
277 providers;



278 2. The second phase shall be based on an
279 annual state appropriation of not less than Fifteen Million
280 Dollars (\$15,000,000.00) and shall serve approximately seven
281 thousand (7,000) children through ten (10) to fifteen (15) early
282 learning collaborative councils and their prekindergarten
283 providers;

284 3. The third phase shall be based on an
285 annual state appropriation of not less than Thirty-two Million
286 Dollars (\$32,000,000.00) and shall serve approximately fifteen
287 thousand (15,000) children through twenty (20) to twenty-five (25)
288 early learning collaborative councils and their prekindergarten
289 providers.

290 (ii) Future phases shall be based on interest in
291 the program and the effectiveness of the program. Each phase
292 shall last for at least three (3) years but no more than five (5)
293 years. The State Department of Education shall determine when to
294 move to a new phase of the program, within the timeline provided
295 herein.

296 (iii) Funding will be provided to early learning
297 collaborative councils on the basis of Two Thousand Dollars
298 (\$2,000.00) per student in a full-day program and One Thousand
299 Dollars (\$1,000.00) per student in a half-day program proposed in
300 the council's approved application. Once an early learning
301 collaborative council's plan is approved and funded, the council
302 and/or its prekindergarten providers shall receive funds on an



303 ongoing basis unless the council and/or its prekindergarten
304 providers no longer meet the criteria to participate in the
305 program.

306 (iv) Early learning collaborative councils shall
307 match state funds on a 1:1 basis. Local matching funds may
308 include local tax dollars, federal program dollars, parent
309 tuition, philanthropic contributions, or in-kind donations of
310 facilities, equipment and services required as part of the program
311 such as food service or health screenings.

312 (v) The State Department of Education shall
313 reserve no more than five percent (5%) of the appropriation in any
314 year for administrative costs. Funds remaining after awards to
315 early learning collaborative councils and the department's
316 administrative needs are met may be carried over in the following
317 year. In the first year of implementation of the program, the
318 department may delay the awarding of funds until the 2014-2015
319 school year should time not be sufficient to establish the
320 program's operation prior to the 2013-2014 school year.

321 (vi) In the initial phase of implementation, the
322 State Department of Education shall award state funds under the
323 Early Learning Collaborative Act of 2013 based on a community's
324 capacity, commitment and need. To determine capacity, the State
325 Department of Education shall require evidence of existing strong
326 local collaborations of early education stakeholders. Such
327 evidence may include collaborations resulting from participation



328 in Excel By 5, Supporting Partnerships to Assure Ready Kids
329 (SPARK), the Gilmore Early Learning Initiative (GELI), or other
330 similar community-wide collaboration efforts. In addition to
331 participation in the above-named improvement programs,
332 partnerships between local collaborations or their stakeholders
333 and other capacity-building programs such as Mississippi Building
334 Blocks or the Mississippi Department of Human Services' Allies for
335 Quality Care, as well as ongoing high-quality prekindergarten
336 programs, may be considered as evidence of a local collaboration's
337 commitment to prekindergarten and the improvement of local
338 options. In determining community need, the department shall
339 consider low academic achievement within the public school
340 district(s) participating in an applicant early learning
341 collaborative council, the number and percentage of children
342 without quality prekindergarten options, and/or other compelling
343 evidence of need.

344 **SECTION 2.** Section 37-21-53, Mississippi Code of 1972, is
345 amended as follows:

346 37-21-53. (1) The ~~* * *Early Childhood Services Interagency~~
347 ~~Coordinating Council~~ State Early Childhood Advisory Council
348 (SECAC) is created (a) to assist the State Department of Education
349 with the implementation of the Early Learning Collaborative Act of
350 2013, (b) to ensure coordination among the various agencies and
351 programs serving preschool children in order to support school
352 district's efforts to achieve the goal of readiness to start



353 school, (c) to facilitate communication, cooperation and maximum
354 use of resources and to promote high standards for all programs
355 serving preschool children and their families in Mississippi, and
356 (d) to serve as the designated council for early childhood
357 education and care pursuant to federal Public Law 110-134.

358 (2) The membership of the * * *~~Early Childhood Services~~
359 ~~Interagency Coordinating Council shall be as follows~~ State Early
360 Childhood Advisory Council (SECAC) in accordance with Public Law
361 110-134, shall include, to the extent possible:

362 (a) * * *~~The State Superintendent of Public Education~~ A
363 representative of the Mississippi Department of Human Services;

364 (b) * * *~~The Executive Director of the State Department~~
365 ~~of Health;~~ A representative of the Mississippi Department of
366 Education;

367 (c) * * *~~The Executive Director of the Department of~~
368 ~~Human Services~~ A representative of local educational agencies;

369 (d) * * *~~The Executive Director of the State Department~~
370 ~~of Mental Health~~ A representative of Mississippi Institutions of
371 Higher Education;

372 (e) * * *~~The Executive Director of the Division of~~
373 ~~Medicaid, Office of the Governor~~ A representative of local
374 providers of early childhood education and care services;

375 (f) * * *~~The Executive Director of the State Department~~
376 ~~of Rehabilitation Services~~ A representative from Head Start
377 agencies located in the state, including Indian Head Start



378 programs and migrant and seasonal Head Start programs as
379 available;

380 (g) * * *~~The Commissioner of Higher Education~~ The State
381 Director of Head Start Collaboration;

382 (h) * * *~~The Executive Director of the State Board for~~
383 ~~Community and Junior Colleges;~~ and The Part C Coordinator and/or
384 the Section 619 Coordinator of programs under the Individuals with
385 Disabilities Education Act (20 USC 1419, 1431 et seq.);

386 (i) * * *~~The Executive Director of Mississippi~~
387 ~~Educational Television.~~ A representative of the Mississippi
388 Department of Health;

389 (j) A representative of the Mississippi Department of
390 Mental Health; and

391 (k) Representatives of other entities deemed relevant
392 by the Governor.

393 (3) The council shall meet upon call of the Governor * * *
394 ~~before August 1, 2000,~~ and shall organize for business by
395 selecting a chairman, who shall serve for a one-year term and may
396 be selected for subsequent terms. The council shall adopt
397 internal organizational procedures necessary for efficient
398 operation of the council. Council procedures must include duties
399 of officers, a process for selecting officers, quorum requirements
400 for conducting business and policies for any council staff. Each
401 member of the council shall designate necessary staff of their
402 departments to assist the council in performing its duties and



403 responsibilities. The council shall meet and conduct business at
404 least twice annually. Meetings of the council must be open to the
405 public, and opportunity for public comment must be made available
406 at each meeting. The chairman of the council shall notify all
407 persons who request such notice as to the date, time and place of
408 each meeting.

409 (4) The ~~* * *Early Childhood Services Interagency~~
410 ~~Coordinating Council~~ State Early Childhood Advisory Council
411 (SECAC) shall perform each of the following duties:

412 (a) ~~* * *Serve as interagency coordinating council for~~
413 ~~the various agencies and public and private programs serving~~
414 ~~preschool children and their families in the State of Mississippi~~
415 Build on the existing early care and education system and to
416 develop a strong infrastructure supporting collaboration,
417 coordination and equitable access to quality services and
418 supports;

419 (b) ~~* * *Advise the State Board of Health, State Board~~
420 ~~of Education, Department of Human Services, State Department of~~
421 ~~Mental Health, Division of Medicaid, State Department of~~
422 ~~Rehabilitation Services and any other appropriate agency of~~
423 ~~standards, rules, rule revisions, agency guidelines and~~
424 ~~administration affecting child care facilities, prekindergarten~~
425 ~~programs, family training programs and other programs and services~~
426 ~~for preschool children and families;~~ Carry out the duties and
427 functions specified in Public Law 110-134, including:



428 (i) Periodically conducting a statewide needs
429 assessment concerning the quality and availability of early
430 childhood education and development programs and services for
431 children from birth to school entry, including assessing the
432 availability of high-quality prekindergarten services for
433 low-income children in Mississippi;

434 (ii) Identifying opportunities for, and barriers
435 to, collaboration and coordination among federally funded and
436 state-funded child development, child care, and early childhood
437 education programs and services, including collaboration and
438 coordination among state agencies responsible for administering
439 such programs;

440 (iii) Developing recommendations for increasing
441 the overall participation of children in existing federal, state
442 and local child care and early childhood education programs,
443 including outreach to underrepresented and special populations;

444 (iv) Developing recommendations regarding the
445 establishment of a unified data collection system for early
446 childhood education and development programs and services
447 throughout Mississippi;

448 (v) Developing recommendations regarding statewide
449 professional development and career advancement plans for early
450 childhood educators in Mississippi;

451 (vi) Assess the capacity and effectiveness of two-
452 and four-year public and private institutions of higher education



453 in Mississippi toward supporting the development of early
454 childhood educators, including the extent to which such
455 institutions have in place articulation agreements, professional
456 development and career advancement plans, and practice or
457 internships for students to spend time in a Head Start or
458 prekindergarten program; and

459 (vii) Make recommendations for improvements in the
460 State Early Learning Guidelines and undertake efforts to develop
461 high quality comprehensive early learning standards, as
462 appropriate;

463 ~~(c) * * *Collect, compile and distribute data relating~~
464 ~~to all programs and services for preschool children and families,~~
465 ~~including, but not limited to, an inventory of the programs and~~
466 ~~services available in each county of the state, and identify and~~
467 ~~make recommendations with regard to program areas for which an~~
468 ~~unfulfilled need exists within the state for accurate and~~
469 ~~accessible information~~ Hold public hearings and/or provide
470 opportunities for public comment on the activities described above
471 in accordance with Public Law 110-134;

472 ~~(d) * * *Review and analyze spending priorities for each~~
473 ~~state agency that utilizes state or federal funds in the~~
474 ~~administration or provision of programs and services for preschool~~
475 ~~children and make recommendations thereon to the Legislative~~
476 ~~Budget Committee and the Governor;~~ Submit a statewide strategic
477 report addressing council activities to the State Director of Head



478 Start Collaboration and the Governor, in accordance with Public
479 Law 110-134; and

480 (e) * * * ~~Publish annually, before November 1, a~~
481 ~~comprehensive report on the status of all programs and services~~
482 ~~for preschool children in Mississippi and distribute the report to~~
483 ~~the Governor, the Legislature and local school districts and make~~
484 ~~the report available to the general public, using the following~~
485 ~~criteria:~~

486 ~~_____ (i) Program name and location;~~

487 ~~_____ (ii) Dates of operation;~~

488 ~~_____ (iii) Services provided;~~

489 ~~_____ (iv) Target population and number served;~~

490 ~~_____ (v) Eligibility requirements;~~

491 ~~_____ (vi) Funding sources;~~

492 ~~_____ (vii) Amount of funding per unit;~~

493 ~~_____ (viii) Annual cost;~~

494 ~~_____ (ix) Evaluation type and results; and~~

495 ~~_____ (x) The state agency administering the program.~~

496 Meet periodically to review the implementation of recommendations
497 contained in the statewide strategic report and to address any
498 changes in state and local needs, in accordance with Public Law
499 110-134.

500 * * * ~~_____ (f) Receive and consider recommendations of the~~
501 ~~Interagency Advisory Committee for Early Childhood Services~~
502 ~~established in Section 37-21-55; and~~



503 ~~_____ (g) Apply for, receive and administer funds for~~
504 ~~administration, research, pilot, planning and evaluation of all~~
505 ~~programs serving preschool children and their families.~~

506 ~~_____ (5) If any agency represented on the Early Childhood~~
507 ~~Services Interagency Coordinating Council includes a request for~~
508 ~~funding for the support of the council in the agency's annual~~
509 ~~budget request presented to the Legislative Budget Committee, the~~
510 ~~Early Childhood Services Interagency Coordinating Council shall be~~
511 ~~abolished, effective on the date that the agency presents its~~
512 ~~budget request.~~

513 **SECTION 3.** Section 37-7-301, Mississippi Code of 1972, is
514 amended as follows:

515 37-7-301. The school boards of all school districts shall
516 have the following powers, authority and duties in addition to all
517 others imposed or granted by law, to wit:

518 (a) To organize and operate the schools of the district
519 and to make such division between the high school grades and
520 elementary grades as, in their judgment, will serve the best
521 interests of the school;

522 (b) To introduce public school music, art, manual
523 training and other special subjects into either the elementary or
524 high school grades, as the board shall deem proper;

525 (c) To be the custodians of real and personal school
526 property and to manage, control and care for same, both during the
527 school term and during vacation;



528 (d) To have responsibility for the erection, repairing
529 and equipping of school facilities and the making of necessary
530 school improvements;

531 (e) To suspend or to expel a pupil or to change the
532 placement of a pupil to the school district's alternative school
533 or homebound program for misconduct in the school or on school
534 property, as defined in Section 37-11-29, on the road to and from
535 school, or at any school-related activity or event, or for conduct
536 occurring on property other than school property or other than at
537 a school-related activity or event when such conduct by a pupil,
538 in the determination of the school superintendent or principal,
539 renders that pupil's presence in the classroom a disruption to the
540 educational environment of the school or a detriment to the best
541 interest and welfare of the pupils and teacher of such class as a
542 whole, and to delegate such authority to the appropriate officials
543 of the school district;

544 (f) To visit schools in the district, in their
545 discretion, in a body for the purpose of determining what can be
546 done for the improvement of the school in a general way;

547 (g) To support, within reasonable limits, the
548 superintendent, principal and teachers where necessary for the
549 proper discipline of the school;

550 (h) To exclude from the schools students with what
551 appears to be infectious or contagious diseases; provided,
552 however, such student may be allowed to return to school upon



553 presenting a certificate from a public health officer, duly
554 licensed physician or nurse practitioner that the student is free
555 from such disease;

556 (i) To require those vaccinations specified by the
557 State Health Officer as provided in Section 41-23-37;

558 (j) To see that all necessary utilities and services
559 are provided in the schools at all times when same are needed;

560 (k) To authorize the use of the school buildings and
561 grounds for the holding of public meetings and gatherings of the
562 people under such regulations as may be prescribed by said board;

563 (l) To prescribe and enforce rules and regulations not
564 inconsistent with law or with the regulations of the State Board
565 of Education for their own government and for the government of
566 the schools, and to transact their business at regular and special
567 meetings called and held in the manner provided by law;

568 (m) To maintain and operate all of the schools under
569 their control for such length of time during the year as may be
570 required;

571 (n) To enforce in the schools the courses of study and
572 the use of the textbooks prescribed by the proper authorities;

573 (o) To make orders directed to the superintendent of
574 schools for the issuance of pay certificates for lawful purposes
575 on any available funds of the district and to have full control of
576 the receipt, distribution, allotment and disbursement of all funds
577 provided for the support and operation of the schools of such



578 school district whether such funds be derived from state
579 appropriations, local ad valorem tax collections, or otherwise.
580 The local school board shall be authorized and empowered to
581 promulgate rules and regulations that specify the types of claims
582 and set limits of the dollar amount for payment of claims by the
583 superintendent of schools to be ratified by the board at the next
584 regularly scheduled meeting after payment has been made;

585 (p) To select all school district personnel in the
586 manner provided by law, and to provide for such employee fringe
587 benefit programs, including accident reimbursement plans, as may
588 be deemed necessary and appropriate by the board;

589 (q) To provide athletic programs and other school
590 activities and to regulate the establishment and operation of such
591 programs and activities;

592 (r) To join, in their discretion, any association of
593 school boards and other public school-related organizations, and
594 to pay from local funds other than minimum foundation funds, any
595 membership dues;

596 (s) To expend local school activity funds, or other
597 available school district funds, other than minimum education
598 program funds, for the purposes prescribed under this paragraph.
599 "Activity funds" shall mean all funds received by school officials
600 in all school districts paid or collected to participate in any
601 school activity, such activity being part of the school program
602 and partially financed with public funds or supplemented by public



603 funds. The term "activity funds" shall not include any funds
604 raised and/or expended by any organization unless commingled in a
605 bank account with existing activity funds, regardless of whether
606 the funds were raised by school employees or received by school
607 employees during school hours or using school facilities, and
608 regardless of whether a school employee exercises influence over
609 the expenditure or disposition of such funds. Organizations shall
610 not be required to make any payment to any school for the use of
611 any school facility if, in the discretion of the local school
612 governing board, the organization's function shall be deemed to be
613 beneficial to the official or extracurricular programs of the
614 school. For the purposes of this provision, the term
615 "organization" shall not include any organization subject to the
616 control of the local school governing board. Activity funds may
617 only be expended for any necessary expenses or travel costs,
618 including advances, incurred by students and their chaperons in
619 attending any in-state or out-of-state school-related programs,
620 conventions or seminars and/or any commodities, equipment, travel
621 expenses, purchased services or school supplies which the local
622 school governing board, in its discretion, shall deem beneficial
623 to the official or extracurricular programs of the district,
624 including items which may subsequently become the personal
625 property of individuals, including yearbooks, athletic apparel,
626 book covers and trophies. Activity funds may be used to pay
627 travel expenses of school district personnel. The local school



628 governing board shall be authorized and empowered to promulgate
629 rules and regulations specifically designating for what purposes
630 school activity funds may be expended. The local school governing
631 board shall provide (i) that such school activity funds shall be
632 maintained and expended by the principal of the school generating
633 the funds in individual bank accounts, or (ii) that such school
634 activity funds shall be maintained and expended by the
635 superintendent of schools in a central depository approved by the
636 board. The local school governing board shall provide that such
637 school activity funds be audited as part of the annual audit
638 required in Section 37-9-18. The State Department of Education
639 shall prescribe a uniform system of accounting and financial
640 reporting for all school activity fund transactions;

641 (t) To contract, on a shared savings, lease or
642 lease-purchase basis, for energy efficiency services and/or
643 equipment as provided for in Section 31-7-14, not to exceed ten
644 (10) years;

645 (u) To maintain accounts and issue pay certificates on
646 school food service bank accounts;

647 (v) (i) To lease a school building from an individual,
648 partnership, nonprofit corporation or a private for-profit
649 corporation for the use of such school district, and to expend
650 funds therefor as may be available from any nonminimum program
651 sources. The school board of the school district desiring to
652 lease a school building shall declare by resolution that a need



653 exists for a school building and that the school district cannot
654 provide the necessary funds to pay the cost or its proportionate
655 share of the cost of a school building required to meet the
656 present needs. The resolution so adopted by the school board
657 shall be published once each week for three (3) consecutive weeks
658 in a newspaper having a general circulation in the school district
659 involved, with the first publication thereof to be made not less
660 than thirty (30) days prior to the date upon which the school
661 board is to act on the question of leasing a school building. If
662 no petition requesting an election is filed prior to such meeting
663 as hereinafter provided, then the school board may, by resolution
664 spread upon its minutes, proceed to lease a school building. If
665 at any time prior to said meeting a petition signed by not less
666 than twenty percent (20%) or fifteen hundred (1500), whichever is
667 less, of the qualified electors of the school district involved
668 shall be filed with the school board requesting that an election
669 be called on the question, then the school board shall, not later
670 than the next regular meeting, adopt a resolution calling an
671 election to be held within such school district upon the question
672 of authorizing the school board to lease a school building. Such
673 election shall be called and held, and notice thereof shall be
674 given, in the same manner for elections upon the questions of the
675 issuance of the bonds of school districts, and the results thereof
676 shall be certified to the school board. If at least three-fifths
677 (3/5) of the qualified electors of the school district who voted



678 in such election shall vote in favor of the leasing of a school
679 building, then the school board shall proceed to lease a school
680 building. The term of the lease contract shall not exceed twenty
681 (20) years, and the total cost of such lease shall be either the
682 amount of the lowest and best bid accepted by the school board
683 after advertisement for bids or an amount not to exceed the
684 current fair market value of the lease as determined by the
685 averaging of at least two (2) appraisals by certified general
686 appraisers licensed by the State of Mississippi. The term "school
687 building" as used in this paragraph (v) (i) shall be construed to
688 mean any building or buildings used for classroom purposes in
689 connection with the operation of schools and shall include the
690 site therefor, necessary support facilities, and the equipment
691 thereof and appurtenances thereto such as heating facilities,
692 water supply, sewage disposal, landscaping, walks, drives and
693 playgrounds. The term "lease" as used in this paragraph (v) (i)
694 may include a lease/purchase contract;

695 (ii) If two (2) or more school districts propose
696 to enter into a lease contract jointly, then joint meetings of the
697 school boards having control may be held but no action taken shall
698 be binding on any such school district unless the question of
699 leasing a school building is approved in each participating school
700 district under the procedure hereinabove set forth in paragraph
701 (v) (i). All of the provisions of paragraph (v) (i) regarding the
702 term and amount of the lease contract shall apply to the school



703 boards of school districts acting jointly. Any lease contract
704 executed by two (2) or more school districts as joint lessees
705 shall set out the amount of the aggregate lease rental to be paid
706 by each, which may be agreed upon, but there shall be no right of
707 occupancy by any lessee unless the aggregate rental is paid as
708 stipulated in the lease contract. All rights of joint lessees
709 under the lease contract shall be in proportion to the amount of
710 lease rental paid by each;

711 (w) To employ all noninstructional and noncertificated
712 employees and fix the duties and compensation of such personnel
713 deemed necessary pursuant to the recommendation of the
714 superintendent of schools;

715 (x) To employ and fix the duties and compensation of
716 such legal counsel as deemed necessary;

717 (y) Subject to rules and regulations of the State Board
718 of Education, to purchase, own and operate trucks, vans and other
719 motor vehicles, which shall bear the proper identification
720 required by law;

721 (z) To expend funds for the payment of substitute
722 teachers and to adopt reasonable regulations for the employment
723 and compensation of such substitute teachers;

724 (aa) To acquire in its own name by purchase all real
725 property which shall be necessary and desirable in connection with
726 the construction, renovation or improvement of any public school
727 building or structure. Whenever the purchase price for such real



728 property is greater than Fifty Thousand Dollars (\$50,000.00), the
729 school board shall not purchase the property for an amount
730 exceeding the fair market value of such property as determined by
731 the average of at least two (2) independent appraisals by
732 certified general appraisers licensed by the State of Mississippi.
733 If the board shall be unable to agree with the owner of any such
734 real property in connection with any such project, the board shall
735 have the power and authority to acquire any such real property by
736 condemnation proceedings pursuant to Section 11-27-1 et seq.,
737 Mississippi Code of 1972, and for such purpose, the right of
738 eminent domain is hereby conferred upon and vested in said board.
739 Provided further, that the local school board is authorized to
740 grant an easement for ingress and egress over sixteenth section
741 land or lieu land in exchange for a similar easement upon
742 adjoining land where the exchange of easements affords substantial
743 benefit to the sixteenth section land; provided, however, the
744 exchange must be based upon values as determined by a competent
745 appraiser, with any differential in value to be adjusted by cash
746 payment. Any easement rights granted over sixteenth section land
747 under such authority shall terminate when the easement ceases to
748 be used for its stated purpose. No sixteenth section or lieu land
749 which is subject to an existing lease shall be burdened by any
750 such easement except by consent of the lessee or unless the school
751 district shall acquire the unexpired leasehold interest affected
752 by the easement;



753 (bb) To charge reasonable fees related to the
754 educational programs of the district, in the manner prescribed in
755 Section 37-7-335;

756 (cc) Subject to rules and regulations of the State
757 Board of Education, to purchase relocatable classrooms for the use
758 of such school district, in the manner prescribed in Section
759 37-1-13;

760 (dd) Enter into contracts or agreements with other
761 school districts, political subdivisions or governmental entities
762 to carry out one or more of the powers or duties of the school
763 board, or to allow more efficient utilization of limited resources
764 for providing services to the public;

765 (ee) To provide for in-service training for employees
766 of the district;

767 (ff) As part of their duties to prescribe the use of
768 textbooks, to provide that parents and legal guardians shall be
769 responsible for the textbooks and for the compensation to the
770 school district for any books which are not returned to the proper
771 schools upon the withdrawal of their dependent child. If a
772 textbook is lost or not returned by any student who drops out of
773 the public school district, the parent or legal guardian shall
774 also compensate the school district for the fair market value of
775 the textbooks;

776 (gg) To conduct fund-raising activities on behalf of
777 the school district that the local school board, in its



778 discretion, deems appropriate or beneficial to the official or
779 extracurricular programs of the district; provided that:

780 (i) Any proceeds of the fund-raising activities
781 shall be treated as "activity funds" and shall be accounted for as
782 are other activity funds under this section; and

783 (ii) Fund-raising activities conducted or
784 authorized by the board for the sale of school pictures, the
785 rental of caps and gowns or the sale of graduation invitations for
786 which the school board receives a commission, rebate or fee shall
787 contain a disclosure statement advising that a portion of the
788 proceeds of the sales or rentals shall be contributed to the
789 student activity fund;

790 (hh) To allow individual lessons for music, art and
791 other curriculum-related activities for academic credit or
792 nonacademic credit during school hours and using school equipment
793 and facilities, subject to uniform rules and regulations adopted
794 by the school board;

795 (ii) To charge reasonable fees for participating in an
796 extracurricular activity for academic or nonacademic credit for
797 necessary and required equipment such as safety equipment, band
798 instruments and uniforms;

799 (jj) To conduct or participate in any fund-raising
800 activities on behalf of or in connection with a tax-exempt
801 charitable organization;



802 (kk) To exercise such powers as may be reasonably
803 necessary to carry out the provisions of this section;

804 (ll) To expend funds for the services of nonprofit arts
805 organizations or other such nonprofit organizations who provide
806 performances or other services for the students of the school
807 district;

808 (mm) To expend federal No Child Left Behind Act funds,
809 or any other available funds that are expressly designated and
810 authorized for that use, to pay training, educational expenses,
811 salary incentives and salary supplements to employees of local
812 school districts; except that incentives shall not be considered
813 part of the local supplement as defined in Section 37-151-5(o),
814 nor shall incentives be considered part of the local supplement
815 paid to an individual teacher for the purposes of Section
816 37-19-7(1). Mississippi Adequate Education Program funds or any
817 other state funds may not be used for salary incentives or salary
818 supplements as provided in this paragraph (mm);

819 (nn) To use any available funds, not appropriated or
820 designated for any other purpose, for reimbursement to the
821 state-licensed employees from both in state and out of state, who
822 enter into a contract for employment in a school district, for the
823 expense of moving when the employment necessitates the relocation
824 of the licensed employee to a different geographical area than
825 that in which the licensed employee resides before entering into
826 the contract. The reimbursement shall not exceed One Thousand



827 Dollars (\$1,000.00) for the documented actual expenses incurred in
828 the course of relocating, including the expense of any
829 professional moving company or persons employed to assist with the
830 move, rented moving vehicles or equipment, mileage in the amount
831 authorized for county and municipal employees under Section
832 25-3-41 if the licensed employee used his personal vehicle or
833 vehicles for the move, meals and such other expenses associated
834 with the relocation. No licensed employee may be reimbursed for
835 moving expenses under this section on more than one (1) occasion
836 by the same school district. Nothing in this section shall be
837 construed to require the actual residence to which the licensed
838 employee relocates to be within the boundaries of the school
839 district that has executed a contract for employment in order for
840 the licensed employee to be eligible for reimbursement for the
841 moving expenses. However, the licensed employee must relocate
842 within the boundaries of the State of Mississippi. Any individual
843 receiving relocation assistance through the Critical Teacher
844 Shortage Act as provided in Section 37-159-5 shall not be eligible
845 to receive additional relocation funds as authorized in this
846 paragraph;

847 (oo) To use any available funds, not appropriated or
848 designated for any other purpose, to reimburse persons who
849 interview for employment as a licensed employee with the district
850 for the mileage and other actual expenses incurred in the course



851 of travel to and from the interview at the rate authorized for
852 county and municipal employees under Section 25-3-41;

853 (pp) Consistent with the report of the Task Force to
854 Conduct a Best Financial Management Practices Review, to improve
855 school district management and use of resources and identify cost
856 savings as established in Section 8 of Chapter 610, Laws of 2002,
857 local school boards are encouraged to conduct independent reviews
858 of the management and efficiency of schools and school districts.
859 Such management and efficiency reviews shall provide state and
860 local officials and the public with the following:

861 (i) An assessment of a school district's
862 governance and organizational structure;

863 (ii) An assessment of the school district's
864 financial and personnel management;

865 (iii) An assessment of revenue levels and sources;

866 (iv) An assessment of facilities utilization,
867 planning and maintenance;

868 (v) An assessment of food services, transportation
869 and safety/security systems;

870 (vi) An assessment of instructional and
871 administrative technology;

872 (vii) A review of the instructional management and
873 the efficiency and effectiveness of existing instructional
874 programs; and



875 (viii) Recommended methods for increasing
876 efficiency and effectiveness in providing educational services to
877 the public;

878 (qq) To enter into agreements with other local school
879 boards for the establishment of an educational service agency
880 (ESA) to provide for the cooperative needs of the region in which
881 the school district is located, as provided in Section 37-7-345;

882 (rr) To implement a financial literacy program for
883 students in Grades 10 and 11. The board may review the national
884 programs and obtain free literature from various nationally
885 recognized programs. After review of the different programs, the
886 board may certify a program that is most appropriate for the
887 school districts' needs. If a district implements a financial
888 literacy program, then any student in Grade 10 or 11 may
889 participate in the program. The financial literacy program shall
890 include, but is not limited to, instruction in the same areas of
891 personal business and finance as required under Section
892 37-1-3(2) (b). The school board may coordinate with volunteer
893 teachers from local community organizations, including, but not
894 limited to, the following: United States Department of
895 Agriculture Rural Development, United States Department of Housing
896 and Urban Development, Junior Achievement, bankers and other
897 nonprofit organizations. Nothing in this paragraph shall be
898 construed as to require school boards to implement a financial
899 literacy program;



900 (ss) To collaborate with the State Board of Education,
901 Community Action Agencies or the Department of Human Services to
902 develop and implement a voluntary program to provide services for
903 a prekindergarten program that addresses the cognitive, social,
904 and emotional needs of four-year-old and three-year-old children.
905 The school board may utilize any source of available revenue to
906 fund the voluntary program * * *Effective with the 2013-2014
907 school year, to implement voluntary prekindergarten programs under
908 the Early Learning Collaborative Act of 2013 pursuant to state
909 funds awarded by the State Department of Education on a matching
910 basis;

911 (tt) With respect to any lawful, written obligation of
912 a school district, including, but not limited to, leases
913 (excluding leases of sixteenth section public school trust land),
914 bonds, notes, or other agreement, to agree in writing with the
915 obligee that the Department of Revenue or any state agency,
916 department or commission created under state law may:

917 (i) Withhold all or any part (as agreed by the
918 school board) of any monies which such local school board is
919 entitled to receive from time to time under any law and which is
920 in the possession of the Department of Revenue, or any state
921 agency, department or commission created under state law; and

922 (ii) Pay the same over to any financial
923 institution, trustee or other obligee, as directed in writing by



924 the school board, to satisfy all or part of such obligation of the
925 school district.

926 The school board may make such written agreement to withhold
927 and transfer funds irrevocable for the term of the written
928 obligation and may include in the written agreement any other
929 terms and provisions acceptable to the school board. If the
930 school board files a copy of such written agreement with the
931 Department of Revenue, or any state agency, department or
932 commission created under state law then the Department of Revenue
933 or any state agency, department or commission created under state
934 law shall immediately make the withholdings provided in such
935 agreement from the amounts due the local school board and shall
936 continue to pay the same over to such financial institution,
937 trustee or obligee for the term of the agreement.

938 This paragraph (tt) shall not grant any extra authority to a
939 school board to issue debt in any amount exceeding statutory
940 limitations on assessed value of taxable property within such
941 school district or the statutory limitations on debt maturities,
942 and shall not grant any extra authority to impose, levy or collect
943 a tax which is not otherwise expressly provided for, and shall not
944 be construed to apply to sixteenth section public school trust
945 land;

946 (uu) With respect to any matter or transaction that is
947 competitively bid by a school district, to accept from any bidder
948 as a good-faith deposit or bid bond or bid surety, the same type



949 of good-faith deposit or bid bond or bid surety that may be
950 accepted by the state or any other political subdivision on
951 similar competitively bid matters or transactions. This paragraph
952 (uu) shall not be construed to apply to sixteenth section public
953 school trust land. The school board may authorize the investment
954 of any school district funds in the same kind and manner of
955 investments, including pooled investments, as any other political
956 subdivision, including community hospitals;

957 (vv) To utilize the alternate method for the conveyance
958 or exchange of unused school buildings and/or land, reserving a
959 partial or other undivided interest in the property, as
960 specifically authorized and provided in Section 37-7-485,
961 Mississippi Code of 1972;

962 (ww) To delegate, privatize or otherwise enter into a
963 contract with private entities for the operation of any and all
964 functions of nonacademic school process, procedures and operations
965 including, but not limited to, cafeteria workers, janitorial
966 services, transportation, professional development, achievement
967 and instructional consulting services materials and products,
968 purchasing cooperatives, insurance, business manager services,
969 auditing and accounting services, school safety/risk prevention,
970 data processing and student records, and other staff services;
971 however, the authority under this paragraph does not apply to the
972 leasing, management or operation of sixteenth section lands.
973 Local school districts, working through their regional education



974 service agency, are encouraged to enter into buying consortia with
975 other member districts for the purposes of more efficient use of
976 state resources as described in Section 37-7-345;

977 (xx) To partner with entities, organizations and
978 corporations for the purpose of benefiting the school district;

979 (yy) To borrow funds from the Rural Economic
980 Development Authority for the maintenance of school buildings;

981 (zz) To fund and operate voluntary early childhood
982 education programs, defined as programs for children less than
983 five (5) years of age on or before September 1, and to use any
984 source of revenue for such early childhood education programs.
985 Such programs shall not conflict with the Early Learning
986 Collaborative Act of * * * ~~2007~~2013;

987 (aaa) To issue and provide for the use of procurement
988 cards by school board members, superintendents and licensed school
989 personnel consistent with the rules and regulations of the
990 Mississippi Department of Finance and Administration under Section
991 31-7-9; and

992 (bbb) To conduct an annual comprehensive evaluation of
993 the superintendent of schools consistent with the assessment
994 components of paragraph (pp) of this section and the assessment
995 benchmarks established by the Mississippi School Board Association
996 to evaluate the success the superintendent has attained in meeting
997 district goals and objectives, the superintendent's leadership
998 skill and whether or not the superintendent has established



999 appropriate standards for performance, is monitoring success and
1000 is using data for improvement.

1001 **SECTION 4.** Section 37-21-3, Mississippi Code of 1972, is
1002 amended as follows:

1003 37-21-3. No person shall act in the capacity of master
1004 teacher, teacher or assistant teacher * * * ~~or teacher's aide~~ in
1005 any federal or state-funded program of early childhood education
1006 or * * * "~~Headstart~~Head Start," or perform any of the functions,
1007 duties or powers of the same, unless that person shall be
1008 qualified in the following manner:

1009 (a) A * * * ~~head~~ master teacher or any other employee
1010 or consultant receiving a salary or fee equivalent to that of
1011 a * * * ~~head~~ master teacher * * * ~~shall~~ * * * ~~possess a college~~
1012 ~~degree or its equivalent~~ meet the qualifications of a teacher in
1013 this section, including the requirement that a teacher may be
1014 required to hold a state teaching license by the State Department
1015 of Education, and have demonstrated effectiveness as an early
1016 childhood educator. Effectiveness as an early childhood educator
1017 may be demonstrated by a rating of highly effective on a state or
1018 national evaluation of teaching or with evidence that the teacher
1019 has a record of raising the achievement outcomes of
1020 prekindergarten students.

1021 (b) A teacher shall possess a * * * ~~full junior college~~
1022 ~~or two (2) years of college education or its equivalent~~ bachelor's
1023 degree in early childhood education, child development, or an



1024 equivalent field; or a bachelor's degree in any field and have a
1025 passing score on a national examination of content knowledge
1026 relevant to prekindergarten or early literacy. Public school
1027 teachers in the voluntary prekindergarten program established by
1028 the Early Learning Collaborative Act of 2013 may also be required
1029 by the State Department of Education to hold a state teaching
1030 license in early childhood education or equivalent field.

1031 (c) An assistant teacher shall possess * * * ~~a high~~
1032 ~~school diploma or its equivalent~~ an associate's degree in early
1033 childhood education, child development, or an equivalent field; or
1034 an associate's degree in any field and a Child Development
1035 Associate credential, a Montessori certification, or an equivalent
1036 certification. Public school assistant teachers in the voluntary
1037 prekindergarten program established by the Early Learning
1038 Collaborative Act of 2013 may be required by the State Department
1039 of Education to meet the definition of a highly qualified
1040 paraprofessional in addition to these requirements.

1041 * * * ~~————— (d) A teacher's aide shall possess an eighth-grade~~
1042 ~~education or its equivalent.~~

1043 The State Department of Education shall adopt any necessary
1044 rules, policies or procedures to implement this section.

1045 **SECTION 5.** Section 37-21-5, Mississippi Code of 1972, is
1046 amended as follows:

1047 37-21-5. The * * * ~~division of economic opportunity State~~
1048 Department of Education of the State of Mississippi is vested with



1049 the authority to enforce the provisions of Sections 37-21-1
1050 through 37-21-5. The * * * ~~division~~ department shall have the
1051 authority to make investigations and to require such proof of
1052 qualification as may be necessary for the enforcement of Sections
1053 37-21-1 through 37-21-5. * * * ~~Persons serving in any of the~~
1054 ~~positions set forth in Section 37-21-3 on July 1, 1970, shall~~
1055 ~~present proof of their qualifications to the said division of~~
1056 ~~economic opportunity no later than September 1, 1970. The said~~
1057 ~~division of economic opportunity shall have the authority for good~~
1058 ~~cause to grant to any person applying therefor a waiver of the~~
1059 ~~qualification requirements set forth in Section 37-21-3. However,~~
1060 ~~no such waiver may be granted for a period of time in excess of~~
1061 ~~sixty calendar days during any calendar year.~~

1062 **SECTION 6.** This section shall be codified in Title 27,
1063 Chapter 7 of the Mississippi Code of 1972, as follows:

1064 (1) There shall be allowed as a credit against the tax
1065 imposed by Section 27-7-5 the amount of the qualified
1066 prekindergarten program support contributions paid to approved
1067 providers, lead partners or collaboratives, not to exceed One
1068 Million Dollars (\$1,000,000.00), by any individual, corporation or
1069 other entity having taxable income under the laws of this state
1070 during calendar year 2013 or during any calendar year thereafter.
1071 In order to qualify for a tax credit, such contributions shall
1072 support the local match requirement of approved providers, lead
1073 partners or collaboratives as is necessary to match



1074 state-appropriated funds, and any such providers, lead partners or
1075 collaboratives shall be approved by the State Department of
1076 Education.

1077 (2) Any unused portion of the credit may be carried forward
1078 for three (3) tax years.

1079 (3) Any prekindergarten program support contribution shall
1080 be verified by submission to the Mississippi Department of Revenue
1081 of a copy of the receipt provided to the donor taxpayer by the
1082 prekindergarten program recipient or such other written
1083 verification as may be required by the Department of Revenue.

1084 (4) The maximum amount of donations accepted by the
1085 Department of Revenue in calendar year 2014 shall not exceed Eight
1086 Million Dollars (\$8,000,000.00), in calendar year 2015 shall not
1087 exceed Fifteen Million Dollars (\$15,000,000.00), and in calendar
1088 year 2016 and calendar years thereafter shall not exceed
1089 Thirty-two Million Dollars (\$32,000,000.00).

1090 (5) The Mississippi Department of Revenue shall promulgate
1091 rules necessary to effectuate the purposes of this act. Such
1092 rules shall include a means of informing the public of the
1093 existence of the prekindergarten support program and the
1094 application process for provider, lead partner and collaborative
1095 candidates.

1096 **SECTION 7.** Section 37-21-55, Mississippi Code of 1972, which
1097 establishes the Early Childhood Services Advisory Committee, is
1098 hereby repealed.



1099 **SECTION 8.** This act shall take effect and be in force from
1100 and after July 1, 2013.

