

By: Representative Barker

To: Education;
Appropriations

HOUSE BILL NO. 781
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF EDUCATION TO
3 IMPLEMENT A PREKINDERGARTEN PROGRAM IN THE STATE OF MISSISSIPPI ON
4 A PHASED-IN SCHOLARSHIP BASIS; TO TRANSFER THE DUTIES AND
5 RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES RELATIVE TO
6 THE "EARLY LEARNING COLLABORATIVE ACT OF 2013" TO THE STATE
7 DEPARTMENT OF EDUCATION, TO REDESIGNATE THE PREKINDERGARTEN
8 PROGRAM AS THE "EARLY LEARNING 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 ACT OF 2013"
16 PURSUANT TO FEDERAL LAW; TO AMEND SECTIONS 37-21-3 AND 37-21-5,
17 MISSISSIPPI CODE OF 1972, TO PROVIDE QUALIFICATIONS FOR CERTAIN
18 EDUCATION PERSONNEL; TO REPEAL SECTION 37-21-55, MISSISSIPPI CODE
19 OF 1972, WHICH ESTABLISHES THE EARLY CHILDHOOD SERVICES ADVISORY
20 COMMITTEE; AND FOR RELATED PURPOSES.

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

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

24 37-21-51. (1) As used in * * * Section 37-21-51 * * *:

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



28 (b) An "early learning collaborative council" is a
29 district or countywide council that writes and submits an
30 application to participate in the voluntary prekindergarten
31 program. An early learning collaborative council is comprised, at
32 a minimum, of a public school district and one or more licensed
33 child care centers. Agencies or other organizations that work
34 with young children and their families may also participate in the
35 council to provide resources and coordination even if those
36 agencies or organizations are not prekindergarten providers.

37 (c) A "prekindergarten provider" is a licensed
38 childcare center that serves prekindergarten children and
39 participates in the voluntary prekindergarten program.

40 (d) A "lead partner" is a public school district or
41 other nonprofit entity with the instructional expertise and
42 operational capacity to manage the early learning collaborative
43 council's prekindergarten program as described in the
44 collaborative's approved application. The early learning
45 collaborative council serves as the fiscal agent for the
46 prekindergarten program in the council's geographic catchment area
47 and will disburse awarded amounts according to the council's
48 application. The lead partner must facilitate a professional
49 learning community for the teachers in the prekindergarten
50 program, and lead the collaborative council. The lead partner
51 ensures that the collaborative council adopts curriculum and
52 assessments that align with state standards. The lead partner



53 also guarantees that the curriculum and assessments are used
54 uniformly across the collaborative.

55 (e) "Comprehensive early learning standards" are
56 standards adopted by the State Board of Education that address the
57 fundamental domains of early learning identified to include, but
58 not be limited to, physical well-being and motor development,
59 social/emotional development, approaches toward learning, language
60 development and cognition and general knowledge. The
61 comprehensive early learning standards shall also include
62 standards for emergent literacy skills, including oral
63 communication, knowledge of print and letters, phonological and
64 phonemic awareness, and vocabulary and comprehension development.

65 (f) A "research-based curriculum" is an age-appropriate
66 curriculum that not only is based on the findings of current
67 research and has been found to be effective in improving student
68 learning based on the results of rigorous evaluations.

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

72 (a) Parents have the primary duty to educate their
73 young preschool children;

74 (b) The State of Mississippi can assist and educate
75 parents in their role as the primary caregivers and educators of
76 young preschool children; and



77 (c) There is a need to explore innovative approaches
78 and strategies for aiding parents and families in the education
79 and development of young preschool children.

80 (3) (a) This subsection shall be known and may be cited as
81 the "Early Learning * * * Act of * * * 2013."

82 (b) Effective with the 2013-2014 school year, the
83 Mississippi State Department of * * * Education shall * * *
84 establish a voluntary * * * prekindergarten program, which shall
85 be a collaboration among the entities providing prekindergarten
86 programs including Head Start, licensed child care facilities and
87 licensed public, parochial and private school prekindergarten
88 programs. * * * This program shall be implemented no later than
89 the 2014-2015 school year. Under this program, eligible entities
90 may submit an application for funds to (i) defray the cost of
91 additional and/or more qualified teaching staff, appropriate
92 educational materials and equipment and to improve the quality of
93 educational experiences offered to four-year-old children in * * *
94 early care and education programs, and/or to (ii) extend
95 developmentally appropriate education services at such * * *
96 programs currently serving four-year-old children to include
97 practices of high quality instruction, and to (iii) administer,
98 implement, monitor and evaluate the programs. * * *

99 (c) Subject to the availability of funds appropriated
100 therefor, or the availability of funds from any Early Care and
101 Education Fund established by the Legislature in the 2013 Session,



102 the State Department of * * * Education shall * * * administer the
103 implementation, monitoring and evaluation of the voluntary
104 prekindergarten program, including awards and the application
105 process.

106 (i) The department shall establish a rigorous and
107 transparent application process for the awarding of funds. Lead
108 partners shall submit the applications on behalf of their early
109 learning collaborative.

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

113 (iii) The department will provide technical
114 assistance to collaboratives and their providers to improve the
115 quality of prekindergarten programs.

116 (iv) The department will evaluate the
117 effectiveness of each early childhood collaborative and each
118 prekindergarten provider. If the State Department of Education
119 adopts a statewide kindergarten screening that assesses the
120 readiness of each student for kindergarten, the State Department
121 of Education shall adopt a minimum rate of readiness that each
122 prekindergarten provider must meet in order to remain eligible for
123 prekindergarten program funds. Each parent who enrolls his or her
124 child in the prekindergarten program must submit the child for the
125 statewide kindergarten screening, regardless of whether the child
126 is admitted to kindergarten in a public school.



127 (d) The * * * prekindergarten program * * * funds shall
128 be awarded to * * * early childhood learning collaboratives whose
129 proposed programs meet the program criteria. The criteria * * *
130 shall include, but not be limited to:

131 (i) Voluntary enrollment of children; * * *
132 (ii) Collaboration with prekindergarten providers
133 and other early childhood programs through the establishment of an
134 early learning collaborative council;

135 (iii) Qualifications of master teachers, teachers
136 and assistants, which must conform to guidelines in Section
137 37-21-3;

138 (iv) The use of state-adopted comprehensive early
139 learning standards;

140 (v) The use of a research-based curriculum that is
141 designed to prepare students to be ready for kindergarten, with
142 emphasis in early literacy, and is aligned with the comprehensive
143 early learning standards;

144 (vi) The use of age-appropriate assessments
145 aligned to the comprehensive early learning standards;

146 (vii) Plans to screen and/or refer children for
147 vision, hearing and other health issues;

148 (viii) Parent involvement opportunities;

149 (ix) Plans to serve children with disabilities as
150 indicated under IDEA;



151 (x) A budget detailing the use of funds for
152 allowed expenses; and

153 (xi) The number of instructional hours to be
154 provided, which shall equal no less than five hundred forty (540)
155 hours per school year for half-day programs and one thousand
156 eighty (1,080) instructional hours per school year for full-day
157 programs.

158 Participating childcare centers shall meet state child care
159 facility licensure requirements and each local childhood
160 collaborative council applying for funding shall select a
161 nationally recognized assessment tool designed to document child
162 learning outcomes, which shall be the only additional measure of
163 program quality allowable under the provisions of this act.

164 Within the prekindergarten program, a prekindergarten
165 provider must comply with the antidiscrimination requirements
166 applicable to public schools. A prekindergarten provider may not
167 discriminate against a parent or child, including the refusal to
168 admit a child for enrollment in the prekindergarten program, in
169 violation of these antidiscrimination requirements. However, a
170 prekindergarten provider may refuse to admit a child based on the
171 provider's standard eligibility guidelines, provided that these
172 guidelines do not violate the antidiscrimination requirements.
173 Consistent with the Legislature's recognition of the primacy of a
174 parent's roll in the education of a preschool-age child and the
175 related recognition of the state in assisting and educating



176 parents in that role, if the State Department of Education adopts
177 a statewide kindergarten screening that assesses the readiness of
178 each student for kindergarten, the State Department of Education
179 shall recognize each child's unique pattern of development when
180 adopting a minimum rate of readiness that prekindergarten
181 providers must meet in order to remain eligible for
182 prekindergarten program funds. Each parent who enrolls his or her
183 child in the prekindergarten program may submit the child for the
184 statewide kindergarten screening, regardless of whether the child
185 is admitted to kindergarten in a public school.

186 The State Department of Education may add program criteria
187 not inconsistent with these requirements and shall develop
188 policies and procedures to implement and enforce these criteria.

189 (e) The State Department of Education shall ensure that
190 early learning collaborative councils provide each parent
191 enrolling a child in the voluntary prekindergarten program with a
192 profile of every prekindergarten provider participating in the
193 council's geographic catchment area. The State Department of
194 Education shall prescribe the information to be included in each
195 profile as well as the format of the profiles. At a minimum, the
196 profiles must include the prekindergarten provider's services,
197 curriculum, instructor credentials and instructor-to-student
198 ratio.

199 * * *



200 (* * *f) * * * A teacher, assistant teacher or other
201 employee whose salary and fringe benefits are paid from * * *
202 state funds under this act shall * * * only be * * * classified as
203 a state or local school district * * * employee * * * eligible for
204 state health insurance benefits or membership in the Public
205 Employees' Retirement System, if the person's employer is already
206 an agency or instrumentality of the state, such as a school
207 district, and the employee would be eligible for such benefits in
208 the normal course of business.

209 (* * *g) * * * Funding shall be provided * * * for
210 this program beginning with the * * * 2015 fiscal year subject to
211 appropriation by the Legislature as provided in paragraph (g) of
212 this subsection. The department shall make an annual report to
213 the Legislature and the Governor regarding the effectiveness of
214 the program. The PEER Committee shall review those reports and
215 other program data and submit an independent evaluation of program
216 operation and effectiveness to the Legislature and the Governor on
217 or before October 1 of the calendar year before the beginning of
218 the next phased-in period of funding.

219 (* * *h) (i) The Legislature shall appropriate funds
220 to implement the Early Education Act of 2013 on a phased-in basis
221 with the first phase based on a state appropriation of not less
222 than Two Million Dollars (\$2,000,000.00).

223 (ii) Future phases shall be based on interest in
224 the program and the effectiveness of the program. Each phase



225 shall last for at least three (3) years but no more than five (5)
226 years. Funding will be provided to early learning collaborative
227 councils on the basis of Two Thousand Dollars (\$2,000.00) per
228 student proposed in the council's application for funding.

229 (iii) Funding will be provided to early learning
230 collaboratives on the basis of Two Thousand One Hundred Fifty
231 Dollars (\$2,150.00) per student in a full-day program and One
232 Thousand Seventy-five Dollars (\$1,075.00) per student in a
233 half-day program proposed in the collaborative's approved
234 application. Once an early learning collaborative's plan is
235 approved and funded, the collaborative and/or its prekindergarten
236 providers shall receive funds on an ongoing basis unless the
237 collaborative and/or its prekindergarten providers no longer meet
238 the criteria to participate in the program.

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

245 (v) The State Department of Education shall
246 reserve no more than five percent (5%) of the appropriation in any
247 year for administrative costs. Funds remaining after awards to
248 early learning collaboratives and the department's administrative
249 needs are met may be carried over in the following year.



250 (vi) In the initial phase of implementation, the
251 State Department of Education shall award state funds under the
252 Early Learning Collaborative Act of 2013 only to sites with
253 evidence of existing strong local collaborations of early
254 education stakeholders interested in the improvement of
255 prekindergarten options. Such evidence may include collaborations
256 resulting from participation in Excel By 5, Supporting
257 Partnerships to Assure Ready Kids (SPARK), the Gilmore Early
258 Learning Initiative (GELI), or other similar community-wide
259 collaboration efforts. Partnerships between local collaborations
260 or their stakeholders and other capacity-building programs such as
261 Mississippi Building Blocks or the Mississippi Department of Human
262 Services' Allies for Quality Care may be considered as evidence of
263 a local collaboration's commitment to prekindergarten and the
264 improvement of local options. In determining community need, the
265 department shall consider low academic achievement within the
266 public school districts participating in an applicant early
267 learning collaborative and the number and percentage of children
268 without quality prekindergarten options.

269 (vii) All authority granted to the State
270 Department of Education to establish program rules is subject to
271 the public processes established in the provisions of the
272 Mississippi Administrative Procedures Law, including, but not
273 limited to, filing notice of the proposed rules, public hearings
274 and any economic impact statement with the Office of the Secretary



275 of State before presenting such information to the State Board of
276 Education for final approval.

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

279 37-21-53. (1) The * * * State Early Childhood Advisory
280 Council (SECAC) is created for the following purposes:

281 (a) To assist the State Department of Education with
282 the implementation of the Early Learning Act of 2013;

283 (b) To ensure coordination among the various agencies
284 and programs serving preschool children in order to support school
285 district's efforts to achieve the goal of readiness to start
286 school * * *;

287 (c) To facilitate communication, cooperation and
288 maximum use of resources and to promote high standards for all
289 programs serving preschool children and their families in
290 Mississippi * * *, and

291 (d) To serve as the designated council for early
292 childhood education and care pursuant to federal Public Law
293 110-134.

294 (2) The membership of the * * * State Early Childhood
295 Advisory Council (SECAC) in accordance with Public Law 110-134,
296 shall include, to the extent possible:

297 (a) * * * A representative of the Mississippi
298 Department of Human Services;



- 299 (b) * * * A representative of the Mississippi
300 Department of Education;
- 301 (c) * * * A representative of local educational
302 agencies;
- 303 (d) * * * A representative of Mississippi Institutions
304 of Higher Education;
- 305 (e) * * * A representative of local providers of early
306 childhood education and care services from each congressional
307 district;
- 308 (* * *f) * * * The Part C Coordinator and/or the
309 Section 619 Coordinator of programs under the Individuals with
310 Disabilities Education Act (20 USC 1419, 1431 et seq.);
- 311 (* * *g) * * * A representative of the Mississippi
312 Department of Health;
- 313 (h) A representative of the Mississippi Department of
314 Mental Health;
- 315 (i) Representatives of other entities deemed relevant
316 by the Governor;
- 317 (j) A representative of the Mississippi Head Start
318 Association.

319 However, no individual who is presently or who has previously
320 received any grant, donation or who has been the recipient of any
321 pecuniary benefit from any organization or entity prescribed in
322 this subsection shall be eligible to serve on the State Early
323 Childhood Advisory Council.



324 (3) The council shall meet upon call of the Governor * * *
325 and shall organize for business by selecting a chairman, who shall
326 serve for a one-year term and may be selected for subsequent
327 terms. The council shall adopt internal organizational procedures
328 necessary for efficient operation of the council. Council
329 procedures must include duties of officers, a process for
330 selecting officers, quorum requirements for conducting business
331 and policies for any council staff. Each member of the council
332 shall designate necessary staff of their departments to assist the
333 council in performing its duties and responsibilities. The
334 council shall meet and conduct business at least twice annually.
335 Meetings of the council must be open to the public, and
336 opportunity for public comment must be made available at each
337 meeting. The chairman of the council shall notify all persons who
338 request such notice as to the date, time and place of each
339 meeting.

340 (4) The * * * State Early Childhood Advisory Council (SECAC)
341 shall perform each of the following duties:

342 (a) * * * Build on the existing early care and
343 education system and to develop a strong infrastructure supporting
344 collaboration, coordination and equitable access to quality
345 services and supports;

346 (b) * * * Carry out the duties and functions specified
347 in Public Law 110-134, including:



348 (i) Periodically conducting a statewide needs
349 assessment concerning the quality and availability of early
350 childhood education and development programs and services for
351 children from birth to school entry, including assessing the
352 availability of high-quality prekindergarten services for
353 low-income children in Mississippi;

354 (ii) Identifying opportunities for, and barriers
355 to, collaboration and coordination among state-funded child
356 development, child care, and early childhood education programs
357 and services, including collaboration and coordination among state
358 agencies responsible for administering such programs;

359 (iii) Developing recommendations for increasing
360 the overall participation of children in existing state and local
361 child care and early childhood education programs, including
362 outreach to underrepresented and special populations;

363 (iv) Developing recommendations regarding the
364 establishment of a unified data collection system for early
365 childhood education and development programs and services
366 throughout Mississippi;

367 (v) Developing recommendations regarding statewide
368 professional development and career advancement plans for early
369 childhood educators in Mississippi;

370 (vi) Assess the capacity and effectiveness of two-
371 and four-year public and private institutions of higher education
372 in Mississippi toward supporting the development of early



373 childhood educators, including the extent to which such
374 institutions have in place articulation agreements, professional
375 development and career advancement plans, and practice or
376 internships for students to spend time in a prekindergarten
377 program; and

378 (vii) Make recommendations for improvements in the
379 State Early Learning Guidelines and undertake efforts to develop
380 high quality comprehensive early learning standards, as
381 appropriate;

382 (c) * * * Hold public hearings and/or provide
383 opportunities for public comment on the activities described above
384 in accordance with Public Law 110-134;

385 (d) * * * Submit a statewide strategic report
386 addressing council activities to the Governor, in accordance with
387 Public Law 110-134; and

388 (e) * * * Meet periodically to review the
389 implementation of recommendations contained in the statewide
390 strategic report and to address any changes in state and local
391 needs, in accordance with Public Law 110-134.

392 * * *

393 **SECTION 3.** Section 37-21-3, Mississippi Code of 1972, is
394 amended as follows:

395 37-21-3. No person shall act in the capacity of master
396 teacher, teacher or assistant teacher * * * in any federal or
397 state-funded program of early childhood education * * * or perform



398 any of the functions, duties or powers of the same, unless that
399 person shall be qualified in the following manner:

400 (a) A * * * master teacher or any other employee or
401 consultant receiving a salary or fee equivalent to that of a * * *
402 master teacher * * * shall * * * meet the qualifications of a
403 teacher in this section and have demonstrated effectiveness as an
404 early childhood educator.

405 (b) A teacher shall possess a * * * bachelor's degree
406 in early childhood education, child development, or an equivalent
407 field. Teachers in the state prekindergarten program who are
408 employed by public school districts may also be required to hold a
409 state teaching license in early childhood education or equivalent
410 field.

411 (c) An assistant teacher shall possess * * * an
412 associate's degree in early childhood education, child
413 development, or an equivalent field; or an associate's degree in
414 any field and a child development associate credential, a
415 Montessori certification, or an equivalent certification.
416 Assistant teachers in the state prekindergarten program who are
417 employed by public school districts may be required to meet the
418 definition of a highly qualified paraprofessional in addition to
419 these requirements.

420 * * *

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



423 **SECTION 4.** Section 37-21-5, Mississippi Code of 1972, is
424 amended as follows:

425 37-21-5. The * * * State Department of Education of the
426 State of Mississippi is vested with the authority to enforce the
427 provisions of Sections 37-21-1 through 37-21-5. The * * *
428 department shall have the authority to make investigations and to
429 require such proof of qualification as may be necessary for the
430 enforcement of Sections 37-21-1 through 37-21-5. * * *

431 **SECTION 5.** Section 37-21-55, Mississippi Code of 1972, which
432 establishes the Early Childhood Services Advisory Committee, is
433 hereby repealed.

434 **SECTION 6.** This act shall take effect and be in force from
435 and after July 1, 2013.

