

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2395: Prekindergarten programs; to be implemented by the State Department of Education on a phased-in basis.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

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

27           37-21-51. (1) As used in \* \* \* Section 37-21-51 \* \* \*:

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

31           (b) An "early learning collaborative" is a district or  
32 countywide council that writes and submits an application to  
33 participate in the voluntary prekindergarten program. An early  
34 learning collaborative is comprised, at a minimum, of a public  
35 school district and/or a local Head Start affiliate if in  
36 existence, private or parochial schools, or one or more licensed  
37 child care centers. Agencies or other organizations that work  
38 with young children and their families may also participate in the



39 collaborative to provide resources and coordination even if those  
40 agencies or organizations are not prekindergarten providers.

41 (c) A "prekindergarten provider" is a public, private  
42 or parochial school, licensed child care center or Head Start  
43 center that serves prekindergarten children and participates in  
44 the voluntary prekindergarten program.

45 (d) A "lead partner" is a public school district or  
46 other nonprofit entity with the instructional expertise and  
47 operational capacity to manage the early learning collaborative's  
48 prekindergarten program as described in the collaborative's  
49 approved application for funds. The lead partner serves as the  
50 fiscal agent for the collaborative and shall disburse awarded  
51 funds in accordance with the collaborative's approved application.  
52 The lead partner must facilitate a professional learning community  
53 for the teachers in the prekindergarten program and lead the  
54 collaborative. The lead partner ensures that the collaborative  
55 adopts and implements curriculum and assessments that align with  
56 the comprehensive early learning standards. The public school  
57 district shall be the lead partner if no other qualifying lead  
58 partner is selected.

59 (e) "Comprehensive early learning standards" are  
60 standards adopted by the State Board of Education that address the  
61 highest level of fundamental domains of early learning to include,  
62 but not be limited to, physical well-being and motor development,  
63 social/emotional development, approaches toward learning, language



64 development and cognition and general knowledge. The  
65 comprehensive early learning standards shall also include  
66 standards for emergent literacy skills, including oral  
67 communication, knowledge of print and letters, phonological and  
68 phonemic awareness, and vocabulary and comprehension development.

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

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

75 (a) Parents have the primary duty to educate their  
76 young preschool children;

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

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

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

86 (3) (a) This subsection shall be known and may be cited as  
87 the "Early Learning Collaborative Act of \* \* \* 2013."



88                   (b) Effective with the 2013-2014 school year, the  
89 Mississippi State Department of \* \* \* Education shall \* \* \*  
90 establish a voluntary \* \* \* prekindergarten program, which shall  
91 be a collaboration among the entities providing prekindergarten  
92 programs including Head Start, licensed child care facilities and  
93 licensed public, parochial and private school prekindergarten  
94 programs. This program shall be implemented no later than the  
95 2014-2015 school year. Enrollment in the \* \* \* prekindergarten  
96 program shall be coordinated with the Head Start agencies in the  
97 local areas and shall not be permitted to cause a reduction in  
98 children served by the Head Start program. Under this program,  
99 eligible entities may submit an application for funds to (i)  
100 defray the cost of additional and/or more qualified teaching  
101 staff, appropriate educational materials and equipment and to  
102 improve the quality of educational experiences offered to  
103 four-year-old children in \* \* \* early care and education programs,  
104 and/or to (ii) extend developmentally appropriate education  
105 services at such \* \* \* programs currently serving four-year-old  
106 children to include practices of high quality instruction, and to  
107 (iii) administer, implement, monitor and evaluate the programs,  
108 and to (iv) defray the cost of professional development and  
109 age-appropriate child assessment. \* \* \*

110                   (c) Subject to the availability of funds appropriated  
111 therefor, the State Department of \* \* \* Education shall \* \* \*  
112 administer the implementation, monitoring and evaluation of the



113 voluntary prekindergarten program, including awards and the  
114 application process.

115 (i) The department shall establish a rigorous and  
116 transparent application process for the awarding of funds. Lead  
117 partners shall submit the applications on behalf of their early  
118 learning collaborative.

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

122 (iii) The department will provide technical  
123 assistance to collaboratives and their providers to improve the  
124 quality of prekindergarten programs.

125 (iv) The department will evaluate the  
126 effectiveness of each early childhood collaborative and each  
127 prekindergarten provider. If the State Department of Education  
128 adopts a statewide kindergarten screening that assesses the  
129 readiness of each student for kindergarten, the State Department  
130 of Education shall adopt a minimum rate of readiness that each  
131 prekindergarten provider must meet in order to remain eligible for  
132 prekindergarten program funds. Each parent who enrolls his or her  
133 child in the prekindergarten program must submit the child for the  
134 statewide kindergarten screening, regardless of whether the child  
135 is admitted to kindergarten in a public school.



136 (d) \* \* \* Prekindergarten program funds shall be  
137 awarded to early childhood collaboratives whose proposed programs  
138 meet the program criteria. The criteria shall include:  
139 (i) Voluntary enrollment of children; \* \* \*  
140 (ii) Collaboration among prekindergarten providers  
141 and other early childhood programs through the establishment of an  
142 early learning collaborative;  
143 (iii) Qualifications of master teachers, teachers  
144 and assistants, which must conform to guidelines in Section  
145 37-21-3;  
146 (iv) At least fifteen (15) hours of annual  
147 professional development for program instructional staff,  
148 including professional development in early literacy;  
149 (v) The use of state-adopted comprehensive early  
150 learning standards;  
151 (vi) The use of a research-based curriculum that  
152 is designed to prepare students to be ready for kindergarten, with  
153 emphasis in early literacy, and is aligned with the comprehensive  
154 early learning standards;  
155 (vii) The use of age-appropriate assessments  
156 aligned to the comprehensive early learning standards;  
157 (viii) Teacher/child ratios of one (1) adult for  
158 every ten (10) children with a maximum of twenty (20) children per  
159 classroom and a minimum of five (5) children per classroom;



160                   (ix) The provision of at least one (1) meal  
161 meeting state and federal nutrition guidelines for young children;  
162                   (x) Plans to screen and/or refer children for  
163 vision, hearing and other health issues;  
164                   (xi) Parent involvement opportunities;  
165                   (xii) Plans to serve children with disabilities as  
166 indicated under IDEA;  
167                   (xiii) The number of instructional hours to be  
168 provided, which shall equal no less than five hundred forty (540)  
169 instructional hours per school year for half-day programs and one  
170 thousand eighty (1,080) instructional hours per school year for  
171 full-day programs; and  
172                   (xiv) A budget detailing the use of funds for  
173 allowed expenses.

174       Participating child care centers shall: (a) meet state child  
175 care facility licensure requirements unless exempted under Section  
176 43-20-5, Mississippi Code of 1972, and (b) select and utilize a  
177 nationally recognized assessment tool, approved by the State  
178 Department of Education, designed to document classroom quality,  
179 which must be in place not later than July 1, 2016, as certified  
180 by the State Department of Education.

181       Within the prekindergarten program, a prekindergarten  
182 provider must comply with the antidiscrimination requirements  
183 applicable to public schools. A prekindergarten provider may not  
184 discriminate against a parent or child, including the refusal to



185 admit a child for enrollment in the prekindergarten program, in  
186 violation of these antidiscrimination requirements. However, a  
187 prekindergarten provider may refuse to admit a child based on the  
188 provider's standard eligibility guidelines, provided that these  
189 guidelines do not violate the antidiscrimination requirements.  
190 Consistent with the Legislature's recognition of the primacy of a  
191 parent's roll in the education of a preschool-age child and the  
192 related recognition of the state in assisting and educating  
193 parents in that role, if the State Department of Education adopts  
194 a statewide kindergarten screening that assesses the readiness of  
195 each student for kindergarten, the State Department of Education  
196 shall recognize each child's unique pattern of development when  
197 adopting a minimum rate of readiness that prekindergarten  
198 providers must meet in order to remain eligible for  
199 prekindergarten program funds. Each parent who enrolls his or her  
200 child in the prekindergarten program may submit the child for the  
201 statewide kindergarten screening, regardless of whether the child  
202 is admitted to kindergarten in a public school.

203 The State Department of Education may add program criteria  
204 not inconsistent with these requirements and shall develop  
205 policies and procedures to implement and enforce these criteria.

206 (e) The State Department of Education shall ensure that  
207 early learning collaboratives provide each parent enrolling a  
208 child in the voluntary prekindergarten program with a profile of  
209 every prekindergarten provider participating in the





210 collaborative's geographic catchment area. The State Department  
211 of Education shall prescribe the information to be included in  
212 each profile as well as the format of the profiles. At a minimum,  
213 the profiles must include the prekindergarten provider's services,  
214 curriculum, instructor credentials and instructor-to-student  
215 ratio.

216 ( \* \* \*f) \* \* \* A teacher, assistant teacher or other  
217 employee whose salary and fringe benefits are paid from \* \* \*  
218 state funds under this act shall \* \* \* only be \* \* \* classified as  
219 a state or local school district \* \* \* employee \* \* \* eligible for  
220 state health insurance benefits or membership in the Public  
221 Employees' Retirement System, if the person's employer is already  
222 an agency or instrumentality of the state, such as a school  
223 district, and the employee would be eligible for such benefits in  
224 the normal course of business.

225 ( \* \* \*g) \* \* \* Funding shall be provided \* \* \* for  
226 this program beginning with the \* \* \* 2014 fiscal year subject to  
227 appropriation by the Legislature as provided in paragraph (h) of  
228 this subsection. The department shall make an annual report to  
229 the Legislature and the Governor regarding the effectiveness of  
230 the program. The PEER Committee shall review those reports and  
231 other program data and submit an independent evaluation of program  
232 operation and effectiveness to the Legislature and the Governor on  
233 or before October 1 of the calendar year before the beginning of  
234 the next phased-in period of funding.



235           ( \* \* \*h) (i) The Legislature shall appropriate funds  
236 to implement the Early Education Collaborative Act of 2013 on a  
237 phased-in basis as follows:

238                     1. The first phase shall be based on an  
239 annual state appropriation of not more than Eight Million Dollars  
240 (\$8,000,000.00) and shall serve approximately three thousand five  
241 hundred (3,500) children through five (5) to eight (8) early  
242 learning collaboratives and their prekindergarten providers;

243                     2. The second phase shall be based on an  
244 annual state appropriation of not more than Sixteen Million  
245 Dollars (\$16,000,000.00) and shall serve approximately seven  
246 thousand (7,000) children through ten (10) to fifteen (15) early  
247 learning collaboratives and their prekindergarten providers;

248                     3. The third phase shall be based on an  
249 annual state appropriation of not more than Thirty-three Million  
250 Nine Hundred Fifty Thousand Dollars (\$33,950,000.00) and shall  
251 serve approximately fifteen thousand (15,000) children through  
252 twenty (20) to twenty-five (25) early learning collaboratives and  
253 their prekindergarten providers.

254                     (ii) Future phases shall be based on interest in  
255 the program and the effectiveness of the program as determined by  
256 the school readiness of participants. Each phase shall last for  
257 at least three (3) years but no more than five (5) years. The  
258 State Department of Education shall determine when to move to a  
259 new phase of the program, within the timeline provided herein.



260                   (iii) Funding shall be provided to early learning  
261 collaboratives on the basis of Two Thousand One Hundred Fifty  
262 Dollars (\$2,150.00) per student in a full-day program and One  
263 Thousand Seventy-five Dollars (\$1,075.00) per student in a  
264 half-day program proposed in the collaborative's approved  
265 application. Once an early learning collaborative's plan is  
266 approved and funded, the collaborative and/or its prekindergarten  
267 providers shall receive funds on an ongoing basis unless the  
268 collaborative and/or its prekindergarten providers no longer meet  
269 the criteria to participate in the program.

270                   (iv) Early learning collaboratives shall match  
271 state funds on a 1:1 basis. Local matching funds may include  
272 local tax dollars, federal dollars as allowed, parent tuition,  
273 philanthropic contributions, or in-kind donations of facilities,  
274 equipment and services required as part of the program such as  
275 food service or health screenings.

276                   (v) The State Department of Education shall  
277 reserve no more than five percent (5%) of the appropriation in any  
278 year for administrative costs. Funds remaining after awards to  
279 early learning collaboratives and the department's administrative  
280 needs are met may be carried over in the following year. In the  
281 first year of implementation of the program, the department may  
282 delay the awarding of funds until the 2014-2015 school year should  
283 time not be sufficient to establish the program's operation prior  
284 to the 2013-2014 school year.



285                   (vi) In the initial phase of implementation, the  
286 State Department of Education shall award state funds under the  
287 Early Learning Collaborative Act of 2013 based on a community's  
288 capacity, commitment and need. To determine capacity, commitment  
289 and need, the State Department of Education shall require evidence  
290 of existing strong local collaborations of early education  
291 stakeholders. Such evidence shall include, but not be limited to,  
292 collaborations resulting from any of the following:

293                   1. Participation in Excel By 5;

294                   2. Participation in supporting Partnerships  
295 to Assure Ready Kids (SPARK);

296                   3. Participation in the Gilmore Early  
297 Learning Initiative (GELI); or

298                   4. Participation in the Mississippi Building  
299 Blocks.

300                   In determining community need, the department shall consider  
301 low academic achievement within the public school districts  
302 participating in an applicant early learning collaborative and the  
303 number and percentage of children without quality prekindergarten  
304 options.

305                   (vii) All authority granted to the State  
306 Department of Education to establish program rules is subject to  
307 the public processes established in the provisions of the  
308 Mississippi Administrative Procedures Law, including, but not  
309 limited to, filing notice of the proposed rules, public hearings



310 and any economic impact statement with the Office of the Secretary  
311 of State before presenting such information to the State Board of  
312 Education for final approval.

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

315 37-21-53. (1) The \* \* \* State Early Childhood Advisory  
316 Council (SECAC), located in the Office of the Governor, is \* \* \*  
317 (a) to assist the State Department of Education with the  
318 implementation of the Early Learning Collaborative Act of 2013,  
319 (b) to ensure coordination among the various agencies and programs  
320 serving preschool children in order to support school district's  
321 efforts to achieve the goal of readiness to start school, (c) to  
322 facilitate communication, cooperation and maximum use of resources  
323 and to promote high standards for all programs serving preschool  
324 children and their families in Mississippi, (d) to serve as the  
325 designated council for early childhood education and care pursuant  
326 to federal Public Law 110-134, and (e) to carry out any  
327 responsibilities assigned to SECAC by the Governor and/or by  
328 applicable federal law.

329 (2) The membership of the \* \* \* State Early Childhood  
330 Advisory Council (SECAC) in accordance with Public Law 110-134,  
331 shall include the following members to be appointed by the  
332 Governor:

333 (a) \* \* \* A representative of the Mississippi  
334 Department of Human Services;



- 335           (b) \* \* \* A representative of the Mississippi  
336 Department of Education;
- 337           (c) \* \* \* A representative of local educational  
338 agencies;
- 339           (d) \* \* \* A representative of Mississippi Institutions  
340 of Higher Education;
- 341           (e) \* \* \* A representative of local providers of early  
342 childhood education and care services from each congressional  
343 district;
- 344           (f) \* \* \* A representative from Head Start agencies  
345 located in the state, including Indian Head Start programs and  
346 migrant and seasonal Head Start programs as available;
- 347           (g) \* \* \* The State Director of Head Start  
348 Collaboration;
- 349           (h) \* \* \* The Part C Coordinator and/or the Section 619  
350 Coordinator of programs under the Individuals with Disabilities  
351 Education Act (20 USC 1419, 1431 et seq.);
- 352           (i) \* \* \* A representative of the Mississippi  
353 Department of Health;
- 354           (j) A representative of the Mississippi Department of  
355 Mental Health; and
- 356           (k) Representatives of other entities deemed relevant  
357 by the Governor.

358       \* \* \*



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

361           37-7-301. The school boards of all school districts shall  
362 have the following powers, authority and duties in addition to all  
363 others imposed or granted by law, to wit:

364           (a) To organize and operate the schools of the district  
365 and to make such division between the high school grades and  
366 elementary grades as, in their judgment, will serve the best  
367 interests of the school;

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

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

374           (d) To have responsibility for the erection, repairing  
375 and equipping of school facilities and the making of necessary  
376 school improvements;

377           (e) To suspend or to expel a pupil or to change the  
378 placement of a pupil to the school district's alternative school  
379 or homebound program for misconduct in the school or on school  
380 property, as defined in Section 37-11-29, on the road to and from  
381 school, or at any school-related activity or event, or for conduct  
382 occurring on property other than school property or other than at  
383 a school-related activity or event when such conduct by a pupil,



384 in the determination of the school superintendent or principal,  
385 renders that pupil's presence in the classroom a disruption to the  
386 educational environment of the school or a detriment to the best  
387 interest and welfare of the pupils and teacher of such class as a  
388 whole, and to delegate such authority to the appropriate officials  
389 of the school district;

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

393 (g) To support, within reasonable limits, the  
394 superintendent, principal and teachers where necessary for the  
395 proper discipline of the school;

396 (h) To exclude from the schools students with what  
397 appears to be infectious or contagious diseases; provided,  
398 however, such student may be allowed to return to school upon  
399 presenting a certificate from a public health officer, duly  
400 licensed physician or nurse practitioner that the student is free  
401 from such disease;

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

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

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





409           (1) To prescribe and enforce rules and regulations not  
410 inconsistent with law or with the regulations of the State Board  
411 of Education for their own government and for the government of  
412 the schools, and to transact their business at regular and special  
413 meetings called and held in the manner provided by law;

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

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

419           (o) To make orders directed to the superintendent of  
420 schools for the issuance of pay certificates for lawful purposes  
421 on any available funds of the district and to have full control of  
422 the receipt, distribution, allotment and disbursement of all funds  
423 provided for the support and operation of the schools of such  
424 school district whether such funds be derived from state  
425 appropriations, local ad valorem tax collections, or otherwise.

426 The local school board shall be authorized and empowered to  
427 promulgate rules and regulations that specify the types of claims  
428 and set limits of the dollar amount for payment of claims by the  
429 superintendent of schools to be ratified by the board at the next  
430 regularly scheduled meeting after payment has been made;

431           (p) To select all school district personnel in the  
432 manner provided by law, and to provide for such employee fringe



433 benefit programs, including accident reimbursement plans, as may  
434 be deemed necessary and appropriate by the board;

435 (q) To provide athletic programs and other school  
436 activities and to regulate the establishment and operation of such  
437 programs and activities;

438 (r) To join, in their discretion, any association of  
439 school boards and other public school-related organizations, and  
440 to pay from local funds other than minimum foundation funds, any  
441 membership dues;

442 (s) To expend local school activity funds, or other  
443 available school district funds, other than minimum education  
444 program funds, for the purposes prescribed under this paragraph.  
445 "Activity funds" shall mean all funds received by school officials  
446 in all school districts paid or collected to participate in any  
447 school activity, such activity being part of the school program  
448 and partially financed with public funds or supplemented by public  
449 funds. The term "activity funds" shall not include any funds  
450 raised and/or expended by any organization unless commingled in a  
451 bank account with existing activity funds, regardless of whether  
452 the funds were raised by school employees or received by school  
453 employees during school hours or using school facilities, and  
454 regardless of whether a school employee exercises influence over  
455 the expenditure or disposition of such funds. Organizations shall  
456 not be required to make any payment to any school for the use of  
457 any school facility if, in the discretion of the local school



458 governing board, the organization's function shall be deemed to be  
459 beneficial to the official or extracurricular programs of the  
460 school. For the purposes of this provision, the term  
461 "organization" shall not include any organization subject to the  
462 control of the local school governing board. Activity funds may  
463 only be expended for any necessary expenses or travel costs,  
464 including advances, incurred by students and their chaperons in  
465 attending any in-state or out-of-state school-related programs,  
466 conventions or seminars and/or any commodities, equipment, travel  
467 expenses, purchased services or school supplies which the local  
468 school governing board, in its discretion, shall deem beneficial  
469 to the official or extracurricular programs of the district,  
470 including items which may subsequently become the personal  
471 property of individuals, including yearbooks, athletic apparel,  
472 book covers and trophies. Activity funds may be used to pay  
473 travel expenses of school district personnel. The local school  
474 governing board shall be authorized and empowered to promulgate  
475 rules and regulations specifically designating for what purposes  
476 school activity funds may be expended. The local school governing  
477 board shall provide (i) that such school activity funds shall be  
478 maintained and expended by the principal of the school generating  
479 the funds in individual bank accounts, or (ii) that such school  
480 activity funds shall be maintained and expended by the  
481 superintendent of schools in a central depository approved by the  
482 board. The local school governing board shall provide that such



483 school activity funds be audited as part of the annual audit  
484 required in Section 37-9-18. The State Department of Education  
485 shall prescribe a uniform system of accounting and financial  
486 reporting for all school activity fund transactions;

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

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

493 (v) (i) To lease a school building from an individual,  
494 partnership, nonprofit corporation or a private for-profit  
495 corporation for the use of such school district, and to expend  
496 funds therefor as may be available from any nonminimum program  
497 sources. The school board of the school district desiring to  
498 lease a school building shall declare by resolution that a need  
499 exists for a school building and that the school district cannot  
500 provide the necessary funds to pay the cost or its proportionate  
501 share of the cost of a school building required to meet the  
502 present needs. The resolution so adopted by the school board  
503 shall be published once each week for three (3) consecutive weeks  
504 in a newspaper having a general circulation in the school district  
505 involved, with the first publication thereof to be made not less  
506 than thirty (30) days prior to the date upon which the school  
507 board is to act on the question of leasing a school building. If



508 no petition requesting an election is filed prior to such meeting  
509 as hereinafter provided, then the school board may, by resolution  
510 spread upon its minutes, proceed to lease a school building. If  
511 at any time prior to said meeting a petition signed by not less  
512 than twenty percent (20%) or fifteen hundred (1500), whichever is  
513 less, of the qualified electors of the school district involved  
514 shall be filed with the school board requesting that an election  
515 be called on the question, then the school board shall, not later  
516 than the next regular meeting, adopt a resolution calling an  
517 election to be held within such school district upon the question  
518 of authorizing the school board to lease a school building. Such  
519 election shall be called and held, and notice thereof shall be  
520 given, in the same manner for elections upon the questions of the  
521 issuance of the bonds of school districts, and the results thereof  
522 shall be certified to the school board. If at least three-fifths  
523 (3/5) of the qualified electors of the school district who voted  
524 in such election shall vote in favor of the leasing of a school  
525 building, then the school board shall proceed to lease a school  
526 building. The term of the lease contract shall not exceed twenty  
527 (20) years, and the total cost of such lease shall be either the  
528 amount of the lowest and best bid accepted by the school board  
529 after advertisement for bids or an amount not to exceed the  
530 current fair market value of the lease as determined by the  
531 averaging of at least two (2) appraisals by certified general  
532 appraisers licensed by the State of Mississippi. The term "school



533 building" as used in this paragraph (v) (i) shall be construed to  
534 mean any building or buildings used for classroom purposes in  
535 connection with the operation of schools and shall include the  
536 site therefor, necessary support facilities, and the equipment  
537 thereof and appurtenances thereto such as heating facilities,  
538 water supply, sewage disposal, landscaping, walks, drives and  
539 playgrounds. The term "lease" as used in this paragraph (v) (i)  
540 may include a lease/purchase contract;

541 (ii) If two (2) or more school districts propose  
542 to enter into a lease contract jointly, then joint meetings of the  
543 school boards having control may be held but no action taken shall  
544 be binding on any such school district unless the question of  
545 leasing a school building is approved in each participating school  
546 district under the procedure hereinabove set forth in paragraph  
547 (v) (i). All of the provisions of paragraph (v) (i) regarding the  
548 term and amount of the lease contract shall apply to the school  
549 boards of school districts acting jointly. Any lease contract  
550 executed by two (2) or more school districts as joint lessees  
551 shall set out the amount of the aggregate lease rental to be paid  
552 by each, which may be agreed upon, but there shall be no right of  
553 occupancy by any lessee unless the aggregate rental is paid as  
554 stipulated in the lease contract. All rights of joint lessees  
555 under the lease contract shall be in proportion to the amount of  
556 lease rental paid by each;



557           (w) To employ all noninstructional and noncertificated  
558 employees and fix the duties and compensation of such personnel  
559 deemed necessary pursuant to the recommendation of the  
560 superintendent of schools;

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

563           (y) Subject to rules and regulations of the State Board  
564 of Education, to purchase, own and operate trucks, vans and other  
565 motor vehicles, which shall bear the proper identification  
566 required by law;

567           (z) To expend funds for the payment of substitute  
568 teachers and to adopt reasonable regulations for the employment  
569 and compensation of such substitute teachers;

570           (aa) To acquire in its own name by purchase all real  
571 property which shall be necessary and desirable in connection with  
572 the construction, renovation or improvement of any public school  
573 building or structure. Whenever the purchase price for such real  
574 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
575 school board shall not purchase the property for an amount  
576 exceeding the fair market value of such property as determined by  
577 the average of at least two (2) independent appraisals by  
578 certified general appraisers licensed by the State of Mississippi.  
579 If the board shall be unable to agree with the owner of any such  
580 real property in connection with any such project, the board shall  
581 have the power and authority to acquire any such real property by



582 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
583 Mississippi Code of 1972, and for such purpose, the right of  
584 eminent domain is hereby conferred upon and vested in said board.  
585 Provided further, that the local school board is authorized to  
586 grant an easement for ingress and egress over sixteenth section  
587 land or lieu land in exchange for a similar easement upon  
588 adjoining land where the exchange of easements affords substantial  
589 benefit to the sixteenth section land; provided, however, the  
590 exchange must be based upon values as determined by a competent  
591 appraiser, with any differential in value to be adjusted by cash  
592 payment. Any easement rights granted over sixteenth section land  
593 under such authority shall terminate when the easement ceases to  
594 be used for its stated purpose. No sixteenth section or lieu land  
595 which is subject to an existing lease shall be burdened by any  
596 such easement except by consent of the lessee or unless the school  
597 district shall acquire the unexpired leasehold interest affected  
598 by the easement;

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

602 (cc) Subject to rules and regulations of the State  
603 Board of Education, to purchase relocatable classrooms for the use  
604 of such school district, in the manner prescribed in Section  
605 37-1-13;





606 (dd) Enter into contracts or agreements with other  
607 school districts, political subdivisions or governmental entities  
608 to carry out one or more of the powers or duties of the school  
609 board, or to allow more efficient utilization of limited resources  
610 for providing services to the public;

611 (ee) To provide for in-service training for employees  
612 of the district;

613 (ff) As part of their duties to prescribe the use of  
614 textbooks, to provide that parents and legal guardians shall be  
615 responsible for the textbooks and for the compensation to the  
616 school district for any books which are not returned to the proper  
617 schools upon the withdrawal of their dependent child. If a  
618 textbook is lost or not returned by any student who drops out of  
619 the public school district, the parent or legal guardian shall  
620 also compensate the school district for the fair market value of  
621 the textbooks;

622 (gg) To conduct fund-raising activities on behalf of  
623 the school district that the local school board, in its  
624 discretion, deems appropriate or beneficial to the official or  
625 extracurricular programs of the district; provided that:

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

629 (ii) Fund-raising activities conducted or  
630 authorized by the board for the sale of school pictures, the



631 rental of caps and gowns or the sale of graduation invitations for  
632 which the school board receives a commission, rebate or fee shall  
633 contain a disclosure statement advising that a portion of the  
634 proceeds of the sales or rentals shall be contributed to the  
635 student activity fund;

636 (hh) To allow individual lessons for music, art and  
637 other curriculum-related activities for academic credit or  
638 nonacademic credit during school hours and using school equipment  
639 and facilities, subject to uniform rules and regulations adopted  
640 by the school board;

641 (ii) To charge reasonable fees for participating in an  
642 extracurricular activity for academic or nonacademic credit for  
643 necessary and required equipment such as safety equipment, band  
644 instruments and uniforms;

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

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

650 (ll) To expend funds for the services of nonprofit arts  
651 organizations or other such nonprofit organizations who provide  
652 performances or other services for the students of the school  
653 district;

654 (mm) To expend federal No Child Left Behind Act funds,  
655 or any other available funds that are expressly designated and



656 authorized for that use, to pay training, educational expenses,  
657 salary incentives and salary supplements to employees of local  
658 school districts; except that incentives shall not be considered  
659 part of the local supplement as defined in Section 37-151-5(o),  
660 nor shall incentives be considered part of the local supplement  
661 paid to an individual teacher for the purposes of Section  
662 37-19-7(1). Mississippi Adequate Education Program funds or any  
663 other state funds may not be used for salary incentives or salary  
664 supplements as provided in this paragraph (mm);

665 (nn) To use any available funds, not appropriated or  
666 designated for any other purpose, for reimbursement to the  
667 state-licensed employees from both in state and out of state, who  
668 enter into a contract for employment in a school district, for the  
669 expense of moving when the employment necessitates the relocation  
670 of the licensed employee to a different geographical area than  
671 that in which the licensed employee resides before entering into  
672 the contract. The reimbursement shall not exceed One Thousand  
673 Dollars (\$1,000.00) for the documented actual expenses incurred in  
674 the course of relocating, including the expense of any  
675 professional moving company or persons employed to assist with the  
676 move, rented moving vehicles or equipment, mileage in the amount  
677 authorized for county and municipal employees under Section  
678 25-3-41 if the licensed employee used his personal vehicle or  
679 vehicles for the move, meals and such other expenses associated  
680 with the relocation. No licensed employee may be reimbursed for



681 moving expenses under this section on more than one (1) occasion  
682 by the same school district. Nothing in this section shall be  
683 construed to require the actual residence to which the licensed  
684 employee relocates to be within the boundaries of the school  
685 district that has executed a contract for employment in order for  
686 the licensed employee to be eligible for reimbursement for the  
687 moving expenses. However, the licensed employee must relocate  
688 within the boundaries of the State of Mississippi. Any individual  
689 receiving relocation assistance through the Critical Teacher  
690 Shortage Act as provided in Section 37-159-5 shall not be eligible  
691 to receive additional relocation funds as authorized in this  
692 paragraph;

693 (oo) To use any available funds, not appropriated or  
694 designated for any other purpose, to reimburse persons who  
695 interview for employment as a licensed employee with the district  
696 for the mileage and other actual expenses incurred in the course  
697 of travel to and from the interview at the rate authorized for  
698 county and municipal employees under Section 25-3-41;

699 (pp) Consistent with the report of the Task Force to  
700 Conduct a Best Financial Management Practices Review, to improve  
701 school district management and use of resources and identify cost  
702 savings as established in Section 8 of Chapter 610, Laws of 2002,  
703 local school boards are encouraged to conduct independent reviews  
704 of the management and efficiency of schools and school districts.



705 Such management and efficiency reviews shall provide state and  
706 local officials and the public with the following:

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

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

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

712 (iv) An assessment of facilities utilization,  
713 planning and maintenance;

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

716 (vi) An assessment of instructional and  
717 administrative technology;

718 (vii) A review of the instructional management and  
719 the efficiency and effectiveness of existing instructional  
720 programs; and

721 (viii) Recommended methods for increasing  
722 efficiency and effectiveness in providing educational services to  
723 the public;

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

728 (rr) To implement a financial literacy program for  
729 students in Grades 10 and 11. The board may review the national



730 programs and obtain free literature from various nationally  
731 recognized programs. After review of the different programs, the  
732 board may certify a program that is most appropriate for the  
733 school districts' needs. If a district implements a financial  
734 literacy program, then any student in Grade 10 or 11 may  
735 participate in the program. The financial literacy program shall  
736 include, but is not limited to, instruction in the same areas of  
737 personal business and finance as required under Section  
738 37-1-3(2) (b). The school board may coordinate with volunteer  
739 teachers from local community organizations, including, but not  
740 limited to, the following: United States Department of  
741 Agriculture Rural Development, United States Department of Housing  
742 and Urban Development, Junior Achievement, bankers and other  
743 nonprofit organizations. Nothing in this paragraph shall be  
744 construed as to require school boards to implement a financial  
745 literacy program;

746 (ss) To collaborate with the State Board of Education,  
747 Community Action Agencies or the Department of Human Services to  
748 develop and implement a voluntary program to provide services for  
749 a prekindergarten program that addresses the cognitive, social,  
750 and emotional needs of four-year-old and three-year-old children.  
751 The school board may utilize any source of available revenue to  
752 fund the voluntary program \* \* \*. Effective with the 2013-2014  
753 school year, to implement voluntary prekindergarten programs under  
754 the Early Learning Collaborative Act of 2013 pursuant to state



755 funds awarded by the State Department of Education on a matching  
756 basis;

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

763 (i) Withhold all or any part (as agreed by the  
764 school board) of any monies which such local school board is  
765 entitled to receive from time to time under any law and which is  
766 in the possession of the Department of Revenue, or any state  
767 agency, department or commission created under state law; and

768 (ii) Pay the same over to any financial  
769 institution, trustee or other obligee, as directed in writing by  
770 the school board, to satisfy all or part of such obligation of the  
771 school district.

772 The school board may make such written agreement to withhold  
773 and transfer funds irrevocable for the term of the written  
774 obligation and may include in the written agreement any other  
775 terms and provisions acceptable to the school board. If the  
776 school board files a copy of such written agreement with the  
777 Department of Revenue, or any state agency, department or  
778 commission created under state law then the Department of Revenue  
779 or any state agency, department or commission created under state



780 law shall immediately make the withholdings provided in such  
781 agreement from the amounts due the local school board and shall  
782 continue to pay the same over to such financial institution,  
783 trustee or obligee for the term of the agreement.

784 This paragraph (tt) shall not grant any extra authority to a  
785 school board to issue debt in any amount exceeding statutory  
786 limitations on assessed value of taxable property within such  
787 school district or the statutory limitations on debt maturities,  
788 and shall not grant any extra authority to impose, levy or collect  
789 a tax which is not otherwise expressly provided for, and shall not  
790 be construed to apply to sixteenth section public school trust  
791 land;

792 (uu) With respect to any matter or transaction that is  
793 competitively bid by a school district, to accept from any bidder  
794 as a good-faith deposit or bid bond or bid surety, the same type  
795 of good-faith deposit or bid bond or bid surety that may be  
796 accepted by the state or any other political subdivision on  
797 similar competitively bid matters or transactions. This paragraph  
798 (uu) shall not be construed to apply to sixteenth section public  
799 school trust land. The school board may authorize the investment  
800 of any school district funds in the same kind and manner of  
801 investments, including pooled investments, as any other political  
802 subdivision, including community hospitals;

803 (vv) To utilize the alternate method for the conveyance  
804 or exchange of unused school buildings and/or land, reserving a





805 partial or other undivided interest in the property, as  
806 specifically authorized and provided in Section 37-7-485,  
807 Mississippi Code of 1972;

808           (ww) To delegate, privatize or otherwise enter into a  
809 contract with private entities for the operation of any and all  
810 functions of nonacademic school process, procedures and operations  
811 including, but not limited to, cafeteria workers, janitorial  
812 services, transportation, professional development, achievement  
813 and instructional consulting services materials and products,  
814 purchasing cooperatives, insurance, business manager services,  
815 auditing and accounting services, school safety/risk prevention,  
816 data processing and student records, and other staff services;  
817 however, the authority under this paragraph does not apply to the  
818 leasing, management or operation of sixteenth section lands.  
819 Local school districts, working through their regional education  
820 service agency, are encouraged to enter into buying consortia with  
821 other member districts for the purposes of more efficient use of  
822 state resources as described in Section 37-7-345;

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

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

827           (zz) To fund and operate voluntary early childhood  
828 education programs, defined as programs for children less than  
829 five (5) years of age on or before September 1, and to use any



830 source of revenue for such early childhood education programs.  
831 Such programs shall not conflict with the Early Learning  
832 Collaborative Act of \* \* \* 2013;

833 (aaa) To issue and provide for the use of procurement  
834 cards by school board members, superintendents and licensed school  
835 personnel consistent with the rules and regulations of the  
836 Mississippi Department of Finance and Administration under Section  
837 31-7-9; and

838 (bbb) To conduct an annual comprehensive evaluation of  
839 the superintendent of schools consistent with the assessment  
840 components of paragraph (pp) of this section and the assessment  
841 benchmarks established by the Mississippi School Board Association  
842 to evaluate the success the superintendent has attained in meeting  
843 district goals and objectives, the superintendent's leadership  
844 skill and whether or not the superintendent has established  
845 appropriate standards for performance, is monitoring success and  
846 is using data for improvement.

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

849 37-21-3. No person shall act in the capacity of master  
850 teacher, teacher or assistant teacher \* \* \* in any federal or  
851 state-funded program of early childhood education or " \* \* \* Head  
852 Start," or perform any of the functions, duties or powers of the  
853 same, unless that person shall be qualified in the following  
854 manner:



855 (a) A \* \* \* master teacher or any other employee or  
856 consultant receiving a salary or fee equivalent to that of a \* \* \*  
857 master teacher \* \* \* shall \* \* \* meet the qualifications of a  
858 teacher in this section, including the requirement that a teacher  
859 may be required to hold a state teaching license by the State  
860 Department of Education, and have demonstrated effectiveness as an  
861 early childhood educator. Effectiveness as an early childhood  
862 educator may be demonstrated by a rating of highly effective on a  
863 state evaluation of teaching, if available, or with evidence that  
864 the teacher has a record of raising the achievement outcomes of  
865 prekindergarten students.

866 (b) A teacher shall possess a \* \* \* bachelor's degree  
867 in early childhood education, child development, or an equivalent  
868 field. A teacher may also possess a bachelor's degree in any  
869 field as well as have at least twelve (12) credit hours of  
870 coursework in early childhood education, child development, or an  
871 equivalent field approved by an institution granting a bachelor's  
872 degree in the early childhood education, child development, or an  
873 equivalent field; or have a bachelor's degree in any field as well  
874 as have completed a specialized early childhood training program  
875 deemed equivalent by the State Department of Education to twelve  
876 (12) hours of approved coursework.

877 (c) An assistant teacher shall possess \* \* \* an  
878 associate's degree in early childhood education, child  
879 development, or an equivalent field; or an associate's degree in



880 any field and a Child Development Associate credential, a  
881 Montessori certification, or an equivalent certification. Public  
882 school assistant teachers in the voluntary prekindergarten program  
883 established by the Early Learning Collaborative Act of 2013 may be  
884 required by the State Department of Education to meet the  
885 definition of a highly qualified paraprofessional in addition to  
886 these requirements.

887 \* \* \*

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

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

892 37-21-5. The \* \* \* State Department of Education of the  
893 State of Mississippi is vested with the authority to enforce the  
894 provisions of Sections 37-21-1 through 37-21-5. The \* \* \*  
895 department shall have the authority to make investigations and to  
896 require such proof of qualification as may be necessary for the  
897 enforcement of Sections 37-21-1 through 37-21-5. \* \* \*

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

900 (1) There shall be allowed as a credit against the tax  
901 imposed by Section 27-7-5 the amount of the qualified  
902 prekindergarten program support contributions paid to approved  
903 providers, lead partners or collaboratives, not to exceed One  
904 Million Dollars (\$1,000,000.00), by any individual, corporation or



905 other entity having taxable income under the laws of this state  
906 during calendar year 2013 or during any calendar year thereafter.  
907 In order to qualify for a tax credit, such contributions may  
908 support the local match requirement of approved providers, lead  
909 partners or collaboratives as is necessary to match  
910 state-appropriated funds, and any such providers, lead partners or  
911 collaboratives shall be approved by the State Department of  
912 Education.

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

915 (3) Any prekindergarten program support contribution shall  
916 be verified by submission to the Mississippi Department of Revenue  
917 of a copy of the receipt provided to the donor taxpayer by the  
918 prekindergarten program recipient or such other written  
919 verification as may be required by the Department of Revenue.

920 (4) The maximum amount of donations accepted by the  
921 Department of Revenue in calendar year 2014 shall not exceed Eight  
922 Million Dollars (\$8,000,000.00), in calendar year 2015 shall not  
923 exceed Fifteen Million Dollars (\$15,000,000.00), and in calendar  
924 year 2016 and calendar years thereafter shall not exceed  
925 Thirty-two Million Dollars (\$32,000,000.00), or what is  
926 appropriated by the Legislature to fund this act each year.

927 (5) The Mississippi Department of Revenue shall promulgate  
928 rules necessary to effectuate the purposes of this act. Such  
929 rules shall include a means of informing the public of the



930 existence of the prekindergarten support program and the  
931 application process for provider, lead partner and collaborative  
932 candidates.

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

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

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

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; TO AMEND SECTION 37-21-53, MISSISSIPPI CODE OF 1972, TO  
11 DESIGNATE THE STATE EARLY CHILDHOOD ADVISORY COUNCIL (SECAC) IN  
12 THE OFFICE OF THE GOVERNOR TO ASSIST THE STATE DEPARTMENT OF  
13 EDUCATION IN IMPLEMENTING THE "EARLY LEARNING COLLABORATIVE ACT OF  
14 2013" PURSUANT TO FEDERAL LAW; TO AMEND SECTION 37-7-301,  
15 MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO  
16 IMPLEMENT THE "EARLY LEARNING COLLABORATIVE ACT OF 2013"; TO AMEND  
17 SECTIONS 37-21-3 AND 37-21-5, MISSISSIPPI CODE OF 1972, TO PROVIDE  
18 QUALIFICATIONS FOR STATE OR FEDERAL FUNDED EARLY CHILDHOOD  
19 EDUCATION PROGRAM PERSONNEL; TO PROVIDE FOR A STATE INCOME TAX  
20 CREDIT FOR CONTRIBUTIONS TO QUALIFIED PREKINDERGARTEN PROGRAMS; TO  
21 REPEAL SECTION 37-21-55, MISSISSIPPI CODE OF 1972, WHICH  
22 ESTABLISHES THE EARLY CHILDHOOD SERVICES ADVISORY COMMITTEE; AND  
23 FOR RELATED PURPOSES.



CONFEREES FOR THE SENATE

X (SIGNED)  
Tollison

X (SIGNED)  
Burton

X (SIGNED)  
Wiggins

CONFEREES FOR THE HOUSE

X (SIGNED)  
Moore

X (SIGNED)  
Busby

X (SIGNED)  
Barker

