

By: Representative Clark

To: Education;
Appropriations

HOUSE BILL NO. 314

1 AN ACT TO CREATE THE "MISSISSIPPI UNIVERSAL PREKINDERGARTEN
2 PROGRAM ACT OF 2019"; TO DEFINE THE TERMS USED HEREIN; TO PROVIDE
3 FOR THE PUBLIC FUNDING OF THE PROGRAM WHICH SHALL BE AVAILABLE TO
4 PARENTS AND FAMILIES ON A VOLUNTARY PARTICIPATION BASIS; TO
5 PRESCRIBE THE MINIMUM STANDARDS OF EDUCATION REQUIRED TO BE
6 OFFERED TO CHILDREN ENROLLED IN THE PROGRAM; TO PRESCRIBE THE
7 MANNER BY WHICH PAYMENTS WILL BE MADE TO PREKINDERGARTEN PROGRAMS
8 WHETHER SUCH PROGRAMS BE OFFERED THROUGH THE PUBLIC SCHOOL
9 DISTRICT OF RESIDENCE, AN OUTSIDE DISTRICT OR THROUGH A
10 PREQUALIFIED PRIVATE PROVIDER; TO ESTABLISH THE MINIMUM STANDARDS
11 REQUIRED FOR THE PREQUALIFICATION OF PRIVATE PROVIDERS; TO
12 PRESCRIBE THE MANNER BY WHICH LOCAL SCHOOL DISTRICTS SHALL ACCOUNT
13 FOR STUDENTS ENROLLED IN PREKINDERGARTEN PROGRAMS FOR PURPOSES OF
14 DETERMINING AVERAGE DAILY ATTENDANCE TO CALCULATE ITS ANNUAL
15 BUDGET REQUEST; TO PROVIDE THAT THE PROGRAM SHALL BE JOINTLY
16 ADMINISTERED BY THE STATE BOARD OF EDUCATION AND THE DIVISION OF
17 EARLY CHILDHOOD CARE AND DEVELOPMENT, WHICH SHALL JOINTLY
18 PROMULGATE RULES AND REGULATIONS GOVERNING THE PROGRAM; TO PROVIDE
19 FOR THE EXPANSION OF SCHOOL-BASED PREKINDERGARTEN PROGRAMS; TO
20 REQUIRE THE BOARD AND THE DIVISION TO ESTABLISH A PROCESS TO
21 CALCULATE THE ANNUAL STATEWIDE TUITION RATE FOR PREKINDERGARTEN
22 EDUCATION; TO PROVIDE FOR AN ADMINISTRATIVE PROCEDURES PROCESS FOR
23 ENTITIES AGGRIEVED BY ACTIONS OF THE BOARD AND DIVISION; TO
24 REQUIRE ANNUAL REPORTS ON THE EFFICACY OF THE PROGRAMS AND ANY
25 RECOMMENDATION FOR IMPROVEMENT OR DISCONTINUATION TO THE
26 LEGISLATURE; TO BRING FORWARD SECTION 37-21-51, MISSISSIPPI CODE
27 OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
28 PURPOSES.

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

30 **SECTION 1.** This act shall be known and may be cited as the
31 "Mississippi Universal Prekindergarten Program Act of 2019."



32 **SECTION 2.** (1) As used in this act the following terms
33 shall have the meanings ascribed in this section, unless context
34 clearly indicates otherwise:

35 (a) "Prekindergarten child" means any children who have
36 not entered kindergarten but will have obtained four (4) years of
37 age on or before September 1 of a school year.

38 (b) "Prekindergarten education" means services designed
39 to provide to prekindergarten children developmentally appropriate
40 early development and learning experiences based on Vermont's
41 Early Learning Standards.

42 (c) "Prequalified private provider" has the same
43 meaning as prescribed in Section 37-21-51. The term also means a
44 private provider of prekindergarten education that is qualified
45 pursuant to subsection (3) of this section.

46 (2) (a) No fewer than ten (10) hours per week of publicly
47 funded prekindergarten education shall be available for
48 thirty-five (35) weeks annually to each prekindergarten child whom
49 a parent or guardian wishes to enroll in an available,
50 prequalified program operated by a public school district or a
51 private provider.

52 (b) If a parent or guardian chooses to enroll a
53 prekindergarten child in an available, prequalified program, then,
54 pursuant to the parent or guardian's choice, the school district
55 of residence shall:



56 (i) Pay tuition pursuant to subsections (4) and
57 (7) of this section upon the request of the parent or guardian to:

58 1. A prequalified private provider; or

59 2. A public school located outside the school
60 district that operates a prekindergarten program that has been
61 prequalified pursuant to subsection (3) of this section; or

62 (ii) Enroll the child in the prekindergarten
63 education program that it operates.

64 (c) If requested by the parent or guardian of a
65 prekindergarten child, the school district of residence shall pay
66 tuition to a prequalified program operated by a private provider
67 or a public school in another district even if the school district
68 of residence operates a prekindergarten education program.

69 (d) If the supply of prequalified private and public
70 providers is insufficient to meet the demand for publicly funded
71 prekindergarten education in any region of the state, nothing in
72 this section shall be construed to require a school district to
73 begin or expand a program to satisfy that demand; but rather, in
74 collaboration with the State Department of Education and the
75 Mississippi Department of Human Services, the State Early
76 Childhood Advisory Council shall meet with school districts and
77 private providers in the region to develop a regional plan to
78 expand capacity.

79 (3) Pursuant to rules jointly developed and administered by
80 the State Board of Education and the Mississippi Department of



81 Human Services and adopted by the board the State Department of
82 Education and the Division of Early Childhood Care and Development
83 jointly may determine that a private or public provider of
84 prekindergarten education is qualified for purposes of this
85 section and include the provider in a publicly accessible database
86 of prequalified providers. At a minimum, the rules shall define
87 the process by which a provider applies for and maintains
88 prequalification status, shall identify the minimum quality
89 standards for prequalification, and shall include the following
90 requirements:

91 (a) A program of prekindergarten education, whether
92 provided by a school district or a private provider, shall have
93 received National Association for the Education of Young Children
94 (NAEYC) accreditation;

95 (b) Approved by the Executive Director of the Division
96 of Early Childhood Care and Development and the State
97 Superintendent of Public Education, having met at a minimum, the
98 following:

99 (i) Voluntary enrollment of children;

100 (ii) Collaboration among prekindergarten providers
101 and other early childhood programs through the establishment of an
102 early learning collaborative;

103 (iii) Qualifications of master teachers, teachers
104 and assistants, which must conform to guidelines in Section
105 37-21-3;



- 106 (iv) At least fifteen (15) hours of annual
107 professional development for program instructional staff,
108 including professional development in early literacy;
- 109 (v) The use of state-adopted comprehensive early
110 learning standards;
- 111 (vi) The use of a research-based curriculum that
112 is designed to prepare students to be ready for kindergarten, with
113 emphasis in early literacy, and is aligned with the comprehensive
114 early learning standards;
- 115 (vii) The use of age-appropriate assessments
116 aligned to the comprehensive early learning standards;
- 117 (viii) Teacher/child ratios of one (1) adult for
118 every ten (10) children with a maximum of twenty (20) children per
119 classroom and a minimum of five (5) children per classroom;
- 120 (ix) The provision of at least one (1) meal
121 meeting state and federal nutrition guidelines for young children;
- 122 (x) Plans to screen and/or refer children for
123 vision, hearing and other health issues;
- 124 (xi) Parent involvement opportunities;
- 125 (xii) Plans to serve children with disabilities as
126 indicated under IDEA;
- 127 (xiii) The number of instructional hours to be
128 provided, which shall equal no less than five hundred forty (540)
129 instructional hours per school year for half-day programs and one



130 thousand eighty (1,080) instructional hours per school year for
131 full-day programs; and

132 (xiv) A budget detailing the use of funds for
133 allowed expenses.

134 (c) A registered home provider that is not licensed and
135 endorsed in early childhood education or early childhood special
136 education shall receive regular, active supervision and training
137 from a teacher who is licensed and endorsed in early childhood
138 education or in early childhood special education.

139 (4) (a) On behalf of a resident prekindergarten child, a
140 school district shall pay tuition for prekindergarten education
141 for ten (10) hours per week for thirty-five (35) weeks annually to
142 a prequalified private provider or to a public school outside the
143 school district that is prequalified pursuant to subsection (3) of
144 this section. However, the school district shall pay tuition for
145 weeks that are within the school district's academic year.

146 Tuition paid under this section shall be at a statewide rate,
147 which may be adjusted regionally, that is established annually
148 through a process jointly developed and implemented by the State
149 Department of Education and the Mississippi Department of Human
150 Services. A school district shall pay tuition through a request
151 for remission of payment to the Division of Early Childhood Care
152 and Development upon:

153 (i) Receiving notice from the child's parent or
154 guardian that the child is or will be admitted to the



155 prekindergarten education program operated by the prequalified
156 private provider or the other district; and

157 (ii) Concurrent enrollment of the prekindergarten
158 child in the school district of residence for purposes of
159 budgeting and determining average daily attendance.

160 (b) In addition to any direct costs of operating a
161 prekindergarten education program, a school district of residence
162 shall include anticipated tuition payments and any administrative,
163 quality assurance, quality improvement, transition planning, or
164 other prekindergarten-related costs in its annual budget request
165 presented to the Legislature.

166 (c) The school district of residence may include within
167 its average daily attendance any prekindergarten child for whom it
168 has provided prekindergarten education or on whose behalf it has
169 paid tuition pursuant to this section.

170 (d) A prequalified private provider may receive
171 additional payment directly from the parent or guardian only for
172 prekindergarten education in excess of the hours paid for by the
173 school district pursuant to this section or for child care
174 services, or both. The provider is not bound by the statewide
175 rate established in this subsection when determining the rates it
176 will charge the parent or guardian.

177 (5) The State Superintendent of Public Education and the
178 Executive Director of the Division of Early Childhood Care and



179 Development shall jointly develop and agree to rules and present
180 them to the State Board of Education for adoption as follows:

181 (a) To permit private providers that are not
182 prequalified pursuant to subsection (3) of this section to create
183 new or continue existing partnerships with school districts
184 through which the school district provides supports that enable
185 the provider to fulfill the requirements of subsection (3)(b) or
186 (c), and through which the school district may or may not make
187 in-kind payments as a component of the statewide tuition
188 established under this section.

189 (b) To authorize a school district to begin or expand a
190 school-based prekindergarten education program only upon prior
191 approval obtained through a process jointly overseen by the State
192 Board of Education and the Division of Early Childhood Care and
193 Development, which shall be based upon analysis of the number of
194 prekindergarten children residing in the school district and the
195 availability of enrollment opportunities with prequalified private
196 providers in the region. Where the data are not clear or there
197 are other complex considerations, the local superintendents of
198 schools may choose to conduct a community needs assessment.

199 (c) To require that the school district provides
200 opportunities for effective parental participation in the
201 prekindergarten education program.

202 (d) To establish a process by which:



203 (i) A parent or guardian notifies the school
204 district that the prekindergarten child is or will be admitted to
205 a prekindergarten education program not operated by the school
206 district and concurrently enrolls the child in the school district
207 pursuant to subsection (4)(a) of this section;

208 (ii) A school district:

209 1. Pays tuition pursuant to a schedule that
210 does not inhibit the ability of a parent or guardian to enroll a
211 prekindergarten child in a prekindergarten education program or
212 the ability of a prequalified private provider to maintain
213 financial stability;

214 2. Enters into an agreement with any provider
215 to which it will pay tuition regarding quality assurance,
216 transition and any other matters; and

217 (iii) A provider that has received tuition
218 payments under this section on behalf of a prekindergarten child
219 notifies a school district that the child is no longer enrolled.

220 (e) To establish a process to calculate an annual
221 statewide tuition rate that is based upon the actual cost of
222 delivering ten hours per week of prekindergarten education that
223 meets all established quality standards and to allow for regional
224 adjustments to the rate.

225 (f) To require a school district to include
226 identifiable costs for prekindergarten programs and essential



227 early education services in its annual budgets and reports to the
228 local governing authority.

229 (g) To require a school district to report to the State
230 Department of Education annual expenditures made in support of
231 prekindergarten and education, with distinct figures provided for
232 expenditures made from the State General Fund, from the
233 Mississippi Adequate Education Program Fund and from all other
234 sources, which shall be specified.

235 (h) To provide an administrative process for:

236 (i) A parent, guardian or provider to challenge an
237 action of a school district or the state when the complainant
238 believes that the school district or state is in violation of
239 state statute or rules regarding prekindergarten education; and

240 (ii) A school district to challenge an action of a
241 provider or the state when the school district believes that the
242 provider or the state is in violation of state statute or rules
243 regarding prekindergarten education.

244 (i) To establish a system by which the State Department
245 of Education and Division of Early Childhood Care and Development
246 shall jointly monitor and evaluate prekindergarten education
247 programs to promote optimal outcomes for children and to collect
248 data that will inform future decisions. The department and the
249 division shall be required to report annually to the Legislature
250 in January. At a minimum, the system shall monitor and evaluate:



251 (i) Programmatic details, including the number of
252 children served, the number of private and public programs
253 operated, and the public financial investment made to ensure
254 access to quality prekindergarten education;

255 (ii) The quality of public and private
256 prekindergarten education programs and efforts to ensure
257 continuous quality improvements through mentoring, training and
258 technical assistance; and

259 (iii) The outcomes for children, including school
260 readiness and proficiency in numeracy and literacy.

261 (j) To establish a process for documenting the progress
262 of children enrolled in prekindergarten education programs and to
263 require public and private providers to use the process to:

264 (i) Help individualize instruction and improve
265 program practice; and

266 (ii) Collect and report child progress data to the
267 State Superintendent of Public Education on an annual basis.

268 (6) Nothing in this section shall be construed to permit or
269 require payment of public funds to a private provider of
270 prekindergarten education in violation of Section 208 of the
271 Mississippi Constitution of 1890 or in violation of the
272 Establishment Clause of the United States Constitution.

273 (7) (a) Notwithstanding the requirement that a school
274 district pay tuition to any prequalified public or private
275 provider in the state, a school board may choose to limit the



276 geographic boundaries within which the school district shall pay
277 tuition by paying tuition solely to those prequalified providers
278 in which parents and guardians choose to enroll resident
279 prekindergarten children that are located within the school
280 district's "prekindergarten region" as determined in paragraph (b)
281 of this subsection.

282 (b) For purposes of this subsection, upon application
283 from the school board, a school district's prekindergarten region
284 shall be determined jointly by the State Department of Education
285 and the Division of Early Childhood Care and Development in
286 consultation with the school board, private providers of
287 prekindergarten education, parents and guardians of
288 prekindergarten children, and other interested parties pursuant to
289 a process adopted by rule under subsection (5) of this section. A
290 prekindergarten region:

291 (i) Shall not be smaller than the geographic
292 boundaries of the school district;

293 (ii) Shall be based in part upon the estimated
294 number of prekindergarten children residing in the school district
295 and in surrounding districts, the availability of prequalified
296 private and public providers of prekindergarten education,
297 commuting patterns and other region-specific criteria; and

298 (iii) Shall be designed to support existing
299 partnerships between the school district and private providers of
300 prekindergarten education.



301 (c) If a school board chooses to pay tuition to
302 providers solely within its prekindergarten region, and if a
303 resident prekindergarten child is unable to access publicly funded
304 prekindergarten education within that region, then the child's
305 parent or guardian may request, and in its discretion, the school
306 district may pay tuition at the statewide rate for a
307 prekindergarten education program operated by a prequalified
308 provider located outside the prekindergarten region.

309 (d) Except for the narrow exception permitting a school
310 board to limit geographic boundaries under paragraph (a) of this
311 subsection, all other provisions of this section and related rules
312 shall continue to apply.

313 **SECTION 3.** (1) For purposes of determining the average
314 daily attendance for the fiscal year 2020 budget, the long-term
315 membership of prekindergarten children shall be the number of
316 prekindergarten children for whom the school district anticipates
317 it will provide prekindergarten education or pay tuition, or both,
318 in fiscal year 2020; and

319 (2) For purposes of determining the average daily attendance
320 for the fiscal year 2021 budget, the long-term membership of
321 prekindergarten children shall be the total number of
322 prekindergarten children for whom the school district provided
323 prekindergarten education or paid tuition, or both, in fiscal year
324 2020, adjusted to reflect the difference between the estimated and
325 actual count for that fiscal year.



326 **SECTION 4.** (1) The State Department of Education and the
327 Division of Early Childhood Care and Development shall review
328 existing quality standards for prekindergarten education programs
329 and may revise established rules and regulations governing
330 prekindergarten education to require higher standards of quality.
331 However, no new standards shall take effect earlier than July 1,
332 2021. Changes to the quality standards shall be designed to
333 ensure that programs are based on intentional, evidence-based
334 practices that create a developmentally appropriate environment
335 and support the delivery of an engaging program that supports the
336 social, emotional, intellectual, language, literacy and physical
337 development of prekindergarten children.

338 (2) In January of the 2020, 2021, and 2022 legislative
339 sessions, the State Department of Education and the Division of
340 Early Childhood Care and Development shall report to the House and
341 Senate Committees on Education, to the House and Senate Committees
342 on Appropriations, the House Committee on Youth and Family Affairs
343 and the Senate Committee on Health and Welfare regarding the
344 quality of prekindergarten education in the state.

345 (3) The State Department of Education, the Division of Early
346 Childhood Care and Development and the State Early Childhood
347 Advisory Council shall monitor and evaluate access to and
348 enrollment in prekindergarten education programs under Section 2
349 of this act. On or before January 1, 2021, they shall report to
350 the House and Senate Committees on Education, the House and Senate



351 Committees on Appropriations, the House Committee on Ways and
352 Means, and the Senate Committee on Finance regarding their
353 evaluation, conclusions, and any recommendations for amendments to
354 statute or related rule.

355 (4) The State Department of Education and the Division of
356 Early Childhood Care and Development, in consultation with the
357 Mississippi Association of School Superintendents, the Mississippi
358 School Boards Association, the Mississippi Association of
359 Educators and the State Early Childhood Advisory Council, shall
360 develop a detailed proposal outlining the process and criteria by
361 which the State Department of Education and the Division of Early
362 Childhood Care and Development will determine the prekindergarten
363 region of a school district if requested to do so pursuant to
364 Section 2(7)(b) of this act. The State Department of Education
365 and the Division of Early Childhood Care and Development shall
366 present the proposal to the House and Senate Committees on
367 Education on or before January 1, 2020. The State Department of
368 Education and the Division of Early Childhood Care and Development
369 shall also present any recommendations for amendments to statute,
370 including repeal of or amendments to Section 2(7).

371 **SECTION 5.** On or before July 1, 2020, the State
372 Superintendent of Public Education shall identify the private
373 prekindergarten education programs to which school districts are
374 paying tuition on behalf of resident prekindergarten children,
375 determine the extent to which any program provides religious



376 prekindergarten education, and establish the steps the agency will
377 take to ensure that public funds are not expended in violation of
378 Section 208 of the Mississippi Constitution of 1890 or in
379 violation of the Establishment Clause of the United States
380 Constitution.

381 **SECTION 6.** Section 37-21-51, Mississippi Code of 1972, is
382 brought forward as follows:

383 37-21-51. (1) As used in this section:

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

387 (b) An "early learning collaborative" is a district or
388 countywide council that writes and submits an application to
389 participate in the voluntary prekindergarten program. An early
390 learning collaborative is comprised, at a minimum, of a public
391 school district and/or a local Head Start affiliate if in
392 existence, private or parochial schools, or one or more licensed
393 child care centers. Agencies or other organizations that work
394 with young children and their families may also participate in the
395 collaborative to provide resources and coordination even if those
396 agencies or organizations are not prekindergarten providers.

397 (c) A "prekindergarten provider" is a public, private
398 or parochial school, licensed child care center or Head Start
399 center that serves prekindergarten children and participates in
400 the voluntary prekindergarten program.



401 (d) A "lead partner" is a public school district or
402 other nonprofit entity with the instructional expertise and
403 operational capacity to manage the early learning collaborative's
404 prekindergarten program as described in the collaborative's
405 approved application for funds. The lead partner serves as the
406 fiscal agent for the collaborative and shall disburse awarded
407 funds in accordance with the collaborative's approved application.
408 The lead partner must facilitate a professional learning community
409 for the teachers in the prekindergarten program and lead the
410 collaborative. The lead partner ensures that the collaborative
411 adopts and implements curriculum and assessments that align with
412 the comprehensive early learning standards. The public school
413 district shall be the lead partner if no other qualifying lead
414 partner is selected.

415 (e) "Comprehensive early learning standards" are
416 standards adopted by the State Board of Education that address the
417 highest level of fundamental domains of early learning to include,
418 but not be limited to, physical well-being and motor development,
419 social/emotional development, approaches toward learning, language
420 development and cognition and general knowledge. The
421 comprehensive early learning standards shall also include
422 standards for emergent literacy skills, including oral
423 communication, knowledge of print and letters, phonological and
424 phonemic awareness, and vocabulary and comprehension development.



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

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

431 (a) Parents have the primary duty to educate their
432 young preschool children;

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

436 (c) There is a need to explore innovative approaches
437 and strategies for aiding parents and families in the education
438 and development of young preschool children; and

439 (d) There exists a patchwork of prekindergarten
440 entities but no coordination of services and there needs to be a
441 coordination of these services.

442 (3) (a) This subsection shall be known and may be cited as
443 the "Early Learning Collaborative Act of 2013."

444 (b) Effective with the 2013-2014 school year, the
445 Mississippi State Department of Education shall establish a
446 voluntary prekindergarten program, which shall be a collaboration
447 among the entities providing prekindergarten programs including
448 Head Start, licensed child care facilities and licensed public,
449 parochial and private school prekindergarten programs. This



450 program shall be implemented no later than the 2014-2015 school
451 year. Enrollment in the prekindergarten program shall be
452 coordinated with the Head Start agencies in the local areas and
453 shall not be permitted to cause a reduction in children served by
454 the Head Start program. Under this program, eligible entities may
455 submit an application for funds to (i) defray the cost of
456 additional and/or more qualified teaching staff, appropriate
457 educational materials and equipment and to improve the quality of
458 educational experiences offered to four-year-old children in early
459 care and education programs, and/or to (ii) extend developmentally
460 appropriate education services at such programs currently serving
461 four-year-old children to include practices of high quality
462 instruction, and to (iii) administer, implement, monitor and
463 evaluate the programs, and to (iv) defray the cost of professional
464 development and age-appropriate child assessment.

465 (c) Subject to the availability of funds appropriated
466 therefor, the State Department of Education shall administer the
467 implementation, monitoring and evaluation of the voluntary
468 prekindergarten program, including awards and the application
469 process.

470 (i) The department shall establish a rigorous and
471 transparent application process for the awarding of funds. Lead
472 partners shall submit the applications on behalf of their early
473 learning collaborative.



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

477 (iii) The department will provide technical
478 assistance to collaboratives and their providers to improve the
479 quality of prekindergarten programs.

480 (iv) The department will evaluate the
481 effectiveness of each early childhood collaborative and each
482 prekindergarten provider. If the State Department of Education
483 adopts a statewide kindergarten screening that assesses the
484 readiness of each student for kindergarten, the State Department
485 of Education shall adopt a minimum rate of readiness that each
486 prekindergarten provider must meet in order to remain eligible for
487 prekindergarten program funds. Each parent who enrolls his or her
488 child in the prekindergarten program must submit the child for the
489 statewide kindergarten screening, regardless of whether the child
490 is admitted to kindergarten in a public school.

491 (d) Prekindergarten program funds shall be awarded to
492 early childhood collaboratives whose proposed programs meet the
493 program criteria. The criteria shall include:

494 (i) Voluntary enrollment of children;

495 (ii) Collaboration among prekindergarten providers
496 and other early childhood programs through the establishment of an
497 early learning collaborative;



498 (iii) Qualifications of master teachers, teachers
499 and assistants, which must conform to guidelines in Section
500 37-21-3;

501 (iv) At least fifteen (15) hours of annual
502 professional development for program instructional staff,
503 including professional development in early literacy;

504 (v) The use of state-adopted comprehensive early
505 learning standards;

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

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

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

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

517 (x) Plans to screen and/or refer children for
518 vision, hearing and other health issues;

519 (xi) Parent involvement opportunities;

520 (xii) Plans to serve children with disabilities as
521 indicated under IDEA;



522 (xiii) The number of instructional hours to be
523 provided, which shall equal no less than five hundred forty (540)
524 instructional hours per school year for half-day programs and one
525 thousand eighty (1,080) instructional hours per school year for
526 full-day programs; and

527 (xiv) A budget detailing the use of funds for
528 allowed expenses.

529 Participating child care centers shall: (a) meet state child
530 care facility licensure requirements unless exempted under Section
531 43-20-5, Mississippi Code of 1972, and (b) select and utilize a
532 nationally recognized assessment tool, approved by the State
533 Department of Education, designed to document classroom quality,
534 which must be in place not later than July 1, 2016, as certified
535 by the State Department of Education.

536 Within the prekindergarten program, a prekindergarten
537 provider must comply with the antidiscrimination requirements
538 applicable to public schools. A prekindergarten provider may not
539 discriminate against a parent or child, including the refusal to
540 admit a child for enrollment in the prekindergarten program, in
541 violation of these antidiscrimination requirements. However, a
542 prekindergarten provider may refuse to admit a child based on the
543 provider's standard eligibility guidelines, provided that these
544 guidelines do not violate the antidiscrimination requirements.
545 Consistent with the Legislature's recognition of the primacy of a
546 parent's role in the education of a preschool-age child and the



547 related recognition of the state in assisting and educating
548 parents in that role, if the State Department of Education adopts
549 a statewide kindergarten screening that assesses the readiness of
550 each student for kindergarten, the State Department of Education
551 shall recognize each child's unique pattern of development when
552 adopting a minimum rate of readiness that prekindergarten
553 providers must meet in order to remain eligible for
554 prekindergarten program funds. Each parent who enrolls his or her
555 child in the prekindergarten program may submit the child for the
556 statewide kindergarten screening, regardless of whether the child
557 is admitted to kindergarten in a public school.

558 The State Department of Education may add program criteria
559 not inconsistent with these requirements and shall develop
560 policies and procedures to implement and enforce these criteria.

561 (e) The State Department of Education shall ensure that
562 early learning collaboratives provide each parent enrolling a
563 child in the voluntary prekindergarten program with a profile of
564 every prekindergarten provider participating in the
565 collaborative's geographic catchment area. The State Department
566 of Education shall prescribe the information to be included in
567 each profile as well as the format of the profiles. At a minimum,
568 the profiles must include the prekindergarten provider's services,
569 curriculum, instructor credentials and instructor-to-student
570 ratio.



571 (f) A teacher, assistant teacher or other employee
572 whose salary and fringe benefits are paid from state funds under
573 this act shall only be classified as a state or local school
574 district employee eligible for state health insurance benefits or
575 membership in the Public Employees' Retirement System, if the
576 person's employer is already an agency or instrumentality of the
577 state, such as a school district, and the employee would be
578 eligible for such benefits in the normal course of business.

579 (g) Funding shall be provided for this program
580 beginning with the 2014 fiscal year subject to appropriation by
581 the Legislature as provided in paragraph (h) of this subsection.
582 The department shall make an annual report to the Legislature and
583 the Governor regarding the effectiveness of the program. The PEER
584 Committee shall review those reports and other program data and
585 submit an independent evaluation of program operation and
586 effectiveness to the Legislature and the Governor on or before
587 October 1 of the calendar year before the beginning of the next
588 phased-in period of funding.

589 (h) (i) The Legislature shall appropriate funds to
590 implement the Early Education Collaborative Act of 2013 on a
591 phased-in basis as follows:

592 1. The first phase shall be based on an
593 annual state appropriation of not more than Eight Million Dollars
594 (\$8,000,000.00) and shall serve approximately three thousand five



595 hundred (3,500) children through five (5) to eight (8) early
596 learning collaboratives and their prekindergarten providers;

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

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

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

614 (iii) Funding shall be provided to early learning
615 collaboratives on the basis of Two Thousand One Hundred Fifty
616 Dollars (\$2,150.00) per student in a full-day program and One
617 Thousand Seventy-five Dollars (\$1,075.00) per student in a
618 half-day program proposed in the collaborative's approved
619 application. Once an early learning collaborative's plan is



620 approved and funded, the collaborative and/or its prekindergarten
621 providers shall receive funds on an ongoing basis unless the
622 collaborative and/or its prekindergarten providers no longer meet
623 the criteria to participate in the program.

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

630 (v) The State Department of Education shall
631 reserve no more than five percent (5%) of the appropriation in any
632 year for administrative costs. Funds remaining after awards to
633 early learning collaboratives and the department's administrative
634 needs are met may be carried over in the following year. In the
635 first year of implementation of the program, the department may
636 delay the awarding of funds until the 2014-2015 school year should
637 time not be sufficient to establish the program's operation prior
638 to the 2013-2014 school year.

639 (vi) In the initial phase of implementation, the
640 State Department of Education shall award state funds under the
641 Early Learning Collaborative Act of 2013 based on a community's
642 capacity, commitment and need. To determine capacity, commitment
643 and need, the State Department of Education shall require evidence
644 of existing strong local collaborations of early education



645 stakeholders. Such evidence shall include, but not be limited to,
646 collaborations resulting from any of the following:

- 647 1. Participation in Excel By 5;
- 648 2. Participation in Supporting Partnerships
649 to Assure Ready Kids (SPARK);
- 650 3. Participation in the Gilmore Early
651 Learning Initiative (GELI); or
- 652 4. Participation in the Mississippi Building
653 Blocks.

654 In determining community need, the department shall consider
655 low academic achievement within the public school districts
656 participating in an applicant early learning collaborative and the
657 number and percentage of children without quality prekindergarten
658 options.

659 (vii) All authority granted to the State
660 Department of Education to establish program rules is subject to
661 the public processes established in the provisions of the
662 Mississippi Administrative Procedures Law, including, but not
663 limited to, filing notice of the proposed rules, public hearings
664 and any economic impact statement with the Office of the Secretary
665 of State before presenting such information to the State Board of
666 Education for final approval.

667 **SECTION 7.** If any provisions of Sections 1 through 5 of this
668 act, or the application of a provision to any person or
669 circumstances, shall be held invalid, the remainder of this act,



670 and the application of the provision to persons or circumstances
671 other than those to which it is held invalid, shall not be
672 affected.

673 **SECTION 8.** This act shall take effect and be in force from
674 and after July 1, 2019.

