

By: False

To: Education;
Appropriations

HOUSE BILL NO. 1123

1 AN ACT TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972,
 2 UNDER THE EARLY LEARNING COLLABORATIVE ACT; TO PRESCRIBE MINIMUM
 3 FUNDING LEVELS FOR PREKINDERGARTEN PROGRAMS; TO AUTHORIZE
 4 TECHNICAL TEACHER AND TEACHER ASSISTANT SUPPORT SERVICES; TO
 5 REQUIRE INDIVIDUALIZED PROFESSIONAL DEVELOPMENT PLANS AND APPROVED
 6 CURRICULUM; TO REQUIRE THE DEPARTMENT OF EDUCATION TO PROVIDE THE
 7 GOVERNOR AND THE LEGISLATURE WITH AN EVALUATION OF PROGRAM
 8 EFFECTIVENESS; TO REQUIRE THE PEER COMMITTEE TO REVIEW THE
 9 DEPARTMENT OF EDUCATION'S EVALUATIONS AND ANNUAL REPORTS AND
 10 SUBMIT A SUMMARY OF ITS FINDINGS TO THE LEGISLATURE; TO STATE THE
 11 INTENT OF THE LEGISLATURE TO INCREASE APPROPRIATED FUNDS ANNUALLY;
 12 AND FOR RELATED PURPOSES.

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

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

16 37-21-51. (1) As used in this section:

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

20 (b) An "early learning collaborative" is a district or
 21 countywide council that writes and submits an application to
 22 participate in the voluntary prekindergarten program. An early
 23 learning collaborative is comprised, at a minimum, of a public



24 school district and/or a local Head Start affiliate if in
25 existence, private or parochial schools, or one or more licensed
26 child care centers. Agencies or other organizations that work
27 with young children and their families may also participate in the
28 collaborative to provide resources and coordination even if those
29 agencies or organizations are not prekindergarten providers.

30 (c) A "prekindergarten provider" is a public, private
31 or parochial school, licensed child care center or Head Start
32 center that serves prekindergarten children and participates in
33 the voluntary prekindergarten program.

34 (d) A "lead partner" is a public school district or
35 other nonprofit entity with the instructional expertise and
36 operational capacity to manage the early learning collaborative's
37 prekindergarten program as described in the collaborative's
38 approved application for funds. The lead partner serves as the
39 fiscal agent for the collaborative and shall disburse awarded
40 funds in accordance with the collaborative's approved application.
41 The lead partner must facilitate a professional learning community
42 for the teachers in the prekindergarten program and lead the
43 collaborative. The lead partner ensures that the collaborative
44 adopts and implements curriculum and assessments that align with
45 the comprehensive early learning standards. The public school
46 district shall be the lead partner if no other qualifying lead
47 partner is selected.



48 (e) "Comprehensive early learning standards" are
49 standards adopted by the State Board of Education that address the
50 highest level of fundamental domains of early learning to include,
51 but not be limited to, physical well-being and motor development,
52 social/emotional development, approaches toward learning, language
53 development and cognition and general knowledge. The
54 comprehensive early learning standards shall also include
55 standards for emergent literacy skills, including oral
56 communication, knowledge of print and letters, phonological and
57 phonemic awareness, and vocabulary and comprehension development.

58 (f) * * * An "evidence-based curriculum" is an
59 age-appropriate curriculum that * * * demonstrates a statistically
60 significant effect on improving student outcomes or other relevant
61 outcomes based on:

62 (i) Strong evidence from at least one (1)
63 well-designed and well-implemented experimental study; or

64 (ii) Moderate evidence from at least one (1)
65 well-designed and well-implemented quasi-experimental study; or

66 (iii) Promising evidence from at least one (1)
67 well-designed and well-implemented correlational study with
68 statistical controls for selection bias.

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



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

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

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

80 (d) There exists a patchwork of prekindergarten
81 entities but no coordination of services and there needs to be a
82 coordination of these services.

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

85 (b) Effective with the 2013-2014 school year, the
86 Mississippi State Department of Education shall establish a
87 voluntary prekindergarten program, which shall be a collaboration
88 among the entities providing prekindergarten programs including
89 Head Start, licensed child care facilities and licensed public,
90 parochial and private school prekindergarten programs. This
91 program shall be implemented no later than the 2014-2015 school
92 year. Enrollment in the prekindergarten program shall be
93 coordinated with the Head Start agencies in the local areas and
94 shall not be permitted to cause a reduction in children served by
95 the Head Start program. Under this program, eligible entities may
96 submit an application for funds to (i) defray the cost of



97 additional and/or more qualified teaching staff, appropriate
98 educational materials and equipment and to improve the quality of
99 educational experiences offered to four-year-old children in early
100 care and education programs, and/or to (ii) extend developmentally
101 appropriate education services at such programs currently serving
102 four-year-old children to include practices of high quality
103 instruction, and to (iii) administer, implement, monitor and
104 evaluate the programs, and to (iv) defray the cost of professional
105 development and age-appropriate child assessment.

106 (c) Subject to the availability of funds appropriated
107 therefor, the State Department of Education shall administer the
108 implementation, monitoring and evaluation of the voluntary
109 prekindergarten program, including awards and the application
110 process.

111 (i) The department shall establish a rigorous and
112 transparent application process for the awarding of funds. Lead
113 partners shall submit the applications on behalf of their early
114 learning collaborative.

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

118 (iii) The department will provide technical
119 assistance to collaboratives and their providers to improve the
120 quality of prekindergarten programs. Technical assistance may



121 include classroom-embedded support for teachers and assistant
122 teachers.

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

134 (d) Prekindergarten program funds shall be awarded to
135 early childhood collaboratives whose proposed programs meet the
136 program criteria. The criteria shall include:

137 (i) Voluntary enrollment of children;

138 (ii) Collaboration among prekindergarten providers
139 and other early childhood programs through the establishment of an
140 early learning collaborative;

141 (iii) Qualifications of master teachers, teachers
142 and assistants, which must conform to guidelines in Section
143 37-21-3;

144 (iv) At least fifteen (15) hours of annual
145 professional development for program instructional staff,



146 including professional development in early literacy, and
147 individualized professional development plans for all teachers and
148 teaching assistants supplemented by classroom-embedded support on
149 an as-needed basis;

150 (v) The use of state-adopted comprehensive early
151 learning standards;

152 (vi) The use of a * * * curriculum * * * based on
153 strong evidence as defined in subsection (1)(f)(i) of this section
154 and aligned with the comprehensive early learning standards;

155 (vii) The use of a curriculum based on moderate
156 evidence as defined in subsection (1)(f)(ii) of this section and
157 aligned with the comprehensive early learning standards if no
158 strong-evidence curriculum is available;

159 (viii) The use of a curriculum based on promising
160 evidence as defined in subsection (1)(f)(iii) of this section and
161 aligned with the comprehensive early learning standards if no
162 strong-evidence curriculum or moderate-evidence curriculum is
163 available;

164 (* * * ix) The use of age-appropriate assessments
165 aligned to the comprehensive early learning standards;

166 (* * * x) Teacher/child ratios of one (1) adult
167 for every ten (10) children with a maximum of twenty (20) children
168 per classroom and a minimum of five (5) children per classroom;

169 (* * * xi) The provision of at least one (1) meal
170 meeting state and federal nutrition guidelines for young children;



171 (* * *xii) Plans to screen and/or refer children
172 for vision, hearing and other health issues;

173 (* * *xiii) * * * Family engagement
174 opportunities;

175 (* * *xiv) Plans to serve children with
176 disabilities as indicated under IDEA;

177 (* * *xv) The number of instructional hours to be
178 provided, which shall equal no less than five hundred forty (540)
179 instructional hours per school year for half-day programs and one
180 thousand eighty (1,080) instructional hours per school year for
181 full-day programs; and

182 (* * *xvi) A budget detailing the use of funds
183 for allowed expenses.

184 Participating child care centers shall: (a) meet state child
185 care facility licensure requirements unless exempted under Section
186 43-20-5, Mississippi Code of 1972, and (b) select and utilize a
187 nationally recognized assessment tool, approved by the State
188 Department of Education, designed to document classroom quality,
189 which must be in place not later than July 1, 2016, as certified
190 by the State Department of Education.

191 Within the prekindergarten program, a prekindergarten
192 provider must comply with the antidiscrimination requirements
193 applicable to public schools. A prekindergarten provider may not
194 discriminate against a parent or child, including the refusal to
195 admit a child for enrollment in the prekindergarten program, in



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

213 The State Department of Education may add program criteria
214 not inconsistent with these requirements and shall develop
215 policies and procedures to implement and enforce these criteria.

216 (e) The State Department of Education shall ensure that
217 early learning collaboratives provide each parent enrolling a
218 child in the voluntary prekindergarten program with a profile of
219 every prekindergarten provider participating in the
220 collaborative's geographic catchment area. The State Department



221 of Education shall prescribe the information to be included in
222 each profile as well as the format of the profiles. At a minimum,
223 the profiles must include the prekindergarten provider's services,
224 curriculum, instructor credentials and instructor-to-student
225 ratio.

226 (f) A teacher, assistant teacher or other employee
227 whose salary and fringe benefits are paid from state funds under
228 this act shall only be classified as a state or local school
229 district employee eligible for state health insurance benefits or
230 membership in the Public Employees' Retirement System, if the
231 person's employer is already an agency or instrumentality of the
232 state, such as a school district, and the employee would be
233 eligible for such benefits in the normal course of business.

234 (g) Funding shall be provided for this program
235 beginning with the 2014 fiscal year subject to appropriation by
236 the Legislature as provided in paragraph (h) of this subsection.
237 The department shall make an annual report to the Legislature and
238 the Governor regarding * * * program operations and outcomes.
239 Every three (3) years, with the first report due July 1, 2023, the
240 department shall provide to the Legislature and the Governor a
241 rigorous evaluation of program effectiveness using longitudinal
242 data to measure short-term and long-term effects, including both
243 achievement and nonachievement effects. After each three-year
244 report, the PEER Committee shall review the three-year report and



245 the intervening annual reports and submit an independent summary
246 of its findings prior to the next legislative session.

247 (h) (i) The Legislature shall use the following to
248 appropriate funds to implement the Early * * * Learning
249 Collaborative Act of 2013 * * * with every effort made to maintain
250 and increase the percentage of four-year-old children in the state
251 served by the program on an annual basis. The Legislature,
252 subject to available appropriations, shall increase the amount of
253 funds appropriated annually until the program serves twenty-five
254 percent (25%) of the four-year-old children in the state by no
255 later than the beginning of the 2023-2024 school year.

256 (* * * ii) Funding shall be provided to early
257 learning collaboratives * * * as follows: no less than Two
258 Thousand Five Hundred Dollars (\$2,500.00) per student in a
259 full-day program and * * * no less than One Thousand Two Hundred
260 Fifty Dollars (\$1,250.00) per student in a half-day program,
261 whichever is proposed in the collaborative's approved application.
262 Once an early learning collaborative's plan is approved and
263 funded, the collaborative and/or its prekindergarten providers
264 shall receive funds on an ongoing basis unless the collaborative
265 and/or its prekindergarten providers no longer meet the criteria
266 to participate in the program. Existing early learning
267 collaborative agreements must be modified on July 1 of each year
268 to reflect any increased cost per child approved by the
269 Legislature for that year.



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

276 (* * * iv) 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 (* * * y) In the initial phase of implementation,
286 the State Department of Education shall award state funds under
287 the Early Learning Collaborative Act of 2013 based on a
288 community's capacity, commitment and need. To determine capacity,
289 commitment and need, the State Department of Education shall
290 require evidence of existing strong local collaborations of early
291 education stakeholders. Such evidence shall include, but not be
292 limited to, 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 (* * *vi) 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.** This act shall take effect and be in force from
314 and after July 1, 2021.

