

By: Representatives McCarty, Bennett,  
Deweese, Felsher, Ford (73rd), McGee, Yates,  
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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.

