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To: Education;
Appropriations

HOUSE BILL NO. 1123
(As Sent to Governor)

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

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

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

14 37-21-51. (1) As used in this section:

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

18 (b) An "early learning collaborative" is a district or
19 countywide council that writes and submits an application to
20 participate in the voluntary prekindergarten program. An early
21 learning collaborative is comprised, at a minimum, of a public
22 school district and/or a local Head Start affiliate if in



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

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

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

46 (e) "Comprehensive early learning standards" are
47 standards adopted by the State Board of Education that address the



48 highest level of fundamental domains of early learning to include,
49 but not be limited to, physical well-being and motor development,
50 social/emotional development, approaches toward learning, language
51 development and cognition and general knowledge. The
52 comprehensive early learning standards shall also include
53 standards for emergent literacy skills, including oral
54 communication, knowledge of print and letters, phonological and
55 phonemic awareness, and vocabulary and comprehension development.

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

60 (i) Strong evidence from at least one (1)
61 well-designed and well-implemented experimental study;

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

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

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

70 (a) Parents have the primary duty to educate their
71 young preschool children;



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

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

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

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

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



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

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

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

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

116 (iii) The department will provide technical
117 assistance to collaboratives and their providers to improve the
118 quality of prekindergarten programs. Technical assistance may
119 include classroom-embedded support for teachers and assistant
120 teachers.



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

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

135 (i) Voluntary enrollment of children;

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

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

142 (iv) At least fifteen (15) hours of annual
143 professional development for program instructional staff,
144 including professional development in early literacy, and
145 individualized professional development plans for all teachers and



146 teaching assistants supplemented by classroom-embedded support on
147 an as-needed basis;

148 (v) The use of state-adopted comprehensive early
149 learning standards;

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

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

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

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

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

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

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



171 (* * *xiii) * * * Family engagement

172 opportunities;

173 (* * *xiv) Plans to serve children with
174 disabilities as indicated under IDEA;

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

180 (* * *xvi) A budget detailing the use of funds
181 for allowed expenses.

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

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



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

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

214 (e) The State Department of Education shall ensure that
215 early learning collaboratives provide each parent enrolling a
216 child in the voluntary prekindergarten program with a profile of
217 every prekindergarten provider participating in the
218 collaborative's geographic catchment area. The State Department
219 of Education shall prescribe the information to be included in
220 each profile as well as the format of the profiles. At a minimum,



221 the profiles must include the prekindergarten provider's services,
222 curriculum, instructor credentials and instructor-to-student
223 ratio.

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

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



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

248 1. The first phase shall be based on an
249 annual state appropriation of not more than Eight Million Dollars
250 (\$8,000,000.00) and shall serve approximately three thousand five
251 hundred (3,500) children through five (5) to eight (8) early
252 learning collaboratives and their prekindergarten providers;

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

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

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



270 (iii) Funding shall be provided to early learning
271 collaboratives on the basis of Two Thousand One Hundred Fifty
272 Dollars (\$2,150.00) per student in a full-day program per student
273 in a full-day program and One Thousand Seventy-five Dollars
274 (\$1,075.00) per student in a half-day program proposed in the
275 collaborative's approved application. Once an early learning
276 collaborative's plan is approved and funded, the collaborative
277 and/or its prekindergarten providers shall receive funds on an
278 ongoing basis unless the collaborative and/or its prekindergarten
279 providers no longer meet the criteria to participate in the
280 program.

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

287 (v) The State Department of Education shall
288 reserve no more than five percent (5%) of the appropriation in any
289 year for administrative costs. Funds remaining after awards to
290 early learning collaboratives and the department's administrative
291 needs are met may be carried over in the following year. In the
292 first year of implementation of the program, the department may
293 delay the awarding of funds until the 2014-2015 school year should



294 time not be sufficient to establish the program's operation prior
295 to the 2013-2014 school year.

296 (vi) In the initial phase of implementation, the
297 State Department of Education shall award state funds under the
298 Early Learning Collaborative Act of 2013 based on a community's
299 capacity, commitment and need. To determine capacity, commitment
300 and need, the State Department of Education shall require evidence
301 of existing strong local collaborations of early education
302 stakeholders. Such evidence shall include, but not be limited to,
303 collaborations resulting from any of the following:

- 304 1. Participation in Excel By 5;
- 305 2. Participation in supporting Partnerships
306 to Assure Ready Kids (SPARK);
- 307 3. Participation in the Gilmore Early
308 Learning Initiative (GELI); or
- 309 4. Participation in the Mississippi Building
310 Blocks.

311 In determining community need, the department shall consider
312 low academic achievement within the public school districts
313 participating in an applicant early learning collaborative and the
314 number and percentage of children without quality prekindergarten
315 options.

316 (vii) All authority granted to the State
317 Department of Education to establish program rules is subject to
318 the public processes established in the provisions of the



319 Mississippi Administrative Procedures Law, including, but not
320 limited to, filing notice of the proposed rules, public hearings
321 and any economic impact statement with the Office of the Secretary
322 of State before presenting such information to the State Board of
323 Education for final approval.

324 **SECTION 2.** This act shall take effect and be in force from
325 and after July 1, 2021.

