

By: Senator(s) Wiggins

To: Education

SENATE BILL NO. 2664

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.

