

By: Representatives McCarty, Summers,
Reynolds

To: Education;
Appropriations

HOUSE BILL NO. 1246

1 AN ACT TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE LEGISLATURE, SUBJECT TO AVAILABLE APPROPRIATIONS,
3 TO INCREASE THE ANNUAL APPROPRIATION TO EARLY LEARNING
4 COLLABORATIVES UNTIL THE PROGRAM SERVES 25% OF THE FOUR-YEAR-OLD
5 CHILDREN IN THE STATE NO LATER THAN THE BEGINNING OF THE 2024-2025
6 SCHOOL YEAR; TO PRESCRIBE MINIMUM FUNDING LEVELS FOR
7 PREKINDERGARTEN PROGRAMS; AND FOR RELATED PURPOSES.

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

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

11 37-21-51. (1) As used in this section:

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

15 (b) An "early learning collaborative" is a district or
16 countywide council that writes and submits an application to
17 participate in the voluntary prekindergarten program. An early
18 learning collaborative is comprised, at a minimum, of a public
19 school district and/or a local Head Start affiliate if in
20 existence, private or parochial schools, or one or more licensed



21 child care centers. Agencies or other organizations that work
22 with young children and their families may also participate in the
23 collaborative to provide resources and coordination even if those
24 agencies or organizations are not prekindergarten providers.

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

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

43 (e) "Comprehensive early learning standards" are
44 standards adopted by the State Board of Education that address the
45 highest level of fundamental domains of early learning to include,



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

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

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

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

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

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

67 (a) Parents have the primary duty to educate their
68 young preschool children;



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

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

75 (d) There exists a patchwork of prekindergarten
76 entities but no coordination of services and there needs to be a
77 coordination of these services.

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

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



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

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

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

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

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



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

129 (d) Prekindergarten program funds shall be awarded to
130 early childhood collaboratives whose proposed programs meet the
131 program criteria. The criteria shall include:

132 (i) Voluntary enrollment of children;

133 (ii) Collaboration among prekindergarten providers
134 and other early childhood programs through the establishment of an
135 early learning collaborative;

136 (iii) Qualifications of master teachers, teachers
137 and assistants, which must conform to guidelines in Section
138 37-21-3;

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



143 teaching assistants supplemented by classroom-embedded support on
144 an as-needed basis;

145 (v) The use of state-adopted comprehensive early
146 learning standards;

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

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

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

159 (ix) The use of age-appropriate assessments
160 aligned to the comprehensive early learning standards;

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

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

166 (xii) Plans to screen and/or refer children for
167 vision, hearing and other health issues;



- 168 (xiii) Family engagement opportunities;
- 169 (xiv) Plans to serve children with disabilities as
170 indicated under IDEA;
- 171 (xv) The number of instructional hours to be
172 provided, which shall equal no less than five hundred forty (540)
173 instructional hours per school year for half-day programs and one
174 thousand eighty (1,080) instructional hours per school year for
175 full-day programs; and
- 176 (xvi) A budget detailing the use of funds for
177 allowed expenses.

178 Participating child care centers shall: (a) meet state child
179 care facility licensure requirements unless exempted under Section
180 43-20-5, Mississippi Code of 1972, and (b) select and utilize a
181 nationally recognized assessment tool, approved by the State
182 Department of Education, designed to document classroom quality,
183 which must be in place not later than July 1, 2016, as certified
184 by the State Department of Education.

185 Within the prekindergarten program, a prekindergarten
186 provider must comply with the antidiscrimination requirements
187 applicable to public schools. A prekindergarten provider may not
188 discriminate against a parent or child, including the refusal to
189 admit a child for enrollment in the prekindergarten program, in
190 violation of these antidiscrimination requirements. However, a
191 prekindergarten provider may refuse to admit a child based on the
192 provider's standard eligibility guidelines, provided that these



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

207 The State Department of Education may add program criteria
208 not inconsistent with these requirements and shall develop
209 policies and procedures to implement and enforce these criteria.

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



218 curriculum, instructor credentials and instructor-to-student
219 ratio.

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

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

241 (h) (i) The Legislature shall appropriate funds to
242 implement and sustain the Early * * * Learning Collaborative Act



243 of 2013 * * * with every effort made to maintain and increase the
244 percentage of four-year-old children in the state served by the
245 program on an annual basis. The Legislature, subject to available
246 appropriations, shall increase the amount of funds appropriated
247 annually until the program serves twenty-five percent (25%) of the
248 four-year-old children in the state by no later than the beginning
249 of the 2024-2025 school year.

250 * * *

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

265 (* * *iii) Early learning collaboratives shall
266 match state funds on a 1:1 basis. Local matching funds may
267 include local tax dollars, federal dollars as allowed, parent



268 tuition, philanthropic contributions, or in-kind donations of
269 facilities, equipment and services required as part of the program
270 such as food service or health screenings.

271 (* * *iv) The State Department of Education shall
272 reserve no more than five percent (5%) of the appropriation in any
273 year for administrative costs. Funds remaining after awards to
274 early learning collaboratives and the department's administrative
275 needs are met may be carried over in the following year. In the
276 first year of implementation of the program, the department may
277 delay the awarding of funds until the 2014-2015 school year should
278 time not be sufficient to establish the program's operation prior
279 to the 2013-2014 school year.

280 (* * *y) In the initial phase of implementation,
281 the State Department of Education shall award state funds under
282 the Early Learning Collaborative Act of 2013 based on a
283 community's capacity, commitment and need. To determine capacity,
284 commitment and need, the State Department of Education shall
285 require evidence of existing strong local collaborations of early
286 education stakeholders. Such evidence shall include, but not be
287 limited to, collaborations resulting from any of the following:

- 288 1. Participation in Excel By 5;
289 2. Participation in Supporting Partnerships
290 to Assure Ready Kids (SPARK);
291 3. Participation in the Gilmore Early
292 Learning Initiative (GELI); or



293 4. Participation in the Mississippi Building
294 Blocks.

295 In determining community need, the department shall consider
296 low academic achievement within the public school districts
297 participating in an applicant early learning collaborative and the
298 number and percentage of children without quality prekindergarten
299 options.

300 (* * *vi) All authority granted to the State
301 Department of Education to establish program rules is subject to
302 the public processes established in the provisions of the
303 Mississippi Administrative Procedures Law, including, but not
304 limited to, filing notice of the proposed rules, public hearings
305 and any economic impact statement with the Office of the Secretary
306 of State before presenting such information to the State Board of
307 Education for final approval.

308 **SECTION 2.** This act shall take effect and be in force from
309 and after July 1, 2022.

