

By: Representatives McCarty, Summers,  
Reynolds

To: Education;  
Appropriations

HOUSE BILL NO. 1246  
(As Passed the House)

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; TO REQUIRE COLLABORATIVE TO ENSURE  
8 EQUITABLE DISTRIBUTION OF FUNDS FOR THE INCREASE OF PER-PUPIL  
9 ALLOCATIONS FOR STUDENTS ENROLLED IN HEAD START PROGRAMS; TO  
10 REQUIRE EACH COLLABORATIVE TO INCLUDE A PLAN IN ITS GRANT  
11 APPLICATION TO ASSIST HEAD START PROGRAMS COMPLIANCE WITH FEDERAL  
12 REQUIREMENTS FOR RECRUITMENT AND ENROLLMENT OF STUDENTS; AND FOR  
13 RELATED PURPOSES.

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

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

17 37-21-51. (1) As used in this section:

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

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



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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

138 (i) Voluntary enrollment of children;

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

142 (iii) Qualifications of master teachers, teachers  
143 and assistants, which must conform to guidelines in Section  
144 37-21-3;

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



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

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

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

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

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

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

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

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



- 172 (xii) Plans to screen and/or refer children for  
173 vision, hearing and other health issues;
- 174 (xiii) Family engagement opportunities;
- 175 (xiv) Plans to serve children with disabilities as  
176 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 for  
183 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. Every  
239 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 appropriate funds to  
248 implement and sustain the Early \* \* \* Learning Collaborative Act  
249 of 2013 \* \* \* with every effort made to maintain and increase the  
250 percentage of four-year-old children in the state served by the  
251 program on an annual basis. The Legislature, subject to available  
252 appropriations, shall increase the amount of funds appropriated  
253 annually until the program serves twenty-five percent (25%) of the  
254 four-year-old children in the state by no later than the beginning  
255 of the 2024-2025 school year.

256 \* \* \*

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



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

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

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

294 1. Participation in Excel By 5;



295 2. Participation in Supporting Partnerships

296 to Assure Ready Kids (SPARK);

297 3. Participation in the Gilmore Early

298 Learning Initiative (GELI); or

299 4. Participation in the Mississippi Building

300 Blocks.

301 In determining community need, the department shall consider  
302 low academic achievement within the public school districts  
303 participating in an applicant early learning collaborative and the  
304 number and percentage of children without quality prekindergarten  
305 options.

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

314 (vii) The Collaborative shall ensure equitable  
315 distribution of any additional funds appropriated by the  
316 Legislature for the purpose of increasing the per-pupil  
317 allocations for students in full-day or half-day programs for  
318 students enrolled in Head Start Programs which are partners to the  
319 Collaborative. Each Collaborative shall include, with its grant



320 application, a written plan outlining the process by which the  
321 Collaborative will identify, recruit and enroll children to  
322 maintain the ability and opportunity of Head Start agencies to  
323 meet federal requirements. The Collaborative shall develop a  
324 universal prekindergarten application for enrollment which, upon  
325 review and approval, shall give priority to participating Head  
326 Start agencies to enroll all income eligible children before any  
327 other participating prekindergarten provider.

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

