

By: Representatives McCarty, Bennett,
Summers, Hulum, McLean

To: Education

HOUSE BILL NO. 817

1 AN ACT TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MINIMUM FUNDING LEVELS FOR EACH STUDENT ENROLLED
3 IN FULL-DAY EARLY LEARNING COLLABORATIVE PROGRAMS TO \$2,500.00,
4 AND HALF-DAY EARLY LEARNING COLLABORATIVE PROGRAMS TO \$1,250.00;
5 AND FOR RELATED PURPOSES.

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

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

9 37-21-51. (1) As used in this section:

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

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



20 with young children and their families may also participate in the
21 collaborative to provide resources and coordination even if those
22 agencies or organizations are not prekindergarten providers.

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

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

41 (e) "Comprehensive early learning standards" are
42 standards adopted by the State Board of Education that address the
43 highest level of fundamental domains of early learning to include,
44 but not be limited to, physical well-being and motor development,



45 social/emotional development, approaches toward learning, language
46 development and cognition and general knowledge. The
47 comprehensive early learning standards shall also include
48 standards for emergent literacy skills, including oral
49 communication, knowledge of print and letters, phonological and
50 phonemic awareness, and vocabulary and comprehension development.

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

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

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

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

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

65 (a) Parents have the primary duty to educate their
66 young preschool children;

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



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

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

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

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



95 four-year-old children to include practices of high quality
96 instruction, and to (iii) administer, implement, monitor and
97 evaluate the programs, and to (iv) defray the cost of professional
98 development and age-appropriate child assessment.

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

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

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

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

116 (iv) The department will evaluate the
117 effectiveness of each early childhood collaborative and each
118 prekindergarten provider. If the State Department of Education
119 adopts a statewide kindergarten screening that assesses the



120 readiness of each student for kindergarten, the State Department
121 of Education shall adopt a minimum rate of readiness that each
122 prekindergarten provider must meet in order to remain eligible for
123 prekindergarten program funds. Each parent who enrolls his or her
124 child in the prekindergarten program must submit the child for the
125 statewide kindergarten screening, regardless of whether the child
126 is admitted to kindergarten in a public school.

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

130 (i) Voluntary enrollment of children;

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

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

137 (iv) At least fifteen (15) hours of annual
138 professional development for program instructional staff,
139 including professional development in early literacy, and
140 individualized professional development plans for all teachers and
141 teaching assistants supplemented by classroom-embedded support on
142 an as-needed basis;

143 (v) The use of state-adopted comprehensive early
144 learning standards;



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

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

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

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

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

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

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

166 (xiii) Family engagement opportunities;

167 (xiv) Plans to serve children with disabilities as
168 indicated under IDEA;



169 (xv) The number of instructional hours to be
170 provided, which shall equal no less than five hundred forty (540)
171 instructional hours per school year for half-day programs and one
172 thousand eighty (1,080) instructional hours per school year for
173 full-day programs; and

174 (xvi) A budget detailing the use of funds for
175 allowed expenses.

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

183 Within the prekindergarten program, a prekindergarten
184 provider must comply with the antidiscrimination requirements
185 applicable to public schools. A prekindergarten provider may not
186 discriminate against a parent or child, including the refusal to
187 admit a child for enrollment in the prekindergarten program, in
188 violation of these antidiscrimination requirements. However, a
189 prekindergarten provider may refuse to admit a child based on the
190 provider's standard eligibility guidelines, provided that these
191 guidelines do not violate the antidiscrimination requirements.
192 Consistent with the Legislature's recognition of the primacy of a
193 parent's role in the education of a preschool-age child and the



194 related recognition of the state in assisting and educating
195 parents in that role, if the State Department of Education adopts
196 a statewide kindergarten screening that assesses the readiness of
197 each student for kindergarten, the State Department of Education
198 shall recognize each child's unique pattern of development when
199 adopting a minimum rate of readiness that prekindergarten
200 providers must meet in order to remain eligible for
201 prekindergarten program funds. Each parent who enrolls his or her
202 child in the prekindergarten program may submit the child for the
203 statewide kindergarten screening, regardless of whether the child
204 is admitted to kindergarten in a public school.

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

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



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

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

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



242 1. The first phase shall be based on an
243 annual state appropriation of not more than Eight Million Dollars
244 (\$8,000,000.00) and shall serve approximately three thousand five
245 hundred (3,500) children through five (5) to eight (8) early
246 learning collaboratives and their prekindergarten providers;

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

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

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

264 (iii) Funding shall be provided to early learning
265 collaboratives on the basis of * * * a minimum of Two Thousand
266 Five Hundred Dollars (\$2,500.00) per student in a full-day program



267 per student in a full-day program and * * * a minimum of One
268 Thousand Two Hundred Fifty Dollars (\$1,250.00) per student in a
269 half-day program proposed in the collaborative's approved
270 application. Once an early learning collaborative's plan is
271 approved and funded, the collaborative and/or its prekindergarten
272 providers shall receive funds on an ongoing basis unless the
273 collaborative and/or its prekindergarten providers no longer meet
274 the criteria to participate in the program.

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

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

290 (vi) In the initial phase of implementation, the
291 State Department of Education shall award state funds under the



292 Early Learning Collaborative Act of 2013 based on a community's
293 capacity, commitment and need. To determine capacity, commitment
294 and need, the State Department of Education shall require evidence
295 of existing strong local collaborations of early education
296 stakeholders. Such evidence shall include, but not be limited to,
297 collaborations resulting from any of the following:

- 298 1. Participation in Excel By 5;
- 299 2. Participation in Supporting Partnerships
300 to Assure Ready Kids (SPARK);
- 301 3. Participation in the Gilmore Early
302 Learning Initiative (GELI); or
- 303 4. Participation in the Mississippi Building
304 Blocks.

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

310 (vii) All authority granted to the State
311 Department of Education to establish program rules is subject to
312 the public processes established in the provisions of the
313 Mississippi Administrative Procedures Law, including, but not
314 limited to, filing notice of the proposed rules, public hearings
315 and any economic impact statement with the Office of the Secretary



316 of State before presenting such information to the State Board of
317 Education for final approval.

318 **SECTION 2.** This act shall take effect and be in force from
319 and after July 1, 2023.

