

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.

