

By: Senator(s) Hickman, Simmons (12th)

To: Education;
Appropriations

SENATE BILL NO. 2324

1 AN ACT TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE EARLY LEARNING COLLABORATIVE ACT TO AUTHORIZE
3 THREE-YEAR-OLD CHILDREN TO ATTEND VOLUNTARY PREKINDERGARTEN; AND
4 FOR RELATED PURPOSES.

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

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

8 37-21-51. (1) As used in this section:

9 (a) "Preschool or prekindergarten children" means any
10 children who have not entered kindergarten but will have
11 obtained * * * three (3) years of age on or before September 1 of
12 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 * * * 2023-2024 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 * * * three-year-old children
93 in early care and education programs, and/or to (ii) extend
94 developmentally appropriate education services at such programs



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

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

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

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

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

117 (iv) The department will evaluate the
118 effectiveness of each early childhood collaborative and each
119 prekindergarten provider. If the State Department of Education



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

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

131 (i) Voluntary enrollment of children;

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

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

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



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

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

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

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

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

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

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

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

167 (xiii) Family engagement opportunities;



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

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

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

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

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



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

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

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



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

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

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



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

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

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

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

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



265 (iii) Funding shall be provided to early learning
266 collaboratives on the basis of Two Thousand One Hundred Fifty
267 Dollars (\$2,150.00) per student in a full-day program per student
268 in a full-day program and One Thousand Seventy-five Dollars
269 (\$1,075.00) per student in a half-day program proposed in the
270 collaborative's approved application. Once an early learning
271 collaborative's plan is approved and funded, the collaborative
272 and/or its prekindergarten providers shall receive funds on an
273 ongoing basis unless the collaborative and/or its prekindergarten
274 providers no longer meet the criteria to participate in the
275 program.

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

282 (v) The State Department of Education shall
283 reserve no more than five percent (5%) of the appropriation in any
284 year for administrative costs. Funds remaining after awards to
285 early learning collaboratives and the department's administrative
286 needs are met may be carried over in the following year. In the
287 first year of implementation of the program, the department may
288 delay the awarding of funds until the 2014-2015 school year should



289 time not be sufficient to establish the program's operation prior
290 to the 2013-2014 school year.

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

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

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

311 (vii) All authority granted to the State
312 Department of Education to establish program rules is subject to
313 the public processes established in the provisions of the



314 Mississippi Administrative Procedures Law, including, but not
315 limited to, filing notice of the proposed rules, public hearings
316 and any economic impact statement with the Office of the Secretary
317 of State before presenting such information to the State Board of
318 Education for final approval.

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

