

By: Representative Scott

To: Education;
Appropriations A

HOUSE BILL NO. 938

1 AN ACT TO CREATE THE "MISSISSIPPI UNIVERSAL PREKINDERGARTEN
2 PROGRAM ACT OF 2024"; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR THE
3 PUBLIC FUNDING OF THE PROGRAM, WHICH SHALL BE AVAILABLE TO PARENTS
4 AND FAMILIES ON A VOLUNTARY PARTICIPATION BASIS; TO PRESCRIBE THE
5 MINIMUM STANDARDS OF EDUCATION REQUIRED TO BE OFFERED TO CHILDREN
6 ENROLLED IN THE PROGRAM; TO PRESCRIBE THE MANNER BY WHICH PAYMENTS
7 WILL BE MADE TO PREKINDERGARTEN PROGRAMS, WHETHER SUCH PROGRAMS
8 ARE OFFERED THROUGH THE PUBLIC SCHOOL DISTRICT OF RESIDENCE, AN
9 OUTSIDE DISTRICT OR THROUGH A PREQUALIFIED PRIVATE PROVIDER; TO
10 ESTABLISH THE MINIMUM STANDARDS REQUIRED FOR THE PREQUALIFICATION
11 OF PRIVATE PROVIDERS; TO PRESCRIBE THE MANNER BY WHICH LOCAL
12 SCHOOL DISTRICTS MUST ACCOUNT FOR STUDENTS ENROLLED IN
13 PREKINDERGARTEN PROGRAMS FOR PURPOSES OF DETERMINING AVERAGE DAILY
14 ATTENDANCE; TO REQUIRE THE PROGRAM TO BE JOINTLY ADMINISTERED BY
15 THE STATE BOARD OF EDUCATION AND THE DIVISION OF EARLY CHILDHOOD
16 CARE AND DEVELOPMENT; TO PROVIDE FOR THE EXPANSION OF SCHOOL-BASED
17 PREKINDERGARTEN PROGRAMS; TO REQUIRE THE BOARD AND THE DIVISION TO
18 ESTABLISH A PROCESS TO CALCULATE THE ANNUAL STATEWIDE TUITION RATE
19 FOR PREKINDERGARTEN EDUCATION; TO PROVIDE FOR AN ADMINISTRATIVE
20 PROCEDURES PROCESS FOR ENTITIES AGGRIEVED BY ACTIONS OF THE BOARD
21 AND DIVISION; TO REQUIRE ANNUAL REPORTS ON THE PROGRAM AND ANY
22 RECOMMENDATION FOR IMPROVEMENT OR DISCONTINUATION TO THE
23 LEGISLATURE; TO BRING FORWARD SECTION 37-21-51, MISSISSIPPI CODE
24 OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
25 PURPOSES.

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

27 **SECTION 1.** This act shall be known and may be cited as the
28 "Mississippi Universal Prekindergarten Program Act of 2024."



29 **SECTION 2.** (1) As used in this act, the following words and
30 phrases have the meanings ascribed in this section unless the
31 context clearly indicates otherwise:

32 (a) "Prekindergarten child" means any child who has not
33 entered kindergarten but has attained four (4) years of age on or
34 before September 1 of a school year.

35 (b) "Prekindergarten education" means services designed
36 to provide prekindergarten children with developmentally
37 appropriate early development and learning experiences based on
38 Mississippi's Early Learning Standards.

39 (c) "Prequalified private provider" has the same
40 meaning as prescribed in Section 37-21-51. The term also means a
41 private provider of prekindergarten education that is qualified
42 pursuant to subsection (3) of this section.

43 (2) (a) No fewer than ten (10) hours per week of publicly
44 funded prekindergarten education must be available for thirty-five
45 (35) weeks annually to each prekindergarten child whom a parent or
46 guardian wishes to enroll in an available, prequalified program
47 operated by a public school district or a private provider.

48 (b) If a parent or guardian chooses to enroll a
49 prekindergarten child in an available, prequalified program, then,
50 pursuant to the parent or guardian's choice, the school district
51 of residence shall:

52 (i) Pay tuition pursuant to subsections (4) and
53 (7) of this section upon the request of the parent or guardian to:



54 1. A prequalified private provider; or
55 2. A public school located outside the school
56 district which operates a prekindergarten program that has been
57 prequalified pursuant to subsection (3) of this section; or

58 (ii) Enroll the child in the prekindergarten
59 education program that it operates.

60 (c) If requested by the parent or guardian of a
61 prekindergarten child, the school district of residence must pay
62 tuition to a prequalified program operated by a private provider
63 or a public school in another district, even if the school
64 district of residence operates a prekindergarten education
65 program.

66 (d) This section may not be construed to require a
67 school district to begin or expand a program if the supply of
68 prequalified private and public providers is insufficient to meet
69 the demand for publicly funded prekindergarten education in any
70 region of the state. However, in collaboration with the State
71 Department of Education and the Mississippi Department of Human
72 Services, the State Early Childhood Advisory Council shall meet
73 with school districts and private providers in the region to
74 develop a regional plan to expand capacity.

75 (3) Pursuant to rules jointly developed and administered by
76 the State Board of Education and the Mississippi Department of
77 Human Services, the State Department of Education and the Division
78 of Early Childhood Care and Development jointly shall determine if



79 a private or public provider of prekindergarten education is
80 qualified for purposes of this section and shall maintain in a
81 publicly accessible database, a list of prequalified providers.
82 At a minimum, the rules must define the process by which a
83 provider applies for and maintains prequalification status,
84 identify the minimum quality standards for prequalification, and
85 include the following requirements:

86 (a) Accreditation by the National Association for the
87 Education of Young Children (NAEYC);

88 (b) Approval of a plan submitted by a provider which
89 addresses, at a minimum, the following:

90 (i) Voluntary enrollment of children;

91 (ii) Collaboration among prekindergarten providers
92 and other early childhood programs through the establishment of an
93 early learning collaborative;

94 (iii) Qualifications of master teachers, teachers
95 and assistants, which must conform to guidelines in Section
96 37-21-3;

97 (iv) At least fifteen (15) hours of annual
98 professional development for program instructional staff,
99 including professional development in early literacy;

100 (v) The use of state-adopted comprehensive early
101 learning standards;

102 (vi) The use of a research-based curriculum that
103 is designed to prepare students to be ready for kindergarten, with



104 emphasis in early literacy, and is aligned with the comprehensive
105 early learning standards;

106 (vii) The use of age-appropriate assessments
107 aligned to the comprehensive early learning standards;

108 (viii) Teacher:child ratios of one (1) adult for
109 every ten (10) children with a maximum of twenty (20) children per
110 classroom and a minimum of five (5) children per classroom;

111 (ix) The provision of at least one (1) meal
112 meeting state and federal nutrition guidelines for young children;

113 (x) Plans to screen or refer children for vision,
114 hearing and other health issues;

115 (xi) Parent involvement opportunities;

116 (xii) Plans to serve children with disabilities as
117 indicated under IDEA;

118 (xiii) The number of instructional hours to be
119 provided, which must equal no less than five hundred forty (540)
120 instructional hours per school year for half-day programs and one
121 thousand eighty (1,080) instructional hours per school year for
122 full-day programs; and

123 (xiv) A budget detailing the use of funds for
124 allowed expenses; and

125 (c) For a registered home provider that is not licensed
126 and endorsed in early childhood education or early childhood
127 special education, the provision of regular, active supervision



128 and training from a teacher who is licensed and endorsed in early
129 childhood education or in early childhood special education.

130 (4) (a) On behalf of a resident prekindergarten child, a
131 school district shall pay tuition for prekindergarten education
132 for ten (10) hours per week for thirty-five (35) weeks annually to
133 a prequalified private provider or to a public school outside the
134 school district that is prequalified pursuant to subsection (3) of
135 this section. The school district shall pay tuition for weeks
136 that are within the school district's academic year. Tuition paid
137 under this section must be at a statewide rate, which may be
138 adjusted regionally, established annually through a process
139 jointly developed and implemented by the State Department of
140 Education and the Mississippi Department of Human Services. A
141 school district shall pay tuition through a request for remission
142 of payment to the Division of Early Childhood Care and Development
143 upon:

144 (i) Receiving notice from the child's parent or
145 guardian that the child is or will be admitted to the
146 prekindergarten education program operated by the prequalified
147 private provider or the other district; and

148 (ii) Concurrent enrollment of the prekindergarten
149 child in the school district of residence for purposes of
150 budgeting and determining average daily attendance.

151 (b) In addition to any direct costs of operating a
152 prekindergarten education program, a school district of residence



153 shall include anticipated tuition payments and any administrative,
154 quality assurance, quality improvement, transition planning, or
155 other prekindergarten-related costs in its annual budget.

156 (c) The school district of residence may include within
157 its average daily attendance any prekindergarten child for whom it
158 has provided prekindergarten education or on whose behalf it has
159 paid tuition pursuant to this section.

160 (d) A prequalified private provider may receive
161 additional payment directly from the parent or guardian only for
162 prekindergarten education in excess of the hours paid for by the
163 school district pursuant to this section or for child care
164 services, or both. The provider is not bound by the statewide
165 rate established in this subsection when determining the rates it
166 will charge the parent or guardian.

167 (5) The State Superintendent of Public Education and the
168 Executive Director of the Division of Early Childhood Care and
169 Development jointly shall develop and agree to rules, and present
170 them to the State Board of Education for adoption, as follows:

171 (a) To permit private providers that are not
172 prequalified pursuant to subsection (3) of this section to create
173 new or continue existing partnerships with school districts
174 through which the school district provides supports that enable
175 the provider to fulfill the requirements of subsection (3)(b) or
176 (c), and through which the school district may or may not make



177 in-kind payments as a component of the statewide tuition
178 established under this section.

179 (b) To authorize a school district to begin or expand a
180 school-based prekindergarten education program only upon prior
181 approval obtained through a process jointly overseen by the State
182 Board of Education and the Division of Early Childhood Care and
183 Development, which must be based upon analysis of the number of
184 prekindergarten children residing in the school district and the
185 availability of enrollment opportunities with prequalified private
186 providers in the region. Where the data is not clear or there are
187 other complex considerations, the local superintendent of schools
188 may choose to conduct a community needs assessment.

189 (c) To require the school district to provide
190 opportunities for effective parental participation in the
191 prekindergarten education program.

192 (d) To establish a process by which:

193 (i) A parent or guardian notifies the school
194 district that the prekindergarten child is or will be admitted to
195 a prekindergarten education program not operated by the school
196 district and concurrently enrolls the child in the school district
197 pursuant to subsection (4)(a) of this section;

198 (ii) A school district:

199 1. Pays tuition pursuant to a schedule that
200 does not inhibit the ability of a parent or guardian to enroll a
201 prekindergarten child in a prekindergarten education program or



202 the ability of a prequalified private provider to maintain
203 financial stability;

204 2. Enters into an agreement with any provider
205 to which it will pay tuition regarding quality assurance,
206 transition and any other matters; and

207 (iii) A provider that has received tuition
208 payments under this section on behalf of a prekindergarten child
209 notifies a school district that the child is no longer enrolled.

210 (e) To establish a process to calculate an annual
211 statewide tuition rate that is based upon the actual cost of
212 delivering ten (10) hours per week of prekindergarten education
213 that meets all established quality standards and to allow for
214 regional adjustments to the rate.

215 (f) To require a school district to include
216 identifiable costs for prekindergarten programs and essential
217 early education services in its annual budgets and reports to the
218 local governing authority.

219 (g) To require a school district to report to the State
220 Department of Education annual expenditures made in support of
221 prekindergarten and education, with distinct figures provided for
222 expenditures made from the State General Fund, from the
223 Mississippi Adequate Education Program Fund and from all other
224 sources, which must be specified.

225 (h) To provide an administrative process for:



226 (i) A parent, guardian or provider to challenge an
227 action of a school district or the state when the complainant
228 believes that the school district or state is in violation of
229 state statute or rules regarding prekindergarten education; and

230 (ii) A school district to challenge an action of a
231 provider or the state when the school district believes that the
232 provider or the state is in violation of state statute or rules
233 regarding prekindergarten education.

234 (i) To establish a system by which the State Department
235 of Education and Division of Early Childhood Care and Development
236 jointly shall monitor and evaluate prekindergarten education
237 programs to promote optimal outcomes for children and to collect
238 data that will inform future decisions. The department and the
239 division shall report annually to the Legislature in January. At
240 a minimum, the system shall monitor and evaluate:

241 (i) Programmatic details, including the number of
242 children served, the number of private and public programs
243 operated, and the public financial investment made to ensure
244 access to quality prekindergarten education;

245 (ii) The quality of public and private
246 prekindergarten education programs and efforts to ensure
247 continuous quality improvements through mentoring, training and
248 technical assistance; and

249 (iii) The outcomes for children, including school
250 readiness and proficiency in numeracy and literacy.



251 (j) To establish a process for documenting the progress
252 of children enrolled in prekindergarten education programs and to
253 require public and private providers to use the process to:

254 (i) Help individualize instruction and improve
255 program practice; and

256 (ii) Collect and report child progress data to the
257 State Superintendent of Public Education on an annual basis.

258 (6) This section may not be construed to permit or require
259 payment of public funds to a private provider of prekindergarten
260 education in violation of Section 208 of the Mississippi
261 Constitution of 1890 or in violation of the Establishment Clause
262 of the United States Constitution.

263 (7) (a) Notwithstanding the requirement that a school
264 district pay tuition to any prequalified public or private
265 provider in the state, a school board may choose to limit the
266 geographic boundaries within which the school district shall pay
267 tuition by paying tuition solely to those prequalified providers
268 in which parents and guardians choose to enroll resident
269 prekindergarten children that are located within the school
270 district's "prekindergarten region," as determined in paragraph
271 (b) of this subsection.

272 (b) For purposes of this subsection, upon application
273 from the school board, a school district's prekindergarten region
274 must be determined jointly by the State Department of Education
275 and the Division of Early Childhood Care and Development in



276 consultation with the school board, private providers of
277 prekindergarten education, parents and guardians of
278 prekindergarten children, and other interested parties pursuant to
279 a process adopted by rule under subsection (5) of this section. A
280 prekindergarten region:

281 (i) May not be smaller than the geographic
282 boundaries of the school district;

283 (ii) Must be based in part upon the estimated
284 number of prekindergarten children residing in the school district
285 and in surrounding districts, the availability of prequalified
286 private and public providers of prekindergarten education,
287 commuting patterns and other region-specific criteria; and

288 (iii) Must be designed to support existing
289 partnerships between the school district and private providers of
290 prekindergarten education.

291 (c) If a school board chooses to pay tuition to
292 providers solely within its prekindergarten region, and if a
293 resident prekindergarten child is unable to access publicly funded
294 prekindergarten education within that region, then the child's
295 parent or guardian may request, and in its discretion, the school
296 district may pay tuition at the statewide rate for a
297 prekindergarten education program operated by a prequalified
298 provider located outside the prekindergarten region.

299 (d) Except for the narrow exception permitting a school
300 board to limit geographic boundaries under paragraph (a) of this



301 subsection, all other provisions of this section and related rules
302 are applicable.

303 **SECTION 3.** (1) For purposes of determining the average
304 daily attendance for the fiscal year 2025 budget, the long-term
305 membership of prekindergarten children is the number of
306 prekindergarten children for whom the school district anticipates
307 it will provide prekindergarten education or pay tuition, or both,
308 in fiscal year 2025; and

309 (2) For purposes of determining the average daily attendance
310 for the fiscal year 2026 budget, the long-term membership of
311 prekindergarten children is the total number of prekindergarten
312 children for whom the school district provided prekindergarten
313 education or paid tuition, or both, in fiscal year 2025, adjusted
314 to reflect the difference between the estimated and actual count
315 for that fiscal year.

316 **SECTION 4.** (1) The State Department of Education and the
317 Division of Early Childhood Care and Development shall review
318 existing quality standards for prekindergarten education programs
319 and may revise established rules and regulations governing
320 prekindergarten education to require higher standards of quality.
321 However, no new standards may take effect earlier than July 1,
322 2026. Changes to the quality standards must be designed to ensure
323 that programs are based on intentional, evidence-based practices
324 that create a developmentally appropriate environment and support
325 the delivery of an engaging program that supports the social,



326 emotional, intellectual, language, literacy and physical
327 development of prekindergarten children.

328 (2) In January of the 2025, 2026, and 2027 legislative
329 sessions, the State Department of Education and the Division of
330 Early Childhood Care and Development shall report to the House and
331 Senate Committees on Education, the House and Senate Committees on
332 Appropriations, the House Committee on Youth and Family Affairs
333 and the Senate Committee on Health and Welfare regarding the
334 quality of prekindergarten education in the state.

335 (3) The State Department of Education, the Division of Early
336 Childhood Care and Development and the State Early Childhood
337 Advisory Council shall monitor and evaluate access to and
338 enrollment in prekindergarten education programs under Section 2
339 of this act. On or before January 1, 2026, they shall report to
340 the House and Senate Committees on Education, the House and Senate
341 Committees on Appropriations, the House Committee on Ways and
342 Means, and the Senate Committee on Finance regarding their
343 evaluation, conclusions, and any recommendations for amendments to
344 statute or related rule.

345 (4) The State Department of Education and the Division of
346 Early Childhood Care and Development, in consultation with the
347 Mississippi Association of School Superintendents, the Mississippi
348 School Boards Association, the Mississippi Association of
349 Educators and the State Early Childhood Advisory Council, shall
350 develop a detailed proposal outlining the process and criteria by



351 which the State Department of Education and the Division of Early
352 Childhood Care and Development will determine the prekindergarten
353 region of a school district if requested to do so pursuant to
354 Section 2(7)(b) of this act. The State Department of Education
355 and the Division of Early Childhood Care and Development shall
356 present the proposal to the House and Senate Committees on
357 Education on or before January 1, 2025. The State Department of
358 Education and the Division of Early Childhood Care and Development
359 also shall present any recommendations for amendments to statute,
360 including repeal of or amendments to Section 2(7).

361 **SECTION 5.** On or before July 1, 2025, the State
362 Superintendent of Public Education shall identify the private
363 prekindergarten education programs to which school districts are
364 paying tuition on behalf of resident prekindergarten children,
365 determine the extent to which any program provides religious
366 prekindergarten education, and establish the steps the agency will
367 take to ensure that public funds are not expended in violation of
368 Section 208 of the Mississippi Constitution of 1890 or in
369 violation of the Establishment Clause of the United States
370 Constitution.

371 **SECTION 6.** Section 37-21-51, Mississippi Code of 1972, is
372 brought forward as follows:

373 37-21-51. (1) As used in this section:



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

377 (b) An "early learning collaborative" is a district or
378 countywide council that writes and submits an application to
379 participate in the voluntary prekindergarten program. An early
380 learning collaborative is comprised, at a minimum, of a public
381 school district and/or a local Head Start affiliate if in
382 existence, private or parochial schools, or one or more licensed
383 child care centers. Agencies or other organizations that work
384 with young children and their families may also participate in the
385 collaborative to provide resources and coordination even if those
386 agencies or organizations are not prekindergarten providers.

387 (c) A "prekindergarten provider" is a public, private
388 or parochial school, licensed child care center or Head Start
389 center that serves prekindergarten children and participates in
390 the voluntary prekindergarten program.

391 (d) A "lead partner" is a public school district or
392 other nonprofit entity with the instructional expertise and
393 operational capacity to manage the early learning collaborative's
394 prekindergarten program as described in the collaborative's
395 approved application for funds. The lead partner serves as the
396 fiscal agent for the collaborative and shall disburse awarded
397 funds in accordance with the collaborative's approved application.
398 The lead partner must facilitate a professional learning community



399 for the teachers in the prekindergarten program and lead the
400 collaborative. The lead partner ensures that the collaborative
401 adopts and implements curriculum and assessments that align with
402 the comprehensive early learning standards. The public school
403 district shall be the lead partner if no other qualifying lead
404 partner is selected.

405 (e) "Comprehensive early learning standards" are
406 standards adopted by the State Board of Education that address the
407 highest level of fundamental domains of early learning to include,
408 but not be limited to, physical well-being and motor development,
409 social/emotional development, approaches toward learning, language
410 development and cognition and general knowledge. The
411 comprehensive early learning standards shall also include
412 standards for emergent literacy skills, including oral
413 communication, knowledge of print and letters, phonological and
414 phonemic awareness, and vocabulary and comprehension development.

415 (f) An "evidence-based curriculum" is an
416 age-appropriate curriculum that demonstrates a statistically
417 significant effect on improving student outcomes or other relevant
418 outcomes based on:

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

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



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

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

429 (a) Parents have the primary duty to educate their
430 young preschool children;

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

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

437 (d) There exists a patchwork of prekindergarten
438 entities but no coordination of services and there needs to be a
439 coordination of these services.

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

442 (b) Effective with the 2013-2014 school year, the
443 Mississippi State Department of Education shall establish a
444 voluntary prekindergarten program, which shall be a collaboration
445 among the entities providing prekindergarten programs including
446 Head Start, licensed child care facilities and licensed public,
447 parochial and private school prekindergarten programs. This



448 program shall be implemented no later than the 2014-2015 school
449 year. Enrollment in the prekindergarten program shall be
450 coordinated with the Head Start agencies in the local areas and
451 shall not be permitted to cause a reduction in children served by
452 the Head Start program. Under this program, eligible entities may
453 submit an application for funds to (i) defray the cost of
454 additional and/or more qualified teaching staff, appropriate
455 educational materials and equipment and to improve the quality of
456 educational experiences offered to four-year-old children in early
457 care and education programs, and/or to (ii) extend developmentally
458 appropriate education services at such programs currently serving
459 four-year-old children to include practices of high quality
460 instruction, and to (iii) administer, implement, monitor and
461 evaluate the programs, and to (iv) defray the cost of professional
462 development and age-appropriate child assessment.

463 (c) Subject to the availability of funds appropriated
464 therefor, the State Department of Education shall administer the
465 implementation, monitoring and evaluation of the voluntary
466 prekindergarten program, including awards and the application
467 process.

468 (i) The department shall establish a rigorous and
469 transparent application process for the awarding of funds. Lead
470 partners shall submit the applications on behalf of their early
471 learning collaborative.



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

475 (iii) The department will provide technical
476 assistance to collaboratives and their providers to improve the
477 quality of prekindergarten programs. Technical assistance may
478 include classroom-embedded support for teachers and assistant
479 teachers.

480 (iv) The department will evaluate the
481 effectiveness of each early childhood collaborative and each
482 prekindergarten provider. If the State Department of Education
483 adopts a statewide kindergarten screening that assesses the
484 readiness of each student for kindergarten, the State Department
485 of Education shall adopt a minimum rate of readiness that each
486 prekindergarten provider must meet in order to remain eligible for
487 prekindergarten program funds. Each parent who enrolls his or her
488 child in the prekindergarten program must submit the child for the
489 statewide kindergarten screening, regardless of whether the child
490 is admitted to kindergarten in a public school.

491 (d) Prekindergarten program funds shall be awarded to
492 early childhood collaboratives whose proposed programs meet the
493 program criteria. The criteria shall include:

494 (i) Voluntary enrollment of children;



495 (ii) Collaboration among prekindergarten providers
496 and other early childhood programs through the establishment of an
497 early learning collaborative;

498 (iii) Qualifications of master teachers, teachers
499 and assistants, which must conform to guidelines in Section
500 37-21-3;

501 (iv) At least fifteen (15) hours of annual
502 professional development for program instructional staff,
503 including professional development in early literacy, and
504 individualized professional development plans for all teachers and
505 teaching assistants supplemented by classroom-embedded support on
506 an as-needed basis;

507 (v) The use of state-adopted comprehensive early
508 learning standards;

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

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

516 (viii) The use of a curriculum based on promising
517 evidence as defined in subsection (1)(f)(iii) of this section and
518 aligned with the comprehensive early learning standards if no



519 strong-evidence curriculum or moderate-evidence curriculum is
520 available;

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

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

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

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

530 (xiii) Family engagement opportunities;

531 (xiv) Plans to serve children with disabilities as
532 indicated under IDEA;

533 (xv) The number of instructional hours to be
534 provided, which shall equal no less than five hundred forty (540)
535 instructional hours per school year for half-day programs and one
536 thousand eighty (1,080) instructional hours per school year for
537 full-day programs; and

538 (xvi) A budget detailing the use of funds for
539 allowed expenses.

540 Participating child care centers shall: (a) meet state child
541 care facility licensure requirements unless exempted under Section
542 43-20-5, Mississippi Code of 1972, and (b) select and utilize a
543 nationally recognized assessment tool, approved by the State



544 Department of Education, designed to document classroom quality,
545 which must be in place not later than July 1, 2016, as certified
546 by the State Department of Education.

547 Within the prekindergarten program, a prekindergarten
548 provider must comply with the antidiscrimination requirements
549 applicable to public schools. A prekindergarten provider may not
550 discriminate against a parent or child, including the refusal to
551 admit a child for enrollment in the prekindergarten program, in
552 violation of these antidiscrimination requirements. However, a
553 prekindergarten provider may refuse to admit a child based on the
554 provider's standard eligibility guidelines, provided that these
555 guidelines do not violate the antidiscrimination requirements.
556 Consistent with the Legislature's recognition of the primacy of a
557 parent's role in the education of a preschool-age child and the
558 related recognition of the state in assisting and educating
559 parents in that role, if the State Department of Education adopts
560 a statewide kindergarten screening that assesses the readiness of
561 each student for kindergarten, the State Department of Education
562 shall recognize each child's unique pattern of development when
563 adopting a minimum rate of readiness that prekindergarten
564 providers must meet in order to remain eligible for
565 prekindergarten program funds. Each parent who enrolls his or her
566 child in the prekindergarten program may submit the child for the
567 statewide kindergarten screening, regardless of whether the child
568 is admitted to kindergarten in a public school.



569 The State Department of Education may add program criteria
570 not inconsistent with these requirements and shall develop
571 policies and procedures to implement and enforce these criteria.

572 (e) The State Department of Education shall ensure that
573 early learning collaboratives provide each parent enrolling a
574 child in the voluntary prekindergarten program with a profile of
575 every prekindergarten provider participating in the
576 collaborative's geographic catchment area. The State Department
577 of Education shall prescribe the information to be included in
578 each profile as well as the format of the profiles. At a minimum,
579 the profiles must include the prekindergarten provider's services,
580 curriculum, instructor credentials and instructor-to-student
581 ratio.

582 (f) A teacher, assistant teacher or other employee
583 whose salary and fringe benefits are paid from state funds under
584 this act shall only be classified as a state or local school
585 district employee eligible for state health insurance benefits or
586 membership in the Public Employees' Retirement System, if the
587 person's employer is already an agency or instrumentality of the
588 state, such as a school district, and the employee would be
589 eligible for such benefits in the normal course of business.

590 (g) Funding shall be provided for this program
591 beginning with the 2014 fiscal year subject to appropriation by
592 the Legislature as provided in paragraph (h) of this subsection.
593 The department shall make an annual report to the Legislature and



594 the Governor regarding program operations and outcomes. Every
595 three (3) years, with the first report due July 1, 2023, the
596 department shall provide to the Legislature and the Governor a
597 rigorous evaluation of program effectiveness using longitudinal
598 data to measure short-term and long-term effects, including both
599 achievement and nonachievement effects. After each three-year
600 report, the PEER Committee shall review the three-year report and
601 the intervening annual reports and submit an independent summary
602 of its findings prior to the next legislative session.

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

606 1. The first phase shall be based on an
607 annual state appropriation of not more than Eight Million Dollars
608 (\$8,000,000.00) and shall serve approximately three thousand five
609 hundred (3,500) children through five (5) to eight (8) early
610 learning collaboratives and their prekindergarten providers;

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

616 3. The third phase shall be based on an
617 annual state appropriation of not more than Thirty-three Million
618 Nine Hundred Fifty Thousand Dollars (\$33,950,000.00) and shall



619 serve approximately fifteen thousand (15,000) children through
620 twenty (20) to twenty-five (25) early learning collaboratives and
621 their prekindergarten providers.

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

628 (iii) Funding shall be provided to early learning
629 collaboratives on the basis of a minimum of Two Thousand Five
630 Hundred Dollars (\$2,500.00) per student in a full-day program per
631 student in a full-day program and a minimum of One Thousand Two
632 Hundred Fifty Dollars (\$1,250.00) per student in a half-day
633 program proposed in the collaborative's approved application.
634 Once an early learning collaborative's plan is approved and
635 funded, the collaborative and/or its prekindergarten providers
636 shall receive funds on an ongoing basis unless the collaborative
637 and/or its prekindergarten providers no longer meet the criteria
638 to participate in the program.

639 (iv) Early learning collaboratives shall match
640 state funds on a 1:1 basis. Local matching funds may include
641 local tax dollars, federal dollars as allowed, parent tuition,
642 philanthropic contributions, or in-kind donations of facilities,



643 equipment and services required as part of the program such as
644 food service or health screenings.

645 (v) The State Department of Education shall
646 reserve no more than five percent (5%) of the appropriation in any
647 year for administrative costs. Funds remaining after awards to
648 early learning collaboratives and the department's administrative
649 needs are met may be carried over in the following year. In the
650 first year of implementation of the program, the department may
651 delay the awarding of funds until the 2014-2015 school year should
652 time not be sufficient to establish the program's operation prior
653 to the 2013-2014 school year.

654 (vi) In the initial phase of implementation, the
655 State Department of Education shall award state funds under the
656 Early Learning Collaborative Act of 2013 based on a community's
657 capacity, commitment and need. To determine capacity, commitment
658 and need, the State Department of Education shall require evidence
659 of existing strong local collaborations of early education
660 stakeholders. Such evidence shall include, but not be limited to,
661 collaborations resulting from any of the following:

- 662 1. Participation in Excel By 5;
- 663 2. Participation in Supporting Partnerships
664 to Assure Ready Kids (SPARK);
- 665 3. Participation in the Gilmore Early
666 Learning Initiative (GELI); or



667 4. Participation in the Mississippi Building
668 Blocks.

669 In determining community need, the department shall consider
670 low academic achievement within the public school districts
671 participating in an applicant early learning collaborative and the
672 number and percentage of children without quality prekindergarten
673 options.

674 (vii) All authority granted to the State
675 Department of Education to establish program rules is subject to
676 the public processes established in the provisions of the
677 Mississippi Administrative Procedures Law, including, but not
678 limited to, filing notice of the proposed rules, public hearings
679 and any economic impact statement with the Office of the Secretary
680 of State before presenting such information to the State Board of
681 Education for final approval.

682 **SECTION 7.** If any provision of Sections 1 through 5 of this
683 act, or the application of a provision to any person or
684 circumstances, is held invalid, the remainder of this act, and the
685 application of the provision to persons or circumstances other
686 than those to which it is held invalid, are not affected.

687 **SECTION 8.** This act shall take effect and be in force from
688 and after July 1, 2024.

