

By: Representatives Read, Boyd (19th)

To: Appropriations A

HOUSE BILL NO. 1704

1 AN ACT TO AMEND SECTION 7 OF CHAPTER 15, LAWS OF 2023, TO
2 REVISE THE FISCAL YEAR 2024 APPROPRIATION TO THE BOARD OF
3 PSYCHOLOGY TO REVISE THE AMOUNT OF FUNDS PROVIDED FOR THE
4 ADMINISTRATIVE SUPPORT OF THE MISSISSIPPI AUTISM BOARD; TO AMEND
5 SECTION 4 OF CHAPTER 34, LAWS OF 2023, TO REVISE THE FISCAL YEAR
6 2024 APPROPRIATION TO THE OFFICE OF STATE AID ROAD CONSTRUCTION TO
7 REVISE THE AMOUNT OF FUNDS AUTHORIZED TO BE EXPENDED FOR THE
8 REPLACEMENT OF STRUCTURALLY DEFICIENT BRIDGES; TO AMEND SECTIONS
9 1, 2 AND 18 OF CHAPTER 53, LAWS OF 2023, TO AMEND THE FISCAL YEAR
10 2024 APPROPRIATION TO THE MISSISSIPPI DEPARTMENT OF INSURANCE TO
11 REVISE THE MAXIMUM AMOUNTS OF GENERAL AND SPECIAL FUNDS SO THAT
12 THE MISSISSIPPI LENGTH OF SERVICE AWARD PROGRAM WILL BE FUNDED
13 WITH SPECIAL FUNDS; TO AMEND SECTION 40 OF CHAPTER 91, LAWS OF
14 2023, TO REVISE THE FISCAL YEAR 2024 APPROPRIATION TO THE STATE
15 DEPARTMENT OF HEALTH TO CLARIFY THE PERIOD FOR WHICH EXPENDITURES
16 MAY BE MADE FOR REIMBURSEMENT OF EXPENSES FOR SEVERE WEATHER STORM
17 DAMAGE; TO AMEND SECTIONS 1, 2 AND 45 OF CHAPTER 108, LAWS OF
18 2023, TO AMEND THE FISCAL YEAR 2024 APPROPRIATION TO THE STATE
19 DEPARTMENT OF EDUCATION TO REVISE THE MAXIMUM AMOUNTS OF GENERAL
20 AND SPECIAL FUNDS TO CHANGE THE FUNDING SOURCES FOR THE CHARTER
21 SCHOOL AUTHORIZER BOARD; TO AMEND SECTION 27-103-204.1,
22 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE TREASURER TO
23 ESCALATE HIS OR HER BUDGET AND EXPEND THE AMOUNT OF ANY FUNDS
24 BORROWED FROM THE WORKING CASH-STABILIZATION RESERVE FUND TO
25 OFFSET ANY TEMPORARY CASH FLOW DEFICIENCIES IN THE GF OBLIGATIONS
26 FUND; TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972, TO
27 DELETE THE PROVISION THAT FUNDS APPROPRIATED FOR THE EARLY
28 LEARNING COLLABORATIVE ACT OF 2013 REMAINING AFTER AWARDS TO EARLY
29 LEARNING COLLABORATIVES AND THE DEPARTMENT'S ADMINISTRATIVE NEEDS
30 ARE MET MAY BE CARRIED OVER IN THE FOLLOWING YEAR; TO AMEND
31 SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO DELETE THE
32 PROVISION THAT EDUCATION ENHANCEMENT FUNDS APPROPRIATED FOR
33 CLASSROOM SUPPLIES, INSTRUCTIONAL MATERIALS AND EQUIPMENT FOR
34 TEACHERS THAT ARE UNEXPENDED WILL BE CARRIED FORWARD, COMBINED



35 WITH THE FOLLOWING YEAR'S ALLOCATION OF EDUCATION ENHANCEMENT FUND
36 INSTRUCTIONAL SUPPLIES FUNDS AND REALLOCATED FOR THE FOLLOWING
37 YEAR; TO AMEND SECTION 49-39-7, MISSISSIPPI CODE OF 1972, TO
38 AUTHORIZE STATE AGENCIES RECEIVING FUNDS FROM THE MISSISSIPPI
39 OUTDOOR STEWARDSHIP TRUST FUND TO ESCALATE THEIR BUDGETS AND
40 EXPEND SUCH FUNDS; TO DIRECT THE STATE TREASURER AND STATE FISCAL
41 OFFICER TO TRANSFER CERTAIN AMOUNTS FROM AND TO CERTAIN FUNDS IN
42 THE STATE TREASURY; AND FOR RELATED PURPOSES.

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

44 **SECTION 1.** Section 7 of Chapter 15, Laws of 2023,
45 appropriation to the Board of Psychology, is amended as follows:

46 Section 7. Of the funds appropriated in Section 1, * * *
47 Twenty-six Thousand Dollars (\$26,000.00) is provided for the
48 administrative support of the Mississippi Autism Board as
49 prescribed by Section 73-75-11, Mississippi Code of 1972.

50 **SECTION 2.** Section 4 of Chapter 34, Laws of 2023,
51 appropriation to the Office of State Aid Road Construction, is
52 amended as follows:

53 Section 4. Of the funds appropriated in Section 1, it is the
54 intention of the Legislature that an amount not to exceed * * *
55 Thirty-four Million Dollars (\$34,000,000.00) is authorized to be
56 expended for the purpose of replacement of structurally deficient
57 bridges on the Local System Bridge Program (LSBP).

58 **SECTION 3.** Section 1 of Chapter 53, Laws of 2023,
59 appropriation to the Mississippi Department of Insurance, is
60 amended as follows:

61 Section 1. The following sum, or so much thereof as may be
62 necessary, is appropriated out of any money in the State General
63 Fund not otherwise appropriated, for the purpose of defraying the



64 expenses of the Mississippi Department of Insurance for the fiscal
65 year beginning July 1, 2023, and ending June 30, 2024.....
66\$ * * *13,169,614.00.

67 **SECTION 4.** Section 2 of Chapter 53, Laws of 2023,
68 appropriation to the Mississippi Department of Insurance, is
69 amended as follows:

70 Section 2. The following sum, or so much thereof as may be
71 necessary, is appropriated out of any money in any special fund in
72 the State Treasury to the credit of the Mississippi Department of
73 Insurance which is comprised of special source funds collected by
74 or otherwise available to the department, for the support of the
75 various offices of the department for the fiscal year beginning
76 July 1, 2023, and ending June 30, 2024.\$ * * *3,335,000.00.

77 **SECTION 5.** Section 18 of Chapter 53, Laws of 2023,
78 appropriation to the Mississippi Department of Insurance, is
79 amended as follows:

80 Section 18. Of the funds appropriated in Section * * *2 of
81 this act, Three Million Dollars (\$3,000,000.00) is provided to the
82 department for the purpose of funding the Mississippi Length of
83 Service Award Program, which was created in * * * Section
84 45-11-271, Mississippi Code of 1972.

85 **SECTION 6.** Section 40 of Chapter 91, Laws of 2023,
86 appropriation to the State Department of Health, is amended as
87 follows:



88 Section 40. In addition to all other sums herein
89 appropriated, the following sum, or so much thereof as may be
90 necessary, is appropriated out of any money to the credit of the
91 Capital Expense Fund, and allocated in a manner as determined by
92 the Treasurer's Office, to defray the expenses of the Mississippi
93 Department of Health for the purpose of providing funds to the
94 Sharkey-Issaquena hospital and nursing home impacted by the severe
95 weather storm on March 24, 2023, and March 25, 2023, for the
96 payment of unreimbursed expenses incurred from March 24, 2023,
97 through June 30, 2024, due to the emergency work for the period
98 beginning upon the passage of this act and ending June 30, 2024...
99\$ 1,500,000.00.

100 **SECTION 7.** Section 1 of Chapter 108, Laws of 2023,
101 appropriation to the State Department of Education, is amended as
102 follows:

103 Section 1. The following sums, or so much of those sums as
104 may be necessary, are appropriated out of any money in the State
105 General Fund not otherwise appropriated, for the purpose of
106 funding K-12 and other related educational activities, including
107 certain agencies and programs, in the State of Mississippi, for
108 the fiscal year beginning July 1, 2023, and ending June 30, 2024,
109 as follows:

110 (a) To the State Board of Education for the purpose of
111 defraying the expenses of the State Department of Education, and



112 excluding the expenses of the Vocational and Technical Education
113 Division.....\$ * * *444,599,190.00.

114 (b) To the State Board of Education for the purpose of
115 defraying the expenses of the Vocational and Technical Education
116 Division of the State Department of Education.....
117\$ 86,487,002.00.

118 (c) To the State Board of Education for the purpose of
119 paying annual compensation to the Chickasaw Cession counties for
120 sixteenth section lands which they lost through sale by the state,
121 as provided in Sections 29-3-137 through 29-3-141, Mississippi
122 Code of 1972.....\$ 16,945,631.00.

123 (d) To the State Board of Education for defraying the
124 expenses of the Mississippi Adequate Education Program.....
125\$ 2,154,825,748.00.

126 TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED
127 BY THIS SECTION BEING.....\$ * * *2,702,857,571.00.

128 **SECTION 8.** Section 2 of Chapter 108, Laws of 2023,
129 appropriation to the State Department of Education, is amended as
130 follows:

131 Section 2. The following sums, or so much of those sums as
132 may be necessary, are appropriated out of any money in any special
133 fund in the State Treasury to the credit of the proper fund or
134 funds of the agencies or programs specified in the following
135 paragraphs for the fiscal year beginning July 1, 2023, and ending
136 June 30, 2024, as follows:



137 (a) To the State Board of Education for the purpose of
138 defraying the expenses of the State Department of Education,
139 excluding the expenses of the Vocational and Technical Education
140 Division.....\$ * * *2,012,230,643.00.

141 (b) To the State Board of Education for the purpose of
142 defraying the expenses of the Vocational and Technical Education
143 Division of the State Department of Education.....
144\$ 22,706,135.00.

145 (c) To the State Board of Education for the purpose of
146 defraying the expenses of the Mississippi Adequate Education
147 Program.....\$ 245,112,197.00.

148 TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED
149 BY THIS SECTION BEING.....\$ * * *2,280,048,975.00.

150 **SECTION 9.** Section 45 of Chapter 108, Laws of 2023,
151 appropriation to the State Department of Education, is amended as
152 follows:

153 Section 45. * * * In addition to all other sums herein
154 appropriated, One Million Four Hundred Thousand Dollars
155 (\$1,400,000.00) shall be provided to the Charter School Authorizer
156 Board. Of this amount, Nine Hundred Thousand Dollars
157 (\$900,000.00) shall be provided from * * * any money in the State
158 General Fund not otherwise appropriated and Five Hundred Thousand
159 Dollars (\$500,000.00) shall be provided from * * * any funds in
160 the State Treasury to the credit of the Charter School Authorizer
161 Board * * *.



162 **SECTION 10.** Section 27-103-204.1, Mississippi Code of 1972,
163 is amended as follows:

164 27-103-204.1. Through the end of fiscal year 2028, the State
165 Treasurer may borrow funds from the Working Cash-Stabilization
166 Reserve Fund created in Section 27-103-203 to offset any temporary
167 cash flow deficiencies in the GF Obligations Fund (Fund No.
168 22951000000). The amount borrowed from the Working
169 Cash-Stabilization Reserve Fund under this section shall not
170 exceed Two Hundred Fifty Million Dollars (\$250,000,000.00) during
171 any month. The State Treasurer may escalate his or her budget and
172 expend the amount of any funds borrowed from the Working
173 Cash-Stabilization Reserve Fund under this section in accordance
174 with rules and regulations of the Department of Finance and
175 Administration in a manner consistent with the escalation of
176 federal funds. The State Treasurer shall reimburse the Working
177 Cash-Stabilization Reserve Fund from the GF Obligations Fund for
178 all sums borrowed for such temporary cash flow deficiency purposes
179 within twenty (20) working days after the funds were borrowed.
180 The State Treasurer shall immediately notify the Legislative
181 Budget Office and the State Department of Finance and
182 Administration of each transfer into and out of such funds.

183 **SECTION 11.** Section 37-21-51, Mississippi Code of 1972, is
184 amended as follows:

185 37-21-51. (1) As used in this section:



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

189 (b) An "early learning collaborative" is a district or
190 countywide council that writes and submits an application to
191 participate in the voluntary prekindergarten program. An early
192 learning collaborative is comprised, at a minimum, of a public
193 school district and/or a local Head Start affiliate if in
194 existence, private or parochial schools, or one or more licensed
195 child care centers. Agencies or other organizations that work
196 with young children and their families may also participate in the
197 collaborative to provide resources and coordination even if those
198 agencies or organizations are not prekindergarten providers.

199 (c) A "prekindergarten provider" is a public, private
200 or parochial school, licensed child care center or Head Start
201 center that serves prekindergarten children and participates in
202 the voluntary prekindergarten program.

203 (d) A "lead partner" is a public school district or
204 other nonprofit entity with the instructional expertise and
205 operational capacity to manage the early learning collaborative's
206 prekindergarten program as described in the collaborative's
207 approved application for funds. The lead partner serves as the
208 fiscal agent for the collaborative and shall disburse awarded
209 funds in accordance with the collaborative's approved application.
210 The lead partner must facilitate a professional learning community



211 for the teachers in the prekindergarten program and lead the
212 collaborative. The lead partner ensures that the collaborative
213 adopts and implements curriculum and assessments that align with
214 the comprehensive early learning standards. The public school
215 district shall be the lead partner if no other qualifying lead
216 partner is selected.

217 (e) "Comprehensive early learning standards" are
218 standards adopted by the State Board of Education that address the
219 highest level of fundamental domains of early learning to include,
220 but not be limited to, physical well-being and motor development,
221 social/emotional development, approaches toward learning, language
222 development and cognition and general knowledge. The
223 comprehensive early learning standards shall also include
224 standards for emergent literacy skills, including oral
225 communication, knowledge of print and letters, phonological and
226 phonemic awareness, and vocabulary and comprehension development.

227 (f) An "evidence-based curriculum" is an
228 age-appropriate curriculum that demonstrates a statistically
229 significant effect on improving student outcomes or other relevant
230 outcomes based on:

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

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



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

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

241 (a) Parents have the primary duty to educate their
242 young preschool children;

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

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

249 (d) There exists a patchwork of prekindergarten
250 entities but no coordination of services and there needs to be a
251 coordination of these services.

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

254 (b) Effective with the 2013-2014 school year, the
255 Mississippi State Department of Education shall establish a
256 voluntary prekindergarten program, which shall be a collaboration
257 among the entities providing prekindergarten programs including
258 Head Start, licensed child care facilities and licensed public,
259 parochial and private school prekindergarten programs. This



260 program shall be implemented no later than the 2014-2015 school
261 year. Enrollment in the prekindergarten program shall be
262 coordinated with the Head Start agencies in the local areas and
263 shall not be permitted to cause a reduction in children served by
264 the Head Start program. Under this program, eligible entities may
265 submit an application for funds to (i) defray the cost of
266 additional and/or more qualified teaching staff, appropriate
267 educational materials and equipment and to improve the quality of
268 educational experiences offered to four-year-old children in early
269 care and education programs, and/or to (ii) extend developmentally
270 appropriate education services at such programs currently serving
271 four-year-old children to include practices of high quality
272 instruction, and to (iii) administer, implement, monitor and
273 evaluate the programs, and to (iv) defray the cost of professional
274 development and age-appropriate child assessment.

275 (c) Subject to the availability of funds appropriated
276 therefor, the State Department of Education shall administer the
277 implementation, monitoring and evaluation of the voluntary
278 prekindergarten program, including awards and the application
279 process.

280 (i) The department shall establish a rigorous and
281 transparent application process for the awarding of funds. Lead
282 partners shall submit the applications on behalf of their early
283 learning collaborative.



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

287 (iii) The department will provide technical
288 assistance to collaboratives and their providers to improve the
289 quality of prekindergarten programs. Technical assistance may
290 include classroom-embedded support for teachers and assistant
291 teachers.

292 (iv) The department will evaluate the
293 effectiveness of each early childhood collaborative and each
294 prekindergarten provider. If the State Department of Education
295 adopts a statewide kindergarten screening that assesses the
296 readiness of each student for kindergarten, the State Department
297 of Education shall adopt a minimum rate of readiness that each
298 prekindergarten provider must meet in order to remain eligible for
299 prekindergarten program funds. Each parent who enrolls his or her
300 child in the prekindergarten program must submit the child for the
301 statewide kindergarten screening, regardless of whether the child
302 is admitted to kindergarten in a public school.

303 (d) Prekindergarten program funds shall be awarded to
304 early childhood collaboratives whose proposed programs meet the
305 program criteria. The criteria shall include:

306 (i) Voluntary enrollment of children;



307 (ii) Collaboration among prekindergarten providers
308 and other early childhood programs through the establishment of an
309 early learning collaborative;

310 (iii) Qualifications of master teachers, teachers
311 and assistants, which must conform to guidelines in Section
312 37-21-3;

313 (iv) At least fifteen (15) hours of annual
314 professional development for program instructional staff,
315 including professional development in early literacy, and
316 individualized professional development plans for all teachers and
317 teaching assistants supplemented by classroom-embedded support on
318 an as-needed basis;

319 (v) The use of state-adopted comprehensive early
320 learning standards;

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

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

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



331 strong-evidence curriculum or moderate-evidence curriculum is
332 available;

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

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

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

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

342 (xiii) Family engagement opportunities;

343 (xiv) Plans to serve children with disabilities as
344 indicated under IDEA;

345 (xv) The number of instructional hours to be
346 provided, which shall equal no less than five hundred forty (540)
347 instructional hours per school year for half-day programs and one
348 thousand eighty (1,080) instructional hours per school year for
349 full-day programs; and

350 (xvi) A budget detailing the use of funds for
351 allowed expenses.

352 Participating child care centers shall: (a) meet state child
353 care facility licensure requirements unless exempted under Section
354 43-20-5, Mississippi Code of 1972, and (b) select and utilize a
355 nationally recognized assessment tool, approved by the State



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

359 Within the prekindergarten program, a prekindergarten
360 provider must comply with the antidiscrimination requirements
361 applicable to public schools. A prekindergarten provider may not
362 discriminate against a parent or child, including the refusal to
363 admit a child for enrollment in the prekindergarten program, in
364 violation of these antidiscrimination requirements. However, a
365 prekindergarten provider may refuse to admit a child based on the
366 provider's standard eligibility guidelines, provided that these
367 guidelines do not violate the antidiscrimination requirements.
368 Consistent with the Legislature's recognition of the primacy of a
369 parent's role in the education of a preschool-age child and the
370 related recognition of the state in assisting and educating
371 parents in that role, if the State Department of Education adopts
372 a statewide kindergarten screening that assesses the readiness of
373 each student for kindergarten, the State Department of Education
374 shall recognize each child's unique pattern of development when
375 adopting a minimum rate of readiness that prekindergarten
376 providers must meet in order to remain eligible for
377 prekindergarten program funds. Each parent who enrolls his or her
378 child in the prekindergarten program may submit the child for the
379 statewide kindergarten screening, regardless of whether the child
380 is admitted to kindergarten in a public school.



381 The State Department of Education may add program criteria
382 not inconsistent with these requirements and shall develop
383 policies and procedures to implement and enforce these criteria.

384 (e) The State Department of Education shall ensure that
385 early learning collaboratives provide each parent enrolling a
386 child in the voluntary prekindergarten program with a profile of
387 every prekindergarten provider participating in the
388 collaborative's geographic catchment area. The State Department
389 of Education shall prescribe the information to be included in
390 each profile as well as the format of the profiles. At a minimum,
391 the profiles must include the prekindergarten provider's services,
392 curriculum, instructor credentials and instructor-to-student
393 ratio.

394 (f) A teacher, assistant teacher or other employee
395 whose salary and fringe benefits are paid from state funds under
396 this act shall only be classified as a state or local school
397 district employee eligible for state health insurance benefits or
398 membership in the Public Employees' Retirement System, if the
399 person's employer is already an agency or instrumentality of the
400 state, such as a school district, and the employee would be
401 eligible for such benefits in the normal course of business.

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



406 the Governor regarding program operations and outcomes. Every
407 three (3) years, with the first report due July 1, 2023, the
408 department shall provide to the Legislature and the Governor a
409 rigorous evaluation of program effectiveness using longitudinal
410 data to measure short-term and long-term effects, including both
411 achievement and nonachievement effects. After each three-year
412 report, the PEER Committee shall review the three-year report and
413 the intervening annual reports and submit an independent summary
414 of its findings prior to the next legislative session.

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

418 1. The first phase shall be based on an
419 annual state appropriation of not more than Eight Million Dollars
420 (\$8,000,000.00) and shall serve approximately three thousand five
421 hundred (3,500) children through five (5) to eight (8) early
422 learning collaboratives and their prekindergarten providers;

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

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



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

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

440 (iii) Funding shall be provided to early learning
441 collaboratives on the basis of a minimum of Two Thousand Five
442 Hundred Dollars (\$2,500.00) per student in a full-day program per
443 student in a full-day program and a minimum of One Thousand Two
444 Hundred Fifty Dollars (\$1,250.00) per student in a half-day
445 program proposed in the collaborative's approved application.
446 Once an early learning collaborative's plan is approved and
447 funded, the collaborative and/or its prekindergarten providers
448 shall receive funds on an ongoing basis unless the collaborative
449 and/or its prekindergarten providers no longer meet the criteria
450 to participate in the program.

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



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

457 (v) The State Department of Education shall
458 reserve no more than five percent (5%) of the appropriation in any
459 year for administrative costs. * * *

460 (vi) In the initial phase of implementation, the
461 State Department of Education shall award state funds under the
462 Early Learning Collaborative Act of 2013 based on a community's
463 capacity, commitment and need. To determine capacity, commitment
464 and need, the State Department of Education shall require evidence
465 of existing strong local collaborations of early education
466 stakeholders. Such evidence shall include, but not be limited to,
467 collaborations resulting from any of the following:

- 468 1. Participation in Excel By 5;
- 469 2. Participation in Supporting Partnerships
470 to Assure Ready Kids (SPARK);
- 471 3. Participation in the Gilmore Early
472 Learning Initiative (GELI); or
- 473 4. Participation in the Mississippi Building
474 Blocks.

475 In determining community need, the department shall consider
476 low academic achievement within the public school districts
477 participating in an applicant early learning collaborative and the
478 number and percentage of children without quality prekindergarten
479 options.



480 (vii) All authority granted to the State
481 Department of Education to establish program rules is subject to
482 the public processes established in the provisions of the
483 Mississippi Administrative Procedures Law, including, but not
484 limited to, filing notice of the proposed rules, public hearings
485 and any economic impact statement with the Office of the Secretary
486 of State before presenting such information to the State Board of
487 Education for final approval.

488 **SECTION 12.** Section 37-61-33, Mississippi Code of 1972, is
489 amended as follows:

490 37-61-33. (1) There is created within the State Treasury a
491 special fund to be designated the "Education Enhancement Fund"
492 into which shall be deposited all the revenues collected pursuant
493 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

494 (2) Of the amount deposited into the Education Enhancement
495 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
496 appropriated each fiscal year to the State Department of Education
497 to be distributed to all school districts. Such money shall be
498 distributed to all school districts in the proportion that the
499 average daily attendance of each school district bears to the
500 average daily attendance of all school districts within the state
501 for the following purposes:

502 (a) Purchasing, erecting, repairing, equipping,
503 remodeling and enlarging school buildings and related facilities,
504 including gymnasiums, auditoriums, lunchrooms, vocational training



505 buildings, libraries, teachers' homes, school barns,
506 transportation vehicles (which shall include new and used
507 transportation vehicles) and garages for transportation vehicles,
508 and purchasing land therefor;

509 (b) Establishing and equipping school athletic fields
510 and necessary facilities connected therewith, and purchasing land
511 therefor;

512 (c) Providing necessary water, light, heating,
513 air-conditioning and sewerage facilities for school buildings, and
514 purchasing land therefor;

515 (d) As a pledge to pay all or a portion of the debt
516 service on debt issued by the school district under Sections
517 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
518 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
519 and 37-41-81, or debt issued by boards of supervisors for
520 agricultural high schools pursuant to Section 37-27-65, if such
521 pledge is accomplished pursuant to a written contract or
522 resolution approved and spread upon the minutes of an official
523 meeting of the district's school board or board of supervisors.
524 The annual grant to such district in any subsequent year during
525 the term of the resolution or contract shall not be reduced below
526 an amount equal to the district's grant amount for the year in
527 which the contract or resolution was adopted. The intent of this
528 provision is to allow school districts to irrevocably pledge a
529 certain, constant stream of revenue as security for long-term



530 obligations issued under the code sections enumerated in this
531 paragraph or as otherwise allowed by law. It is the intent of the
532 Legislature that the provisions of this paragraph shall be
533 cumulative and supplemental to any existing funding programs or
534 other authority conferred upon school districts or school boards.
535 Debt of a district secured by a pledge of sales tax revenue
536 pursuant to this paragraph shall not be subject to any debt
537 limitation contained in the foregoing enumerated code sections.

538 (3) The remainder of the money deposited into the Education
539 Enhancement Fund shall be appropriated as follows:

540 (a) To the State Department of Education as follows:

541 (i) Sixteen and sixty-one one-hundredths percent
542 (16.61%) to the cost of the adequate education program determined
543 under Section 37-151-7; of the funds generated by the percentage
544 set forth in this section for the support of the adequate
545 education program, one and one hundred seventy-eight
546 one-thousandths percent (1.178%) of the funds shall be
547 appropriated to be used by the State Department of Education for
548 the purchase of textbooks to be loaned under Sections 37-43-1
549 through 37-43-59 to approved nonpublic schools, as described in
550 Section 37-43-1. The funds to be distributed to each nonpublic
551 school shall be in the proportion that the average daily
552 attendance of each nonpublic school bears to the total average
553 daily attendance of all nonpublic schools;



554 (ii) Seven and ninety-seven one-hundredths percent
555 (7.97%) to assist the funding of transportation operations and
556 maintenance pursuant to Section 37-19-23; and

557 (iii) Nine and sixty-one one-hundredths percent
558 (9.61%) for including computers and computer software, to be
559 distributed to all eligible teachers within the state through the
560 use of procurement cards or a digital solution capable of
561 tracking, paying and reporting purchases. Classroom supply funds
562 shall not be expended for administrative purposes. On a date to
563 be determined by the State Department of Education, but not later
564 than July 1 of each year, local school districts shall determine
565 and submit to the State Department of Education the number of
566 teachers eligible to receive an allocation for the current year.
567 For purposes of this subparagraph, "teacher" means any employee of
568 the school board of a school district, or the Mississippi School
569 for the Arts, the Mississippi School for Math and Science, the
570 Mississippi School for the Blind, the Mississippi School for the
571 Deaf or public charter school, who is required by law to obtain a
572 teacher's license from the State Department of Education and who
573 is assigned to an instructional area of work as defined by the
574 department, and shall include any full- or part-time gifted or
575 special education teacher. It is the intent of the Legislature
576 that all classroom teachers shall utilize these funds in a manner
577 that addresses individual classroom needs and supports the overall
578 goals of the school regarding supplies, instructional materials,



579 equipment, computers or computer software under the provisions of
580 this subparagraph, including the type, quantity and quality of
581 such supplies, materials and equipment. Classroom supply funds
582 allocated under this subparagraph shall supplement, not replace,
583 other local and state funds available for the same purposes. The
584 State Board of Education shall develop and promulgate rules and
585 regulations for the administration of this subparagraph consistent
586 with the above criteria, with particular emphasis on allowing the
587 individual teachers to expend funds as they deem appropriate. The
588 local school board shall require each school to issue credentials
589 for a digital solution selected by or procurement cards provided
590 by the Department of Finance and Administration under the
591 provisions of Section 31-7-9(1)(c) for the use of teachers and
592 necessary support personnel in making instructional supply fund
593 expenditures under this section, consistent with the regulations
594 of the Mississippi Department of Finance and Administration
595 pursuant to Section 31-7-9. Such credentials or procurement cards
596 shall be provided by the State Department of Education to local
597 school districts on a date determined by the State Department of
598 Education, but not later than August 1 of each year. Local school
599 districts shall issue such credentials or procurement cards to
600 classroom teachers at the beginning of the school year, but no
601 later than August 1 of each year, and shall be issued in equal
602 amounts per teacher determined by the total number of qualifying
603 personnel and the current state appropriation for classroom



604 supplies with the Education Enhancement Fund. After initial cards
605 are issued under the timeline prescribed by this section, the
606 State Department of Education may issue cards to districts for any
607 classroom teacher hired after July 1 under a timeline prescribed
608 by the State Department of Education. Such credentials or cards
609 will expire on a predetermined date at the end of each school
610 year, but not before April 1 of each year * * *;

611 (b) Twenty-two and nine one-hundredths percent (22.09%)
612 to the Board of Trustees of State Institutions of Higher Learning
613 for the purpose of supporting institutions of higher learning; and

614 (c) Fourteen and forty-one one-hundredths percent
615 (14.41%) to the Mississippi Community College Board for the
616 purpose of providing support to community and junior colleges.

617 (4) The amount remaining in the Education Enhancement Fund
618 after funds are distributed as provided in subsections (2) and (3)
619 of this section shall be appropriated for other educational needs.

620 (5) None of the funds appropriated pursuant to subsection
621 (3) (a) of this section shall be used to reduce the state's General
622 Fund appropriation for the categories listed in an amount below
623 the following amounts:

624 (a) For subsection (3) (a) (ii) of this section,
625 Thirty-six Million Seven Hundred Thousand Dollars
626 (\$36,700,000.00);

627 (b) For the aggregate of minimum program allotments in
628 the 1997 fiscal year, formerly provided for in Chapter 19, Title



629 37, Mississippi Code of 1972, as amended, excluding those funds
630 for transportation as provided for in paragraph (a) of this
631 subsection.

632 (6) Any funds appropriated from the Education Enhancement
633 Fund that are unexpended at the end of a fiscal year shall lapse
634 into the Education Enhancement Fund * * *.

635 **SECTION 13.** Section 49-39-7, Mississippi Code of 1972, is
636 amended as follows:

637 49-39-7. (1) (a) There is created in the State Treasury a
638 special fund to be designated the "Mississippi Outdoor Stewardship
639 Trust Fund." The special fund shall consist of monies
640 appropriated by the Legislature. Monies shall be accounted for in
641 such a manner to be termed unobligated funds or obligated funds.
642 Unexpended amounts remaining in the special fund at the end of a
643 fiscal year shall not lapse into the State General Fund, and any
644 investment earnings or interest earned on amounts in the special
645 fund shall be deposited to the credit of the special fund;
646 however, any unobligated monies in excess of Twenty Million
647 Dollars (\$20,000,000.00), excluding federal funds, remaining in
648 the special fund at the end of a fiscal year that have not been
649 appropriated shall lapse into the State General Fund. Monies in
650 the special fund may be used upon selection by the board. The
651 board and the Department of Finance and Administration may use not
652 more than two percent (2%) of monies in the special fund to defray



653 the board's expenses in carrying out its duties under this
654 chapter.

655 (b) Subject to the provisions of this chapter, monies
656 in the special fund may be used and expended by the board to
657 provide funds for grants to counties, municipalities, state
658 agencies and nongovernmental entities for:

659 (i) Improvement of state park outdoor recreation
660 features and trails;

661 (ii) Acquisition and improvement of parks and
662 trails by counties and municipalities, if such parks and trails
663 lie within the jurisdiction of such counties and municipalities;

664 (iii) Restoration or enhancement projects to
665 create or improve access to public waters and lands for public
666 outdoor recreation, conservation education, or the safe use and
667 enjoyment of permanently protected conservation land;

668 (iv) Restoration or enhancement on privately owned
669 working agricultural lands and forests that support conservation
670 of soil, water, habitat of fish and wildlife resources;

671 (v) Restoration or enhancement of wetlands, native
672 forests, native grasslands and other unique habitats important for
673 Mississippi's fish and wildlife; and

674 (vi) Acquisition of critical areas for the
675 provision or protection of clean water, wildlife, hunting,
676 fishing, military installation buffering or natural resource-based



677 outdoor recreation. Real property may only be acquired under this
678 subparagraph (vi) when the property:

679 1. Is, at the time of acquisition, being
680 leased by the state as a wildlife management area;

681 2. Adjoins or is in close proximity to state
682 or federal wildlife management areas or state parks, or would
683 provide better public access to such areas;

684 3. Is identified in a wildlife action plan
685 developed by a state agency;

686 4. Constitutes riparian lands, and its
687 acquisition is for the purpose of protecting any drinking water
688 supply; or

689 5. Surrounds a military base or military
690 installation.

691 Acquisition of land under this subparagraph (vi) may not be
692 made through the exercise of any power of eminent domain or any
693 condemnation proceeding.

694 (c) Unless otherwise authorized by the board, a county,
695 municipality, state agency or nongovernmental entity receiving
696 funds for a project under this section must expend the funds for
697 the project within two (2) years after receipt of the funds in
698 order to be eligible to apply for additional funds for the project
699 under this section. If a county, municipality, state agency or
700 nongovernmental entity receiving funds for a project does not
701 expend the funds within two (2) years after receipt of the funds,



702 then the county, municipality, state agency or nongovernmental
703 entity must provide an accounting of such unused funds and the
704 reason for failure to expend the funds. If the board determines
705 that the project will not be completed in a timely manner, the
706 county, municipality, state agency or nongovernmental entity must
707 then return any unexpended funds.

708 (d) Monies in the special fund may not be used,
709 expended or transferred for any other purpose other than
710 authorized in this chapter.

711 (e) Any state agency receiving funds from the
712 Mississippi Outdoor Stewardship Trust Fund under this section may
713 escalate its budget and expend such funds in accordance with rules
714 and regulations of the Department of Finance and Administration in
715 a manner consistent with the escalation of federal funds.

716 (2) (a) The board shall accept applications from counties,
717 municipalities, state agencies and nongovernmental entities for
718 project proposals eligible for funding under this section. The
719 board shall evaluate the proposals received in accordance with
720 this chapter.

721 (b) A county, municipality, state agency or
722 nongovernmental entity desiring assistance under this section must
723 submit a complete application to the board. The application must
724 include a description of the purpose for which assistance is
725 requested, the type and amount of assistance requested and any
726 other information required by the board.



727 (c) The board shall require annual independent audits
728 of all expenditures from the special fund and present those
729 findings to the Governor, Lieutenant Governor, Speaker of the
730 House, Chairs of the Senate and House Appropriations Committees,
731 Chairs of the Senate Finance and House Ways and Means Committees
732 and Chairs of the Senate and House Wildlife, Fisheries and Parks
733 Committees.

734 (d) To be eligible for funding, any nongovernmental
735 entity applicant must submit its most recent audit, disclose any
736 audit deficiencies in the previous five (5) years, submit its
737 certificate of good standing from the Mississippi Secretary of
738 State, and submit a current list of its board members for purposes
739 of conflicts of interest.

740 (e) For funds to be spent on private land, the
741 applicant must show demonstrably that the project will benefit the
742 public.

743 (f) Projects that acquire property shall not be
744 considered for approval until after July 1, 2024.

745 (3) The board, at its first meeting of each calendar year,
746 shall prepare a list of priorities and criteria to guide the
747 selection of projects. The board shall give increased priority to
748 projects:

749 (a) Supporting the public recreation and conservation
750 efforts of state agencies, counties and municipalities;



751 (b) Leveraging or matching other nonfederal or federal
752 funds available for similar purposes;

753 (c) Supporting and promoting recreation in the form of
754 archery, boating, hiking, camping, fishing, hunting, running,
755 jogging, biking, walking, shooting or similar outdoor activities;

756 (d) Contributing to the improvement of the quality and
757 quantity of surface water and groundwater; or

758 (e) Contributing to the conservation of soil, water,
759 and fish and wildlife resources on privately owned working
760 agricultural lands or forests.

761 (4) Upon approval of the total list of projects by the
762 board, the list of projects shall be submitted to the Lieutenant
763 Governor, Speaker of the House, Chairs of the Senate and House
764 Appropriations Committees, Chairs of the Senate Finance and House
765 Ways and Means Committees and Chairs of the Senate and House
766 Wildlife, Fisheries and Parks Committees. If federal funds or
767 guidelines become available and are certified by the Executive
768 Director of the Department of Finance and Administration or the
769 Executive Director of the Mississippi Outdoor Stewardship Fund,
770 the board shall be authorized to expend funds from the Mississippi
771 Outdoor Stewardship Trust Fund and shall notify the Lieutenant
772 Governor, Speaker of the House, Chairs of the Senate and House
773 Appropriations Committees, Chairs of the Senate Finance and House
774 Ways and Means Committees, Chairs of the Senate and House
775 Wildlife, Fisheries and Parks Committees, and Legislative Budget



776 Office of such expenditures prior to their distribution to certain
777 projects approved by the board.

778 **SECTION 14.** Upon the effective day of this act, the State
779 Treasurer, in conjunction with the State Fiscal Officer, shall
780 transfer the amounts listed below from and to the following named
781 funds:

782 (a) Five Million Dollars (\$5,000,000.00) from the
783 Capital Expense (Fund No. 6499C00000) to the Forestry Facility
784 Grant Program Fund created by Section 57-1-783, Mississippi Code
785 of 1972 (Fund No. 66142100000).

786 (b) Three Million Dollars (\$3,000,000.00) from the
787 Insurance Department's General Fund account (Fund No. 2250100000)
788 to the Mississippi Volunteer Firefighter Length-of-Service Award
789 Program (LOSAP) Fund created in Section 45-11-271, Mississippi
790 Code of 1972 (Fund No. 3351600000).

791 **SECTION 15.** This act shall take effect and be in force from
792 and after its passage.

