

By: Senator(s) Hickman

To: Education;
Appropriations

SENATE BILL NO. 2243

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 * * * 2024-2025 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. * * *
84 Enrollment in the prekindergarten program shall be coordinated
85 with the Head Start agencies in the local areas and shall not be
86 permitted to cause a reduction in children served by the Head
87 Start program. Under this program, eligible entities may submit
88 an application for funds to (i) defray the cost of additional
89 and/or more qualified teaching staff, appropriate educational
90 materials and equipment and to improve the quality of educational
91 experiences offered to * * * three-year-old children in early care
92 and education programs, and/or to (ii) extend developmentally
93 appropriate education services at such programs currently
94 serving * * * three-year-old children to include practices of high



95 quality instruction, and to (iii) administer, implement, monitor
96 and evaluate the programs, and to (iv) defray the cost of
97 professional development and age-appropriate child assessment.

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

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

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

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

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



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

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

129 (i) Voluntary enrollment of children;

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

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

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

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



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

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

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

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

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

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

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

165 (xiii) Family engagement opportunities;

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



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

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

175 Participating child care centers shall: (a) meet state child
176 care facility licensure requirements unless exempted under Section
177 43-20-5, Mississippi Code of 1972, and (b) select and utilize a
178 nationally recognized assessment tool, approved by the State
179 Department of Education, designed to document classroom
180 quality, * * * as certified by the State Department of Education.

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



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

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

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

216 (f) A teacher, assistant teacher or other employee
217 whose salary and fringe benefits are paid from state funds under



218 this act shall only be classified as a state or local school
219 district employee eligible for state health insurance benefits or
220 membership in the Public Employees' Retirement System, if the
221 person's employer is already an agency or instrumentality of the
222 state, such as a school district, and the employee would be
223 eligible for such benefits in the normal course of business.

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

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

240 1. The first phase shall be based on an
241 annual state appropriation of not more than Eight Million Dollars
242 (\$8,000,000.00) and shall serve approximately three thousand five



243 hundred (3,500) children through five (5) to eight (8) early
244 learning collaboratives and their prekindergarten providers;

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

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

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

262 (iii) Funding shall be provided to early learning
263 collaboratives on the basis of a minimum of Two Thousand Five
264 Hundred Dollars (\$2,500.00) per student in a full-day
265 program * * * and a minimum of One Thousand Two Hundred Fifty
266 Dollars (\$1,250.00) per student in a half-day program proposed in
267 the collaborative's approved application. Once an early learning



268 collaborative's plan is approved and funded, the collaborative
269 and/or its prekindergarten providers shall receive funds on an
270 ongoing basis unless the collaborative and/or its prekindergarten
271 providers no longer meet the criteria to participate in the
272 program.

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

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

288 (vi) In the initial phase of implementation, the
289 State Department of Education shall award state funds under the
290 Early Learning Collaborative Act of 2013 based on a community's
291 capacity, commitment and need. To determine capacity, commitment
292 and need, the State Department of Education shall require evidence



293 of existing strong local collaborations of early education
294 stakeholders. Such evidence shall include, but not be limited to,
295 collaborations resulting from any of the following:

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

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

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

316 **SECTION 2.** This act shall take effect and be in force from
317 and after July 1, 2024.

