MISSISSIPPI LEGISLATURE

REGULAR SESSION 2023

By: Representatives McCarty, Bennett, Summers, Hulum, McLean

To: Education

HOUSE BILL NO. 817

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AN ACT TO AMEND SECTION 37-21-51, MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM FUNDING LEVELS FOR EACH STUDENT ENROLLED IN FULL-DAY EARLY LEARNING COLLABORATIVE PROGRAMS TO $2,500.00, AND HALF-DAY EARLY LEARNING COLLABORATIVE PROGRAMS TO $1,250.00; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

(d) A "lead partner" is a public school district or
other nonprofit entity with the instructional expertise and
operational capacity to manage the early learning collaborative's
prekindergarten program as described in the collaborative's
approved application for funds. The lead partner serves as the
fiscal agent for the collaborative and shall disburse awarded
funds in accordance with the collaborative's approved application.
The lead partner must facilitate a professional learning community
for the teachers in the prekindergarten program and lead the
collaborative. The lead partner ensures that the collaborative
adopts and implements curriculum and assessments that align with
the comprehensive early learning standards. The public school
district shall be the lead partner if no other qualifying lead
partner is selected.

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

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

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

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

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

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

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

(b) The State of Mississippi can assist and educate
parents in their role as the primary caregivers and educators of
young preschool children;
(c) There is a need to explore innovative approaches and strategies for aiding parents and families in the education and development of young preschool children; and

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

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

(b) Effective with the 2013-2014 school year, the Mississippi State Department of Education shall establish a voluntary prekindergarten program, which shall be a collaboration among the entities providing prekindergarten programs including Head Start, licensed child care facilities and licensed public, parochial and private school prekindergarten programs. This program shall be implemented no later than the 2014-2015 school year. Enrollment in the prekindergarten program shall be coordinated with the Head Start agencies in the local areas and shall not be permitted to cause a reduction in children served by the Head Start program. Under this program, eligible entities may submit an application for funds to (i) defray the cost of additional and/or more qualified teaching staff, appropriate educational materials and equipment and to improve the quality of educational experiences offered to four-year-old children in early care and education programs, and/or to (ii) extend developmentally appropriate education services at such programs currently serving
four-year-old children to include practices of high quality instruction, and to (iii) administer, implement, monitor and evaluate the programs, and to (iv) defray the cost of professional development and age-appropriate child assessment.

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

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

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

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

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

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

(i) Voluntary enrollment of children;

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

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

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

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

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

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

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

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

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

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

(xiii) Family engagement opportunities;

(xiv) Plans to serve children with disabilities as indicated under IDEA;
(xv) The number of instructional hours to be provided, which shall equal no less than five hundred forty (540) instructional hours per school year for half-day programs and one thousand eighty (1,080) instructional hours per school year for full-day programs; and

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

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

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

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

(e) The State Department of Education shall ensure that early learning collaboratives provide each parent enrolling a child in the voluntary prekindergarten program with a profile of every prekindergarten provider participating in the collaborative's geographic catchment area. The State Department of Education shall prescribe the information to be included in each profile as well as the format of the profiles. At a minimum, the profiles must include the prekindergarten provider's services, curriculum, instructor credentials and instructor-to-student ratio.
(f) A teacher, assistant teacher or other employee whose salary and fringe benefits are paid from state funds under this act shall only be classified as a state or local school district employee eligible for state health insurance benefits or membership in the Public Employees' Retirement System, if the person's employer is already an agency or instrumentality of the state, such as a school district, and the employee would be eligible for such benefits in the normal course of business.

(g) Funding shall be provided for this program beginning with the 2014 fiscal year subject to appropriation by the Legislature as provided in paragraph (h) of this subsection.

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

(h) (i) The Legislature shall appropriate funds to implement the Early Education Collaborative Act of 2013 on a phased-in basis as follows:
1. The first phase shall be based on an annual state appropriation of not more than Eight Million Dollars ($8,000,000.00) and shall serve approximately three thousand five hundred (3,500) children through five (5) to eight (8) early learning collaboratives and their prekindergarten providers;

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

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

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

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

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

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

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

1. Participation in Excel By 5;
2. Participation in Supporting Partnerships to Assure Ready Kids (SPARK);
3. Participation in the Gilmore Early Learning Initiative (GELI); or
4. Participation in the Mississippi Building Blocks.

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

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

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