

By: Senator(s) Wiggins, Tollison, Burton,
Butler (36th), Dawkins, Hale, Horhn, Jackson
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To: Education;
Appropriations

SENATE BILL NO. 2395
(As Sent to Governor)

1 AN ACT TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF
2 EDUCATION TO IMPLEMENT A PREKINDERGARTEN PROGRAM IN THE STATE OF
3 MISSISSIPPI ON A PHASED-IN BASIS; TO AMEND SECTION 37-21-51,
4 MISSISSIPPI CODE OF 1972, TO TRANSFER THE DUTIES AND
5 RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES RELATIVE TO
6 THE "EARLY LEARNING COLLABORATIVE ACT" TO THE STATE DEPARTMENT OF
7 EDUCATION, TO REDESIGNATE THE PREKINDERGARTEN PROGRAM AS THE
8 "EARLY LEARNING COLLABORATIVE ACT OF 2013," TO COMMIT FUNDING OF
9 THE "EARLY LEARNING COLLABORATIVE ACT OF 2013" ON A PHASED-IN
10 BASIS; TO AMEND SECTION 37-21-53, MISSISSIPPI CODE OF 1972, TO
11 DESIGNATE THE STATE EARLY CHILDHOOD ADVISORY COUNCIL (SECAC) IN
12 THE OFFICE OF THE GOVERNOR TO ASSIST THE STATE DEPARTMENT OF
13 EDUCATION IN IMPLEMENTING THE "EARLY LEARNING COLLABORATIVE ACT OF
14 2013" PURSUANT TO FEDERAL LAW; TO AMEND SECTION 37-7-301,
15 MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO
16 IMPLEMENT THE "EARLY LEARNING COLLABORATIVE ACT OF 2013"; TO AMEND
17 SECTIONS 37-21-3 AND 37-21-5, MISSISSIPPI CODE OF 1972, TO PROVIDE
18 QUALIFICATIONS FOR STATE OR FEDERAL FUNDED EARLY CHILDHOOD
19 EDUCATION PROGRAM PERSONNEL; TO PROVIDE FOR A STATE INCOME TAX
20 CREDIT FOR CONTRIBUTIONS TO QUALIFIED PREKINDERGARTEN PROGRAMS; TO
21 REPEAL SECTION 37-21-55, MISSISSIPPI CODE OF 1972, WHICH
22 ESTABLISHES THE EARLY CHILDHOOD SERVICES ADVISORY COMMITTEE; AND
23 FOR RELATED PURPOSES.

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

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

27 37-21-51. (1) As used in * * * Section 37-21-51 * * *:



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

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

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

45 (d) A "lead partner" is a public school district or
46 other nonprofit entity with the instructional expertise and
47 operational capacity to manage the early learning collaborative's
48 prekindergarten program as described in the collaborative's
49 approved application for funds. The lead partner serves as the
50 fiscal agent for the collaborative and shall disburse awarded
51 funds in accordance with the collaborative's approved application.
52 The lead partner must facilitate a professional learning community



53 for the teachers in the prekindergarten program and lead the
54 collaborative. The lead partner ensures that the collaborative
55 adopts and implements curriculum and assessments that align with
56 the comprehensive early learning standards. The public school
57 district shall be the lead partner if no other qualifying lead
58 partner is selected.

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

69 (f) A "research-based curriculum" is an age-appropriate
70 curriculum that is based on the findings of current research and
71 has been found to be effective in improving student learning.

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

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



77 (b) The State of Mississippi can assist and educate
78 parents in their role as the primary caregivers and educators of
79 young preschool children; * * *

80 (c) There is a need to explore innovative approaches
81 and strategies for aiding parents and families in the education
82 and development of young preschool children * * *; and

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

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

88 (b) Effective with the 2013-2014 school year, the
89 Mississippi State Department of * * * Education shall * * *
90 establish a voluntary * * * prekindergarten program, which shall
91 be a collaboration among the entities providing prekindergarten
92 programs including Head Start, licensed child care facilities and
93 licensed public, parochial and private school prekindergarten
94 programs. This program shall be implemented no later than the
95 2014-2015 school year. Enrollment in the * * * prekindergarten
96 program shall be coordinated with the Head Start agencies in the
97 local areas and shall not be permitted to cause a reduction in
98 children served by the Head Start program. Under this program,
99 eligible entities may submit an application for funds to (i)
100 defray the cost of additional and/or more qualified teaching
101 staff, appropriate educational materials and equipment and to



102 improve the quality of educational experiences offered to
103 four-year-old children in * * * early care and education programs,
104 and/or to (ii) extend developmentally appropriate education
105 services at such * * * programs currently serving four-year-old
106 children to include practices of high quality instruction, and to
107 (iii) administer, implement, monitor and evaluate the programs,
108 and to (iv) defray the cost of professional development and
109 age-appropriate child assessment. * * *

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

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

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

122 (iii) The department will provide technical
123 assistance to collaboratives and their providers to improve the
124 quality of prekindergarten programs.

125 (iv) The department will evaluate the
126 effectiveness of each early childhood collaborative and each



127 prekindergarten provider. If the State Department of Education
128 adopts a statewide kindergarten screening that assesses the
129 readiness of each student for kindergarten, the State Department
130 of Education shall adopt a minimum rate of readiness that each
131 prekindergarten provider must meet in order to remain eligible for
132 prekindergarten program funds. Each parent who enrolls his or her
133 child in the prekindergarten program must submit the child for the
134 statewide kindergarten screening, regardless of whether the child
135 is admitted to kindergarten in a public school.

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

139 (i) Voluntary enrollment of children; * * *

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

143 (iii) Qualifications of master teachers, teachers
144 and assistants, which must conform to guidelines in Section
145 37-21-3;

146 (iv) At least fifteen (15) hours of annual
147 professional development for program instructional staff,
148 including professional development in early literacy;

149 (v) The use of state-adopted comprehensive early
150 learning standards;



151 (vi) The use of a research-based curriculum that
152 is designed to prepare students to be ready for kindergarten, with
153 emphasis in early literacy, and is aligned with the comprehensive
154 early learning standards;

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

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

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

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

164 (xi) Parent involvement opportunities;

165 (xii) Plans to serve children with disabilities as
166 indicated under IDEA;

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

172 (xiv) A budget detailing the use of funds for
173 allowed expenses.

174 Participating child care centers shall: (a) meet state child
175 care facility licensure requirements unless exempted under Section



176 43-20-5, Mississippi Code of 1972, and (b) select and utilize a
177 nationally recognized assessment tool, approved by the State
178 Department of Education, designed to document classroom quality,
179 which must be in place not later than July 1, 2016, as certified
180 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
217 employee whose salary and fringe benefits are paid from * * *
218 state funds under this act shall * * * only be * * * classified as
219 a state or local school district * * * employee * * * eligible for
220 state health insurance benefits or membership in the Public
221 Employees' Retirement System, if the person's employer is already
222 an agency or instrumentality of the state, such as a school
223 district, and the employee would be eligible for such benefits in
224 the normal course of business.



225 (* * *g) * * * Funding shall be provided * * * for
226 this program beginning with the * * * 2014 fiscal year subject to
227 appropriation by the Legislature as provided in paragraph (h) of
228 this subsection. The department shall make an annual report to
229 the Legislature and the Governor regarding the effectiveness of
230 the program. The PEER Committee shall review those reports and
231 other program data and submit an independent evaluation of program
232 operation and effectiveness to the Legislature and the Governor on
233 or before October 1 of the calendar year before the beginning of
234 the next phased-in period of funding.

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

238 1. The first phase shall be based on an
239 annual state appropriation of not more than Eight Million Dollars
240 (\$8,000,000.00) and shall serve approximately three thousand five
241 hundred (3,500) children through five (5) to eight (8) early
242 learning collaboratives and their prekindergarten providers;

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

248 3. The third phase shall be based on an
249 annual state appropriation of not more than Thirty-three Million



250 Nine Hundred Fifty Thousand Dollars (\$33,950,000.00) and shall
251 serve approximately fifteen thousand (15,000) children through
252 twenty (20) to twenty-five (25) early learning collaboratives and
253 their prekindergarten providers.

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

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

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



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

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

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

- 293 1. Participation in Excel By 5;
294 2. Participation in supporting Partnerships
295 to Assure Ready Kids (SPARK);
296 3. Participation in the Gilmore Early
297 Learning Initiative (GELI); or



298 4. Participation in the Mississippi Building
299 Blocks.

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

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

313 **SECTION 2.** Section 37-21-53, Mississippi Code of 1972, is
314 amended as follows:

315 37-21-53. (1) The * * * State Early Childhood Advisory
316 Council (SECAC), located in the Office of the Governor, is * * *
317 (a) to assist the State Department of Education with the
318 implementation of the Early Learning Collaborative Act of 2013,
319 (b) to ensure coordination among the various agencies and programs
320 servicing preschool children in order to support school district's
321 efforts to achieve the goal of readiness to start school, (c) to
322 facilitate communication, cooperation and maximum use of resources



323 and to promote high standards for all programs serving preschool
324 children and their families in Mississippi, (d) to serve as the
325 designated council for early childhood education and care pursuant
326 to federal Public Law 110-134, and (e) to carry out any
327 responsibilities assigned to SECAC by the Governor and/or by
328 applicable federal law.

329 (2) The membership of the * * * State Early Childhood
330 Advisory Council (SECAC) in accordance with Public Law 110-134,
331 shall include the following members to be appointed by the
332 Governor:

333 (a) * * * A representative of the Mississippi
334 Department of Human Services;

335 (b) * * * A representative of the Mississippi
336 Department of Education;

337 (c) * * * A representative of local educational
338 agencies;

339 (d) * * * A representative of Mississippi Institutions
340 of Higher Education;

341 (e) * * * A representative of local providers of early
342 childhood education and care services from each congressional
343 district;

344 (f) * * * A representative from Head Start agencies
345 located in the state, including Indian Head Start programs and
346 migrant and seasonal Head Start programs as available;



347 (g) * * * The State Director of Head Start
348 Collaboration;

349 (h) * * * The Part C Coordinator and/or the Section 619
350 Coordinator of programs under the Individuals with Disabilities
351 Education Act (20 USC 1419, 1431 et seq.);

352 (i) * * * A representative of the Mississippi
353 Department of Health;

354 (j) A representative of the Mississippi Department of
355 Mental Health; and

356 (k) Representatives of other entities deemed relevant
357 by the Governor.

358 * * *

359 **SECTION 3.** Section 37-7-301, Mississippi Code of 1972, is
360 amended as follows:

361 37-7-301. The school boards of all school districts shall
362 have the following powers, authority and duties in addition to all
363 others imposed or granted by law, to wit:

364 (a) To organize and operate the schools of the district
365 and to make such division between the high school grades and
366 elementary grades as, in their judgment, will serve the best
367 interests of the school;

368 (b) To introduce public school music, art, manual
369 training and other special subjects into either the elementary or
370 high school grades, as the board shall deem proper;



371 (c) To be the custodians of real and personal school
372 property and to manage, control and care for same, both during the
373 school term and during vacation;

374 (d) To have responsibility for the erection, repairing
375 and equipping of school facilities and the making of necessary
376 school improvements;

377 (e) To suspend or to expel a pupil or to change the
378 placement of a pupil to the school district's alternative school
379 or homebound program for misconduct in the school or on school
380 property, as defined in Section 37-11-29, on the road to and from
381 school, or at any school-related activity or event, or for conduct
382 occurring on property other than school property or other than at
383 a school-related activity or event when such conduct by a pupil,
384 in the determination of the school superintendent or principal,
385 renders that pupil's presence in the classroom a disruption to the
386 educational environment of the school or a detriment to the best
387 interest and welfare of the pupils and teacher of such class as a
388 whole, and to delegate such authority to the appropriate officials
389 of the school district;

390 (f) To visit schools in the district, in their
391 discretion, in a body for the purpose of determining what can be
392 done for the improvement of the school in a general way;

393 (g) To support, within reasonable limits, the
394 superintendent, principal and teachers where necessary for the
395 proper discipline of the school;



396 (h) To exclude from the schools students with what
397 appears to be infectious or contagious diseases; provided,
398 however, such student may be allowed to return to school upon
399 presenting a certificate from a public health officer, duly
400 licensed physician or nurse practitioner that the student is free
401 from such disease;

402 (i) To require those vaccinations specified by the
403 State Health Officer as provided in Section 41-23-37;

404 (j) To see that all necessary utilities and services
405 are provided in the schools at all times when same are needed;

406 (k) To authorize the use of the school buildings and
407 grounds for the holding of public meetings and gatherings of the
408 people under such regulations as may be prescribed by said board;

409 (l) To prescribe and enforce rules and regulations not
410 inconsistent with law or with the regulations of the State Board
411 of Education for their own government and for the government of
412 the schools, and to transact their business at regular and special
413 meetings called and held in the manner provided by law;

414 (m) To maintain and operate all of the schools under
415 their control for such length of time during the year as may be
416 required;

417 (n) To enforce in the schools the courses of study and
418 the use of the textbooks prescribed by the proper authorities;

419 (o) To make orders directed to the superintendent of
420 schools for the issuance of pay certificates for lawful purposes



421 on any available funds of the district and to have full control of
422 the receipt, distribution, allotment and disbursement of all funds
423 provided for the support and operation of the schools of such
424 school district whether such funds be derived from state
425 appropriations, local ad valorem tax collections, or otherwise.
426 The local school board shall be authorized and empowered to
427 promulgate rules and regulations that specify the types of claims
428 and set limits of the dollar amount for payment of claims by the
429 superintendent of schools to be ratified by the board at the next
430 regularly scheduled meeting after payment has been made;

431 (p) To select all school district personnel in the
432 manner provided by law, and to provide for such employee fringe
433 benefit programs, including accident reimbursement plans, as may
434 be deemed necessary and appropriate by the board;

435 (q) To provide athletic programs and other school
436 activities and to regulate the establishment and operation of such
437 programs and activities;

438 (r) To join, in their discretion, any association of
439 school boards and other public school-related organizations, and
440 to pay from local funds other than minimum foundation funds, any
441 membership dues;

442 (s) To expend local school activity funds, or other
443 available school district funds, other than minimum education
444 program funds, for the purposes prescribed under this paragraph.

445 "Activity funds" shall mean all funds received by school officials



446 in all school districts paid or collected to participate in any
447 school activity, such activity being part of the school program
448 and partially financed with public funds or supplemented by public
449 funds. The term "activity funds" shall not include any funds
450 raised and/or expended by any organization unless commingled in a
451 bank account with existing activity funds, regardless of whether
452 the funds were raised by school employees or received by school
453 employees during school hours or using school facilities, and
454 regardless of whether a school employee exercises influence over
455 the expenditure or disposition of such funds. Organizations shall
456 not be required to make any payment to any school for the use of
457 any school facility if, in the discretion of the local school
458 governing board, the organization's function shall be deemed to be
459 beneficial to the official or extracurricular programs of the
460 school. For the purposes of this provision, the term
461 "organization" shall not include any organization subject to the
462 control of the local school governing board. Activity funds may
463 only be expended for any necessary expenses or travel costs,
464 including advances, incurred by students and their chaperons in
465 attending any in-state or out-of-state school-related programs,
466 conventions or seminars and/or any commodities, equipment, travel
467 expenses, purchased services or school supplies which the local
468 school governing board, in its discretion, shall deem beneficial
469 to the official or extracurricular programs of the district,
470 including items which may subsequently become the personal



471 property of individuals, including yearbooks, athletic apparel,
472 book covers and trophies. Activity funds may be used to pay
473 travel expenses of school district personnel. The local school
474 governing board shall be authorized and empowered to promulgate
475 rules and regulations specifically designating for what purposes
476 school activity funds may be expended. The local school governing
477 board shall provide (i) that such school activity funds shall be
478 maintained and expended by the principal of the school generating
479 the funds in individual bank accounts, or (ii) that such school
480 activity funds shall be maintained and expended by the
481 superintendent of schools in a central depository approved by the
482 board. The local school governing board shall provide that such
483 school activity funds be audited as part of the annual audit
484 required in Section 37-9-18. The State Department of Education
485 shall prescribe a uniform system of accounting and financial
486 reporting for all school activity fund transactions;

487 (t) To contract, on a shared savings, lease or
488 lease-purchase basis, for energy efficiency services and/or
489 equipment as provided for in Section 31-7-14, not to exceed ten
490 (10) years;

491 (u) To maintain accounts and issue pay certificates on
492 school food service bank accounts;

493 (v) (i) To lease a school building from an individual,
494 partnership, nonprofit corporation or a private for-profit
495 corporation for the use of such school district, and to expend



496 funds therefor as may be available from any nonminimum program
497 sources. The school board of the school district desiring to
498 lease a school building shall declare by resolution that a need
499 exists for a school building and that the school district cannot
500 provide the necessary funds to pay the cost or its proportionate
501 share of the cost of a school building required to meet the
502 present needs. The resolution so adopted by the school board
503 shall be published once each week for three (3) consecutive weeks
504 in a newspaper having a general circulation in the school district
505 involved, with the first publication thereof to be made not less
506 than thirty (30) days prior to the date upon which the school
507 board is to act on the question of leasing a school building. If
508 no petition requesting an election is filed prior to such meeting
509 as hereinafter provided, then the school board may, by resolution
510 spread upon its minutes, proceed to lease a school building. If
511 at any time prior to said meeting a petition signed by not less
512 than twenty percent (20%) or fifteen hundred (1500), whichever is
513 less, of the qualified electors of the school district involved
514 shall be filed with the school board requesting that an election
515 be called on the question, then the school board shall, not later
516 than the next regular meeting, adopt a resolution calling an
517 election to be held within such school district upon the question
518 of authorizing the school board to lease a school building. Such
519 election shall be called and held, and notice thereof shall be
520 given, in the same manner for elections upon the questions of the



521 issuance of the bonds of school districts, and the results thereof
522 shall be certified to the school board. If at least three-fifths
523 (3/5) of the qualified electors of the school district who voted
524 in such election shall vote in favor of the leasing of a school
525 building, then the school board shall proceed to lease a school
526 building. The term of the lease contract shall not exceed twenty
527 (20) years, and the total cost of such lease shall be either the
528 amount of the lowest and best bid accepted by the school board
529 after advertisement for bids or an amount not to exceed the
530 current fair market value of the lease as determined by the
531 averaging of at least two (2) appraisals by certified general
532 appraisers licensed by the State of Mississippi. The term "school
533 building" as used in this paragraph (v) (i) shall be construed to
534 mean any building or buildings used for classroom purposes in
535 connection with the operation of schools and shall include the
536 site therefor, necessary support facilities, and the equipment
537 thereof and appurtenances thereto such as heating facilities,
538 water supply, sewage disposal, landscaping, walks, drives and
539 playgrounds. The term "lease" as used in this paragraph (v) (i)
540 may include a lease/purchase contract;

541 (ii) If two (2) or more school districts propose
542 to enter into a lease contract jointly, then joint meetings of the
543 school boards having control may be held but no action taken shall
544 be binding on any such school district unless the question of
545 leasing a school building is approved in each participating school



546 district under the procedure hereinabove set forth in paragraph
547 (v) (i). All of the provisions of paragraph (v) (i) regarding the
548 term and amount of the lease contract shall apply to the school
549 boards of school districts acting jointly. Any lease contract
550 executed by two (2) or more school districts as joint lessees
551 shall set out the amount of the aggregate lease rental to be paid
552 by each, which may be agreed upon, but there shall be no right of
553 occupancy by any lessee unless the aggregate rental is paid as
554 stipulated in the lease contract. All rights of joint lessees
555 under the lease contract shall be in proportion to the amount of
556 lease rental paid by each;

557 (w) To employ all noninstructional and noncertificated
558 employees and fix the duties and compensation of such personnel
559 deemed necessary pursuant to the recommendation of the
560 superintendent of schools;

561 (x) To employ and fix the duties and compensation of
562 such legal counsel as deemed necessary;

563 (y) Subject to rules and regulations of the State Board
564 of Education, to purchase, own and operate trucks, vans and other
565 motor vehicles, which shall bear the proper identification
566 required by law;

567 (z) To expend funds for the payment of substitute
568 teachers and to adopt reasonable regulations for the employment
569 and compensation of such substitute teachers;



570 (aa) To acquire in its own name by purchase all real
571 property which shall be necessary and desirable in connection with
572 the construction, renovation or improvement of any public school
573 building or structure. Whenever the purchase price for such real
574 property is greater than Fifty Thousand Dollars (\$50,000.00), the
575 school board shall not purchase the property for an amount
576 exceeding the fair market value of such property as determined by
577 the average of at least two (2) independent appraisals by
578 certified general appraisers licensed by the State of Mississippi.
579 If the board shall be unable to agree with the owner of any such
580 real property in connection with any such project, the board shall
581 have the power and authority to acquire any such real property by
582 condemnation proceedings pursuant to Section 11-27-1 et seq.,
583 Mississippi Code of 1972, and for such purpose, the right of
584 eminent domain is hereby conferred upon and vested in said board.
585 Provided further, that the local school board is authorized to
586 grant an easement for ingress and egress over sixteenth section
587 land or lieu land in exchange for a similar easement upon
588 adjoining land where the exchange of easements affords substantial
589 benefit to the sixteenth section land; provided, however, the
590 exchange must be based upon values as determined by a competent
591 appraiser, with any differential in value to be adjusted by cash
592 payment. Any easement rights granted over sixteenth section land
593 under such authority shall terminate when the easement ceases to
594 be used for its stated purpose. No sixteenth section or lieu land



595 which is subject to an existing lease shall be burdened by any
596 such easement except by consent of the lessee or unless the school
597 district shall acquire the unexpired leasehold interest affected
598 by the easement;

599 (bb) To charge reasonable fees related to the
600 educational programs of the district, in the manner prescribed in
601 Section 37-7-335;

602 (cc) Subject to rules and regulations of the State
603 Board of Education, to purchase relocatable classrooms for the use
604 of such school district, in the manner prescribed in Section
605 37-1-13;

606 (dd) Enter into contracts or agreements with other
607 school districts, political subdivisions or governmental entities
608 to carry out one or more of the powers or duties of the school
609 board, or to allow more efficient utilization of limited resources
610 for providing services to the public;

611 (ee) To provide for in-service training for employees
612 of the district;

613 (ff) As part of their duties to prescribe the use of
614 textbooks, to provide that parents and legal guardians shall be
615 responsible for the textbooks and for the compensation to the
616 school district for any books which are not returned to the proper
617 schools upon the withdrawal of their dependent child. If a
618 textbook is lost or not returned by any student who drops out of
619 the public school district, the parent or legal guardian shall



620 also compensate the school district for the fair market value of
621 the textbooks;

622 (gg) To conduct fund-raising activities on behalf of
623 the school district that the local school board, in its
624 discretion, deems appropriate or beneficial to the official or
625 extracurricular programs of the district; provided that:

626 (i) Any proceeds of the fund-raising activities
627 shall be treated as "activity funds" and shall be accounted for as
628 are other activity funds under this section; and

629 (ii) Fund-raising activities conducted or
630 authorized by the board for the sale of school pictures, the
631 rental of caps and gowns or the sale of graduation invitations for
632 which the school board receives a commission, rebate or fee shall
633 contain a disclosure statement advising that a portion of the
634 proceeds of the sales or rentals shall be contributed to the
635 student activity fund;

636 (hh) To allow individual lessons for music, art and
637 other curriculum-related activities for academic credit or
638 nonacademic credit during school hours and using school equipment
639 and facilities, subject to uniform rules and regulations adopted
640 by the school board;

641 (ii) To charge reasonable fees for participating in an
642 extracurricular activity for academic or nonacademic credit for
643 necessary and required equipment such as safety equipment, band
644 instruments and uniforms;



645 (jj) To conduct or participate in any fund-raising
646 activities on behalf of or in connection with a tax-exempt
647 charitable organization;

648 (kk) To exercise such powers as may be reasonably
649 necessary to carry out the provisions of this section;

650 (ll) To expend funds for the services of nonprofit arts
651 organizations or other such nonprofit organizations who provide
652 performances or other services for the students of the school
653 district;

654 (mm) To expend federal No Child Left Behind Act funds,
655 or any other available funds that are expressly designated and
656 authorized for that use, to pay training, educational expenses,
657 salary incentives and salary supplements to employees of local
658 school districts; except that incentives shall not be considered
659 part of the local supplement as defined in Section 37-151-5(o),
660 nor shall incentives be considered part of the local supplement
661 paid to an individual teacher for the purposes of Section
662 37-19-7(1). Mississippi Adequate Education Program funds or any
663 other state funds may not be used for salary incentives or salary
664 supplements as provided in this paragraph (mm);

665 (nn) To use any available funds, not appropriated or
666 designated for any other purpose, for reimbursement to the
667 state-licensed employees from both in state and out of state, who
668 enter into a contract for employment in a school district, for the
669 expense of moving when the employment necessitates the relocation



670 of the licensed employee to a different geographical area than
671 that in which the licensed employee resides before entering into
672 the contract. The reimbursement shall not exceed One Thousand
673 Dollars (\$1,000.00) for the documented actual expenses incurred in
674 the course of relocating, including the expense of any
675 professional moving company or persons employed to assist with the
676 move, rented moving vehicles or equipment, mileage in the amount
677 authorized for county and municipal employees under Section
678 25-3-41 if the licensed employee used his personal vehicle or
679 vehicles for the move, meals and such other expenses associated
680 with the relocation. No licensed employee may be reimbursed for
681 moving expenses under this section on more than one (1) occasion
682 by the same school district. Nothing in this section shall be
683 construed to require the actual residence to which the licensed
684 employee relocates to be within the boundaries of the school
685 district that has executed a contract for employment in order for
686 the licensed employee to be eligible for reimbursement for the
687 moving expenses. However, the licensed employee must relocate
688 within the boundaries of the State of Mississippi. Any individual
689 receiving relocation assistance through the Critical Teacher
690 Shortage Act as provided in Section 37-159-5 shall not be eligible
691 to receive additional relocation funds as authorized in this
692 paragraph;

693 (oo) To use any available funds, not appropriated or
694 designated for any other purpose, to reimburse persons who



695 interview for employment as a licensed employee with the district
696 for the mileage and other actual expenses incurred in the course
697 of travel to and from the interview at the rate authorized for
698 county and municipal employees under Section 25-3-41;

699 (pp) Consistent with the report of the Task Force to
700 Conduct a Best Financial Management Practices Review, to improve
701 school district management and use of resources and identify cost
702 savings as established in Section 8 of Chapter 610, Laws of 2002,
703 local school boards are encouraged to conduct independent reviews
704 of the management and efficiency of schools and school districts.
705 Such management and efficiency reviews shall provide state and
706 local officials and the public with the following:

- 707 (i) An assessment of a school district's
708 governance and organizational structure;
- 709 (ii) An assessment of the school district's
710 financial and personnel management;
- 711 (iii) An assessment of revenue levels and sources;
- 712 (iv) An assessment of facilities utilization,
713 planning and maintenance;
- 714 (v) An assessment of food services, transportation
715 and safety/security systems;
- 716 (vi) An assessment of instructional and
717 administrative technology;



718 (vii) A review of the instructional management and
719 the efficiency and effectiveness of existing instructional
720 programs; and

721 (viii) Recommended methods for increasing
722 efficiency and effectiveness in providing educational services to
723 the public;

724 (qq) To enter into agreements with other local school
725 boards for the establishment of an educational service agency
726 (ESA) to provide for the cooperative needs of the region in which
727 the school district is located, as provided in Section 37-7-345;

728 (rr) To implement a financial literacy program for
729 students in Grades 10 and 11. The board may review the national
730 programs and obtain free literature from various nationally
731 recognized programs. After review of the different programs, the
732 board may certify a program that is most appropriate for the
733 school districts' needs. If a district implements a financial
734 literacy program, then any student in Grade 10 or 11 may
735 participate in the program. The financial literacy program shall
736 include, but is not limited to, instruction in the same areas of
737 personal business and finance as required under Section
738 37-1-3(2) (b). The school board may coordinate with volunteer
739 teachers from local community organizations, including, but not
740 limited to, the following: United States Department of
741 Agriculture Rural Development, United States Department of Housing
742 and Urban Development, Junior Achievement, bankers and other



743 nonprofit organizations. Nothing in this paragraph shall be
744 construed as to require school boards to implement a financial
745 literacy program;

746 (ss) To collaborate with the State Board of Education,
747 Community Action Agencies or the Department of Human Services to
748 develop and implement a voluntary program to provide services for
749 a prekindergarten program that addresses the cognitive, social,
750 and emotional needs of four-year-old and three-year-old children.
751 The school board may utilize any source of available revenue to
752 fund the voluntary program * * *. Effective with the 2013-2014
753 school year, to implement voluntary prekindergarten programs under
754 the Early Learning Collaborative Act of 2013 pursuant to state
755 funds awarded by the State Department of Education on a matching
756 basis;

757 (tt) With respect to any lawful, written obligation of
758 a school district, including, but not limited to, leases
759 (excluding leases of sixteenth section public school trust land),
760 bonds, notes, or other agreement, to agree in writing with the
761 obligee that the Department of Revenue or any state agency,
762 department or commission created under state law may:

763 (i) Withhold all or any part (as agreed by the
764 school board) of any monies which such local school board is
765 entitled to receive from time to time under any law and which is
766 in the possession of the Department of Revenue, or any state
767 agency, department or commission created under state law; and



768 (ii) Pay the same over to any financial
769 institution, trustee or other obligee, as directed in writing by
770 the school board, to satisfy all or part of such obligation of the
771 school district.

772 The school board may make such written agreement to withhold
773 and transfer funds irrevocable for the term of the written
774 obligation and may include in the written agreement any other
775 terms and provisions acceptable to the school board. If the
776 school board files a copy of such written agreement with the
777 Department of Revenue, or any state agency, department or
778 commission created under state law then the Department of Revenue
779 or any state agency, department or commission created under state
780 law shall immediately make the withholdings provided in such
781 agreement from the amounts due the local school board and shall
782 continue to pay the same over to such financial institution,
783 trustee or obligee for the term of the agreement.

784 This paragraph (tt) shall not grant any extra authority to a
785 school board to issue debt in any amount exceeding statutory
786 limitations on assessed value of taxable property within such
787 school district or the statutory limitations on debt maturities,
788 and shall not grant any extra authority to impose, levy or collect
789 a tax which is not otherwise expressly provided for, and shall not
790 be construed to apply to sixteenth section public school trust
791 land;



792 (uu) With respect to any matter or transaction that is
793 competitively bid by a school district, to accept from any bidder
794 as a good-faith deposit or bid bond or bid surety, the same type
795 of good-faith deposit or bid bond or bid surety that may be
796 accepted by the state or any other political subdivision on
797 similar competitively bid matters or transactions. This paragraph
798 (uu) shall not be construed to apply to sixteenth section public
799 school trust land. The school board may authorize the investment
800 of any school district funds in the same kind and manner of
801 investments, including pooled investments, as any other political
802 subdivision, including community hospitals;

803 (vv) To utilize the alternate method for the conveyance
804 or exchange of unused school buildings and/or land, reserving a
805 partial or other undivided interest in the property, as
806 specifically authorized and provided in Section 37-7-485,
807 Mississippi Code of 1972;

808 (wv) To delegate, privatize or otherwise enter into a
809 contract with private entities for the operation of any and all
810 functions of nonacademic school process, procedures and operations
811 including, but not limited to, cafeteria workers, janitorial
812 services, transportation, professional development, achievement
813 and instructional consulting services materials and products,
814 purchasing cooperatives, insurance, business manager services,
815 auditing and accounting services, school safety/risk prevention,
816 data processing and student records, and other staff services;



817 however, the authority under this paragraph does not apply to the
818 leasing, management or operation of sixteenth section lands.
819 Local school districts, working through their regional education
820 service agency, are encouraged to enter into buying consortia with
821 other member districts for the purposes of more efficient use of
822 state resources as described in Section 37-7-345;

823 (xx) To partner with entities, organizations and
824 corporations for the purpose of benefiting the school district;

825 (yy) To borrow funds from the Rural Economic
826 Development Authority for the maintenance of school buildings;

827 (zz) To fund and operate voluntary early childhood
828 education programs, defined as programs for children less than
829 five (5) years of age on or before September 1, and to use any
830 source of revenue for such early childhood education programs.

831 Such programs shall not conflict with the Early Learning
832 Collaborative Act of * * * 2013;

833 (aaa) To issue and provide for the use of procurement
834 cards by school board members, superintendents and licensed school
835 personnel consistent with the rules and regulations of the
836 Mississippi Department of Finance and Administration under Section
837 31-7-9; and

838 (bbb) To conduct an annual comprehensive evaluation of
839 the superintendent of schools consistent with the assessment
840 components of paragraph (pp) of this section and the assessment
841 benchmarks established by the Mississippi School Board Association



842 to evaluate the success the superintendent has attained in meeting
843 district goals and objectives, the superintendent's leadership
844 skill and whether or not the superintendent has established
845 appropriate standards for performance, is monitoring success and
846 is using data for improvement.

847 **SECTION 4.** Section 37-21-3, Mississippi Code of 1972, is
848 amended as follows:

849 37-21-3. No person shall act in the capacity of master
850 teacher, teacher or assistant teacher * * * in any federal or
851 state-funded program of early childhood education or " * * * Head
852 Start," or perform any of the functions, duties or powers of the
853 same, unless that person shall be qualified in the following
854 manner:

855 (a) A * * * master teacher or any other employee or
856 consultant receiving a salary or fee equivalent to that of a * * *
857 master teacher * * * shall * * * meet the qualifications of a
858 teacher in this section, including the requirement that a teacher
859 may be required to hold a state teaching license by the State
860 Department of Education, and have demonstrated effectiveness as an
861 early childhood educator. Effectiveness as an early childhood
862 educator may be demonstrated by a rating of highly effective on a
863 state evaluation of teaching, if available, or with evidence that
864 the teacher has a record of raising the achievement outcomes of
865 prekindergarten students.



866 (b) A teacher shall possess a * * * bachelor's degree
867 in early childhood education, child development, or an equivalent
868 field. A teacher may also possess a bachelor's degree in any
869 field as well as have at least twelve (12) credit hours of
870 coursework in early childhood education, child development, or an
871 equivalent field approved by an institution granting a bachelor's
872 degree in the early childhood education, child development, or an
873 equivalent field; or have a bachelor's degree in any field as well
874 as have completed a specialized early childhood training program
875 deemed equivalent by the State Department of Education to twelve
876 (12) hours of approved coursework.

877 (c) An assistant teacher shall possess * * * an
878 associate's degree in early childhood education, child
879 development, or an equivalent field; or an associate's degree in
880 any field and a Child Development Associate credential, a
881 Montessori certification, or an equivalent certification. Public
882 school assistant teachers in the voluntary prekindergarten program
883 established by the Early Learning Collaborative Act of 2013 may be
884 required by the State Department of Education to meet the
885 definition of a highly qualified paraprofessional in addition to
886 these requirements.

887 * * *

888 The State Department of Education shall adopt any necessary
889 rules, policies or procedures to implement this section.



890 **SECTION 5.** Section 37-21-5, Mississippi Code of 1972, is
891 amended as follows:

892 37-21-5. The * * * State Department of Education of the
893 State of Mississippi is vested with the authority to enforce the
894 provisions of Sections 37-21-1 through 37-21-5. The * * *
895 department shall have the authority to make investigations and to
896 require such proof of qualification as may be necessary for the
897 enforcement of Sections 37-21-1 through 37-21-5. * * *

898 **SECTION 6.** This section shall be codified in Title 27,
899 Chapter 7 of the Mississippi Code of 1972, as follows:

900 (1) There shall be allowed as a credit against the tax
901 imposed by Section 27-7-5 the amount of the qualified
902 prekindergarten program support contributions paid to approved
903 providers, lead partners or collaboratives, not to exceed One
904 Million Dollars (\$1,000,000.00), by any individual, corporation or
905 other entity having taxable income under the laws of this state
906 during calendar year 2013 or during any calendar year thereafter.
907 In order to qualify for a tax credit, such contributions may
908 support the local match requirement of approved providers, lead
909 partners or collaboratives as is necessary to match
910 state-appropriated funds, and any such providers, lead partners or
911 collaboratives shall be approved by the State Department of
912 Education.

913 (2) Any unused portion of the credit may be carried forward
914 for three (3) tax years.



915 (3) Any prekindergarten program support contribution shall
916 be verified by submission to the Mississippi Department of Revenue
917 of a copy of the receipt provided to the donor taxpayer by the
918 prekindergarten program recipient or such other written
919 verification as may be required by the Department of Revenue.

920 (4) The maximum amount of donations accepted by the
921 Department of Revenue in calendar year 2014 shall not exceed Eight
922 Million Dollars (\$8,000,000.00), in calendar year 2015 shall not
923 exceed Fifteen Million Dollars (\$15,000,000.00), and in calendar
924 year 2016 and calendar years thereafter shall not exceed
925 Thirty-two Million Dollars (\$32,000,000.00), or what is
926 appropriated by the Legislature to fund this act each year.

927 (5) The Mississippi Department of Revenue shall promulgate
928 rules necessary to effectuate the purposes of this act. Such
929 rules shall include a means of informing the public of the
930 existence of the prekindergarten support program and the
931 application process for provider, lead partner and collaborative
932 candidates.

933 **SECTION 7.** Section 37-21-55, Mississippi Code of 1972, which
934 establishes the Early Childhood Services Advisory Committee, is
935 hereby repealed.

936 **SECTION 8.** This act shall take effect and be in force from
937 and after July 1, 2013.

