HOUSE BILL NO. 1237

AN ACT TO CREATE THE MISSISSIPPI CHILD EQUITY TRUST FUND; TO REQUIRE THE STATE BOARD OF EDUCATION AND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO IMPLEMENT THE TRUST FUND; TO REQUIRE THE CREATION OF AN EARLY CHILDHOOD NONATTENDANCE CERTIFICATE FOR INDIVIDUALS WHO ELECT NOT TO ENROLL IN MISSISSIPPI EARLY CHILDHOOD EDUCATION; TO PROVIDE THAT NO PERSON SHALL BE ELIGIBLE FOR PARTICIPATION IN THE TRUST FUND UNLESS A CERTIFICATE WAS FILED ON HIS BEHALF; TO REQUIRE THE DEPOSIT OF CERTAIN FUNDS INTO THE TRUST FUND ON BEHALF OF EACH INDIVIDUAL WHO HAS FILED A CERTIFICATE; TO REQUIRE THE INVESTMENT SECTION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO INVEST THE FUNDS; TO REQUIRE THAT THE MONEY IN THE TRUST BE PAID OUT TO THE CHILD WHEN CERTAIN CONDITIONS ARE MET; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) There is created in the Public Employees' Retirement System a special trust fund to be known as the "Mississippi Child Equity Trust Fund," which shall be administered by the State Superintendent of Public Education and the Public Employees' Retirement System. The money for the fund shall come from certain funds due to school districts under the Minimum Education Program. These funds shall be transferred to and managed by the Public Employees' Retirement System.

(2) The State Superintendent of Public Education shall promulgate rules and regulations for the administration of the program.

(3) To facilitate the administration of this act, the State Superintendent of Public Education shall develop an early childhood nonattendance registration certificate which shall be made available to the parent, guardian or custodian of any kindergarten-age child at the same location that the child is eligible to be enrolled in the Mississippi Early Childhood
Education Program. The certificate shall be designed to obtain
the following information:

(a) The name, address and date of birth of any early
childhood-age child who is eligible to enroll in the Mississippi
Early Childhood Education Program;

(b) The name and address of the parent, guardian or
custodian of the early childhood-age child;

(c) Certification that the parent, guardian or
custodian of the kindergarten-age child has elected not to enroll
the child in the Mississippi Early Childhood Education Program;

(d) The signature of the parent, guardian or custodian
of the early childhood-age child and the date signed.

The State Superintendent of Public Education shall furnish a
sufficient number of the early childhood nonattendance
registration certificates to each school district each year when
the program is implemented.

(4) The failure of a parent, guardian or custodian of any
kindergarten-age child eligible to enroll in the Mississippi Early
Childhood Education Program to complete a kindergarten
nonattendance registration certificate shall not be unlawful;
however, failure to properly complete and submit the early
childhood nonattendance registration certificate shall prevent
funds from being transferred to the child’s account for that year.

(5) Before September 16 of each year, each school district
shall submit to the State Superintendent of Public Education a
copy of each early childhood nonattendance registration
certificate received for the current school year. The state
superintendent shall deposit each child’s pro rata part of Minimum
Education Program funds to the child’s personal Child Equity Trust
Fund Account. For children not enrolling in kindergarten, the
amount shall be the statewide per capita Minimum Education Program
funding for that year. For children electing to attend first,
second and third grade classes not having assistant teachers, the amount shall be that child's per capita share of assistant teacher salaries and benefits for that year. The district shall provide classes both with and without assistant teachers. The district may place a child having an early childhood nonattendance registration certificate in a class served by an assistant teacher in order to solve scheduling difficulties. The contribution to the child's trust fund account shall not be reduced because of such placement. If extra funds are needed to supplement the assistant teacher salary, the funds shall be taken on an equal percentage basis from the salaries of all administrators in the district. Kindergarten, first, second and third grade children who attend private schools or are officially in home school are eligible to participate in the Mississippi Child Equity Trust Fund. A child must be a citizen of the United States and a resident of Mississippi to participate in this program. Parents, guardians or custodians of private and home school children shall complete the early childhood nonattendance registration certificate in the same manner as those attending public school. The superintendent of the public school district shall furnish the forms and collect and transmit these forms to the State Superintendent of Public Education.

(6) The State Superintendent of Public Education shall transfer the funds deposited to each child's account to the Public Employees' Retirement System each year along with an accounting of the amount to be credited to each child's account. The retirement system shall administer the Child Equity Trust Fund separate from other funds it manages. At least once per year, the earnings of each individual account shall be credited to that account. This fund shall be managed and audited in the same manner as funds in the other accounts managed by the Public Employees' Retirement System.
(7) A child who has an account in the Child Equity Trust Fund may claim the funds to go to college, trade school or for other legitimate educational activity on or after reaching eighteen (18) years of age or graduating from high school. For children under eighteen (18) years of age, the funds shall be disbursed to the parent, guardian or custodian by the Public Employees' Retirement System upon receipt of a certificate of admission of the child to a legitimate educational entity. The State Department of Education shall maintain a list of educational entities deemed legitimate for purposes of this act. For children over eighteen (18) years of age, all funds in an individual's account shall be disbursed directly to the individual upon receipt of a certificate of admission of the child to a legitimate educational entity. Any time after the child reaches twenty-five (25) years of age, the funds may be transferred directly to the child without restrictions.

(8) For the purposes of this act, "early childhood education" includes public school kindergarten and public school first grade, second grade and third grade classes having an assistant teacher in addition to the regular teacher.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.