HOUSE BILL NO. 100

AN ACT TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO
ESTABLISH A SCHOOL VOUCHER PROGRAM; TO DEFINE CERTAIN TERMS
RELATING TO THE PROGRAM; TO PROVIDE THAT PARENTS MEETING CERTAIN
INCOME REQUIREMENTS SHALL BE ELIGIBLE TO RECEIVE VOUCHERS FROM THE
DEPARTMENT WHICH MAY BE USED FOR THE EDUCATIONAL EXPENSES OF THEIR
CHILDREN ATTENDING PARTICIPATING APPROVED NONPUBLIC SCHOOLS; TO
PROVIDE THAT THE VALUE OF A VOUCHER SHALL NOT EXCEED $2,500.00; TO
ESTABLISH A PROCESS FOR NONPUBLIC SCHOOLS TO BE CERTIFIED FOR
PARTICIPATION IN THE PROGRAM; TO ESTABLISH A PROCEDURE FOR THE
STATE DEPARTMENT OF EDUCATION TO REDEEM VOUCHERS SUBMITTED BY
PARTICIPATING NONPUBLIC SCHOOLS; TO REQUIRE CERTAIN INFORMATION TO
BE REPORTED TO THE DEPARTMENT BY PARTICIPATING SCHOOLS; TO
AUTHORIZE THE STATE BOARD OF EDUCATION TO ADOPT RULES AND
REGULATIONS FOR THE IMPLEMENTATION OF THE PROGRAM; AND FOR RELATED
PURPOSES.

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

SECTION 1. (1) The following words and phrases, as used in
this section, shall have the meanings ascribed in this subsection
unless the context clearly indicates otherwise:

(a) "Approved nonpublic school" means an elementary or
secondary school in the state which maintains educational
standards equivalent to the standards establish by the State
Department of Education for the state schools as outlined in the
Approval Requirements of the State Board of Education for
Nonpublic Schools and which is certified by the department as
eligible to receive vouchers.

(b) "Department" means the State Department of
Education.

(c) "Eligible parent, guardian or custodian" means a
person who is head of a household whose family's adjusted gross
income for the prior year is less than Thirty Thousand Dollars
($30,000.00) or, in the case of a single parent, guardian or
custodian who is head of a household, whose adjusted gross income
for the prior year is less than Twenty Thousand Dollars ($20,000.00).

(d) "Voucher" means a document issued by the State Board of Education to an eligible parent, guardian or custodian of a student which may be exchanged by an approved nonpublic school with the board for money for the educational expenses of the student attending that school.

(2) The State Department of Education shall establish and implement a program in which an eligible parent, guardian or custodian, upon request, may receive from the department a voucher that may be used for educational services at a participating approved nonpublic school selected by the child's parent, guardian or custodian. The parent, guardian or custodian to whom a voucher is issued may use the voucher only if the child is admitted to a participating approved nonpublic school. Upon the child's admittance to the nonpublic school, the parent, guardian or custodian shall present the voucher to the school. The value of the voucher shall be Two Thousand Five Hundred Dollars ($2,500.00) or a sum equal to the actual cost of tuition and fees annually charged by the approved nonpublic school, whichever is less. A participating approved nonpublic school may not charge additional tuition to any student enrolled in the school under the voucher program.

(3) If an approved nonpublic school desires to be certified by the department as eligible to participate in the voucher program, the school must apply to the department for certification as a participating approved nonpublic school. The department shall prepare and make available to approved nonpublic schools a form for the application process. The department shall conduct such investigation and inquiries as it deems necessary to determine the qualifications of the approved nonpublic school to be certified for participation in the voucher program.

Certification as a participating approved nonpublic school shall
be valid for each succeeding school year unless revoked by the
department or upon the request of the school.

(4) On behalf of each eligible parent, guardian or custodian
to whom a voucher is issued, the department shall pay to a
participating approved nonpublic school a sum equal to the total
value of all vouchers submitted by the nonpublic school to the
department for redemption. The total annual payment to which the
nonpublic school is entitled will be made in periodic payments
throughout the year, at the same time and in the same manner state
funds are distributed to school districts by the department. Each
payment must be in the same proportion to the total annual payment
to which the nonpublic school is entitled as the portion of the
school year which the payment is intended to cover bears to the
total school year. The periodic payments may be adjusted by the
department as necessary to account for changes in the enrollment
of students in the participating approved nonpublic school or
other changes affecting the total annual payment to which the
nonpublic school is entitled. The department shall pay the
remainder of the amount of the base student cost funded by the
state for each student participating in the voucher program to the
school district from which the student transfers for the purpose
of attending the approved nonpublic school.

(5) The department shall require each approved nonpublic
school in which students are admitted under the voucher program to
provide to the department a record of the students' enrollment and
periodic reports of the students' continued enrollment in and
attendance at the nonpublic school. The department also shall
require assurance from each participating approved nonpublic
school that the school does not discriminate in the admission of
students on the basis of race, sex, disability, color or economic
status.

(6) The State Board of Education shall adopt such rules and
regulations that may be necessary in the implementation of this
section, including an application process and deadline for
accepting requests for vouchers from parents, guardians and
custodians.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2002.