

By: Representative Grist (By Request)

To: Education;
Appropriations

HOUSE BILL NO. 1364

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

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

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

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

26 (3) To facilitate the administration of this act, the State
 27 Superintendent of Public Education shall develop an early
 28 childhood nonattendance registration certificate which shall be
 29 made available to the parent, guardian or custodian of any
 30 kindergarten-age child at the same location that the child is
 31 eligible to be enrolled in the Mississippi Early Childhood



32 Education Program. The certificate shall be designed to obtain
33 the following information:

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

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

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

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

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

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

56 (5) Before September 16 of each year, each school district
57 shall submit to the State Superintendent of Public Education a
58 copy of each early childhood nonattendance registration
59 certificate received for the current school year. The state
60 superintendent shall deposit each child's pro rata part of
61 Adequate Education Program funds to the child's personal Child
62 Equity Trust Fund Account. For children not enrolling in
63 kindergarten, the amount shall be the statewide per capita
64 Adequate Education Program funding for that year. For children



65 electing to attend first, second and third grade classes not
66 having assistant teachers, the amount shall be that child's per
67 capita share of assistant teacher salaries and benefits for that
68 year. The district shall provide classes both with and without
69 assistant teachers. The district may place a child having an
70 early childhood nonattendance registration certificate in a class
71 served by an assistant teacher in order to solve scheduling
72 difficulties. The contribution to the child's trust fund account
73 shall not be reduced because of such placement. If extra funds
74 are needed to supplement the assistant teacher salary, the funds
75 shall be taken on an equal percentage basis from the salaries of
76 all administrators in the district. Kindergarten, first, second
77 and third grade children who attend private schools or are
78 officially in home school are eligible to participate in the
79 Mississippi Child Equity Trust Fund. A child must be a citizen of
80 the United States and a resident of Mississippi to participate in
81 this program. Parents, guardians or custodians of private and
82 home school children shall complete the early childhood
83 nonattendance registration certificate in the same manner as those
84 attending public school. The superintendent of the public school
85 district shall furnish the forms and collect and transmit these
86 forms to the State Superintendent of Public Education.

87 (6) The State Superintendent of Public Education shall
88 transfer the funds deposited to each child's account to the Public
89 Employees' Retirement System each year along with an accounting of
90 the amount to be credited to each child's account. The retirement
91 system shall administer the Child Equity Trust Fund separate from
92 other funds it manages. At least once per year, the earnings of
93 each individual account shall be credited to that account. This
94 fund shall be managed and audited in the same manner as funds in
95 the other accounts managed by the Public Employees' Retirement
96 System.



97 (7) A child who has an account in the Child Equity Trust
98 Fund may claim the funds to go to college, trade school or for
99 other legitimate educational activity on or after reaching
100 eighteen (18) years of age or graduating from high school. For
101 children under eighteen (18) years of age, the funds shall be
102 disbursed to the parent, guardian or custodian by the Public
103 Employees' Retirement System upon receipt of a certificate of
104 admission of the child to a legitimate educational entity. The
105 State Department of Education shall maintain a list of
106 educational entities deemed legitimate for purposes of this act.
107 For children over eighteen (18) years of age, all funds in an
108 individual's account shall be disbursed directly to the individual
109 upon receipt of a certificate of admission of the child to a
110 legitimate educational entity. Any time after the child reaches
111 twenty-five (25) years of age, the funds may be transferred
112 directly to the child without restrictions.

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

117 **SECTION 2.** This act shall take effect and be in force from
118 and after July 1, 2003.

