

By: Senator(s) Nunnelee

To: Education;
Appropriations

SENATE BILL NO. 2530

1 AN ACT TO ESTABLISH THE MISSISSIPPI SCHOLARSHIPS FOR STUDENTS
2 WITH DISABILITIES PROGRAM; TO PROVIDE SCHOLARSHIP VOUCHERS FOR THE
3 OPTION OF STUDENTS WITH DISABILITIES TO ATTEND A PUBLIC SCHOOL
4 OTHER THAN THE ONE TO WHICH ASSIGNED OR TO ATTEND A QUALIFIED
5 PRIVATE SCHOOL OF CHOICE; TO PROVIDE ELIGIBILITY STANDARDS FOR THE
6 SCHOLARSHIP PROGRAM; TO PRESCRIBE THE OBLIGATIONS OF THE STATE
7 DEPARTMENT OF EDUCATION AND THE LOCAL SCHOOL DISTRICT IN WHICH THE
8 STUDENT RESIDES; TO PROVIDE ELIGIBILITY STANDARDS FOR PRIVATE
9 SCHOOLS; TO PROVIDE THE OBLIGATIONS OF PROGRAM PARTICIPANTS; TO
10 PROVIDE FOR SCHOLARSHIP FUNDING AND PAYMENT; TO WAIVE LIABILITY ON
11 THE PART OF THE STATE OR LOCAL SCHOOL DISTRICT FOR PARTICIPATION
12 IN THE PROGRAM; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO
13 PROMULGATE RULES TO ADMINISTER THE PROGRAM; AND FOR RELATED
14 PURPOSES.

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

16 **SECTION 1.** (1) There is established a program to be named
17 the Mississippi Scholarships for Students with Disabilities
18 Program, pursuant to this section, which is separate and distinct
19 from any financial assistance for exceptional children authorized
20 under Section 37-23-61 et seq., Mississippi Code of 1972. The
21 Mississippi Scholarships for Students with Disabilities Program
22 shall provide the option to attend a public school other than the
23 one to which assigned, or to provide a scholarship to a private
24 school of choice, for students with disabilities for whom an
25 individual education plan has been written in accordance with
26 rules of the State Board of Education. Students with disabilities
27 include K-12 students who are mentally handicapped, speech and
28 language impaired, deaf or hard of hearing, visually impaired,
29 dual sensory impaired, physically impaired, emotionally
30 handicapped, specific learning disabled, hospitalized or
31 homebound, or autistic.

32 (2) **Scholarship eligibility.** The parent of a public school
33 student with a disability who is dissatisfied with the student's

34 progress may request and receive from the state a scholarship for
35 the child to enroll in and attend a private school in accordance
36 with this section if:

37 (a) By assigned school attendance area or by special
38 assignment, the student has spent the prior school year in
39 attendance at a Mississippi public school. Prior school year in
40 attendance means that the student was enrolled and reported by a
41 school district for funding during the preceding October and
42 February Mississippi Adequate Education Program surveys in
43 Kindergarten through Grade 12. However, this paragraph does not
44 apply to a dependent child of a member of the United States Armed
45 Forces who transfers to a school in this state from out of state
46 or from a foreign country pursuant to a parent's permanent change
47 of station orders. A dependent child of a member of the United
48 States Armed Forces who transfers to a school in this state from
49 out of state or from a foreign country pursuant to a parent's
50 permanent change of station orders must meet all other eligibility
51 requirements to participate in the program.

52 (b) The parent has obtained acceptance for admission of
53 the student to a private school that is eligible for the program
54 under subsection (4) and has notified the school district of the
55 request for a scholarship at least sixty (60) days prior to the
56 date of the first scholarship payment. The parental notification
57 must be through a communication directly to the district or
58 through the State Department of Education to the district in a
59 manner that creates a written or electronic record of the
60 notification and the date of receipt of the notification.

61 This section does not apply to a student who is enrolled in a
62 school operating for the purpose of providing educational services
63 to youth in the Department of Human Services, Office of Juvenile
64 Correctional Institutions, commitment programs. For purposes of
65 continuity of educational choice, the scholarship shall remain in
66 force until the student returns to a public school or graduates

67 from high school. However, at any time, the student's parent may
68 remove the student from the private school and place the student
69 in another private school that is eligible for the program under
70 subsection (4) or in a public school as provided in subsection
71 (3).

72 (3) **School district and state department of education**
73 **obligations.** (a) A local school board shall timely notify the
74 parent of the student of all options available pursuant to this
75 section and offer that student's parent an opportunity to enroll
76 the student in another public school within the district. The
77 parent is not required to accept this offer in lieu of requesting
78 a scholarship to a private school. However, if the parent chooses
79 the public school option, the student may continue attending a
80 public school chosen by the parent until the student graduates
81 from high school. If the parent chooses a public school
82 consistent with the local school board's choice plan, the school
83 district shall provide transportation to the public school
84 selected by the parent. The parent is responsible to provide
85 transportation to a public school chosen that is not consistent
86 with the local school board's choice plan.

87 (b) For a student with disabilities who does not have a
88 matrix of services required by federal and state law, the school
89 district must complete a matrix that assigns the student to one of
90 the levels of service as they existed prior to the 2006-2007
91 school year. The school district must complete the matrix of
92 services for any student who is participating in the Mississippi
93 Scholarships for Students with Disabilities Program and must
94 notify the State Department of Education of the student's matrix
95 level within thirty (30) days after receiving notification by the
96 student's parent of intent to participate in the scholarship
97 program. The State Department of Education shall notify the
98 private school of the amount of the scholarship within ten (10)
99 days after receiving the school district's notification of the

100 student's matrix level. Within ten (10) school days after it
101 receives notification of a parent's intent to apply for a
102 scholarship, a local school board must notify the student's parent
103 if the matrix has not been completed and provide the parent with
104 the date for completion of the matrix required in this paragraph.

105 (c) If the parent chooses the private school option and
106 the student is accepted by the private school pending the
107 availability of a space for the student, the parent of the student
108 must notify the school district sixty (60) days prior to the first
109 scholarship payment and before entering the private school in
110 order to be eligible for the scholarship when a space becomes
111 available for the student in the private school.

112 (d) The parent of a student may choose, as an
113 alternative, to enroll the student in and transport the student to
114 a public school in an adjacent school district which has available
115 space and has a program with the services agreed to in the
116 student's individual education plan already in place, and that
117 school district shall accept the student and report the student
118 for purposes of the district's funding pursuant to the Mississippi
119 Adequate Education Program.

120 (e) For a student in the district who participates in
121 the Mississippi Scholarships for Students with Disabilities
122 Program whose parent requests that the student take the statewide
123 assessments, the district shall provide locations and times to
124 take all statewide assessments.

125 (f) A school district must notify the State Department
126 of Education within ten (10) days after it receives notification
127 of a parent's intent to apply for a scholarship for a student with
128 a disability. A school district must provide the student's parent
129 with the student's matrix level within ten (10) school days after
130 its completion.

131 (4) **Private school eligibility.** To be eligible to
132 participate in the Mississippi Scholarships for Students with

133 Disabilities Program, a private school must be a Mississippi
134 private school, may be sectarian or nonsectarian, and must:

135 (a) Demonstrate fiscal soundness by being in operation
136 for one (1) school year or provide the State Department of
137 Education with a statement by a certified public accountant
138 confirming that the private school desiring to participate is
139 insured and the owner or owners have sufficient capital or credit
140 to operate the school for the upcoming year serving the number of
141 students anticipated with expected revenues from tuition and other
142 sources that may be reasonably expected. In lieu of such a
143 statement, a surety bond or letter of credit for the amount equal
144 to the scholarship funds for any quarter may be filed with the
145 department.

146 (b) Notify the State Department of Education of its
147 intent to participate in the program under this section. The
148 notice must specify the grade levels and services that the private
149 school has available for students with disabilities who are
150 participating in the scholarship program.

151 (c) Comply with the antidiscrimination provisions of 42
152 USC 2000d.

153 (d) Meet state and local health and safety laws and
154 codes.

155 (e) Be academically accountable to the parent for
156 meeting the educational needs of the student.

157 (f) Employ or contract with teachers who hold
158 baccalaureate or higher degrees, or have at least three (3) years
159 of teaching experience in public or private schools, or have
160 special skills, knowledge or expertise that qualifies them to
161 provide instruction in subjects taught.

162 (g) Comply with all state accreditation standards.

163 (h) Adhere to the tenets of its published disciplinary
164 procedures prior to the expulsion of a scholarship student.

165 (5) **Obligation of program participants.** (a) A parent who
166 applies for a scholarship is exercising his or her parental option
167 to place his or her child in a private school. The parent must
168 select the private school and apply for the admission of his or
169 her child.

170 (b) The parent must have requested the scholarship at
171 least sixty (60) days prior to the date of the first scholarship
172 payment.

173 (c) Any student participating in the scholarship
174 program must remain in attendance throughout the school year,
175 unless excused by the school for illness or other good cause, and
176 must comply fully with the school's code of conduct.

177 (d) The parent of each student participating in the
178 scholarship program must comply fully with the private school's
179 parental involvement requirements, unless excused by the school
180 for illness or other good cause.

181 (e) If the parent requests that the student
182 participating in the scholarship program take all statewide
183 assessments required, the parent is responsible for transporting
184 the student to the assessment site designated by the school
185 district.

186 (f) Upon receipt of a scholarship warrant, the parent
187 to whom the warrant is made must restrictively endorse the warrant
188 to the private school for deposit into the account of the private
189 school.

190 (g) A participant who fails to comply with this
191 subsection (5) forfeits the scholarship.

192 (6) **Scholarship funding and payment.** (a) (i) The maximum
193 scholarship granted for an eligible student with disabilities
194 shall be a calculated amount equivalent to the base student
195 allocation in the Mississippi Adequate Education Program
196 multiplied by the appropriate cost factor for the educational
197 program that would have been provided for the student in the

198 district school to which he or she was assigned, multiplied by the
199 district cost differential.

200 (ii) In addition, a share of the guaranteed
201 allocation for exceptional students shall be determined and added
202 to the calculated amount. The calculation shall be based on the
203 methodology and the data used to calculate the guaranteed
204 allocation for exceptional students for each district. The
205 calculation shall be based on the student's grade, matrix level of
206 services, and the difference between the 2006-2007 basic program
207 and the appropriate level of services cost factor, multiplied by
208 the 2006-2007 base student allocation and the 2006-2007 district
209 cost differential for the sending district.

210 (iii) Until the school district completes the
211 matrix required by paragraph (b) of subsection (3), the
212 calculation shall be based on the matrix that assigns the student
213 to support Level I of service as it existed prior to the 2006-2007
214 school year. When the school district completes the matrix, the
215 amount of the payment shall be adjusted as needed.

216 (b) The amount of the scholarship shall be the
217 calculated amount or the amount of the private school's tuition
218 and fees, whichever is less. The amount of any assessment fee
219 required by the participating private school may be paid from the
220 total amount of the scholarship.

221 (c) If the participating private school requires
222 partial payment of tuition prior to the start of the academic year
223 to reserve space for students admitted to the school, that partial
224 payment may be paid by the State Department of Education prior to
225 the first quarterly payment of the year in which the scholarship
226 is awarded, up to a maximum of One Thousand Dollars (\$1,000.00),
227 and deducted from subsequent scholarship payments. If a student
228 decides not to attend the participating private school, the
229 partial reservation payment must be returned to the State
230 Department of Education by the participating private school.

231 There is a limit of one (1) reservation payment per student per
232 year.

233 (d) The school district shall report all students who
234 are attending a private school under this program. The students
235 with disabilities attending private schools on scholarships shall
236 be reported separately from other students reported for purposes
237 of the Mississippi Adequate Education Program.

238 (e) Following notification on July 1, September 1,
239 December 1 or February 1 of the number of program participants,
240 the State Department of Education shall transfer the amount
241 calculated under paragraph (b) of this subsection (6) from the
242 school district's total funding entitlement under the Mississippi
243 Adequate Education Program and from authorized categorical
244 accounts to a separate account for the scholarship program for
245 quarterly disbursement to the parents of participating students.
246 When a student enters the scholarship program, the State
247 Department of Education must receive all documentation required
248 for the student's participation, including the private school's
249 and student's fee schedules, at least thirty (30) days before the
250 first quarterly scholarship payment is made for the student. The
251 State Department of Education may not make any retroactive
252 payments.

253 (f) Upon proper documentation reviewed and approved by
254 the State Department of Education, scholarship payments shall be
255 made in four (4) equal amounts no later than September 1, November
256 1, February 1 and April 15 of each academic year in which the
257 scholarship is in force. The initial payment shall be made after
258 State Department of Education verification of admission
259 acceptance, and subsequent payments shall be made upon
260 verification of continued enrollment and attendance at the private
261 school. Payment must be by individual warrant made payable to the
262 student's parent and mailed by the State Department of Education
263 to the private school of the parent's choice, and the parent shall

264 restrictively endorse the warrant to the private school for
265 deposit into the account of the private school.

266 (7) **Liability.** No liability shall arise on the part of the
267 state or local school district based on the award or use of a
268 scholarship.

269 (8) **Rules.** The State Board of Education shall adopt rules
270 to administer this section, including rules that school districts
271 must use to expedite the development of a matrix of services based
272 on a current individual education plan from another state or a
273 foreign country for a transferring student with a disability who
274 is a dependent child of a member of the United States Armed
275 Forces. The rules must identify the appropriate school district
276 personnel who must complete the matrix of services. However, the
277 inclusion of eligible private schools within options available to
278 Mississippi public school students does not expand the regulatory
279 authority of the state, its officers, or any school district to
280 impose any additional regulation of private schools beyond those
281 reasonably necessary to enforce requirements expressly set forth
282 in this section.

283 **SECTION 2.** This act shall take effect and be in force from
284 and after July 1, 2006.