

By: Representative Moore

To: Education

HOUSE BILL NO. 33

1 AN ACT TO AMEND SECTION 37-181-3, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF "ELIGIBLE STUDENT" TO INCLUDE ANY  
3 STUDENT WHO HAS HAD AN ACTIVE IEP WITHIN THE PAST FIVE YEARS OF  
4 THE DATE APPLICATION AS A QUALIFICATION FOR ASSISTANCE UNDER THE  
5 EQUAL OPPORTUNITY FOR STUDENTS WITH SPECIAL NEEDS ACT; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-181-3, Mississippi Code of 1972, is  
9 amended as follows:

10 37-181-3. The terms used in this chapter shall have the  
11 meanings ascribed herein, unless the context clearly indicates  
12 otherwise:

13 (a) "Program" means a five-year pilot program to  
14 implement the Education Scholarship Account (ESA) program created  
15 in this chapter.

16 (b) "Eligible student" means any student who has had an  
17 active Individualized Education Program (IEP) within the  
18 past \* \* \* five (5) years.



19           (c) "Parent" means a resident of this state who is a  
20 parent, legal guardian, custodian or other person with the  
21 authority to act on behalf of the eligible student.

22           (d) "Department" means the State Department of  
23 Education.

24           (e) "Home school district" means the public school  
25 district in which the student resides.

26           (f) "Eligible school" means a nonpublic school that has  
27 enrolled a participating student. An eligible school must be  
28 accredited by a state or regional accrediting agency or possess a  
29 provisional letter of accreditation from a state or regional  
30 accrediting agency or be approved/licensed by the State Department  
31 of Education. An eligible school does not include a home  
32 instruction program under Section 37-13-91, Mississippi Code of  
33 1972.

34           (g) "Tutor" means a person who is certified or licensed  
35 by a state, regional, or national certification or licensing  
36 organization or who has earned a valid teacher's license or who  
37 has experience teaching at an eligible postsecondary institution.

38           (h) "Postsecondary institution" means a community  
39 college, college, or university accredited by a state, regional or  
40 national accrediting organization.

41           (i) "Educational service provider" means an eligible  
42 school, tutor, or other person or organization that provides  
43 education-related services and products to participating students.



44           **SECTION 2.** This act shall take effect and be in force from  
45 and after July 1, 2016.

