

By: Representatives Busby, Scoggin

To: Education

HOUSE BILL NO. 1339

1 AN ACT TO AMEND SECTIONS 37-181-1, 37-181-3, 37-181-5,
2 37-181-7, 37-181-9, 37-181-11, 37-181-13, 37-181-15, 37-181-17 AND
3 37-181-19, MISSISSIPPI CODE OF 1972, WHICH IS THE "EQUAL
4 OPPORTUNITY FOR STUDENTS WITH SPECIAL NEEDS ACT" PROVIDING
5 EDUCATION SCHOLARSHIP ACCOUNT (ESA) FUNDS FOR ELIGIBLE STUDENTS;
6 TO REVISE CERTAIN DEFINITIONS; TO CLARIFY PARENTAL OBLIGATIONS TO
7 QUALIFY ELIGIBLE STUDENTS FOR THE PROGRAM; TO CLARIFY THE
8 AUTHORIZED USE OF EDUCATION SCHOLARSHIP FUNDS; TO PRESCRIBE
9 CERTAIN NORM-REFERENCED TESTS FOR PARTICIPATING STUDENTS; TO
10 REVISE THE LIMITATIONS ON ELIGIBLE STUDENT PARTICIPATION IN THE
11 PROGRAM; TO CLARIFY ESA FUNDING AMOUNTS FOR PARTICIPATING
12 STUDENTS; TO CLARIFY PROCEDURES FOR STUDENT APPLICATION FOR THE
13 PROGRAM; TO REVISE LIMITS ON ADMINISTRATIVE COSTS; TO CLARIFY
14 REPORT REQUIREMENTS BY PARTICIPATING SERVICE PROVIDERS; TO BRING
15 FORWARD SECTION 37-181-21, MISSISSIPPI CODE OF 1972, FOR THE
16 PURPOSE OF POSSIBLE AMENDMENTS; TO CODIFY NEW CODE SECTION
17 37-181-20, MISSISSIPPI CODE OF 1972; TO SUBJECT THE EQUAL
18 OPPORTUNITY FOR STUDENTS WITH SPECIAL NEEDS ACT TO THE PROVISIONS
19 OF THE MISSISSIPPI ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION
20 37-3-1, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE OFFICE OF
21 EDUCATIONAL CHOICE WITHIN THE STATE DEPARTMENT OF EDUCATION TO
22 ADMINISTER THE PROGRAM; TO AMEND SECTION 37-13-91, MISSISSIPPI
23 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THE COMPULSORY
24 SCHOOL ATTENDANCE LAW; TO AMEND SECTIONS 37-151-5, 37-151-7 AND
25 37-151-101, MISSISSIPPI CODE OF 1972, TO INCLUDE EDUCATION
26 SCHOLARSHIP ACCOUNT (ESA) PROGRAMS AS "ADD-ON PROGRAMS" FUNDED
27 UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; TO CODIFY
28 SECTION 37-151-86, MISSISSIPPI CODE OF 1972, TO REQUIRE A
29 DISTRIBUTION FROM THE MAEP FUND TO THE SPECIAL ESA FUND; AND FOR
30 RELATED PURPOSES.

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



32 **SECTION 1.** Section 37-181-1, Mississippi Code of 1972, is
33 amended as follows:

34 37-181-1. This chapter shall be known and may be cited as
35 "The Equal Opportunity for Mississippi Students * * * Act."

36 **SECTION 2.** Section 37-181-3, Mississippi Code of 1972, is
37 amended as follows:

38 37-181-3. The terms used in this chapter shall have the
39 meanings ascribed herein, unless the context clearly indicates
40 otherwise:

41 (a) "Program" means a * * * program to implement the
42 Education Scholarship Account (ESA) program created in this
43 chapter.

44 (b) "Eligible student" means any student who is a
45 resident of the state and meets at least one (1) of the following:

46 (i) Was enrolled in and attended a Mississippi
47 public school during the prior academic year;

48 (ii) Is eligible to enroll in Kindergarten or
49 First Grade at a Mississippi primary public school;

50 (iii) Has had an active Individual Education
51 Program (IEP) within the past five (5) years;

52 (iv) Is a child of a parent who is a member of the
53 Armed Forces of the United States and who is on active duty or was
54 killed in the line of duty;



55 (v) Is a child in the foster care system and who
56 is residing with a prospective permanent placement or who has
57 achieved permanency through adoption or permanent guardianship; or

58 (vi) Is the sibling of a current recipient of ESA
59 program funds.

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

63 (d) "Department" means the State Department of
64 Education acting through the Office of Educational Choice.

65 (e) "Home school district" means the public school
66 district in which the student resides.

67 (f) "Eligible school" means a nonpublic school that has
68 enrolled a participating student. An eligible school must be
69 accredited by a state * * *, regional or national accrediting
70 agency or possess a provisional letter of accreditation from a
71 state * * *, regional, or national accrediting agency or be
72 approved/licensed by the State Department of Education. * * *

73 (g) "Tutor" means * * * tutoring services provided by a
74 tutor or tutoring facility that is accredited or certified by a
75 state, regional or national accrediting or certifying
76 organization; or tutoring services provided by a person who is or
77 has been a teacher licensed in any state, or who has taught at a
78 postsecondary institution, or who is a subject-matter expert, or
79 who is approved by the office.



80 (h) "Postsecondary institution" means a community
81 college, college, or university accredited by a state, regional or
82 national accrediting organization.

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

86 (j) "Office" means the Office of School Choice
87 established by the State Board of Education within the State
88 Department of Education as an independent division to administer
89 the Education Scholarship Account (ESA) program.

90 **SECTION 3.** Section 37-181-5, Mississippi Code of 1972, is
91 amended as follows:

92 37-181-5. (1) An eligible student shall qualify to
93 participate in the Education Scholarship Account (ESA) program if
94 the parent signs an agreement promising:

95 (a) To provide an organized, appropriate educational
96 program with measurable annual goals to their participating
97 student and, to the extent reasonably deemed appropriate by the
98 parent, to provide an education for the qualified student in at
99 least the subjects of reading, grammar, mathematics, social
100 studies and science;

101 * * *

102 (* * *b) Not to enroll their participating student
103 full time in a public school * * * while participating in the ESA
104 program;



105 (* * *c) Not to file for their participating student a
106 certificate of enrollment indicating participation in a home
107 instruction program under Section 37-13-91, Mississippi Code of
108 1972; and

109 (* * *d) Not to participate in the Mississippi
110 Dyslexia Therapy Scholarship for Students with Dyslexia Program or
111 the Mississippi Speech-Language Therapy Scholarship for Students
112 with Speech-Language Impairments Program while participating in
113 the ESA program.

114 (2) Students with special needs who participate in the
115 program are parental placements under 20 USC 1412(a)(10)(A) of the
116 Individuals with Disabilities Education Act (IDEA). The Office of
117 Educational Choice shall provide all parents of students with
118 special needs with clear and understandable documentation
119 explaining their rights under the program.

120 (3) Signing an agreement pursuant to subsection (1) of this
121 section serves as the participating student's certificate of
122 enrollment under Section 37-13-91, provided that the parents are
123 using ESA funds on one or more of the educational expenses
124 authorized in subsection (3) of this section to provide their
125 participating student an education consistent with subsection
126 (1)(a) of this section.

127 (* * *4) Parents shall use the funds deposited in a
128 participating student's ESA for any of the following qualifying
129 expenses to educate the student using any of the below methods or



130 combination of methods that meet the requirement in subsection
131 (1) (a) of this section:

132 (a) A parent of any student participating in the
133 program may use the ESA funds for:

134 (* * *i) Tuition and/or fees at an eligible
135 school;

136 (* * *ii) Textbooks;

137 (* * *iii) Payment to a tutor;

138 (* * *iv) Payment for purchase of curriculum,
139 including any supplemental materials required by the curriculum;

140 (* * *v) No more than One Thousand Dollars
141 (\$1,000.00) annually for fees for transportation to and from an
142 educational service provider paid to a fee-for-service
143 transportation provider;

144 (* * *vi) Tuition and/or fees for online learning
145 programs or courses;

146 (* * *vii) Fees for nationally standardized
147 norm-referenced achievement tests, including alternate
148 assessments; and fees for Advanced Placement examinations or
149 similar courses and any examinations related to college or
150 university admission;

151 (viii) Costs directly associated with obtaining a
152 nationally recognized industry certification;



153 (* * *ix) Contracted services provided by a
154 public school, including individual classes and extracurricular
155 programs;

156 (* * *x) Tuition and fees at a postsecondary
157 institution;

158 (* * *xi) Textbooks related to coursework at a
159 postsecondary institution;

160 (* * *xii) Educational services or therapies from
161 a licensed or certified practitioner or provider, including
162 licensed or certified paraprofessionals or educational aides; and
163 * * *

164 (* * *xiii) No more than Fifty Dollars (\$50.00)
165 in annual consumable school supplies necessary for educational
166 services and therapies, daily classroom activities * * * and
167 tutoring * * *.

168 (b) A parent of a participating student with special
169 needs who has qualified for the program under Section
170 37-181-3(b)(iii) may also use ESA funds for * * * computer
171 hardware and software and other technological devices if an
172 eligible school, licensed or certified tutor, licensed or
173 certified educational service practitioner or provider, or
174 licensed medical professional verifies in writing that these items
175 are essential for the student to meet annual, measurable goals.
176 Once a student is no longer eligible for the program, computer
177 hardware and software and other technological devices purchased



178 with ESA funds may be donated to a library or a nonprofit
179 organization with expertise and training in working with parents
180 to educate children with disabilities or a nonprofit organization
181 with expertise and training in working with disabled adults.

182 (* * *5) Neither a participating student, nor anyone on the
183 student's behalf, may receive cash or cash-equivalent items, such
184 as gift cards or store credit, from any refunds or rebates from
185 any provider of services or products in this program. Any refunds
186 or rebates shall be credited directly to the participating
187 student's ESA. The funds in an ESA may only be used for
188 education-related purposes. Eligible schools, postsecondary
189 institutions and educational service providers that serve
190 participating students shall provide parents with a receipt for
191 all qualifying expenses.

192 (* * *6) Payment for educational services through an ESA
193 shall not preclude parents from paying for educational services
194 using non-ESA funds.

195 (* * *7) ESA funds may not be used to attend an eligible
196 school that maintains its primary location in a state other than
197 Mississippi unless that school is approved for the Educable Child
198 Program; or unless the parent verifies in writing that their child
199 cannot reasonably obtain appropriate * * * services in Mississippi
200 at a location within thirty (30) miles of their legal residence.

201 (* * *8) For purposes of continuity of educational
202 attainment, students who enroll in the program shall remain * * *



203 participating students * * * until returning to * * * public
204 school, * * * completing high school * * * or * * * reaching the
205 age of twenty-one (21), * * * whichever occurs first.

206 (9) Any funds remaining unused in a participating student's
207 Education Scholarship Account may rollover to be used the next
208 year.

209 (* * * 10) Any funds remaining in a student's Education
210 Scholarship Account upon completion of high school shall be
211 returned to the state's * * * Special ESA Fund pursuant to
212 subsection (4) (a) of this section.

213 * * *

214 (* * * 11) A participating student shall be allowed to
215 return to his home school district at any time after enrolling in
216 the program * * *. Upon a participating student's return to his
217 home school district, that student's Education Scholarship Account
218 shall be closed and any remaining funds shall be * * * transferred
219 to the student's home school district.

220 (* * * 12) * * * In Grades 3 through 8 parents shall ensure
221 their participating student is administered a nationally
222 norm-referenced achievement test that measures learning in
223 mathematics and language arts. In Grade 11 parents shall ensure
224 their participating student takes a test used for undergraduate
225 college admissions.

226 (a) The results of these tests shall be reported to
227 parents.



228 (b) Students with special needs meeting the definition
229 of "eligible student" as prescribed under Section 37-181-3(b) (iii)
230 may be exempt from this requirement.

231 **SECTION 4.** Section 37-181-7, Mississippi Code of 1972, is
232 amended as follows:

233 37-181-7. (1) * * * Beginning with the 2018-2019 school
234 year, the ESA program created in this chapter shall be limited to
235 the equivalent of one-half of one percent (.5%) of the estimated
236 statewide total public school enrollment in the preceding school
237 year, with new enrollment limited to an additional one percent
238 (1%) of the statewide public school enrollment each year
239 thereafter.

240 (2) * * * (a) * * * There is created a Special ESA Fund in
241 the State Treasury to pay for the Education Scholarship Accounts
242 established in this chapter. Payments made to this fund shall be
243 an "add-on program cost" as defined in Sections 37-151-5(e) and
244 37-151-7(1) (e) and shall be included in the MAEP program annual
245 appropriation outside of the program calculations. Payments made
246 to this fund shall be made on a quarterly basis and in the same
247 manner as Mississippi Adequate Education Program payments are made
248 to school districts under Sections 37-151-101 and 37-151-103.
249 Each October 1, the Office of School Choice shall calculate the
250 cost of new Education Scholarship Accounts for the following
251 fiscal year by multiplying fifty percent (50%) of accounts allowed
252 by annual enrollment limits as defined in Section 37-181-7(1) by



253 the amount for students prescribed in Section 37-181-7(3)(a) and
254 fifty percent (50%) by the amount for special needs students in
255 Section 37-181-7(3)(b) and adding those amounts together. This
256 amount shall be added to the amount of current awards and included
257 as the add-on program cost for the Special ESA Fund in the annual
258 MAEP budget request by the State Department of Education. The
259 department shall also report to the Legislature the number of
260 eligible participants and funding amounts as prescribed in Section
261 37-181-7(3) on January 15 of each year and again on March 15, and
262 may revise its budget request to the Legislature for the Special
263 ESA Fund based upon the revised number of eligible applicants.
264 Any funds not associated with an active Education Scholarship
265 Account shall lapse into the State General Fund at the end of the
266 fiscal year.

267 (b) * * * From and after July 1, 2018, there shall be
268 an Office of Educational Choice, hereinafter the office,
269 established by the State Board of Education within the State
270 Department of Education to administer the Education Scholarship
271 Account (ESA) program created in Section 37-181-1 et seq. The
272 Office of Educational Choice shall administer and implement the
273 requirements of the ESA program as prescribed in said sections and
274 shall be authorized to expend and distribute ESA program payments
275 to eligible students in amounts appropriated by the Legislature
276 and specified for use for the ESA program.

277 * * *



278 (3) * * * Each student's ESA shall be funded at one (1) of
279 the following amounts for the 2018-2019 school year and shall
280 increase or decrease each subsequent year by the same proportion
281 as the base student cost under Section 37-151-7(1) (b):

282 (a) For students with special needs meeting the
283 definition of "eligible student" as prescribed under Section
284 37-181-3(b) (iii) and (iv), the amount shall be Six Thousand Five
285 Hundred Dollars (\$6,500.00);

286 (b) For all other participating students, the amount
287 shall be ninety-five percent (95%) of the base student cost.

288 (4) The office shall process applications between July 1 and
289 June 30. On January 15 and again on March 15, or the nearest
290 business day, the office shall accept and issue an award letter to
291 eligible applicants whose applications were received not later
292 than thirty (30) days prior. For the 2018-2019 school year only,
293 the office may extend application and notification deadlines.

294 (5) The office shall require parents to confirm or deny
295 their student's participation in the program not later than ten
296 (10) business days upon receipt of notification.

297 (6) If the office receives more applications than are
298 available positions by thirty (30) days before the January 15 or
299 March 15 notification deadlines, as provided for in subsection (1)
300 of this section, the office shall use an annual random selection
301 process that gives first preference to students eligible under
302 Section 37-181-3(b) (iii).



303 (7) The office shall notify parents who have submitted
304 applications after enrollment limits have been reached as
305 prescribed under subsection (1) of this section that such
306 application will be placed on a waiting list until the office
307 begins enrolling new students for the following year.

308 (8) When scholarship accounts have not been awarded or are
309 denied or unclaimed, the office shall continue to enroll eligible
310 applicants from a waiting list (a) in the order applications were
311 received with a process that gives first preference to students
312 eligible under Section 37-181-3(b)(iii), or (b) in the order
313 generated by the annual random selection process in a year in
314 which it occurs.

315 (9) The office shall require parents of participating
316 students to confirm or deny their student's participation when no
317 scholarship funds are spent in two (2) consecutive quarters.

318 (10) Participating students are automatically approved for
319 participation for the following year and are not subject to the
320 random selection process.

321 (11) The State Department of Child Protection Services
322 shall, upon request by the office, certify eligibility of ESA
323 program applicants not later than two (2) weeks after the request
324 is made.

325 **SECTION 5.** Section 37-181-9, Mississippi Code of 1972, is
326 amended as follows:



327 37-181-9. (1) The * * * Office of Educational Choice shall
328 create a standard form that parents of students submit to
329 establish their student's eligibility for an Education Scholarship
330 Account. The * * * office shall ensure that the application is
331 readily available to interested families through various
332 sources * * *.

333 (2) The * * * office shall provide parents of participating
334 students with a written explanation of the allowable uses of
335 Education Scholarship Accounts, the responsibilities of parents
336 and the duties of the * * * office. This information shall also
337 be made available on the * * * office's website.

338 (3) The * * * office shall annually notify all students with
339 an IEP of the existence of the program and shall ensure that
340 lower-income families are made aware of their potential
341 eligibility.

342 (4) For three (3) years of the program's operation,
343 beginning with the 2018-2019 school year, the * * * office may
344 deduct an amount up to a limit of six percent (6%) from
345 appropriations used to fund Education Scholarship Accounts to
346 cover the costs of overseeing the funds and administering the
347 program. In subsequent years, the office may deduct an amount up
348 to a limit of four percent (4%) from appropriations used to fund
349 Education Scholarship Accounts for administrative costs.

350 * * *



351 (* * *5) The home school district shall provide the parent
352 of a participating student with a complete copy of the student's
353 school records, while complying with the Family Educational Rights
354 and Privacy Act of 1974 (20 USCS Section 1232(g)). The record
355 shall be provided no later than thirty (30) days after a parent
356 signs an agreement to participate in the program.

357 (* * *6) The State * * * Department of Education shall
358 administer the program or may contract with a qualified nonprofit
359 organization * * * to do so.

360 **SECTION 6.** Section 37-181-11, Mississippi Code of 1972, is
361 amended as follows:

362 37-181-11. (1) To ensure that funds are spent
363 appropriately, the State Department of Education shall adopt rules
364 and policies necessary for the administration of the program,
365 including the auditing of Education Scholarship Accounts, and
366 shall conduct or contract for random audits throughout the year.

367 (2) (a) The * * * Office of Educational Choice shall
368 develop or use a system for payment of benefits * * * that
369 includes, but is not limited to, allowing educational service
370 providers to invoice the * * * office for qualified expenses
371 consistent with Section 37-181-5(2), or allowing parents to seek
372 reimbursement preapproval or reimbursement for qualified expenses
373 consistent with Section 37-181-5(2). The system for payment of
374 benefits must be parent-friendly, automated and reduce
375 administrative costs. If the office contracts with a third-party



376 vendor to administer the payment system, it shall enter into a
377 competitively bid contract for the system. Thirty (30) business
378 days before entering into a competitively bid contract for the
379 system or expending any funds to develop its own system, the
380 office shall provide a cost-benefit analysis to the Governor and
381 the Chairmen of the House and Senate Education Committees
382 demonstrating how the system will be parent-friendly, automated
383 and reduce administrative costs.

384 (b) The * * * office or qualified nonprofit may make
385 payments to educational service providers or reimbursement to
386 parents via check or warrant or electronic funds transfer or any
387 other means of payment deemed to be commercially viable or
388 cost-effective.

389 (c) The * * * office may also establish by rule that
390 some payments to educational service providers will be made on a
391 quarterly basis, rather than an annual basis, if the educational
392 services will be rendered over an extended period of time.

393 (d) The office shall not adopt a system that limits
394 parents from being reimbursed for out-of-pocket expenses.

395 (3) The * * * office shall adopt a process for removing
396 educational service providers that defraud parents and for
397 referring cases of fraud to law enforcement.

398 (4) The * * * office shall establish or contract for the
399 establishment of an online anonymous fraud reporting service.



400 (5) The * * * office shall establish or contract for the
401 establishment of an anonymous telephone hotline for fraud
402 reporting.

403 (6) The office shall implement a system for parents to
404 publicly rate, review, and share information about educational
405 service providers, ideally as part of the same system that
406 facilitates payments in order to create a one-stop shop for
407 parents.

408 **SECTION 7.** Section 37-181-13, Mississippi Code of 1972, is
409 amended as follows:

410 37-181-13. (1) The Joint Legislative Committee on
411 Performance Evaluation and Expenditure Review (PEER) shall prepare
412 a * * * report every three (3) years * * * assessing the
413 sufficiency of funding for Education Scholarship Accounts and
414 recommending any suggested changes in state law or policy
415 necessary to improve the program.

416 (2) The report shall assess:

417 (a) The level of participating students' satisfaction
418 with the program;

419 (b) The level of parental satisfaction with the
420 program;

421 * * *

422 (* * * c) The high school graduation rates and college
423 acceptance rates of participating students;



424 (* * *d) The percentage of funds used for each
425 qualifying expense identified in Section 37-181-5(2);

426 (* * *e) The fiscal impact to the state and home
427 school districts of the program, which must consider both the
428 impact on revenue and the impact on expenses. Furthermore, the
429 fiscal savings associated with students departing public schools
430 must be explicitly quantified, even if the public school losing
431 the student(s) does not reduce its spending accordingly.

432 (3) The report shall:

433 (a) Apply appropriate analytical and behavioral science
434 methodologies to ensure public confidence in the study; and

435 (b) Protect the identity of participating students and
436 schools by, among other things, keeping anonymous all
437 disaggregated data.

438 (4) PEER may accept grants to assist in funding the study.

439 (5) PEER shall provide the Legislature with a final copy of
440 the evaluation of the program before December 31, * * * 2021 and
441 every three (3) years thereafter. At the same time, the study
442 shall also be placed in a prominent location on the PEER website.

443 (6) PEER must make its data and methodology available for
444 public review while complying with the requirements of the Family
445 Educational Rights and Privacy Act (20 USCS Section 1232(g)).

446 **SECTION 8.** Section 37-181-15, Mississippi Code of 1972, is
447 amended as follows:



448 37-181-15. To ensure that students are treated fairly and
449 kept safe, all eligible schools shall:

450 (a) Comply with the nondiscrimination policies set
451 forth in 42 USCS 1981;

452 (b) Prior to a participating student's application for
453 enrollment, provide parents with details of the school's programs,
454 qualifications, experience, and capacities to serve students with
455 special needs if they have such capacity;

456 (c) Comply with all health and safety laws or codes
457 that apply to nonpublic schools;

458 (d) Hold a valid occupancy permit if required by their
459 municipality;

460 (e) Have no public record of fraud or malfeasance;

461 * * *

462 (* * *f) Conduct criminal background checks on
463 employees. The eligible school then shall:

464 (i) Exclude from employment any person not
465 permitted by state law to work in a nonpublic school; and

466 (ii) Exclude from employment any person who might
467 reasonably pose a threat to the safety of students.

468 **SECTION 9.** Section 37-181-17, Mississippi Code of 1972, is
469 amended as follows:

470 37-181-17. (1) An eligible nonpublic school is autonomous
471 and not an agent of the state or federal government and therefore:



472 (a) The * * * Office of Educational Choice shall not in
473 any way regulate the educational program of a nonpublic school,
474 postsecondary institution or educational service provider that
475 accepts funds from the parent of a participating student;

476 (b) The creation of the Education Scholarship Account
477 program does not expand the regulatory authority of the state, its
478 officers, or any school district to impose any additional
479 regulation of nonpublic schools, postsecondary institutions or
480 educational service providers beyond those necessary to enforce
481 the requirements of the program; * * *

482 (c) Eligible schools, postsecondary institutions and
483 educational service providers shall be given the maximum freedom
484 to provide for the educational needs of their students without
485 governmental control. No eligible school, postsecondary
486 institution or educational service provider shall be required to
487 alter its creed, practices, admission policies or curriculum in
488 order to accept participating students * * *; and

489 (d) Eligible schools, postsecondary institutions and
490 educational service providers shall not be required to report data
491 to the office or any other entity in order to prevent an undue
492 administrative burden, although they may choose to report data
493 upon request.

494 (2) In any legal proceeding challenging the application of
495 this chapter to an eligible school, postsecondary institution or
496 educational service provider the state bears the burden of



497 establishing that the law is necessary and does not impose any
498 undue burden on the eligible school, postsecondary institution or
499 educational service provider.

500 **SECTION 10.** Section 37-181-19, Mississippi Code of 1972, is
501 amended as follows:

502 37-181-19. The Office of Educational Choice in the State
503 Department of Education may receive and expend contributions from
504 any public or private source to fund ESAs for participating
505 students.

506 **SECTION 11.** The following shall be codified as Section
507 37-181-20, Mississippi Code of 1972:

508 37-181-20. The provisions of this article requiring the
509 Office of Educational Choice to promulgate rules and regulations
510 and to develop procedures, forms and any other policies for the
511 administration of the provisions contained herein are subject to
512 the requirements of the Mississippi Administrative Procedures Act.

513 **SECTION 12.** Section 37-181-21, Mississippi Code of 1972, is
514 brought forward as follows:

515 37-181-21. If any provision of this law or its application
516 is held invalid, the invalidity does not affect other provisions
517 or applications of this law which can be given effect without the
518 invalid provision or application and to this end the provisions of
519 this law are severable.

520 **SECTION 13.** Section 37-3-1, Mississippi Code of 1972, is
521 amended as follows:



522 37-3-1. (1) Until July 1, 1983, there shall be a State
523 Department of Education, which shall consist of a State
524 Superintendent of Public Education, an Assistant State
525 Superintendent of Public Education, a Director of the Division of
526 Finance and Administration, a Director of the Division of
527 Instruction, a Director of the Division of School Building and
528 Transportation Services, a Director of Vocational Education, a
529 Director of the Division of Vocational Rehabilitation, a Director
530 of the Division of Junior Colleges, and such supervisors,
531 assistants or employees as may be necessary for the proper
532 functioning of the above-named divisions.

533 (2) From and after July 1, 1983, and until July 1, 1984,
534 there shall be a State Department of Education, which shall
535 consist of a State Superintendent of Public Education, a director
536 of the division of finance and administration, a director of the
537 division of instruction, a director of the division of school
538 building and transportation services, a director of the division
539 of vocational and technical education, who shall be an associate
540 state superintendent of public education, the director of the
541 division of vocational rehabilitation, a director of the division
542 of junior colleges and such supervisors, assistants or employees
543 as may be necessary for the proper functioning of the above-named
544 divisions.

545 (3) From and after July 1, 1984, there shall be a State
546 Department of Education which shall be under the direction and



547 supervision of the State Superintendent of Public Education. The
548 State Department of Education shall be organized into functional
549 divisions as established by the State Board of Education,
550 including any divisions established by law and prescribing the
551 duties of the directors of such divisions.

552 (4) From and after July 1, 2018, there shall be an Office of
553 Educational Choice established by the State Board of Education in
554 the State Department of Education as an independent division to
555 administer the Education Scholarship Account (ESA) program created
556 in Section 37-181-1 et seq. The Office of Educational Choice
557 shall administer and implement the requirements of the ESA program
558 as prescribed in said sections and shall be authorized to expend
559 and distribute ESA program payments to eligible students in
560 amounts appropriated by the Legislature and specified for use for
561 the ESA program.

562 **SECTION 14.** Section 37-13-91, Mississippi Code of 1972, is
563 amended as follows:

564 37-13-91. (1) This section shall be referred to as the
565 "Mississippi Compulsory School Attendance Law."

566 (2) The following terms as used in this section are defined
567 as follows:

568 (a) "Parent" means the father or mother to whom a child
569 has been born, or the father or mother by whom a child has been
570 legally adopted.



571 (b) "Guardian" means a guardian of the person of a
572 child, other than a parent, who is legally appointed by a court of
573 competent jurisdiction.

574 (c) "Custodian" means any person having the present
575 care or custody of a child, other than a parent or guardian of the
576 child.

577 (d) "School day" means not less than five and one-half
578 (5-1/2) and not more than eight (8) hours of actual teaching in
579 which both teachers and pupils are in regular attendance for
580 scheduled schoolwork.

581 (e) "School" means any public school, including a
582 charter school, in this state or any nonpublic school in this
583 state which is in session each school year for at least one
584 hundred eighty (180) school days, except that the "nonpublic"
585 school term shall be the number of days that each school shall
586 require for promotion from grade to grade.

587 (f) "Compulsory-school-age child" means a child who has
588 attained or will attain the age of six (6) years on or before
589 September 1 of the calendar year and who has not attained the age
590 of seventeen (17) years on or before September 1 of the calendar
591 year; and shall include any child who has attained or will attain
592 the age of five (5) years on or before September 1 and has
593 enrolled in a full-day public school kindergarten program.

594 (g) "School attendance officer" means a person employed
595 by the State Department of Education pursuant to Section 37-13-89.



596 (h) "Appropriate school official" means the
597 superintendent of the school district, or his designee, or, in the
598 case of a nonpublic school, the principal or the headmaster.

599 (i) "Nonpublic school" means an institution for the
600 teaching of children, consisting of a physical plant, whether
601 owned or leased, including a home, instructional staff members and
602 students, and which is in session each school year. This
603 definition shall include, but not be limited to, private, church,
604 parochial and home instruction programs.

605 (3) A parent, guardian or custodian of a
606 compulsory-school-age child in this state shall cause the child to
607 enroll in and attend a public school or legitimate nonpublic
608 school for the period of time that the child is of compulsory
609 school age, except under the following circumstances:

610 (a) When a compulsory-school-age child is physically,
611 mentally or emotionally incapable of attending school as
612 determined by the appropriate school official based upon
613 sufficient medical documentation.

614 (b) When a compulsory-school-age child is enrolled in
615 and pursuing a course of special education, remedial education or
616 education for handicapped or physically or mentally disadvantaged
617 children.

618 (c) When a compulsory-school-age child is being
619 educated in a legitimate home instruction program.



620 (d) When a compulsory-school-age child is participating
621 in the Education Scholarship Account (ESA) program.

622 The parent, guardian or custodian of a compulsory-school-age
623 child described in this subsection, or the parent, guardian or
624 custodian of a compulsory-school-age child attending any charter
625 school or nonpublic school, or the appropriate school official for
626 any or all children attending a charter school or nonpublic school
627 shall complete a "certificate of enrollment" in order to
628 facilitate the administration of this section. The parent,
629 guardian or custodian of a student participating in the Education
630 Scholarship Account (ESA) program and using ESA funds under
631 Section 37-181-5 et seq., Mississippi Code of 1972, or the
632 appropriate school official for any or all students participating
633 in the ESA program shall complete a "certificate of enrollment" in
634 order to facilitate the administration of this section.

635 The form of the certificate of enrollment shall be prepared
636 by the Office of Compulsory School Attendance Enforcement of the
637 State Department of Education and shall be designed to obtain the
638 following information only:

639 (i) The name, address, telephone number and date
640 of birth of the compulsory-school-age child;

641 (ii) The name, address and telephone number of the
642 parent, guardian or custodian of the compulsory-school-age child;

643 (iii) A simple description of the type of
644 education the compulsory-school-age child is receiving and, if the



645 child is enrolled in a nonpublic school, the name and address of
646 the school; and

647 (iv) The signature of the parent, guardian or
648 custodian of the compulsory-school-age child or, for any or all
649 compulsory-school-age child or children attending a charter school
650 or nonpublic school, the signature of the appropriate school
651 official and the date signed.

652 The certificate of enrollment shall be returned to the school
653 attendance officer where the child resides on or before September
654 15 of each year. Any parent, guardian or custodian found by the
655 school attendance officer to be in noncompliance with this section
656 shall comply, after written notice of the noncompliance by the
657 school attendance officer, with this subsection within ten (10)
658 days after the notice or be in violation of this section.

659 However, in the event the child has been enrolled in a public
660 school within fifteen (15) calendar days after the first day of
661 the school year as required in subsection (6), the parent or
662 custodian may, at a later date, enroll the child in a legitimate
663 nonpublic school or legitimate home instruction program or
664 Education Scholarship Account (ESA) program and send the
665 certificate of enrollment to the school attendance officer and be
666 in compliance with this subsection.

667 For the purposes of this subsection, a legitimate nonpublic
668 school or legitimate home instruction or Education Scholarship
669 Account (ESA) program shall be those not operated or instituted



670 for the purpose of avoiding or circumventing the Compulsory School
671 Attendance Law.

672 (4) An "unlawful absence" is an absence for an entire school
673 day or during part of a school day by a compulsory-school-age
674 child, which absence is not due to a valid excuse for temporary
675 nonattendance. For purposes of reporting absenteeism under
676 subsection (6) of this section, if a compulsory-school-age child
677 has an absence that is more than thirty-seven percent (37%) of the
678 instructional day, as fixed by the school board for the school at
679 which the compulsory-school-age child is enrolled, the child must
680 be considered absent the entire school day. Days missed from
681 school due to disciplinary suspension shall not be considered an
682 "excused" absence under this section. This subsection shall not
683 apply to children enrolled in a nonpublic school.

684 Each of the following shall constitute a valid excuse for
685 temporary nonattendance of a compulsory-school-age child enrolled
686 in a noncharter public school, provided satisfactory evidence of
687 the excuse is provided to the superintendent of the school
688 district, or his designee:

689 (a) An absence is excused when the absence results from
690 the compulsory-school-age child's attendance at an authorized
691 school activity with the prior approval of the superintendent of
692 the school district, or his designee. These activities may
693 include field trips, athletic contests, student conventions,
694 musical festivals and any similar activity.



695 (b) An absence is excused when the absence results from
696 illness or injury which prevents the compulsory-school-age child
697 from being physically able to attend school.

698 (c) An absence is excused when isolation of a
699 compulsory-school-age child is ordered by the county health
700 officer, by the State Board of Health or appropriate school
701 official.

702 (d) An absence is excused when it results from the
703 death or serious illness of a member of the immediate family of a
704 compulsory-school-age child. The immediate family members of a
705 compulsory-school-age child shall include children, spouse,
706 grandparents, parents, brothers and sisters, including
707 stepbrothers and stepsisters.

708 (e) An absence is excused when it results from a
709 medical or dental appointment of a compulsory-school-age child.

710 (f) An absence is excused when it results from the
711 attendance of a compulsory-school-age child at the proceedings of
712 a court or an administrative tribunal if the child is a party to
713 the action or under subpoena as a witness.

714 (g) An absence may be excused if the religion to which
715 the compulsory-school-age child or the child's parents adheres,
716 requires or suggests the observance of a religious event. The
717 approval of the absence is within the discretion of the
718 superintendent of the school district, or his designee, but



719 approval should be granted unless the religion's observance is of
720 such duration as to interfere with the education of the child.

721 (h) An absence may be excused when it is demonstrated
722 to the satisfaction of the superintendent of the school district,
723 or his designee, that the purpose of the absence is to take
724 advantage of a valid educational opportunity such as travel,
725 including vacations or other family travel. Approval of the
726 absence must be gained from the superintendent of the school
727 district, or his designee, before the absence, but the approval
728 shall not be unreasonably withheld.

729 (i) An absence may be excused when it is demonstrated
730 to the satisfaction of the superintendent of the school district,
731 or his designee, that conditions are sufficient to warrant the
732 compulsory-school-age child's nonattendance. However, no absences
733 shall be excused by the school district superintendent, or his
734 designee, when any student suspensions or expulsions circumvent
735 the intent and spirit of the Compulsory School Attendance Law.

736 (j) An absence is excused when it results from the
737 attendance of a compulsory-school-age child participating in
738 official organized events sponsored by the 4-H or Future Farmers
739 of America (FFA). The excuse for the 4-H or FFA event must be
740 provided in writing to the appropriate school superintendent by
741 the Extension Agent or High School Agricultural Instructor/FFA
742 Advisor.



743 (k) An absence is excused when it results from the
744 compulsory-school-age child officially being employed to serve as
745 a page at the State Capitol for the Mississippi House of
746 Representatives or Senate.

747 (5) Any parent, guardian or custodian of a
748 compulsory-school-age child subject to this section who refuses or
749 willfully fails to perform any of the duties imposed upon him or
750 her under this section or who intentionally falsifies any
751 information required to be contained in a certificate of
752 enrollment, shall be guilty of contributing to the neglect of a
753 child and, upon conviction, shall be punished in accordance with
754 Section 97-5-39.

755 Upon prosecution of a parent, guardian or custodian of a
756 compulsory-school-age child for violation of this section, the
757 presentation of evidence by the prosecutor that shows that the
758 child has not been enrolled in school within eighteen (18)
759 calendar days after the first day of the school year of the public
760 school which the child is eligible to attend, or that the child
761 has accumulated twelve (12) unlawful absences during the school
762 year at the public school in which the child has been enrolled,
763 shall establish a prima facie case that the child's parent,
764 guardian or custodian is responsible for the absences and has
765 refused or willfully failed to perform the duties imposed upon him
766 or her under this section. However, no proceedings under this
767 section shall be brought against a parent, guardian or custodian



768 of a compulsory-school-age child unless the school attendance
769 officer has contacted promptly the home of the child and has
770 provided written notice to the parent, guardian or custodian of
771 the requirement for the child's enrollment or attendance.

772 (6) If a compulsory-school-age child has not been enrolled
773 in a school within fifteen (15) calendar days after the first day
774 of the school year of the school which the child is eligible to
775 attend or the child has accumulated five (5) unlawful absences
776 during the school year of the public school in which the child is
777 enrolled, the school district superintendent, or his designee,
778 shall report, within two (2) school days or within five (5)
779 calendar days, whichever is less, the absences to the school
780 attendance officer. The State Department of Education shall
781 prescribe a uniform method for schools to utilize in reporting the
782 unlawful absences to the school attendance officer. The
783 superintendent, or his designee, also shall report any student
784 suspensions or student expulsions to the school attendance officer
785 when they occur.

786 (7) When a school attendance officer has made all attempts
787 to secure enrollment and/or attendance of a compulsory-school-age
788 child and is unable to effect the enrollment and/or attendance,
789 the attendance officer shall file a petition with the youth court
790 under Section 43-21-451 or shall file a petition in a court of
791 competent jurisdiction as it pertains to parent or child.
792 Sheriffs, deputy sheriffs and municipal law enforcement officers



793 shall be fully authorized to investigate all cases of
794 nonattendance and unlawful absences by compulsory-school-age
795 children, and shall be authorized to file a petition with the
796 youth court under Section 43-21-451 or file a petition or
797 information in the court of competent jurisdiction as it pertains
798 to parent or child for violation of this section. The youth court
799 shall expedite a hearing to make an appropriate adjudication and a
800 disposition to ensure compliance with the Compulsory School
801 Attendance Law, and may order the child to enroll or re-enroll in
802 school. The superintendent of the school district to which the
803 child is ordered may assign, in his discretion, the child to the
804 alternative school program of the school established pursuant to
805 Section 37-13-92.

806 (8) The State Board of Education shall adopt rules and
807 regulations for the purpose of reprimanding any school
808 superintendents who fail to timely report unexcused absences under
809 the provisions of this section.

810 (9) Notwithstanding any provision or implication herein to
811 the contrary, it is not the intention of this section to impair
812 the primary right and the obligation of the parent or parents, or
813 person or persons in loco parentis to a child, to choose the
814 proper education and training for such child, and nothing in this
815 section shall ever be construed to grant, by implication or
816 otherwise, to the State of Mississippi, any of its officers,
817 agencies or subdivisions any right or authority to control,



818 manage, supervise or make any suggestion as to the control,
819 management or supervision of any private or parochial school or
820 institution for the education or training of children, of any kind
821 whatsoever that is not a public school according to the laws of
822 this state; and this section shall never be construed so as to
823 grant, by implication or otherwise, any right or authority to any
824 state agency or other entity to control, manage, supervise,
825 provide for or affect the operation, management, program,
826 curriculum, admissions policy or discipline of any such school or
827 home instruction program.

828 **SECTION 15.** Section 37-151-5, Mississippi Code of 1972, is
829 amended as follows:

830 37-151-5. As used in Sections 37-151-5 and 37-151-7:

831 (a) "Adequate program" or "adequate education program"
832 or "Mississippi Adequate Education Program (MAEP)" shall mean the
833 program to establish adequate current operation funding levels
834 necessary for the programs of such school district to meet at
835 least a successful Level III rating of the accreditation system as
836 established by the State Board of Education using current
837 statistically relevant state assessment data.

838 (b) "Educational programs or elements of programs not
839 included in the adequate education program calculations, but which
840 may be included in appropriations and transfers to school
841 districts" shall mean:



842 (i) "Capital outlay" shall mean those funds used
843 for the constructing, improving, equipping, renovating or major
844 repairing of school buildings or other school facilities, or the
845 cost of acquisition of land whereon to construct or establish such
846 school facilities.

847 (ii) "Pilot programs" shall mean programs of a
848 pilot or experimental nature usually designed for special purposes
849 and for a specified period of time other than those included in
850 the adequate education program.

851 (iii) "Adult education" shall mean public
852 education dealing primarily with students above eighteen (18)
853 years of age not enrolled as full-time public school students and
854 not classified as students of technical schools, colleges or
855 universities of the state.

856 (iv) "Food service programs" shall mean those
857 programs dealing directly with the nutritional welfare of the
858 student, such as the school lunch and school breakfast programs.

859 (c) "Base student" shall mean that student
860 classification that represents the most economically educated
861 pupil in a school system meeting the definition of successful, as
862 determined by the State Board of Education.

863 (d) "Base student cost" shall mean the funding level
864 necessary for providing an adequate education program for one (1)
865 base student, subject to any minimum amounts prescribed in Section
866 37-151-7(1).



867 (e) "Add-on program costs" shall mean those items which
868 are included in the adequate education program appropriations and
869 are outside of the program calculations:

870 (i) "Transportation" shall mean transportation to
871 and from public schools for the students of Mississippi's public
872 schools provided for under law and funded from state funds.

873 (ii) "Vocational or technical education program"
874 shall mean a secondary vocational or technical program approved by
875 the State Department of Education and provided for from state
876 funds.

877 (iii) "Special education program" shall mean a
878 program for exceptional children as defined and authorized by
879 Sections 37-23-1 through 37-23-9, and approved by the State
880 Department of Education and provided from state funds.

881 (iv) "Gifted education program" shall mean those
882 programs for the instruction of intellectually or academically
883 gifted children as defined and provided for in Section 37-23-175
884 et seq.

885 (v) "Alternative school program" shall mean those
886 programs for certain compulsory-school-age students as defined and
887 provided for in Sections 37-13-92 and 37-19-22.

888 (vi) "Extended school year programs" shall mean
889 those programs authorized by law which extend beyond the normal
890 school year.



891 (vii) "University-based programs" shall mean those
892 university-based programs for handicapped children as defined and
893 provided for in Section 37-23-131 et seq.

894 (viii) "Bus driver training" programs shall mean
895 those driver training programs as provided for in Section 37-41-1.

896 (ix) "Education Scholarship Account (ESA) programs
897 shall mean those ESA programs for eligible students as provided
898 for in Sections 37-181-1 through 37-181-21.

899 (f) "Teacher" shall include any employee of a local
900 school who is required by law to obtain a teacher's license from
901 the State Board of Education and who is assigned to an
902 instructional area of work as defined by the State Department of
903 Education.

904 (g) "Principal" shall mean the head of an attendance
905 center or division thereof.

906 (h) "Superintendent" shall mean the head of a school
907 district.

908 (i) "School district" shall mean any type of school
909 district in the State of Mississippi, and shall include
910 agricultural high schools.

911 (j) "Minimum school term" shall mean a term of at least
912 one hundred eighty (180) days of school in which both teachers and
913 pupils are in regular attendance for scheduled classroom
914 instruction for not less than sixty-three percent (63%) of the
915 instructional day, as fixed by the local school board for each



916 school in the school district. It is the intent of the
917 Legislature that any tax levies generated to produce additional
918 local funds required by any school district to operate school
919 terms in excess of one hundred seventy-five (175) days shall not
920 be construed to constitute a new program for the purposes of
921 exemption from the limitation on tax revenues as allowed under
922 Sections 27-39-321 and 37-57-107 for new programs mandated by the
923 Legislature.

924 (k) The term "transportation density" shall mean the
925 number of transported children in average daily attendance per
926 square mile of area served in a school district, as determined by
927 the State Department of Education.

928 (l) The term "transported children" shall mean children
929 being transported to school who live within legal limits for
930 transportation and who are otherwise qualified for being
931 transported to school at public expense as fixed by Mississippi
932 state law.

933 (m) The term "year of teaching experience" shall mean
934 nine (9) months of actual teaching in the public or private
935 elementary and secondary schools and shall also include nine (9)
936 months of actual teaching at postsecondary institutions accredited
937 by the Southern Association of Colleges and Schools (SACS) or
938 equivalent regional accrediting body for degree-granting
939 postsecondary institutions. In no case shall more than one (1)
940 year of teaching experience be given for all services in one (1)



941 calendar or school year. In determining a teacher's experience,
942 no deduction shall be made because of the temporary absence of the
943 teacher because of illness or other good cause, and the teacher
944 shall be given credit therefor. Beginning with the 2003-2004
945 school year, the State Board of Education shall fix a number of
946 days, not to exceed forty-five (45) consecutive school days,
947 during which a teacher may not be under contract of employment
948 during any school year and still be considered to have been in
949 full-time employment for a regular scholastic term. If a teacher
950 exceeds the number of days established by the State Board of
951 Education that a teacher may not be under contract but may still
952 be employed, that teacher shall not be credited with a year of
953 teaching experience. In determining the experience of school
954 librarians, each complete year of continuous, full-time employment
955 as a professional librarian in a public library in this or some
956 other state shall be considered a year of teaching experience. If
957 a full-time school administrator returns to actual teaching in the
958 public schools, the term "year of teaching experience" shall
959 include the period of time he or she served as a school
960 administrator. In determining the salaries of teachers who have
961 experience in any branch of the military, the term "year of
962 teaching experience" shall include each complete year of actual
963 classroom instruction while serving in the military. In
964 determining the experience of speech-language pathologists and
965 audiologists, each complete year of continuous full-time post



966 master's degree employment in an educational setting in this or
967 some other state shall be considered a year of teaching
968 experience. Provided, however, that school districts are
969 authorized, in their discretion, to negotiate the salary levels
970 applicable to certificated employees employed after July 1, 2009,
971 who are receiving retirement benefits from the retirement system
972 of another state, and the annual experience increment provided in
973 Section 37-19-7 shall not be applicable to any such retired
974 certificated employee.

975 (n) * * * The term "average daily attendance" shall be
976 the figure which results when the total aggregate full-day
977 attendance during the period or months counted is divided by the
978 number of days during the period or months counted upon which both
979 teachers and pupils are in regular attendance for scheduled
980 classroom instruction, * * * less the average daily attendance for
981 self-contained special education classes. For purposes of
982 determining and reporting attendance, a pupil must be present for
983 at least sixty-three percent (63%) of the instructional day, as
984 fixed by the local school board for each school in the school
985 district, in order to be considered in full-day attendance. Prior
986 to full implementation of the adequate education program the
987 department shall deduct the average daily attendance for the
988 alternative school program provided for in Section 37-19-22.
989 * * *



990 (o) The term "local supplement" shall mean the amount
991 paid to an individual teacher over and above the adequate
992 education program salary schedule for regular teaching duties.

993 (p) The term "aggregate amount of support from ad
994 valorem taxation" shall mean the amounts produced by the
995 district's total tax levies for operations.

996 (q) The term "adequate education program funds" shall
997 mean all funds, both state and local, constituting the
998 requirements for meeting the cost of the adequate program as
999 provided for in Section 37-151-7.

1000 (r) "Department" shall mean the State Department of
1001 Education.

1002 (s) "Commission" shall mean the Mississippi Commission
1003 on School Accreditation created under Section 37-17-3.

1004 (t) The term "successful school district" shall mean a
1005 Level III school district as designated by the State Board of
1006 Education using current statistically relevant state assessment
1007 data.

1008 (u) "Dual enrollment-dual credit programs" shall mean
1009 programs for potential or recent high school student dropouts to
1010 dually enroll in their home high school and a local community
1011 college in a dual credit program consisting of high school
1012 completion coursework and a credential, certificate or degree
1013 program at the community college, as provided in Section
1014 37-15-38(19).



1015 (v) "Charter school" means a public school that is
1016 established and operating under the terms of a charter contract
1017 between the school's governing board and the Mississippi Charter
1018 School Authorizer Board.

1019 **SECTION 16.** Section 37-151-7, Mississippi Code of 1972, is
1020 amended as follows:

1021 37-151-7. The annual allocation to each school district for
1022 the operation of the adequate education program shall be
1023 determined as follows:

1024 (1) **Computation of the basic amount to be included for**
1025 **current operation in the adequate education program.** The
1026 following procedure shall be followed in determining the annual
1027 allocation to each school district:

1028 (a) **Determination of average daily attendance.**
1029 Effective with fiscal year 2011, the State Department of Education
1030 shall determine the percentage change from the prior year of each
1031 year of each school district's average of months two (2) and three
1032 (3) average daily attendance (ADA) for the three (3) immediately
1033 preceding school years of the year for which funds are being
1034 appropriated. For any school district that experiences a positive
1035 growth in the average of months two (2) and three (3) ADA each
1036 year of the three (3) years, the average percentage growth over
1037 the three-year period shall be multiplied times the school
1038 district's average of months two (2) and three (3) ADA for the
1039 year immediately preceding the year for which MAEP funds are being



1040 appropriated. The resulting amount shall be added to the school
1041 district's average of months two (2) and three (3) ADA for the
1042 year immediately preceding the year for which MAEP funds are being
1043 appropriated to arrive at the ADA to be used in determining a
1044 school district's MAEP allocation. Otherwise, months two (2) and
1045 three (3) ADA for the year immediately preceding the year for
1046 which MAEP funds are being appropriated will be used in
1047 determining a school district's MAEP allocation. In any fiscal
1048 year prior to 2010 in which the MAEP formula is not fully funded,
1049 for those districts that do not demonstrate a three-year positive
1050 growth in months two (2) and three (3) ADA, months one (1) through
1051 nine (9) ADA of the second preceding year for which funds are
1052 being appropriated or months two (2) and three (3) ADA of the
1053 preceding year for which funds are being appropriated, whichever
1054 is greater, shall be used to calculate the district's MAEP
1055 allocation. The district's average daily attendance shall be
1056 computed and currently maintained in accordance with regulations
1057 promulgated by the State Board of Education. The district's
1058 average daily attendance shall include any student enrolled in a
1059 Dual Enrollment-Dual Credit Program as defined and provided in
1060 Section 37-15-38(19). The State Department of Education shall
1061 make payments for Dual Enrollment-Dual Credit Programs to the home
1062 school in which the student is enrolled, in accordance with
1063 regulations promulgated by the State Board of Education. The
1064 community college providing services to students in a Dual



1065 Enrollment-Dual Credit Program shall require payment from the home
1066 school district for services provided to such students at a rate
1067 of one hundred percent (100%) of ADA. All MAEP/state funding
1068 shall cease upon completion of high school graduation
1069 requirements.

1070 (b) **Determination of base student cost.** Effective with
1071 fiscal year 2011 and every fourth fiscal year thereafter, the
1072 State Board of Education, on or before August 1, with adjusted
1073 estimate no later than January 2, shall submit to the Legislative
1074 Budget Office and the Governor a proposed base student cost
1075 adequate to provide the following cost components of educating a
1076 pupil in a successful school district: (i) instructional cost;
1077 (ii) administrative cost; (iii) operation and maintenance of
1078 plant; and (iv) ancillary support cost. For purposes of these
1079 calculations, the Department of Education shall utilize financial
1080 data from the second preceding year of the year for which funds
1081 are being appropriated.

1082 For the instructional cost component, the Department of
1083 Education shall select districts that have been identified as
1084 instructionally successful and have a ratio of a number of
1085 teachers per one thousand (1,000) students that is between one (1)
1086 standard deviation above the mean and two (2) standard deviations
1087 below the mean of the statewide average of teachers per one
1088 thousand (1,000) students. The instructional cost component shall
1089 be calculated by dividing the latest available months one (1)



1090 through nine (9) ADA into the instructional expenditures of these
1091 selected districts. For the purpose of this calculation, the
1092 Department of Education shall use the following funds, functions
1093 and objects:

1094 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
1095 1210, 1220, 2150-2159 Objects 210 and 215;
1096 Fund 1130 All Functions, Object Code 210 and 215;
1097 Fund 2001 Functions 1110-1199 Objects 100-999;
1098 Fund 2070 Functions 1110-1199 Objects 100-999;
1099 Fund 2420 Functions 1110-1199 Objects 100-999;
1100 Fund 2711 All Functions, Object Code 210 and 215.

1101 Prior to the calculation of the instructional cost component,
1102 there shall be subtracted from the above expenditures any revenue
1103 received for Chickasaw Cession payments, Master Teacher
1104 Certification payments and the district's portion of state revenue
1105 received from the MAEP at-risk allocation.

1106 For the administrative cost component, the Department of
1107 Education shall select districts that have been identified as
1108 instructionally successful and have a ratio of an administrative
1109 staff to nonadministrative staff between one (1) standard
1110 deviation above the mean and two (2) standard deviations below the
1111 mean of the statewide average administrative staff to
1112 nonadministrative staff. The administrative cost component shall
1113 be calculated by dividing the latest available months one (1)
1114 through nine (9) ADA of the selected districts into the



1115 administrative expenditures of these selected districts. For the
1116 purpose of this calculation, the Department of Education shall use
1117 the following funds, functions and objects:

1118 Fund 1120 Functions 2300-2599, Functions 2800-2899,
1119 Objects 100-999;

1120 Fund 2711 Functions 2300-2599, Functions 2800-2899,
1121 Objects 100-999.

1122 For the plant and maintenance cost component, the Department
1123 of Education shall select districts that have been identified as
1124 instructionally successful and have a ratio of plant and
1125 maintenance expenditures per one hundred thousand (100,000) square
1126 feet of building space and a ratio of maintenance workers per one
1127 hundred thousand (100,000) square feet of building space that are
1128 both between one (1) standard deviation above the mean and two (2)
1129 standard deviations below the mean of the statewide average. The
1130 plant and maintenance cost component shall be calculated by
1131 dividing the latest available months one (1) through nine (9) ADA
1132 of the selected districts into the plant and maintenance
1133 expenditures of these selected districts. For the purpose of this
1134 calculation, the Department of Education shall use the following
1135 funds, functions and objects:

1136 Fund 1120 Functions 2600-2699, Objects 100-699
1137 and Objects 800-999;

1138 Fund 2711 Functions 2600-2699, Objects 100-699
1139 and Objects 800-999;



1140 Fund 2430 Functions 2600-2699, Objects 100-699

1141 and Objects 800-999.

1142 For the ancillary support cost component, the Department of
1143 Education shall select districts that have been identified as
1144 instructionally successful and have a ratio of a number of
1145 librarians, media specialists, guidance counselors and
1146 psychologists per one thousand (1,000) students that is between
1147 one (1) standard deviation above the mean and two (2) standard
1148 deviations below the mean of the statewide average of librarians,
1149 media specialists, guidance counselors and psychologists per one
1150 thousand (1,000) students. The ancillary cost component shall be
1151 calculated by dividing the latest available months one (1) through
1152 nine (9) ADA into the ancillary expenditures instructional
1153 expenditures of these selected districts. For the purpose of this
1154 calculation, the Department of Education shall use the following
1155 funds, functions and objects:

1156 Fund 1120 Functions 2110-2129, Objects 100-999;

1157 Fund 1120 Functions 2140-2149, Objects 100-999;

1158 Fund 1120 Functions 2220-2229, Objects 100-999;

1159 Fund 2001 Functions 2100-2129, Objects 100-999;

1160 Fund 2001 Functions 2140-2149, Objects 100-999;

1161 Fund 2001 Functions 2220-2229, Objects 100-999.

1162 The total base cost for each year shall be the sum of the
1163 instructional cost component, administrative cost component, plant
1164 and maintenance cost component and ancillary support cost



1165 component, and any estimated adjustments for additional state
1166 requirements as determined by the State Board of Education.
1167 Provided, however, that the base student cost in fiscal year 1998
1168 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

1169 For each of the fiscal years between the recalculation of the
1170 base student cost under the provisions of this paragraph (b), the
1171 base student cost shall be increased by an amount equal to forty
1172 percent (40%) of the base student cost for the previous fiscal
1173 year, multiplied by the latest annual rate of inflation for the
1174 State of Mississippi as determined by the State Economist, plus
1175 any adjustments for additional state requirements such as, but not
1176 limited to, teacher pay raises and health insurance premium
1177 increases.

1178 (c) **Determination of the basic adequate education**
1179 **program cost.** The basic amount for current operation to be
1180 included in the Mississippi Adequate Education Program for each
1181 school district shall be computed as follows:

1182 Multiply the average daily attendance of the district by the
1183 base student cost as established by the Legislature, which yields
1184 the total base program cost for each school district.

1185 (d) **Adjustment to the base student cost for at-risk**
1186 **pupils.** The amount to be included for at-risk pupil programs for
1187 each school district shall be computed as follows: Multiply the
1188 base student cost for the appropriate fiscal year as determined
1189 under paragraph (b) by five percent (5%), and multiply that



1190 product by the number of pupils participating in the federal free
1191 school lunch program in such school district, which yields the
1192 total adjustment for at-risk pupil programs for such school
1193 district.

1194 (e) **Add-on program cost.** The amount to be allocated to
1195 school districts and to the Special ESA Fund in addition to the
1196 adequate education program cost for add-on programs for each
1197 school district and the Special ESA Fund shall be computed as
1198 follows:

1199 (i) Transportation cost shall be the amount
1200 allocated to such school district for the operational support of
1201 the district transportation system from state funds.

1202 (ii) Vocational or technical education program
1203 cost shall be the amount allocated to such school district from
1204 state funds for the operational support of such programs.

1205 (iii) Special education program cost shall be the
1206 amount allocated to such school district from state funds for the
1207 operational support of such programs.

1208 (iv) Gifted education program cost shall be the
1209 amount allocated to such school district from state funds for the
1210 operational support of such programs.

1211 (v) Alternative school program cost shall be the
1212 amount allocated to such school district from state funds for the
1213 operational support of such programs.



1214 (vi) Extended school year programs shall be the
1215 amount allocated to school districts for those programs authorized
1216 by law which extend beyond the normal school year.

1217 (vii) University-based programs shall be the
1218 amount allocated to school districts for those university-based
1219 programs for handicapped children as defined and provided for in
1220 Section 37-23-131 et seq., Mississippi Code of 1972.

1221 (viii) Bus driver training programs shall be the
1222 amount provided for those driver training programs as provided for
1223 in Section 37-41-1, Mississippi Code of 1972.

1224 (ix) The Education Scholarship Account (ESA)
1225 program shall be the amount provided for those education
1226 scholarship accounts for eligible students provided for in
1227 Sections 37-181-1 through 37-181-21, Mississippi Code of 1972.

1228 The sum of the items listed above (i) transportation, (ii)
1229 vocational or technical education, (iii) special education, (iv)
1230 gifted education, (v) alternative school, (vi) extended school
1231 year, (vii) university-based, * * * (viii) bus driver training,
1232 and (ix) Education Scholarship Account (ESA) programs shall yield
1233 the add-on cost for each school district and the Special ESA Fund.

1234 (f) **Total projected adequate education program cost.**

1235 The total Mississippi Adequate Education Program cost shall be the
1236 sum of the total basic adequate education program cost (paragraph
1237 (c)), and the adjustment to the base student cost for at-risk
1238 pupils (paragraph (d)) for each school district. In any year in



1239 which the MAEP is not fully funded, the Legislature shall direct
1240 the Department of Education in the K-12 appropriation bill as to
1241 how to allocate MAEP funds to school districts for that year.

1242 (g) The State Auditor shall annually verify the State
1243 Board of Education's estimated calculations for the Mississippi
1244 Adequate Education Program that are submitted each year to the
1245 Legislative Budget Office on August 1 and the final calculation
1246 that is submitted on January 2.

1247 (2) **Computation of the required local revenue in support of**
1248 **the adequate education program.** The amount that each district
1249 shall provide toward the cost of the adequate education program
1250 shall be calculated as follows:

1251 (a) The State Department of Education shall certify to
1252 each school district that twenty-eight (28) mills, less the
1253 estimated amount of the yield of the School Ad Valorem Tax
1254 Reduction Fund grants as determined by the State Department of
1255 Education, is the millage rate required to provide the district
1256 required local effort for that year, or twenty-seven percent (27%)
1257 of the basic adequate education program cost for such school
1258 district as determined under paragraph (c), whichever is a lesser
1259 amount. In the case of an agricultural high school, the millage
1260 requirement shall be set at a level which generates an equitable
1261 amount per pupil to be determined by the State Board of Education.
1262 The local contribution amount for school districts in which there
1263 is located one or more charter schools will be calculated using



1264 the following methodology: using the adequate education program
1265 twenty-eight (28) mill value, or the twenty-seven percent (27%)
1266 cap amount (whichever is less) for each school district in which a
1267 charter school is located, an average per pupil amount will be
1268 calculated. This average per pupil amount will be multiplied
1269 times the number of students attending the charter school in that
1270 school district. The sum becomes the charter school's local
1271 contribution to the adequate education program.

1272 (b) The State Department of Education shall determine
1273 the following from the annual assessment information submitted to
1274 the department by the tax assessors of the various counties: (i)
1275 the total assessed valuation of nonexempt property for school
1276 purposes in each school district; (ii) assessed value of exempt
1277 property owned by homeowners aged sixty-five (65) or older or
1278 disabled as defined in Section 27-33-67(2), Mississippi Code of
1279 1972; (iii) the school district's tax loss from exemptions
1280 provided to applicants under the age of sixty-five (65) and not
1281 disabled as defined in Section 27-33-67(1), Mississippi Code of
1282 1972; and (iv) the school district's homestead reimbursement
1283 revenues.

1284 (c) The amount of the total adequate education program
1285 funding which shall be contributed by each school district shall
1286 be the sum of the ad valorem receipts generated by the millage
1287 required under this subsection plus the following local revenue



1288 sources for the appropriate fiscal year which are or may be
1289 available for current expenditure by the school district:

1290 One hundred percent (100%) of Grand Gulf income as prescribed
1291 in Section 27-35-309.

1292 One hundred percent (100%) of any fees in lieu of taxes as
1293 prescribed in Section 27-31-104.

1294 (3) **Computation of the required state effort in support of**
1295 **the adequate education program.**

1296 (a) The required state effort in support of the
1297 adequate education program shall be determined by subtracting the
1298 sum of the required local tax effort as set forth in subsection
1299 (2) (a) of this section and the other local revenue sources as set
1300 forth in subsection (2) (c) of this section in an amount not to
1301 exceed twenty-seven percent (27%) of the total projected adequate
1302 education program cost as set forth in subsection (1) (f) of this
1303 section from the total projected adequate education program cost
1304 as set forth in subsection (1) (f) of this section.

1305 (b) Provided, however, that in fiscal year 2015, any
1306 increase in the said state contribution to any district calculated
1307 under this section shall be not less than six percent (6%) in
1308 excess of the amount received by said district from state funds
1309 for fiscal year 2002; in fiscal year 2016, any increase in the
1310 said state contribution to any district calculated under this
1311 section shall be not less than four percent (4%) in excess of the
1312 amount received by said district from state funds for fiscal year



1313 2002; in fiscal year 2017, any increase in the said state
1314 contribution to any district calculated under this section shall
1315 be not less than two percent (2%) in excess of the amount received
1316 by said district from state funds for fiscal year 2002; and in
1317 fiscal year 2018 and thereafter, any increase in the said state
1318 contribution to any district calculated under this section shall
1319 be zero percent (0%). For purposes of this paragraph (b), state
1320 funds shall include minimum program funds less the add-on
1321 programs, State Uniform Millage Assistance Grant Funds, Education
1322 Enhancement Funds appropriated for Uniform Millage Assistance
1323 Grants and state textbook allocations, and State General Funds
1324 allocated for textbooks.

1325 (c) If the school board of any school district shall
1326 determine that it is not economically feasible or practicable to
1327 operate any school within the district for the full one hundred
1328 eighty (180) days required for a school term of a scholastic year
1329 as required in Section 37-13-63, Mississippi Code of 1972, due to
1330 an enemy attack, a man-made, technological or natural disaster in
1331 which the Governor has declared a disaster emergency under the
1332 laws of this state or the President of the United States has
1333 declared an emergency or major disaster to exist in this state,
1334 said school board may notify the State Department of Education of
1335 such disaster and submit a plan for altering the school term. If
1336 the State Board of Education finds such disaster to be the cause
1337 of the school not operating for the contemplated school term and



1338 that such school was in a school district covered by the
1339 Governor's or President's disaster declaration, it may permit said
1340 school board to operate the schools in its district for less than
1341 one hundred eighty (180) days and, in such case, the State
1342 Department of Education shall not reduce the state contributions
1343 to the adequate education program allotment for such district,
1344 because of the failure to operate said schools for one hundred
1345 eighty (180) days.

1346 (4) The Interim School District Capital Expenditure Fund is
1347 hereby established in the State Treasury which shall be used to
1348 distribute any funds specifically appropriated by the Legislature
1349 to such fund to school districts entitled to increased allocations
1350 of state funds under the adequate education program funding
1351 formula prescribed in Sections 37-151-3 through 37-151-7,
1352 Mississippi Code of 1972, until such time as the said adequate
1353 education program is fully funded by the Legislature. The
1354 following percentages of the total state cost of increased
1355 allocations of funds under the adequate education program funding
1356 formula shall be appropriated by the Legislature into the Interim
1357 School District Capital Expenditure Fund to be distributed to all
1358 school districts under the formula: Nine and two-tenths percent
1359 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
1360 (20%) shall be appropriated in fiscal year 1999, forty percent
1361 (40%) shall be appropriated in fiscal year 2000, sixty percent
1362 (60%) shall be appropriated in fiscal year 2001, eighty percent



1363 (80%) shall be appropriated in fiscal year 2002, and one hundred
1364 percent (100%) shall be appropriated in fiscal year 2003 into the
1365 State Adequate Education Program Fund. Until July 1, 2002, such
1366 money shall be used by school districts for the following
1367 purposes:

1368 (a) Purchasing, erecting, repairing, equipping,
1369 remodeling and enlarging school buildings and related facilities,
1370 including gymnasiums, auditoriums, lunchrooms, vocational training
1371 buildings, libraries, school barns and garages for transportation
1372 vehicles, school athletic fields and necessary facilities
1373 connected therewith, and purchasing land therefor. Any such
1374 capital improvement project by a school district shall be approved
1375 by the State Board of Education, and based on an approved
1376 long-range plan. The State Board of Education shall promulgate
1377 minimum requirements for the approval of school district capital
1378 expenditure plans.

1379 (b) Providing necessary water, light, heating,
1380 air-conditioning, and sewerage facilities for school buildings,
1381 and purchasing land therefor.

1382 (c) Paying debt service on existing capital improvement
1383 debt of the district or refinancing outstanding debt of a district
1384 if such refinancing will result in an interest cost savings to the
1385 district.

1386 (d) From and after October 1, 1997, through June 30,
1387 1998, pursuant to a school district capital expenditure plan



1388 approved by the State Department of Education, a school district
1389 may pledge such funds until July 1, 2002, plus funds provided for
1390 in paragraph (e) of this subsection (4) that are not otherwise
1391 permanently pledged under such paragraph (e) to pay all or a
1392 portion of the debt service on debt issued by the school district
1393 under Sections 37-59-1 through 37-59-45, 37-59-101 through
1394 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
1395 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
1396 issued by boards of supervisors for agricultural high schools
1397 pursuant to Section 37-27-65, Mississippi Code of 1972, or
1398 lease-purchase contracts entered into pursuant to Section 31-7-13,
1399 Mississippi Code of 1972, or to retire or refinance outstanding
1400 debt of a district, if such pledge is accomplished pursuant to a
1401 written contract or resolution approved and spread upon the
1402 minutes of an official meeting of the district's school board or
1403 board of supervisors. It is the intent of this provision to allow
1404 school districts to irrevocably pledge their Interim School
1405 District Capital Expenditure Fund allotments as a constant stream
1406 of revenue to secure a debt issued under the foregoing code
1407 sections. To allow school districts to make such an irrevocable
1408 pledge, the state shall take all action necessary to ensure that
1409 the amount of a district's Interim School District Capital
1410 Expenditure Fund allotments shall not be reduced below the amount
1411 certified by the department or the district's total allotment



1412 under the Interim Capital Expenditure Fund if fully funded, so
1413 long as such debt remains outstanding.

1414 (e) [Repealed]

1415 (f) [Repealed]

1416 (g) The State Board of Education may authorize the
1417 school district to expend not more than twenty percent (20%) of
1418 its annual allotment of such funds or Twenty Thousand Dollars
1419 (\$20,000.00), whichever is greater, for technology needs of the
1420 school district, including computers, software,
1421 telecommunications, cable television, interactive video, film,
1422 low-power television, satellite communications, microwave
1423 communications, technology-based equipment installation and
1424 maintenance, and the training of staff in the use of such
1425 technology-based instruction. Any such technology expenditure
1426 shall be reflected in the local district technology plan approved
1427 by the State Board of Education under Section 37-151-17,
1428 Mississippi Code of 1972.

1429 (h) To the extent a school district has not utilized
1430 twenty percent (20%) of its annual allotment for technology
1431 purposes under paragraph (g), a school district may expend not
1432 more than twenty percent (20%) of its annual allotment or Twenty
1433 Thousand Dollars (\$20,000.00), whichever is greater, for
1434 instructional purposes. The State Board of Education may
1435 authorize a school district to expend more than said twenty
1436 percent (20%) of its annual allotment for instructional purposes



1437 if it determines that such expenditures are needed for
1438 accreditation purposes.

1439 (i) The State Department of Education or the State
1440 Board of Education may require that any project commenced under
1441 this section with an estimated project cost of not less than Five
1442 Million Dollars (\$5,000,000.00) shall be done only pursuant to
1443 program management of the process with respect to design and
1444 construction. Any individuals, partnerships, companies or other
1445 entities acting as a program manager on behalf of a local school
1446 district and performing program management services for projects
1447 covered under this subsection shall be approved by the State
1448 Department of Education.

1449 Any interest accruing on any unexpended balance in the
1450 Interim School District Capital Expenditure Fund shall be invested
1451 by the State Treasurer and placed to the credit of each school
1452 district participating in such fund in its proportionate share.

1453 The provisions of this subsection (4) shall be cumulative and
1454 supplemental to any existing funding programs or other authority
1455 conferred upon school districts or school boards.

1456 (5) The State Department of Education shall make payments to
1457 charter schools for each student in average daily attendance at
1458 the charter school equal to the state share of the adequate
1459 education program payments for each student in average daily
1460 attendance at the school district in which the public charter
1461 school is located. In calculating the local contribution for



1462 purposes of determining the state share of the adequate education
1463 program payments, the department shall deduct the pro rata local
1464 contribution of the school district in which the student resides
1465 as determined in subsection (2)(a) of this section.

1466 **SECTION 17.** Section 37-151-101, Mississippi Code of 1972, is
1467 amended as follows:

1468 37-151-101. It shall be the duty of the State Department of
1469 Education to file with the State Treasurer and the State Fiscal
1470 Officer such data and information as may be required to enable the
1471 said State Treasurer and State Fiscal Officer to distribute the
1472 common school funds and adequate education program funds by
1473 electronic funds transfer to the several school districts and
1474 charter schools, and adequate education program funds by
1475 electronic funds transfer to the Special ESA Fund at the time
1476 required and provided under the provisions of this chapter. Such
1477 data and information so filed shall show in detail the amount of
1478 funds to which each school district and charter school is entitled
1479 from such common school fund and adequate education program fund.
1480 Such data and information so filed may be revised from time to
1481 time as necessitated by law. At the time provided by law, the
1482 State Treasurer and the State Fiscal Officer shall distribute to
1483 the several school districts and charter schools the amounts to
1484 which they are entitled from the common school fund and shall
1485 distribute to the several school districts, charter schools and
1486 the Special ESA Fund the amounts to which they are entitled from



1487 the adequate education program fund as provided by this chapter.
1488 Such distribution shall be made by electronic funds transfer to
1489 the depositories of the several school districts * * *, charter
1490 schools and Special ESA Fund designated in writing to the State
1491 Treasurer based upon the data and information supplied by the
1492 State Department of Education for such distribution. In such
1493 instances, the State Treasurer shall submit a request for an
1494 electronic funds transfer to the State Fiscal Officer, which shall
1495 set forth the purpose, amount and payees, and shall be in such
1496 form as may be approved by the State Fiscal Officer so as to
1497 provide the necessary information as would be required for a
1498 requisition and issuance of a warrant. A copy of the record of
1499 said electronic funds transfers shall be transmitted by the school
1500 district and charter school depositories to the Treasurer, who
1501 shall file duplicates, and a duplicate of electronic funds
1502 transfer to the Special ESA Fund with the State Fiscal Officer.
1503 The Treasurer and State Fiscal Officer shall jointly promulgate
1504 regulations for the utilization of electronic funds transfers to
1505 school districts * * *, charter schools and the Special ESA Fund.

1506 **SECTION 18.** The following shall be codified as Section
1507 37-151-86, Mississippi Code of 1972:

1508 37-151-86. **Allowance of state funds for education**

1509 **scholarship accounts program.** In addition to other funds provided
1510 for in this chapter, there shall be added a distribution from the
1511 Adequate Education Program Fund to the Special ESA Fund which



1512 shall be paid in the following manner: Two (2) business days
1513 prior to the last working day of July, there shall be paid to the
1514 Special ESA Fund, by electronic funds transfer, one-half (1/2) of
1515 the funds to which the Special ESA Fund is entitled from funds
1516 appropriated for the Adequate Education Program Fund; the
1517 remaining one-half (1/2) of appropriated payments shall be on
1518 December 15 or the next business day after that date.

1519 **SECTION 19.** This act shall take effect and be in force from
1520 and after July 1, 2018.

