

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2623

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

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

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



32 37-181-1. This chapter shall be known and may be cited as
33 "The Equal Opportunity for Mississippi Students * * * Act."

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

36 37-181-3. The terms used in this chapter shall have the
37 meanings ascribed herein, unless the context clearly indicates
38 otherwise:

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

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

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

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

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

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

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



56 (vi) Is the sibling of a current recipient of ESA
57 program funds.

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

61 (d) " * * * Office" means the State Department of
62 Education acting through the Office of Educational Choice.

63 (e) "Home school district" means the public school
64 district in which the student resides.

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

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

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



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

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

86 37-181-5. (1) An eligible student shall qualify to
87 participate in the Education Scholarship Account (ESA) program if
88 the parent signs an agreement promising:

89 (a) To provide an organized, appropriate educational
90 program with measurable annual goals to their participating
91 student and, to the extent reasonably deemed appropriate by the
92 parent, to provide an education for the qualified student in at
93 least the subjects of reading, grammar, mathematics, social
94 studies and science;

95 * * *

96 (* * *b) Not to enroll their participating student
97 full time in a public school * * * while participating in the ESA
98 program;

99 (* * *c) Not to file for their participating student a
100 certificate of enrollment indicating participation in a home
101 instruction program under Section 37-13-91, Mississippi Code of
102 1972; and

103 (* * *d) Not to participate in the Mississippi
104 Dyslexia Therapy Scholarship for Students with Dyslexia Program or
105 the Mississippi Speech-Language Therapy Scholarship for Students



106 with Speech-Language Impairments Program while participating in
107 the ESA program.

108 (2) Students with special needs who participate in the
109 program are parental placements under 20 USC 1412(a)(10)(A) of the
110 Individuals with Disabilities Education Act (IDEA). The Office of
111 Educational Choice in the State Department of Education shall
112 provide all parents of students with special needs with clear and
113 understandable documentation explaining their rights under the
114 program.

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

122 (* * *4) Parents shall use the funds deposited in a
123 participating student's ESA for any of the following qualifying
124 expenses to educate the student using any of the below methods or
125 combination of methods that meet the requirement in subsection
126 (1)(a) of this section:

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

129 (* * *i) Tuition and/or fees at an eligible
130 school;



131 (* * *ii) Textbooks;

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

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

135 (* * *v) No more than One Thousand Dollars
136 (\$1,000.00) annually for fees for transportation to and from an
137 educational service provider paid to a fee-for-service
138 transportation provider;

139 (* * *vi) Tuition and/or fees for online learning
140 programs or courses;

141 (* * *vii) Fees for nationally standardized
142 norm-referenced achievement tests, including alternate
143 assessments; and fees for Advanced Placement examinations or
144 similar courses and any examinations related to college or
145 university admission;

146 (viii) Costs directly associated with obtaining a
147 nationally recognized industry certification;

148 (* * *ix) Contracted services provided by a
149 public school, including individual classes and extracurricular
150 programs;

151 (* * *x) Tuition and fees at a postsecondary
152 institution;

153 (* * *xi) Textbooks related to coursework at a
154 postsecondary institution;



155 (* * *xii) Educational services or therapies from
156 a licensed or certified practitioner or provider, including
157 licensed or certified paraprofessionals or educational aides;

158 (* * *xiii) No more than * * * One Hundred
159 Dollars (\$100.00) in annual consumable school supplies necessary
160 for educational services and therapies, daily classroom
161 activities, and tutoring;

162 * * *

163 (* * *b) A parent of a participating student with
164 special needs who has qualified for the program under Section
165 37-181-3(b)(iii) may also use ESA funds for:

166 Computer hardware and software and other technological
167 devices if an eligible school, licensed or certified tutor,
168 licensed or certified educational service practitioner or
169 provider, or licensed medical professional verifies in writing
170 that these items are essential for the student to meet annual,
171 measurable goals. Once a student is no longer eligible for the
172 program, computer hardware and software and other technological
173 devices purchased with ESA funds may be donated to a library or a
174 nonprofit organization with expertise and training in working with
175 parents to educate children with disabilities or a nonprofit
176 organization with expertise and training in working with disabled
177 adults.

178 (* * *5) Neither a participating student, nor anyone on the
179 student's behalf, may receive cash or cash-equivalent items, such



180 as gift cards or store credit, from any refunds or rebates from
181 any provider of services or products in this program. Any refunds
182 or rebates shall be credited directly to the participating
183 student's ESA. The funds in an ESA may only be used for
184 education-related purposes. Eligible schools, postsecondary
185 institutions and educational service providers that serve
186 participating students shall provide parents with a receipt for
187 all qualifying expenses.

188 (* * *6) Payment for educational services through an ESA
189 shall not preclude parents from paying for educational services
190 using non-ESA funds.

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

197 (* * *8) For purposes of continuity of educational
198 attainment, students who enroll in the program shall remain * * *
199 participating students * * * until returning to * * * public
200 school, * * * completing high school, * * * or reaching the age of
201 twenty-one (21), * * * whichever occurs first.

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



205 (* * *10) Any funds remaining in a student's Education
206 Scholarship Account upon completion of high school shall be
207 returned to the state's * * * Special ESA Fund pursuant to
208 subsection (4)(2)(a) of this section.

209 * * *

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

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

222 (a) The results of these tests shall be reported to
223 parents.

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

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



229 37-181-7. (1) * * * Beginning with the 2018-2019 school
230 year, the ESA program created in this chapter shall be limited to
231 the equivalent of one-half of one percent (.5%) of the estimated
232 statewide total public school enrollment in the preceding school
233 year, with new enrollment limited to an additional one percent
234 (1%) of the statewide public school enrollment each year
235 thereafter.

236 (2) * * * (a) * * * There is created a Special ESA Fund in
237 the State Treasury to pay for the Education Scholarship Accounts
238 established in this chapter. Payments made to this fund shall be
239 an "add-on program cost" as defined in Sections 37-151-5(e) and
240 37-151-7(1)(e) and shall be included in the Mississippi Adequate
241 Education Program (MAEP) annual appropriation outside of the
242 program calculations. Payments made to this fund shall be made on
243 a quarterly basis and in the same manner as Mississippi Adequate
244 Education Program (MAEP) payments are made to school districts
245 under Sections 37-151-101 and 37-151-103. Each October 1, the
246 office shall calculate the cost of new Education Scholarship
247 Accounts for the following fiscal year by multiplying fifty
248 percent (50%) of accounts allowed by annual enrollment limits as
249 defined in Section 37-181-7(1) by the amount for students
250 prescribed in Section 37-181-7(3)(a) and fifty percent (50%) by
251 the amount for special needs students prescribed in Section
252 37-181-7(3)(b) and adding the amounts together. This amount shall
253 be added to the amount of current awards and included as the



254 add-on program cost for the Special ESA Fund in the annual
255 Mississippi Adequate Education Program (MAEP) budget request by
256 the State Department of Education. The State Department of
257 Education shall also report to the Legislature the number of
258 eligible applicants and funding amounts as prescribed in Section
259 37-181-7(3) on January 15 each year and again on March 15 and may
260 revise its budget request to the Legislature for the Special ESA
261 Fund based upon the revised number of eligible applicants. Any
262 funds not associated with an active Education Scholarship Account
263 shall lapse into the State General Fund at the end of the fiscal
264 year.

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

274 * * *

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



279 (a) For students with special needs meeting the
280 definition of "eligible student" as prescribed under Section
281 37-181-3(b) (iii) and (iv), the amount shall be Six Thousand Five
282 Hundred Dollars (\$6,500.00);

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

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

292 (5) The office shall require parents to confirm or deny
293 their student's participation in the program not later than
294 fifteen (15) business days upon receipt of notification.

295 (6) If the office receives more applications than are
296 available positions by thirty (30) days before January 15 or March
297 15 notification deadlines, as provided for in subsection (1) of
298 this section, the office shall conduct an annual random selection
299 process that gives first preference to students eligible under
300 Section 37-181-3(b) (iii) and second preference to students within
301 a household with a household income not greater than two hundred
302 fifty percent (250%) of the federal poverty level.



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) and second preference to
313 students within a household with a household income not greater
314 than two hundred fifty percent (250%) of the federal poverty
315 level, or (b) in the order generated by the annual random
316 selection process in a year in which it occurs.

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

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

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

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



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

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

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

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

351 * * *



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

358 * * *

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

361 37-181-11. (1) To ensure that funds are spent
362 appropriately, the State * * * Department of Education shall adopt
363 rules and policies necessary for the administration of the
364 program, including the auditing of Education Scholarship Accounts,
365 and shall conduct or contract for random audits throughout the
366 year.

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



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

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

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

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

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

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

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



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

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

409 37-181-13. (1) The Joint Legislative Committee on
410 Performance Evaluation and Expenditure Review (PEER) shall prepare
411 a * * * report every three (3) years, * * * assessing the
412 sufficiency of funding for Education Scholarship Accounts and
413 recommending any suggested changes in state law or policy
414 necessary to improve the program.

415 (2) The report shall assess:

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

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

420 * * *

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

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

425 (* * * e) The fiscal impact to the state and home
426 school districts of the program, which must consider both the



427 impact on revenue and the impact on expenses. Furthermore, the
428 fiscal savings associated with students departing public schools
429 must be explicitly quantified, even if the public school losing
430 the student(s) does not reduce its spending accordingly.

431 (3) The report shall:

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

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

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

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

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

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

447 37-181-15. To ensure that students are treated fairly and
448 kept safe, all eligible schools shall:

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



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

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

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

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

460 * * *

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

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

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

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

469 37-181-17. (1) An eligible nonpublic school is autonomous
470 and not an agent of the state or federal government and therefore:

471 (a) The * * * Office of Educational Choice in the State
472 Department of Education shall not in any way regulate the
473 educational program of a nonpublic school, postsecondary
474 institution or educational service provider that accepts funds
475 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 in the State Department of Education
510 to promulgate rules and regulations and to develop procedures,
511 forms and any other policies for the administration of the
512 provisions contained herein are subject to the Mississippi
513 Administrative Procedures Act.

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

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

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

523 37-3-1. (1) Until July 1, 1983, there shall be a State
524 Department of Education, which shall consist of a State



525 Superintendent of Public Education, an Assistant State
526 Superintendent of Public Education, a Director of the Division of
527 Finance and Administration, a Director of the Division of
528 Instruction, a Director of the Division of School Building and
529 Transportation Services, a Director of Vocational Education, a
530 Director of the Division of Vocational Rehabilitation, a Director
531 of the Division of Junior Colleges, and such supervisors,
532 assistants or employees as may be necessary for the proper
533 functioning of the above-named divisions.

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

546 (3) From and after July 1, 1984, there shall be a State
547 Department of Education which shall be under the direction and
548 supervision of the State Superintendent of Public Education. The
549 State Department of Education shall be organized into functional



550 divisions as established by the State Board of Education,
551 including any divisions established by law and prescribing the
552 duties of the directors of such divisions.

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

623 The parent, guardian or custodian of a compulsory-school-age
624 child described in this subsection, or the parent, guardian or



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

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

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

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

644 (iii) A simple description of the type of
645 education the compulsory-school-age child is receiving and, if the
646 child is enrolled in a nonpublic school, the name and address of
647 the school; and

648 (iv) The signature of the parent, guardian or
649 custodian of the compulsory-school-age child or, for any or all



650 compulsory-school-age child or children attending a charter school
651 or nonpublic school, the signature of the appropriate school
652 official and the date signed.

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

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

668 For the purposes of this subsection, a legitimate nonpublic
669 school or legitimate home instruction or Education Scholarship
670 Account (ESA) program shall be those not operated or instituted
671 for the purpose of avoiding or circumventing the Compulsory School
672 Attendance Law.

673 (4) An "unlawful absence" is an absence for an entire school
674 day or during part of a school day by a compulsory-school-age



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

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

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

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



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

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

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

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

715 (g) An absence may be excused if the religion to which
716 the compulsory-school-age child or the child's parents adheres,
717 requires or suggests the observance of a religious event. The
718 approval of the absence is within the discretion of the
719 superintendent of the school district, or his designee, but
720 approval should be granted unless the religion's observance is of
721 such duration as to interfere with the education of the child.

722 (h) An absence may be excused when it is demonstrated
723 to the satisfaction of the superintendent of the school district,



724 or his designee, that the purpose of the absence is to take
725 advantage of a valid educational opportunity such as travel,
726 including vacations or other family travel. Approval of the
727 absence must be gained from the superintendent of the school
728 district, or his designee, before the absence, but the approval
729 shall not be unreasonably withheld.

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

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

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



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

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



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

787 (7) When a school attendance officer has made all attempts
788 to secure enrollment and/or attendance of a compulsory-school-age
789 child and is unable to effect the enrollment and/or attendance,
790 the attendance officer shall file a petition with the youth court
791 under Section 43-21-451 or shall file a petition in a court of
792 competent jurisdiction as it pertains to parent or child.
793 Sheriffs, deputy sheriffs and municipal law enforcement officers
794 shall be fully authorized to investigate all cases of
795 nonattendance and unlawful absences by compulsory-school-age
796 children, and shall be authorized to file a petition with the
797 youth court under Section 43-21-451 or file a petition or



798 information in the court of competent jurisdiction as it pertains
799 to parent or child for violation of this section. The youth court
800 shall expedite a hearing to make an appropriate adjudication and a
801 disposition to ensure compliance with the Compulsory School
802 Attendance Law, and may order the child to enroll or re-enroll in
803 school. The superintendent of the school district to which the
804 child is ordered may assign, in his discretion, the child to the
805 alternative school program of the school established pursuant to
806 Section 37-13-92.

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

811 (9) Notwithstanding any provision or implication herein to
812 the contrary, it is not the intention of this section to impair
813 the primary right and the obligation of the parent or parents, or
814 person or persons in loco parentis to a child, to choose the
815 proper education and training for such child, and nothing in this
816 section shall ever be construed to grant, by implication or
817 otherwise, to the State of Mississippi, any of its officers,
818 agencies or subdivisions any right or authority to control,
819 manage, supervise or make any suggestion as to the control,
820 management or supervision of any private or parochial school or
821 institution for the education or training of children, of any kind
822 whatsoever that is not a public school according to the laws of



823 this state; and this section shall never be construed so as to
824 grant, by implication or otherwise, any right or authority to any
825 state agency or other entity to control, manage, supervise,
826 provide for or affect the operation, management, program,
827 curriculum, admissions policy or discipline of any such school or
828 home instruction program.

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

831 37-151-5. As used in Sections 37-151-5 and 37-151-7:

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

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

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



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

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

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

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

864 (d) "Base student cost" shall mean the funding level
865 necessary for providing an adequate education program for one (1)
866 base student, subject to any minimum amounts prescribed in Section
867 37-151-7(1).

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



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

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

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

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

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

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

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



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

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

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

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

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

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

912 (j) "Minimum school term" shall mean a term of at least
913 one hundred eighty (180) days of school in which both teachers and
914 pupils are in regular attendance for scheduled classroom
915 instruction for not less than sixty-three percent (63%) of the
916 instructional day, as fixed by the local school board for each
917 school in the school district. It is the intent of the
918 Legislature that any tax levies generated to produce additional
919 local funds required by any school district to operate school



920 terms in excess of one hundred seventy-five (175) days shall not
921 be construed to constitute a new program for the purposes of
922 exemption from the limitation on tax revenues as allowed under
923 Sections 27-39-321 and 37-57-107 for new programs mandated by the
924 Legislature.

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

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

934 (m) The term "year of teaching experience" shall mean
935 nine (9) months of actual teaching in the public or private
936 elementary and secondary schools and shall also include nine (9)
937 months of actual teaching at postsecondary institutions accredited
938 by the Southern Association of Colleges and Schools (SACS) or
939 equivalent regional accrediting body for degree-granting
940 postsecondary institutions. In no case shall more than one (1)
941 year of teaching experience be given for all services in one (1)
942 calendar or school year. In determining a teacher's experience,
943 no deduction shall be made because of the temporary absence of the
944 teacher because of illness or other good cause, and the teacher



945 shall be given credit therefor. Beginning with the 2003-2004
946 school year, the State Board of Education shall fix a number of
947 days, not to exceed forty-five (45) consecutive school days,
948 during which a teacher may not be under contract of employment
949 during any school year and still be considered to have been in
950 full-time employment for a regular scholastic term. If a teacher
951 exceeds the number of days established by the State Board of
952 Education that a teacher may not be under contract but may still
953 be employed, that teacher shall not be credited with a year of
954 teaching experience. In determining the experience of school
955 librarians, each complete year of continuous, full-time employment
956 as a professional librarian in a public library in this or some
957 other state shall be considered a year of teaching experience. If
958 a full-time school administrator returns to actual teaching in the
959 public schools, the term "year of teaching experience" shall
960 include the period of time he or she served as a school
961 administrator. In determining the salaries of teachers who have
962 experience in any branch of the military, the term "year of
963 teaching experience" shall include each complete year of actual
964 classroom instruction while serving in the military. In
965 determining the experience of speech-language pathologists and
966 audiologists, each complete year of continuous full-time post
967 master's degree employment in an educational setting in this or
968 some other state shall be considered a year of teaching
969 experience. Provided, however, that school districts are



970 authorized, in their discretion, to negotiate the salary levels
971 applicable to certificated employees employed after July 1, 2009,
972 who are receiving retirement benefits from the retirement system
973 of another state, and the annual experience increment provided in
974 Section 37-19-7 shall not be applicable to any such retired
975 certificated employee.

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

990 * * *

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



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

997 (q) The term "adequate education program funds" shall
998 mean all funds, both state and local, constituting the
999 requirements for meeting the cost of the adequate program as
1000 provided for in Section 37-151-7.

1001 (r) "Department" shall mean the State Department of
1002 Education.

1003 (s) "Commission" shall mean the Mississippi Commission
1004 on School Accreditation created under Section 37-17-3.

1005 (t) The term "successful school district" shall mean a
1006 Level III school district as designated by the State Board of
1007 Education using current statistically relevant state assessment
1008 data.

1009 (u) "Dual enrollment-dual credit programs" shall mean
1010 programs for potential or recent high school student dropouts to
1011 dually enroll in their home high school and a local community
1012 college in a dual credit program consisting of high school
1013 completion coursework and a credential, certificate or degree
1014 program at the community college, as provided in Section
1015 37-15-38(19).

1016 (v) "Charter school" means a public school that is
1017 established and operating under the terms of a charter contract



1018 between the school's governing board and the Mississippi Charter
1019 School Authorizer Board.

1020 **SECTION 16.** Section 37-151-7, Mississippi Code of 1972, is
1021 amended as follows:

1022 37-151-7. The annual allocation to each school district for
1023 the operation of the adequate education program shall be
1024 determined as follows:

1025 (1) **Computation of the basic amount to be included for**
1026 **current operation in the adequate education program.** The
1027 following procedure shall be followed in determining the annual
1028 allocation to each school district:

1029 (a) **Determination of average daily attendance.**
1030 Effective with fiscal year 2011, the State Department of Education
1031 shall determine the percentage change from the prior year of each
1032 year of each school district's average of months two (2) and three
1033 (3) average daily attendance (ADA) for the three (3) immediately
1034 preceding school years of the year for which funds are being
1035 appropriated. For any school district that experiences a positive
1036 growth in the average of months two (2) and three (3) ADA each
1037 year of the three (3) years, the average percentage growth over
1038 the three-year period shall be multiplied times the school
1039 district's average of months two (2) and three (3) ADA for the
1040 year immediately preceding the year for which MAEP funds are being
1041 appropriated. The resulting amount shall be added to the school
1042 district's average of months two (2) and three (3) ADA for the



1043 year immediately preceding the year for which MAEP funds are being
1044 appropriated to arrive at the ADA to be used in determining a
1045 school district's MAEP allocation. Otherwise, months two (2) and
1046 three (3) ADA for the year immediately preceding the year for
1047 which MAEP funds are being appropriated will be used in
1048 determining a school district's MAEP allocation. In any fiscal
1049 year prior to 2010 in which the MAEP formula is not fully funded,
1050 for those districts that do not demonstrate a three-year positive
1051 growth in months two (2) and three (3) ADA, months one (1) through
1052 nine (9) ADA of the second preceding year for which funds are
1053 being appropriated or months two (2) and three (3) ADA of the
1054 preceding year for which funds are being appropriated, whichever
1055 is greater, shall be used to calculate the district's MAEP
1056 allocation. The district's average daily attendance shall be
1057 computed and currently maintained in accordance with regulations
1058 promulgated by the State Board of Education. The district's
1059 average daily attendance shall include any student enrolled in a
1060 Dual Enrollment-Dual Credit Program as defined and provided in
1061 Section 37-15-38(19). The State Department of Education shall
1062 make payments for Dual Enrollment-Dual Credit Programs to the home
1063 school in which the student is enrolled, in accordance with
1064 regulations promulgated by the State Board of Education. The
1065 community college providing services to students in a Dual
1066 Enrollment-Dual Credit Program shall require payment from the home
1067 school district for services provided to such students at a rate



1068 of one hundred percent (100%) of ADA. All MAEP/state funding
1069 shall cease upon completion of high school graduation
1070 requirements.

1071 (b) **Determination of base student cost.** Effective with
1072 fiscal year 2011 and every fourth fiscal year thereafter, the
1073 State Board of Education, on or before August 1, with adjusted
1074 estimate no later than January 2, shall submit to the Legislative
1075 Budget Office and the Governor a proposed base student cost
1076 adequate to provide the following cost components of educating a
1077 pupil in a successful school district: (i) instructional cost;
1078 (ii) administrative cost; (iii) operation and maintenance of
1079 plant; and (iv) ancillary support cost. For purposes of these
1080 calculations, the Department of Education shall utilize financial
1081 data from the second preceding year of the year for which funds
1082 are being appropriated.

1083 For the instructional cost component, the Department of
1084 Education shall select districts that have been identified as
1085 instructionally successful and have a ratio of a number of
1086 teachers per one thousand (1,000) students that is between one (1)
1087 standard deviation above the mean and two (2) standard deviations
1088 below the mean of the statewide average of teachers per one
1089 thousand (1,000) students. The instructional cost component shall
1090 be calculated by dividing the latest available months one (1)
1091 through nine (9) ADA into the instructional expenditures of these
1092 selected districts. For the purpose of this calculation, the



1093 Department of Education shall use the following funds, functions
1094 and objects:

1095 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
1096 1210, 1220, 2150-2159 Objects 210 and 215;

1097 Fund 1130 All Functions, Object Code 210 and 215;

1098 Fund 2001 Functions 1110-1199 Objects 100-999;

1099 Fund 2070 Functions 1110-1199 Objects 100-999;

1100 Fund 2420 Functions 1110-1199 Objects 100-999;

1101 Fund 2711 All Functions, Object Code 210 and 215.

1102 Prior to the calculation of the instructional cost component,
1103 there shall be subtracted from the above expenditures any revenue
1104 received for Chickasaw Cession payments, Master Teacher
1105 Certification payments and the district's portion of state revenue
1106 received from the MAEP at-risk allocation.

1107 For the administrative cost component, the Department of
1108 Education shall select districts that have been identified as
1109 instructionally successful and have a ratio of an administrative
1110 staff to nonadministrative staff between one (1) standard
1111 deviation above the mean and two (2) standard deviations below the
1112 mean of the statewide average administrative staff to
1113 nonadministrative staff. The administrative cost component shall
1114 be calculated by dividing the latest available months one (1)
1115 through nine (9) ADA of the selected districts into the
1116 administrative expenditures of these selected districts. For the



1117 purpose of this calculation, the Department of Education shall use
1118 the following funds, functions and objects:

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

1121 Fund 2711 Functions 2300-2599, Functions 2800-2899,
1122 Objects 100-999.

1123 For the plant and maintenance cost component, the Department
1124 of Education shall select districts that have been identified as
1125 instructionally successful and have a ratio of plant and
1126 maintenance expenditures per one hundred thousand (100,000) square
1127 feet of building space and a ratio of maintenance workers per one
1128 hundred thousand (100,000) square feet of building space that are
1129 both between one (1) standard deviation above the mean and two (2)
1130 standard deviations below the mean of the statewide average. The
1131 plant and maintenance cost component shall be calculated by
1132 dividing the latest available months one (1) through nine (9) ADA
1133 of the selected districts into the plant and maintenance
1134 expenditures of these selected districts. For the purpose of this
1135 calculation, the Department of Education shall use the following
1136 funds, functions and objects:

1137 Fund 1120 Functions 2600-2699, Objects 100-699
1138 and Objects 800-999;

1139 Fund 2711 Functions 2600-2699, Objects 100-699
1140 and Objects 800-999;

1141 Fund 2430 Functions 2600-2699, Objects 100-699



1142 and Objects 800-999.

1143 For the ancillary support cost component, the Department of
1144 Education shall select districts that have been identified as
1145 instructionally successful and have a ratio of a number of
1146 librarians, media specialists, guidance counselors and
1147 psychologists per one thousand (1,000) students that is between
1148 one (1) standard deviation above the mean and two (2) standard
1149 deviations below the mean of the statewide average of librarians,
1150 media specialists, guidance counselors and psychologists per one
1151 thousand (1,000) students. The ancillary cost component shall be
1152 calculated by dividing the latest available months one (1) through
1153 nine (9) ADA into the ancillary expenditures instructional
1154 expenditures of these selected districts. For the purpose of this
1155 calculation, the Department of Education shall use the following
1156 funds, functions and objects:

1157 Fund 1120 Functions 2110-2129, Objects 100-999;

1158 Fund 1120 Functions 2140-2149, Objects 100-999;

1159 Fund 1120 Functions 2220-2229, Objects 100-999;

1160 Fund 2001 Functions 2100-2129, Objects 100-999;

1161 Fund 2001 Functions 2140-2149, Objects 100-999;

1162 Fund 2001 Functions 2220-2229, Objects 100-999.

1163 The total base cost for each year shall be the sum of the
1164 instructional cost component, administrative cost component, plant
1165 and maintenance cost component and ancillary support cost
1166 component, and any estimated adjustments for additional state



1167 requirements as determined by the State Board of Education.
1168 Provided, however, that the base student cost in fiscal year 1998
1169 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

1170 For each of the fiscal years between the recalculation of the
1171 base student cost under the provisions of this paragraph (b), the
1172 base student cost shall be increased by an amount equal to forty
1173 percent (40%) of the base student cost for the previous fiscal
1174 year, multiplied by the latest annual rate of inflation for the
1175 State of Mississippi as determined by the State Economist, plus
1176 any adjustments for additional state requirements such as, but not
1177 limited to, teacher pay raises and health insurance premium
1178 increases.

1179 (c) **Determination of the basic adequate education**
1180 **program cost.** The basic amount for current operation to be
1181 included in the Mississippi Adequate Education Program for each
1182 school district shall be computed as follows:

1183 Multiply the average daily attendance of the district by the
1184 base student cost as established by the Legislature, which yields
1185 the total base program cost for each school district.

1186 (d) **Adjustment to the base student cost for at-risk**
1187 **pupils.** The amount to be included for at-risk pupil programs for
1188 each school district shall be computed as follows: Multiply the
1189 base student cost for the appropriate fiscal year as determined
1190 under paragraph (b) by five percent (5%), and multiply that
1191 product by the number of pupils participating in the federal free



1192 school lunch program in such school district, which yields the
1193 total adjustment for at-risk pupil programs for such school
1194 district.

1195 (e) **Add-on program cost.** The amount to be allocated to
1196 school districts and to the Special ESA Fund in addition to the
1197 adequate education program cost for add-on programs for each
1198 school district and the Special ESA Fund shall be computed as
1199 follows:

1200 (i) Transportation cost shall be the amount
1201 allocated to such school district for the operational support of
1202 the district transportation system from state funds.

1203 (ii) Vocational or technical education program
1204 cost shall be the amount allocated to such school district from
1205 state funds for the operational support of such programs.

1206 (iii) Special education program cost shall be the
1207 amount allocated to such school district from state funds for the
1208 operational support of such programs.

1209 (iv) Gifted education program cost shall be the
1210 amount allocated to such school district from state funds for the
1211 operational support of such programs.

1212 (v) Alternative school program cost shall be the
1213 amount allocated to such school district from state funds for the
1214 operational support of such programs.



1215 (vi) Extended school year programs shall be the
1216 amount allocated to school districts for those programs authorized
1217 by law which extend beyond the normal school year.

1218 (vii) University-based programs shall be the
1219 amount allocated to school districts for those university-based
1220 programs for handicapped children as defined and provided for in
1221 Section 37-23-131 et seq., Mississippi Code of 1972.

1222 (viii) Bus driver training programs shall be the
1223 amount provided for those driver training programs as provided for
1224 in Section 37-41-1, Mississippi Code of 1972.

1225 (ix) The Education Scholarship Account (ESA)
1226 program shall be the amount provided for those education
1227 scholarship accounts for eligible students provided for in
1228 Sections 37-181-1 through 37-181-21, Mississippi Code of 72.

1229 The sum of the items listed above (i) transportation, (ii)
1230 vocational or technical education, (iii) special education, (iv)
1231 gifted education, (v) alternative school, (vi) extended school
1232 year, (vii) university-based, * * * (viii) bus driver training,
1233 and (ix) Education Scholarship Account (ESA) program, shall yield
1234 the add-on cost for each school district and the Special ESA Fund.

1235 (f) **Total projected adequate education program cost.**
1236 The total Mississippi Adequate Education Program cost shall be the
1237 sum of the total basic adequate education program cost (paragraph
1238 (c)), and the adjustment to the base student cost for at-risk
1239 pupils (paragraph (d)) for each school district. In any year in



1240 which the MAEP is not fully funded, the Legislature shall direct
1241 the Department of Education in the K-12 appropriation bill as to
1242 how to allocate MAEP funds to school districts for that year.

1243 (g) The State Auditor shall annually verify the State
1244 Board of Education's estimated calculations for the Mississippi
1245 Adequate Education Program that are submitted each year to the
1246 Legislative Budget Office on August 1 and the final calculation
1247 that is submitted on January 2.

1248 (2) **Computation of the required local revenue in support of**
1249 **the adequate education program.** The amount that each district
1250 shall provide toward the cost of the adequate education program
1251 shall be calculated as follows:

1252 (a) The State Department of Education shall certify to
1253 each school district that twenty-eight (28) mills, less the
1254 estimated amount of the yield of the School Ad Valorem Tax
1255 Reduction Fund grants as determined by the State Department of
1256 Education, is the millage rate required to provide the district
1257 required local effort for that year, or twenty-seven percent (27%)
1258 of the basic adequate education program cost for such school
1259 district as determined under paragraph (c), whichever is a lesser
1260 amount. In the case of an agricultural high school, the millage
1261 requirement shall be set at a level which generates an equitable
1262 amount per pupil to be determined by the State Board of Education.
1263 The local contribution amount for school districts in which there
1264 is located one or more charter schools will be calculated using



1265 the following methodology: using the adequate education program
1266 twenty-eight (28) mill value, or the twenty-seven percent (27%)
1267 cap amount (whichever is less) for each school district in which a
1268 charter school is located, an average per pupil amount will be
1269 calculated. This average per pupil amount will be multiplied
1270 times the number of students attending the charter school in that
1271 school district. The sum becomes the charter school's local
1272 contribution to the adequate education program.

1273 (b) The State Department of Education shall determine
1274 the following from the annual assessment information submitted to
1275 the department by the tax assessors of the various counties: (i)
1276 the total assessed valuation of nonexempt property for school
1277 purposes in each school district; (ii) assessed value of exempt
1278 property owned by homeowners aged sixty-five (65) or older or
1279 disabled as defined in Section 27-33-67(2), Mississippi Code of
1280 1972; (iii) the school district's tax loss from exemptions
1281 provided to applicants under the age of sixty-five (65) and not
1282 disabled as defined in Section 27-33-67(1), Mississippi Code of
1283 1972; and (iv) the school district's homestead reimbursement
1284 revenues.

1285 (c) The amount of the total adequate education program
1286 funding which shall be contributed by each school district shall
1287 be the sum of the ad valorem receipts generated by the millage
1288 required under this subsection plus the following local revenue



1289 sources for the appropriate fiscal year which are or may be
1290 available for current expenditure by the school district:

1291 One hundred percent (100%) of Grand Gulf income as prescribed
1292 in Section 27-35-309.

1293 One hundred percent (100%) of any fees in lieu of taxes as
1294 prescribed in Section 27-31-104.

1295 (3) **Computation of the required state effort in support of**
1296 **the adequate education program.**

1297 (a) The required state effort in support of the
1298 adequate education program shall be determined by subtracting the
1299 sum of the required local tax effort as set forth in subsection
1300 (2) (a) of this section and the other local revenue sources as set
1301 forth in subsection (2) (c) of this section in an amount not to
1302 exceed twenty-seven percent (27%) of the total projected adequate
1303 education program cost as set forth in subsection (1) (f) of this
1304 section from the total projected adequate education program cost
1305 as set forth in subsection (1) (f) of this section.

1306 (b) Provided, however, that in fiscal year 2015, any
1307 increase in the said state contribution to any district calculated
1308 under this section shall be not less than six percent (6%) in
1309 excess of the amount received by said district from state funds
1310 for fiscal year 2002; in fiscal year 2016, any increase in the
1311 said state contribution to any district calculated under this
1312 section shall be not less than four percent (4%) in excess of the
1313 amount received by said district from state funds for fiscal year



1314 2002; in fiscal year 2017, any increase in the said state
1315 contribution to any district calculated under this section shall
1316 be not less than two percent (2%) in excess of the amount received
1317 by said district from state funds for fiscal year 2002; and in
1318 fiscal year 2018 and thereafter, any increase in the said state
1319 contribution to any district calculated under this section shall
1320 be zero percent (0%). For purposes of this paragraph (b), state
1321 funds shall include minimum program funds less the add-on
1322 programs, State Uniform Millage Assistance Grant Funds, Education
1323 Enhancement Funds appropriated for Uniform Millage Assistance
1324 Grants and state textbook allocations, and State General Funds
1325 allocated for textbooks.

1326 (c) If the school board of any school district shall
1327 determine that it is not economically feasible or practicable to
1328 operate any school within the district for the full one hundred
1329 eighty (180) days required for a school term of a scholastic year
1330 as required in Section 37-13-63, Mississippi Code of 1972, due to
1331 an enemy attack, a man-made, technological or natural disaster in
1332 which the Governor has declared a disaster emergency under the
1333 laws of this state or the President of the United States has
1334 declared an emergency or major disaster to exist in this state,
1335 said school board may notify the State Department of Education of
1336 such disaster and submit a plan for altering the school term. If
1337 the State Board of Education finds such disaster to be the cause
1338 of the school not operating for the contemplated school term and



1339 that such school was in a school district covered by the
1340 Governor's or President's disaster declaration, it may permit said
1341 school board to operate the schools in its district for less than
1342 one hundred eighty (180) days and, in such case, the State
1343 Department of Education shall not reduce the state contributions
1344 to the adequate education program allotment for such district,
1345 because of the failure to operate said schools for one hundred
1346 eighty (180) days.

1347 (4) The Interim School District Capital Expenditure Fund is
1348 hereby established in the State Treasury which shall be used to
1349 distribute any funds specifically appropriated by the Legislature
1350 to such fund to school districts entitled to increased allocations
1351 of state funds under the adequate education program funding
1352 formula prescribed in Sections 37-151-3 through 37-151-7,
1353 Mississippi Code of 1972, until such time as the said adequate
1354 education program is fully funded by the Legislature. The
1355 following percentages of the total state cost of increased
1356 allocations of funds under the adequate education program funding
1357 formula shall be appropriated by the Legislature into the Interim
1358 School District Capital Expenditure Fund to be distributed to all
1359 school districts under the formula: Nine and two-tenths percent
1360 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
1361 (20%) shall be appropriated in fiscal year 1999, forty percent
1362 (40%) shall be appropriated in fiscal year 2000, sixty percent
1363 (60%) shall be appropriated in fiscal year 2001, eighty percent



1364 (80%) shall be appropriated in fiscal year 2002, and one hundred
1365 percent (100%) shall be appropriated in fiscal year 2003 into the
1366 State Adequate Education Program Fund. Until July 1, 2002, such
1367 money shall be used by school districts for the following
1368 purposes:

1369 (a) Purchasing, erecting, repairing, equipping,
1370 remodeling and enlarging school buildings and related facilities,
1371 including gymnasiums, auditoriums, lunchrooms, vocational training
1372 buildings, libraries, school barns and garages for transportation
1373 vehicles, school athletic fields and necessary facilities
1374 connected therewith, and purchasing land therefor. Any such
1375 capital improvement project by a school district shall be approved
1376 by the State Board of Education, and based on an approved
1377 long-range plan. The State Board of Education shall promulgate
1378 minimum requirements for the approval of school district capital
1379 expenditure plans.

1380 (b) Providing necessary water, light, heating,
1381 air-conditioning, and sewerage facilities for school buildings,
1382 and purchasing land therefor.

1383 (c) Paying debt service on existing capital improvement
1384 debt of the district or refinancing outstanding debt of a district
1385 if such refinancing will result in an interest cost savings to the
1386 district.

1387 (d) From and after October 1, 1997, through June 30,
1388 1998, pursuant to a school district capital expenditure plan



1389 approved by the State Department of Education, a school district
1390 may pledge such funds until July 1, 2002, plus funds provided for
1391 in paragraph (e) of this subsection (4) that are not otherwise
1392 permanently pledged under such paragraph (e) to pay all or a
1393 portion of the debt service on debt issued by the school district
1394 under Sections 37-59-1 through 37-59-45, 37-59-101 through
1395 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
1396 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
1397 issued by boards of supervisors for agricultural high schools
1398 pursuant to Section 37-27-65, Mississippi Code of 1972, or
1399 lease-purchase contracts entered into pursuant to Section 31-7-13,
1400 Mississippi Code of 1972, or to retire or refinance outstanding
1401 debt of a district, if such pledge is accomplished pursuant to a
1402 written contract or resolution approved and spread upon the
1403 minutes of an official meeting of the district's school board or
1404 board of supervisors. It is the intent of this provision to allow
1405 school districts to irrevocably pledge their Interim School
1406 District Capital Expenditure Fund allotments as a constant stream
1407 of revenue to secure a debt issued under the foregoing code
1408 sections. To allow school districts to make such an irrevocable
1409 pledge, the state shall take all action necessary to ensure that
1410 the amount of a district's Interim School District Capital
1411 Expenditure Fund allotments shall not be reduced below the amount
1412 certified by the department or the district's total allotment



1413 under the Interim Capital Expenditure Fund if fully funded, so
1414 long as such debt remains outstanding.

1415 (e) [Repealed]

1416 (f) [Repealed]

1417 (g) The State Board of Education may authorize the
1418 school district to expend not more than twenty percent (20%) of
1419 its annual allotment of such funds or Twenty Thousand Dollars
1420 (\$20,000.00), whichever is greater, for technology needs of the
1421 school district, including computers, software,
1422 telecommunications, cable television, interactive video, film,
1423 low-power television, satellite communications, microwave
1424 communications, technology-based equipment installation and
1425 maintenance, and the training of staff in the use of such
1426 technology-based instruction. Any such technology expenditure
1427 shall be reflected in the local district technology plan approved
1428 by the State Board of Education under Section 37-151-17,
1429 Mississippi Code of 1972.

1430 (h) To the extent a school district has not utilized
1431 twenty percent (20%) of its annual allotment for technology
1432 purposes under paragraph (g), a school district may expend not
1433 more than twenty percent (20%) of its annual allotment or Twenty
1434 Thousand Dollars (\$20,000.00), whichever is greater, for
1435 instructional purposes. The State Board of Education may
1436 authorize a school district to expend more than said twenty
1437 percent (20%) of its annual allotment for instructional purposes



1438 if it determines that such expenditures are needed for
1439 accreditation purposes.

1440 (i) The State Department of Education or the State
1441 Board of Education may require that any project commenced under
1442 this section with an estimated project cost of not less than Five
1443 Million Dollars (\$5,000,000.00) shall be done only pursuant to
1444 program management of the process with respect to design and
1445 construction. Any individuals, partnerships, companies or other
1446 entities acting as a program manager on behalf of a local school
1447 district and performing program management services for projects
1448 covered under this subsection shall be approved by the State
1449 Department of Education.

1450 Any interest accruing on any unexpended balance in the
1451 Interim School District Capital Expenditure Fund shall be invested
1452 by the State Treasurer and placed to the credit of each school
1453 district participating in such fund in its proportionate share.

1454 The provisions of this subsection (4) shall be cumulative and
1455 supplemental to any existing funding programs or other authority
1456 conferred upon school districts or school boards.

1457 (5) The State Department of Education shall make payments to
1458 charter schools for each student in average daily attendance at
1459 the charter school equal to the state share of the adequate
1460 education program payments for each student in average daily
1461 attendance at the school district in which the public charter
1462 school is located. In calculating the local contribution for



1463 purposes of determining the state share of the adequate education
1464 program payments, the department shall deduct the pro rata local
1465 contribution of the school district in which the student resides
1466 as determined in subsection (2)(a) of this section.

1467 **SECTION 17.** Section 37-151-101, Mississippi Code of 1972, is
1468 amended as follows:

1469 37-151-101. It shall be the duty of the State Department of
1470 Education to file with the State Treasurer and the State Fiscal
1471 Officer such data and information as may be required to enable the
1472 said State Treasurer and State Fiscal Officer to distribute the
1473 common school funds and adequate education program funds by
1474 electronic funds transfer to the several school districts and
1475 charter schools, and adequate education program funds by
1476 electronic funds transfer to the Special ESA Fund at the time
1477 required and provided under the provisions of this chapter. Such
1478 data and information so filed shall show in detail the amount of
1479 funds to which each school district and charter school is entitled
1480 from such common school fund and adequate education program fund.
1481 Such data and information so filed may be revised from time to
1482 time as necessitated by law. At the time provided by law, the
1483 State Treasurer and the State Fiscal Officer shall distribute to
1484 the several school districts and charter schools the amounts to
1485 which they are entitled from the common school fund and shall
1486 distribute to the several school districts, charter schools, and
1487 the Special ESA Fund the amounts to which they are entitled from



1488 the adequate education program fund as provided by this chapter.
1489 Such distribution shall be made by electronic funds transfer to
1490 the depositories of the several school districts * * *, charter
1491 schools, and Special ESA Fund designated in writing to the State
1492 Treasurer based upon the data and information supplied by the
1493 State Department of Education for such distribution. In such
1494 instances, the State Treasurer shall submit a request for an
1495 electronic funds transfer to the State Fiscal Officer, which shall
1496 set forth the purpose, amount and payees, and shall be in such
1497 form as may be approved by the State Fiscal Officer so as to
1498 provide the necessary information as would be required for a
1499 requisition and issuance of a warrant. A copy of the record of
1500 said electronic funds transfers shall be transmitted by the school
1501 district and charter school depositories to the Treasurer, who
1502 shall file duplicates, and a duplicate of electronic funds
1503 transfer to the Special ESA Fund with the State Fiscal Officer.
1504 The Treasurer and State Fiscal Officer shall jointly promulgate
1505 regulations for the utilization of electronic funds transfers to
1506 school districts * * *, charter schools, and the Special ESA Fund.

1507 **SECTION 18.** The following shall be codified as Section
1508 37-151-86, Mississippi Code of 1972:

1509 37-151-86. **Allowance of state funds for education**
1510 **scholarship accounts program.** In addition to other funds provided
1511 for in this chapter, there shall be added a distribution from the
1512 Adequate Education Program Fund to the Special ESA Fund which



1513 shall be paid in the following manner: Two (2) business days
1514 prior to the last working day of July, there shall be paid to the
1515 Special ESA Fund, by electronic funds transfer, one-half (1/2) of
1516 the funds to which the Special ESA Fund is entitled from funds
1517 appropriated for the Adequate Education Program Fund; the
1518 remaining one-half (1/2) of appropriated payments shall be on
1519 December 15 or the next business day after that date.

1520 **SECTION 19.** This act shall take effect and be in force from
1521 and after July 1, 2018.

