

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2675
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 12, CHAPTER 441, LAWS OF 2015, TO
2 EXTEND THE AUTOMATIC REPEALER ON THE EDUCATION SCHOLARSHIP ACCOUNT
3 (ESA) PROGRAM; TO AMEND SECTION 37-181-5, MISSISSIPPI CODE OF
4 1972, TO PROVIDE THAT A PARTICIPATING STUDENT IN AN ESA PROGRAM
5 MAY RETURN TO THE HOME SCHOOL DISTRICT AND THE ESA FUNDS SHALL
6 FOLLOW THE STUDENT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 12 of Chapter 441, Laws of 2015, is
9 amended as follows:

10 Section 12. This act shall take effect and be in force from
11 and after its passage and shall stand repealed * * *~~as of June 30,~~
12 ~~2020~~ from and after July 1, 2024.

13 **SECTION 2.** Section 37-181-5, Mississippi Code of 1972, is
14 amended as follows:

15 37-181-5. (1) An eligible student shall qualify to
16 participate in the program if the parent signs an agreement
17 promising:

18 (a) To provide an organized, appropriate educational
19 program with measurable annual goals to their participating
20 student and, to the extent reasonably deemed appropriate by the



21 parent, to provide an education for the qualified student in at
22 least the subjects of reading, grammar, mathematics, social
23 studies and science;

24 (b) To document their participating student's
25 disability at intervals and in a manner required under subsection
26 (8) of this section;

27 (c) Not to enroll their participating student in a
28 public school and to acknowledge as part of the agreement that the
29 home school district has provided clear notice to the parent that
30 the participating student has no individual entitlement to a free
31 appropriate public education (FAPE) from their home school
32 district, including special education and related services, for as
33 long as the student is participating in the program;

34 (d) Not to file for their participating student a
35 certificate of enrollment indicating participation in a home
36 instruction program under Section 37-13-91, Mississippi Code of
37 1972; and

38 (e) Not to participate in the Mississippi Dyslexia
39 Therapy Scholarship for Students with Dyslexia Program or the
40 Mississippi Speech-Language Therapy Scholarship for Students with
41 Speech-Language Impairments Program while participating in the ESA
42 program.

43 (2) Parents shall use the funds deposited in a participating
44 student's ESA for any of the following qualifying expenses to
45 educate the student using any of the below methods or combination



46 of methods that meet the requirement in subsection (1)(a) of this
47 section:

48 (a) Tuition and/or fees at an eligible school;

49 (b) Textbooks;

50 (c) Payment to a tutor;

51 (d) Payment for purchase of curriculum, including any
52 supplemental materials required by the curriculum;

53 (e) Fees for transportation to and from an educational
54 service provider paid to a fee-for-service transportation
55 provider;

56 (f) Tuition and/or fees for online learning programs or
57 courses;

58 (g) Fees for nationally standardized norm-referenced
59 achievement tests, including alternate assessments; and fees for
60 Advanced Placement examinations or similar courses and any
61 examinations related to college or university admission;

62 (h) Educational services or therapies from a licensed
63 or certified practitioner or provider, including licensed or
64 certified paraprofessionals or educational aides;

65 (i) Services provided by a public school, including
66 individual classes and extracurricular programs;

67 (j) Tuition and fees at a postsecondary institution;

68 (k) Textbooks related to coursework at a postsecondary
69 institution;

70 (l) Surety bond payments if required by the department;



71 (m) No more than Fifty Dollars (\$50.00) in annual
72 consumable school supplies necessary for educational services and
73 therapies, daily classroom activities, and tutoring;

74 (n) Computer hardware and software and other
75 technological devices if an eligible school, licensed or certified
76 tutor, licensed or certified educational service practitioner or
77 provider, or licensed medical professional verifies in writing
78 that these items are essential for the student to meet annual,
79 measurable goals. Once a student is no longer eligible for the
80 program, computer hardware and software and other technological
81 devices purchased with ESA funds may be donated to a library or a
82 nonprofit organization with expertise and training in working with
83 parents to educate children with disabilities or a nonprofit
84 organization with expertise and training in working with disabled
85 adults.

86 (3) Neither a participating student, nor anyone on the
87 student's behalf, may receive cash or cash-equivalent items, such
88 as gift cards or store credit, from any refunds or rebates from
89 any provider of services or products in this program. Any refunds
90 or rebates shall be credited directly to the participating
91 student's ESA. The funds in an ESA may only be used for
92 education-related purposes. Eligible schools, postsecondary
93 institutions and educational service providers that serve
94 participating students shall provide parents with a receipt for
95 all qualifying expenses.



96 (4) Payment for educational services through an ESA shall
97 not preclude parents from paying for educational services using
98 non-ESA funds.

99 (5) ESA funds may not be used to attend an eligible school
100 that maintains its primary location in a state other than
101 Mississippi unless that school is approved for the Educable Child
102 Program; or unless the parent verifies in writing that their child
103 cannot reasonably obtain appropriate special education and related
104 services in Mississippi at a location within thirty (30) miles of
105 their legal residence.

106 (6) For purposes of continuity of educational attainment,
107 students who enroll in the program shall remain eligible to
108 receive quarterly ESA payments until the participating student
109 returns to a public school, completes high school, completes the
110 school year in which the student reaches the age of twenty-one
111 (21), or does not have eligibility verified by a parent as
112 required under subsection (8) of this section, whichever occurs
113 first.

114 (7) Any funds remaining in a student's Education Scholarship
115 Account upon completion of high school shall be returned to the
116 state's General Fund.

117 (8) Every three (3) years after initial enrollment in the
118 program, a parent of a participating student, except a student
119 diagnosed as being a person with a permanent disability, shall
120 document that the student continues to be identified by the school



121 district, a federal or state government agency, or a licensed
122 physician or psychometrist as a child with a disability, as
123 defined by the federal Individuals with Disabilities Education Act
124 (20 USCS Section 1401(3)).

125 (9) A participating student shall be allowed to return to
126 his home school district at any time after enrolling in the
127 program * * *, ~~in compliance with regulations adopted by the~~
128 ~~department providing for the least disruptive process for doing~~
129 ~~so.~~ Upon a participating student's return to his home school
130 district, that student's Education Scholarship Account shall
131 be * * * ~~closed and any remaining funds shall be returned to the~~
132 ~~state's General Fund~~ transferred to the student's home school
133 district.

134 (10) The department shall begin accepting applications for
135 the program on July 1, 2015.

136 **SECTION 3.** This act shall take effect and be in force from
137 and after its passage.

