

By: Representatives Crawford, Criswell

To: Education

HOUSE BILL NO. 1072

1 AN ACT TO AMEND SECTIONS 37-181-1, 37-181-3, 37-181-5,
 2 37-181-7 AND 37-181-9, MISSISSIPPI CODE OF 1972, WHICH IS THE
 3 "EQUAL OPPORTUNITY FOR MISSISSIPPI STUDENTS WITH SPECIAL NEEDS
 4 ACT" PROVIDING EDUCATION SCHOLARSHIP ACCOUNT (ESA) FUNDS FOR
 5 ELIGIBLE STUDENTS, TO REVISE COMPONENTS OF THE ESA PROGRAM; TO
 6 AMEND SECTIONS 37-151-5, 37-151-7 AND 37-151-101, MISSISSIPPI CODE
 7 OF 1972, TO INCLUDE EDUCATION SCHOLARSHIP ACCOUNT (ESA) PROGRAMS
 8 AS "ADD-ON PROGRAMS" FUNDED UNDER THE MISSISSIPPI ADEQUATE
 9 EDUCATION PROGRAM AND TO PROVIDE FOR THE DISTRIBUTION FROM THE
 10 MAEP FUND TO THE SPECIAL ESA FUND; TO AMEND SECTION 12 OF CHAPTER
 11 441, LAWS OF 2015, TO DELETE THE AUTOMATIC REPEALER ON THE EQUAL
 12 OPPORTUNITY FOR MISSISSIPPI STUDENTS ACT; AND FOR RELATED
 13 PURPOSES.

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

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

17 37-181-1. This chapter shall be known and may be cited as
 18 "The Equal Opportunity for Mississippi Students * * * Act."

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

21 37-181-3. The terms used in this chapter shall have the
 22 meanings ascribed herein, unless the context clearly indicates
 23 otherwise:



24 (a) "Program" means * * * the Education Scholarship
25 Account (ESA) program created in this chapter.

26 (b) "Education Scholarship Account" or "ESA" means a
27 scholarship account for parents of participating students to use
28 for qualifying expenses pursuant to Section 37-181-5.

29 (* * * c) "Eligible student" means any student
30 who * * * is a resident of the state and meets at least one (1) of
31 the following:

32 (i) Has received a diagnosis for or been
33 identified as having an intellectual disability, hearing
34 impairment, speech or language impairment, visual impairment,
35 serious emotional disturbance, orthopedic impairment, autism,
36 traumatic brain injury, other health impairments, specific
37 learning disability, or any disability or condition that would
38 qualify a student to be designated under the Individuals with
39 Disabilities Education Act (IDEA); or

40 (ii) Has been adopted or has been in the foster
41 care system and achieved permanency through adoption,
42 reunification or permanent guardianship; or

43 (iii) Is the sibling of a current recipient of ESA
44 program funds.

45 (* * * d) "Parent" means a resident of this state who
46 is a parent, legal guardian, custodian or other person with the
47 authority to act on behalf of the eligible student.



48 (* * *e) " * * *Office" means the State Department of
49 Education acting through the Office of Educational Opportunity.

50 (* * *f) "Home school district" means the public
51 school district in which the student resides.

52 (* * *g) "Eligible school" means a nonpublic school
53 that has enrolled a participating student. An eligible school
54 must be accredited by * * * or possess a provisional letter of
55 accreditation from a state * * *, regional or national accrediting
56 agency * * *.

57 (* * *h) "Tutor" means * * * tutoring services
58 provided by a tutor or tutoring facility that is accredited or
59 certified by a state, regional, or national accrediting or
60 certifying organization; or tutoring services provided by a person
61 who is or has been a teacher licensed in any state, or who has
62 taught at a postsecondary institution, or who is a subject-matter
63 expert, or who is approved by the office.

64 (* * *i) "Postsecondary institution" means a community
65 college, college, or university accredited by a state, regional or
66 national accrediting organization.

67 (* * *j) "Educational service provider" means an
68 eligible school, tutor, or other person or organization that
69 provides education-related services and products to participating
70 students.

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



73 37-181-5. (1) An eligible student shall qualify to
74 participate in the ESA program if the parent signs an agreement
75 promising:

76 (a) To provide an organized, appropriate educational
77 program with measurable annual goals to their participating
78 student and, to the extent reasonably deemed appropriate by the
79 parent, to provide an education for the qualified student in at
80 least the subjects of reading, grammar, mathematics, social
81 studies and science;

82 * * *

83 (* * *b) Not to enroll their participating student
84 full time in a public school * * * while participating in the ESA
85 program;

86 (* * *c) Not to file for their participating student a
87 certificate of enrollment indicating participation in a home
88 instruction program under Section 37-13-91, Mississippi Code of
89 1972; and

90 (* * *d) Not to participate in the Mississippi
91 Dyslexia Therapy Scholarship for Students with Dyslexia Program or
92 the Mississippi Speech-Language Therapy Scholarship for Students
93 with Speech-Language Impairments Program while participating in
94 the ESA program.

95 (2) Students with special needs meeting the definition of
96 "eligible student" as prescribed in Section 37-181-3(c)(i) who
97 participate in the program are parental placements under 20 USC



98 1412(a)(10)(A) of the Individuals with Disabilities Education Act
99 (IDEA). The office shall provide all parents of students with
100 special needs with clear and understandable documentation
101 explaining their rights under the program.

102 (* * *3) Parents shall use the funds deposited in a
103 participating student's ESA for any of the following qualifying
104 expenses to educate the student using any of the below methods or
105 combination of methods that meet the requirement in subsection
106 (1)(a) of this section:

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

109 (* * *i) Tuition and/or fees at an eligible
110 school;

111 (* * *ii) Textbooks;

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

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

115 (* * *v) Fees for transportation to and from an
116 educational service provider paid to a fee-for-service
117 transportation provider;

118 (* * *vi) Tuition and/or fees for online learning
119 programs or courses;

120 (* * *vii) Fees for nationally standardized
121 norm-referenced achievement tests, including alternate
122 assessments; and fees for Advanced Placement examinations or



123 similar courses and any examinations related to college or
124 university admission;

125 (viii) Costs directly associated with obtaining a
126 nationally recognized industry certification;

127 (* * *ix) Educational services or therapies from
128 a licensed or certified practitioner or provider, including
129 licensed or certified paraprofessionals or educational aides;

130 (* * *x) Contracted services provided by a public
131 school, including individual classes and extracurricular programs;

132 (* * *xi) Tuition and fees at a postsecondary
133 institution;

134 (* * *xii) Textbooks related to coursework at a
135 postsecondary institution;

136 * * *

137 (* * *xiii) No more than * * * One Hundred
138 Dollars (\$100.00) in annual consumable school supplies necessary
139 for educational services and therapies, daily classroom
140 activities, and tutoring;

141 (* * *b) A parent of a participating student with
142 special needs who has qualified for the program under Section
143 37-181-3(c) (i) may also use ESA funds for:

144 Computer hardware and software and other technological
145 devices if an eligible school, licensed or certified tutor,
146 licensed or certified educational service practitioner or
147 provider, or licensed medical professional verifies in writing



148 that these items are essential for the student to meet annual,
149 measurable goals. Once a student is no longer eligible for the
150 program, computer hardware and software and other technological
151 devices purchased with ESA funds may be donated to a library or a
152 nonprofit organization with expertise and training in working with
153 parents to educate children with disabilities or a nonprofit
154 organization with expertise and training in working with disabled
155 adults.

156 (* * *4) Neither a participating student, nor anyone on the
157 student's behalf, may receive cash or cash-equivalent items, such
158 as gift cards or store credit, from any refunds or rebates from
159 any provider of services or products in this program. Any refunds
160 or rebates shall be credited directly to the participating
161 student's ESA. The funds in an ESA may only be used for
162 education-related purposes. Eligible schools, postsecondary
163 institutions and educational service providers that serve
164 participating students shall provide parents with a receipt for
165 all qualifying expenses.

166 (* * *5) Payment for educational services through an ESA
167 shall not preclude parents from paying for educational services
168 using non-ESA funds.

169 (* * *6) ESA funds may not be used to attend an eligible
170 school that maintains its primary location in a state other than
171 Mississippi unless that school is approved for the Educable Child
172 Program; or unless the parent * * * states in writing to the



173 Office of Educational Opportunity that their child cannot
174 reasonably obtain appropriate * * * services in Mississippi at a
175 location within thirty (30) miles of their legal residence.

176 (* * *7) For purposes of continuity of educational
177 attainment, students who enroll in the program shall remain
178 eligible to receive quarterly ESA payments until the participating
179 student returns to public school, completes high school, or
180 completes the school year in which the student reaches the age of
181 twenty-one (21), * * * whichever occurs first.

182 (* * *8) Any funds remaining in a student's Education
183 Scholarship Account upon completion of high school shall be
184 returned to the * * * Special ESA Fund pursuant to Section
185 37-181-7(2) (a).

186 * * *

187 (9) A participating student shall be allowed to return to
188 his home school district at any time after enrolling in the
189 program, in compliance with regulations adopted by the department
190 providing for the least disruptive process for doing so. * * *

191 (10) The * * * office shall begin accepting applications for
192 the program on July 1, 2015.

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

195 37-181-7. (1) The ESA program created in this chapter shall
196 be limited to five hundred (500) students in the school year
197 2015-2016, with new enrollment limited to five hundred (500)



198 additional students each year thereafter. * * * Each student's
199 ESA shall be funded * * * in the following ways:

200 (a) For students with special needs meeting the
201 definition of "eligible student" as prescribed under Section
202 37-181-3(c) (i), the amount shall be Six Thousand Five Hundred
203 Dollars (\$6,500.00) for school year 2015-2016. For each
204 subsequent year, this amount shall increase or decrease by the
205 same proportion as the base student cost under Section
206 37-151-7(1) (b) is increased or decreased in the previous school
207 year;

208 (b) For all other eligible students, the amount shall
209 be ninety-five percent (95%) of the state share of per student
210 spending, calculated by dividing the amount of Total State Funds
211 expended for public schools in the previous school year by the
212 statewide Student Daily Membership in the previous school year;

213 (2) (a) There is created in the State Treasury a special
214 fund, designated the Special ESA Fund, to pay for the Education
215 Scholarship Accounts established by this chapter. Payments made
216 to this fund shall be an "add-on program cost" as defined in
217 Sections 37-151-5(e) and 37-151-7(1) (e).

218 (b) It shall be the duty of the State Treasurer and the
219 State Fiscal Officer to distribute to the Special ESA Fund, no
220 later than July 15 of each year, the full amount appropriated to
221 the ESA program for said fiscal year.



222 (c) In preparation each year of its budget submission
223 to the Legislative Budget Office and State Fiscal Office, the
224 Office of Educational Opportunity shall calculate the cost of
225 Education Scholarship Accounts for the ensuing fiscal year by
226 multiplying the amount for students prescribed in Section
227 37-181-7(1) (a) by the sum of the number of current participating
228 students plus five hundred (500) pursuant to Section 37-181-7(1).
229 The State Department of Education shall then include this amount
230 as the add-on program cost for the Special ESA Fund in its annual
231 Mississippi Adequate Education Program budget request. The amount
232 requested shall be reduced by any unobligated fund balance
233 remaining in the Special ESA Fund at the end of the previous
234 fiscal year. The budget request shall also contain a report to
235 the Legislature on the number of eligible applicants and funding
236 amounts as prescribed in Section 37-181-7(1). Funds in the
237 Special ESA Fund shall not lapse into the General Fund at the end
238 of a fiscal year.

239 (3) (a) From and after July 1, 2019, there shall be an
240 Office of Educational Opportunity (office) within the State
241 Department of Education to administer the Education Scholarship
242 Account (ESA) program created in Section 37-181-1 et seq. The
243 Office of Educational Opportunity shall administer and implement
244 the requirements of the ESA program as prescribed in said sections
245 and shall be authorized to expend and distribute ESA program
246 payments from the Special ESA Fund to parents of participating



247 students in amounts appropriated by the Legislature and specified
248 for use for the ESA program.

249 (b) The office shall distribute ESA program payments to
250 participating students on a quarterly basis not later than July,
251 October, January and April each year.

252 (* * * 4) * * * Eligible students shall be approved for
253 participation in the program as follows:

254 (a) * * * Participating students * * * are
255 automatically approved * * * for participation for the following
256 year;

257 (b) * * * For new applications, the * * * office shall
258 set an annual application * * * deadline not later than March 15
259 each year and notify up to five hundred (500) new eligible
260 applicants as prescribed in subsection (1) of this section of
261 approval for participation in the program, in addition to the
262 number of ESAs made available through participating students
263 leaving the program. The office shall require parents of newly
264 approved applicants to confirm their student's
265 participation; * * *

266 (c) * * * The office shall set a date before the annual
267 application deadline by which parents of participating students
268 must confirm or deny their student's continued participation in
269 the program for the following school year;

270 (d) The office shall review applications in the order
271 received and notify applicants of eligibility determinations not



272 later than twenty-one (21) days after the submission of an
273 application; and

274 (e) If the office receives more applications than are
275 available ESAs, the office shall maintain a waiting list of
276 eligible students in the order of applications received and
277 approve students from the waiting list for participation in the
278 program on a rolling basis not later than twenty-one (21) days
279 after an ESA is denied by a participating student.

280 (* * * 5) No * * * school district shall be required to
281 provide funding for an ESA.

282 (6) Any funds remaining unused in a participating student's
283 Education Scholarship Account may roll over to be used the next
284 year.

285 (7) The office shall require parents of participating
286 students to confirm or deny their student's participation when no
287 scholarship funds are spent in two (2) consecutive quarters.

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

290 37-181-9. (1) The * * * office shall create a standard form
291 that parents of students submit to establish their student's
292 eligibility for an Education Scholarship Account. The * * *
293 office shall ensure that the application is readily available to
294 interested families through various sources * * *.

295 (2) The * * * office shall provide parents of participating
296 students with a written explanation of the allowable uses of



297 Education Scholarship Accounts, the responsibilities of
298 parents * * *, the duties of the * * * office, and a list of
299 eligible schools in the state as defined in Section
300 37-181-3(g). * * *

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

305 (4) The * * * office may deduct an amount up to a limit of
306 six percent (6%) from * * * funds for Education Scholarship
307 Accounts to cover the costs of overseeing the funds and
308 administering the program in the first five (5) years of the
309 program's operation. The office may deduct an amount up to a
310 limit of four percent (4%) in ensuing years.

311 (5) The office shall require only one (1) of the following
312 to determine eligibility for applicants under Section
313 37-181-3(c) (i):

314 (a) * * * A diagnosis from a licensed physician or
315 clinical psychologist; or

316 (b) * * * An Individualized Education Program (IEP)
317 written in the past five (5) years.

318 (6) The home school district shall provide the parent of a
319 participating student with a complete copy of the student's school
320 records, while complying with the Family Educational Rights and
321 Privacy Act of 1974 (20 USCS Section 1232(g)). The record shall



322 be provided no later than thirty (30) days after a parent signs an
323 agreement to participate in the program.

324 (7) The State Board of Education may contract with a * * *
325 nonprofit organization * * * to administer the program and perform
326 the duties of the office.

327 (8) The office shall invite and meet with at least three (3)
328 parent volunteers and at least one (1) representative of a
329 nonprofit organization that works with participating students and
330 their parents to review office rules and practices once each year
331 and report on findings and solutions to parents.

332 (9) The office shall develop and publish procedures for
333 parents to appeal any determination of ineligibility for the
334 program.

335 (10) The office shall enter into a competitively bid
336 contract with a third-party vendor to develop and administer a
337 system for parents of participating students to access ESA program
338 payments, submit applications, renewals and denials, and find
339 information pertaining to ESA program participation. The system
340 shall make it an option for parents to access payments and submit
341 applications, renewals and denials online via a smart device
342 application or online portal and shall allow educational service
343 providers to invoice the office for qualified expenses consistent
344 with Section 37-181-5(3) and parents to seek preapproval or
345 reimbursement for qualified expenses consistent with Section
346 37-181-5(3) using the online portal or smart device application.



347 (11) The office shall allow parents to electronically submit
348 ESA applications, renewals, and denials year-round as part of the
349 same system in subsection (10) of this section.

350 **SECTION 6.** Section 37-151-5, Mississippi Code of 1972, is
351 amended as follows:

352 37-151-5. As used in Sections 37-151-5 and 37-151-7:

353 (a) "Adequate program" or "adequate education program"
354 or "Mississippi Adequate Education Program (MAEP)" shall mean the
355 program to establish adequate current operation funding levels
356 necessary for the programs of such school district to meet at
357 least a successful Level III rating of the accreditation system as
358 established by the State Board of Education using current
359 statistically relevant state assessment data.

360 (b) "Educational programs or elements of programs not
361 included in the adequate education program calculations, but which
362 may be included in appropriations and transfers to school
363 districts" shall mean:

364 (i) "Capital outlay" shall mean those funds used
365 for the constructing, improving, equipping, renovating or major
366 repairing of school buildings or other school facilities, or the
367 cost of acquisition of land whereon to construct or establish such
368 school facilities.

369 (ii) "Pilot programs" shall mean programs of a
370 pilot or experimental nature usually designed for special purposes



371 and for a specified period of time other than those included in
372 the adequate education program.

373 (iii) "Adult education" shall mean public
374 education dealing primarily with students above eighteen (18)
375 years of age not enrolled as full-time public school students and
376 not classified as students of technical schools, colleges or
377 universities of the state.

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

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

385 (d) "Base student cost" shall mean the funding level
386 necessary for providing an adequate education program for one (1)
387 base student, subject to any minimum amounts prescribed in Section
388 37-151-7(1).

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

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



395 (ii) "Vocational or technical education program"
396 shall mean a secondary vocational or technical program approved by
397 the State Department of Education and provided for from state
398 funds.

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

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

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

410 (vi) "Extended school year programs" shall mean
411 those programs authorized by law which extend beyond the normal
412 school year.

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

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



418 (ix) "Education Scholarship Account (ESA)" program
419 shall mean the ESA program established by Sections 37-181-1
420 through 37-181-21.

421 (f) "Teacher" shall include any employee of a local
422 school who is required by law to obtain a teacher's license from
423 the State Board of Education and who is assigned to an
424 instructional area of work as defined by the State Department of
425 Education.

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

428 (h) "Superintendent" shall mean the head of a school
429 district.

430 (i) "School district" shall mean any type of school
431 district in the State of Mississippi, and shall include
432 agricultural high schools.

433 (j) "Minimum school term" shall mean a term of at least
434 one hundred eighty (180) days of school in which both teachers and
435 pupils are in regular attendance for scheduled classroom
436 instruction for not less than sixty-three percent (63%) of the
437 instructional day, as fixed by the local school board for each
438 school in the school district. It is the intent of the
439 Legislature that any tax levies generated to produce additional
440 local funds required by any school district to operate school
441 terms in excess of one hundred seventy-five (175) days shall not
442 be construed to constitute a new program for the purposes of



443 exemption from the limitation on tax revenues as allowed under
444 Sections 27-39-321 and 37-57-107 for new programs mandated by the
445 Legislature.

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

450 (l) The term "transported children" shall mean children
451 being transported to school who live within legal limits for
452 transportation and who are otherwise qualified for being
453 transported to school at public expense as fixed by Mississippi
454 state law.

455 (m) The term "year of teaching experience" shall mean
456 nine (9) months of actual teaching in the public or private
457 elementary and secondary schools and shall also include nine (9)
458 months of actual teaching at postsecondary institutions accredited
459 by the Southern Association of Colleges and Schools (SACS) or
460 equivalent regional accrediting body for degree-granting
461 postsecondary institutions. In no case shall more than one (1)
462 year of teaching experience be given for all services in one (1)
463 calendar or school year. In determining a teacher's experience,
464 no deduction shall be made because of the temporary absence of the
465 teacher because of illness or other good cause, and the teacher
466 shall be given credit therefor. Beginning with the 2003-2004
467 school year, the State Board of Education shall fix a number of



468 days, not to exceed forty-five (45) consecutive school days,
469 during which a teacher may not be under contract of employment
470 during any school year and still be considered to have been in
471 full-time employment for a regular scholastic term. If a teacher
472 exceeds the number of days established by the State Board of
473 Education that a teacher may not be under contract but may still
474 be employed, that teacher shall not be credited with a year of
475 teaching experience. In determining the experience of school
476 librarians, each complete year of continuous, full-time employment
477 as a professional librarian in a public library in this or some
478 other state shall be considered a year of teaching experience. If
479 a full-time school administrator returns to actual teaching in the
480 public schools, the term "year of teaching experience" shall
481 include the period of time he or she served as a school
482 administrator. In determining the salaries of teachers who have
483 experience in any branch of the military, the term "year of
484 teaching experience" shall include each complete year of actual
485 classroom instruction while serving in the military. In
486 determining the experience of speech-language pathologists and
487 audiologists, each complete year of continuous full-time post
488 master's degree employment in an educational setting in this or
489 some other state shall be considered a year of teaching
490 experience. Provided, however, that school districts are
491 authorized, in their discretion, to negotiate the salary levels
492 applicable to certificated employees employed after July 1, 2009,



493 who are receiving retirement benefits from the retirement system
494 of another state, and the annual experience increment provided in
495 Section 37-19-7 shall not be applicable to any such retired
496 certificated employee.

497 (n) (i) The term "average daily attendance" shall be
498 the figure which results when the total aggregate full-day
499 attendance during the period or months counted is divided by the
500 number of days during the period or months counted upon which both
501 teachers and pupils are in regular attendance for scheduled
502 classroom instruction, * * * less the average daily attendance for
503 self-contained special education classes. For purposes of
504 determining and reporting attendance, a pupil must be present for
505 at least sixty-three percent (63%) of the instructional day, as
506 fixed by the local school board for each school in the school
507 district, in order to be considered in full-day attendance. Prior
508 to full implementation of the adequate education program the
509 department shall deduct the average daily attendance for the
510 alternative school program provided for in Section 37-19-22.

511 (ii) [Repealed]

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

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



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

522 (r) "Department" shall mean the State Department of
523 Education.

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

526 (t) The term "successful school district" shall mean a
527 Level III school district as designated by the State Board of
528 Education using current statistically relevant state assessment
529 data.

530 (u) "Dual enrollment-dual credit programs" shall mean
531 programs for potential or recent high school student dropouts to
532 dually enroll in their home high school and a local community
533 college in a dual credit program consisting of high school
534 completion coursework and a credential, certificate or degree
535 program at the community college, as provided in Section
536 37-15-38(19).

537 (v) "Charter school" means a public school that is
538 established and operating under the terms of a charter contract
539 between the school's governing board and the Mississippi Charter
540 School Authorizer Board.

541 **SECTION 7.** Section 37-151-7, Mississippi Code of 1972, is
542 amended as follows:



543 37-151-7. The annual allocation to each school district for
544 the operation of the adequate education program shall be
545 determined as follows:

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

550 (a) **Determination of average daily attendance.**
551 Effective with fiscal year 2011, the State Department of Education
552 shall determine the percentage change from the prior year of each
553 year of each school district's average of months two (2) and three
554 (3) average daily attendance (ADA) for the three (3) immediately
555 preceding school years of the year for which funds are being
556 appropriated. For any school district that experiences a positive
557 growth in the average of months two (2) and three (3) ADA each
558 year of the three (3) years, the average percentage growth over
559 the three-year period shall be multiplied times the school
560 district's average of months two (2) and three (3) ADA for the
561 year immediately preceding the year for which MAEP funds are being
562 appropriated. The resulting amount shall be added to the school
563 district's average of months two (2) and three (3) ADA for the
564 year immediately preceding the year for which MAEP funds are being
565 appropriated to arrive at the ADA to be used in determining a
566 school district's MAEP allocation. Otherwise, months two (2) and
567 three (3) ADA for the year immediately preceding the year for



568 which MAEP funds are being appropriated will be used in
569 determining a school district's MAEP allocation. In any fiscal
570 year prior to 2010 in which the MAEP formula is not fully funded,
571 for those districts that do not demonstrate a three-year positive
572 growth in months two (2) and three (3) ADA, months one (1) through
573 nine (9) ADA of the second preceding year for which funds are
574 being appropriated or months two (2) and three (3) ADA of the
575 preceding year for which funds are being appropriated, whichever
576 is greater, shall be used to calculate the district's MAEP
577 allocation. The district's average daily attendance shall be
578 computed and currently maintained in accordance with regulations
579 promulgated by the State Board of Education. The district's
580 average daily attendance shall include any student enrolled in a
581 Dual Enrollment-Dual Credit Program as defined and provided in
582 Section 37-15-38(19). The State Department of Education shall
583 make payments for Dual Enrollment-Dual Credit Programs to the home
584 school in which the student is enrolled, in accordance with
585 regulations promulgated by the State Board of Education. The
586 community college providing services to students in a Dual
587 Enrollment-Dual Credit Program shall require payment from the home
588 school district for services provided to such students at a rate
589 of one hundred percent (100%) of ADA. All MAEP/state funding
590 shall cease upon completion of high school graduation
591 requirements.



592 (b) **Determination of base student cost.** Effective with
593 fiscal year 2011 and every fourth fiscal year thereafter, the
594 State Board of Education, on or before August 1, with adjusted
595 estimate no later than January 2, shall submit to the Legislative
596 Budget Office and the Governor a proposed base student cost
597 adequate to provide the following cost components of educating a
598 pupil in a successful school district: (i) instructional cost;
599 (ii) administrative cost; (iii) operation and maintenance of
600 plant; and (iv) ancillary support cost. For purposes of these
601 calculations, the Department of Education shall utilize financial
602 data from the second preceding year of the year for which funds
603 are being appropriated.

604 For the instructional cost component, the Department of
605 Education shall select districts that have been identified as
606 instructionally successful and have a ratio of a number of
607 teachers per one thousand (1,000) students that is between one (1)
608 standard deviation above the mean and two (2) standard deviations
609 below the mean of the statewide average of teachers per one
610 thousand (1,000) students. The instructional cost component shall
611 be calculated by dividing the latest available months one (1)
612 through nine (9) ADA into the instructional expenditures of these
613 selected districts. For the purpose of this calculation, the
614 Department of Education shall use the following funds, functions
615 and objects:

616 Fund 1120 Functions 1110-1199 Objects 100-999, Functions



617 1210, 1220, 2150-2159 Objects 210 and 215;
618 Fund 1130 All Functions, Object Code 210 and 215;
619 Fund 2001 Functions 1110-1199 Objects 100-999;
620 Fund 2070 Functions 1110-1199 Objects 100-999;
621 Fund 2420 Functions 1110-1199 Objects 100-999;
622 Fund 2711 All Functions, Object Code 210 and 215.

623 Prior to the calculation of the instructional cost component,
624 there shall be subtracted from the above expenditures any revenue
625 received for Chickasaw Cession payments, Master Teacher
626 Certification payments and the district's portion of state revenue
627 received from the MAEP at-risk allocation.

628 For the administrative cost component, the Department of
629 Education shall select districts that have been identified as
630 instructionally successful and have a ratio of an administrative
631 staff to nonadministrative staff between one (1) standard
632 deviation above the mean and two (2) standard deviations below the
633 mean of the statewide average administrative staff to
634 nonadministrative staff. The administrative cost component shall
635 be calculated by dividing the latest available months one (1)
636 through nine (9) ADA of the selected districts into the
637 administrative expenditures of these selected districts. For the
638 purpose of this calculation, the Department of Education shall use
639 the following funds, functions and objects:

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



642 Fund 2711 Functions 2300-2599, Functions 2800-2899,
643 Objects 100-999.

644 For the plant and maintenance cost component, the Department
645 of Education shall select districts that have been identified as
646 instructionally successful and have a ratio of plant and
647 maintenance expenditures per one hundred thousand (100,000) square
648 feet of building space and a ratio of maintenance workers per one
649 hundred thousand (100,000) square feet of building space that are
650 both between one (1) standard deviation above the mean and two (2)
651 standard deviations below the mean of the statewide average. The
652 plant and maintenance cost component shall be calculated by
653 dividing the latest available months one (1) through nine (9) ADA
654 of the selected districts into the plant and maintenance
655 expenditures of these selected districts. For the purpose of this
656 calculation, the Department of Education shall use the following
657 funds, functions and objects:

658 Fund 1120 Functions 2600-2699, Objects 100-699
659 and Objects 800-999;

660 Fund 2711 Functions 2600-2699, Objects 100-699
661 and Objects 800-999;

662 Fund 2430 Functions 2600-2699, Objects 100-699
663 and Objects 800-999.

664 For the ancillary support cost component, the Department of
665 Education shall select districts that have been identified as
666 instructionally successful and have a ratio of a number of



667 librarians, media specialists, guidance counselors and
668 psychologists per one thousand (1,000) students that is between
669 one (1) standard deviation above the mean and two (2) standard
670 deviations below the mean of the statewide average of librarians,
671 media specialists, guidance counselors and psychologists per one
672 thousand (1,000) students. The ancillary cost component shall be
673 calculated by dividing the latest available months one (1) through
674 nine (9) ADA into the ancillary expenditures instructional
675 expenditures of these selected districts. For the purpose of this
676 calculation, the Department of Education shall use the following
677 funds, functions and objects:

678 Fund 1120 Functions 2110-2129, Objects 100-999;
679 Fund 1120 Functions 2140-2149, Objects 100-999;
680 Fund 1120 Functions 2220-2229, Objects 100-999;
681 Fund 2001 Functions 2100-2129, Objects 100-999;
682 Fund 2001 Functions 2140-2149, Objects 100-999;
683 Fund 2001 Functions 2220-2229, Objects 100-999.

684 The total base cost for each year shall be the sum of the
685 instructional cost component, administrative cost component, plant
686 and maintenance cost component and ancillary support cost
687 component, and any estimated adjustments for additional state
688 requirements as determined by the State Board of Education.
689 Provided, however, that the base student cost in fiscal year 1998
690 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).



691 For each of the fiscal years between the recalculation of the
692 base student cost under the provisions of this paragraph (b), the
693 base student cost shall be increased by an amount equal to forty
694 percent (40%) of the base student cost for the previous fiscal
695 year, multiplied by the latest annual rate of inflation for the
696 State of Mississippi as determined by the State Economist, plus
697 any adjustments for additional state requirements such as, but not
698 limited to, teacher pay raises and health insurance premium
699 increases.

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

704 Multiply the average daily attendance of the district by the
705 base student cost as established by the Legislature, which yields
706 the total base program cost for each school district.

707 (d) **Adjustment to the base student cost for at-risk**
708 **pupils.** The amount to be included for at-risk pupil programs for
709 each school district shall be computed as follows: Multiply the
710 base student cost for the appropriate fiscal year as determined
711 under paragraph (b) by five percent (5%), and multiply that
712 product by the number of pupils participating in the federal free
713 school lunch program in such school district, which yields the
714 total adjustment for at-risk pupil programs for such school
715 district.



716 (e) **Add-on program cost.** The amount to be allocated to
717 school districts and to the Special ESA Fund in addition to the
718 adequate education program cost for add-on programs for each
719 school district and the Special ESA Fund shall be computed as
720 follows:

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

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

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

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

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

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

739 (vii) University-based programs shall be the
740 amount allocated to school districts for those university-based



741 programs for handicapped children as defined and provided for in
742 Section 37-23-131 et seq., Mississippi Code of 1972.

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

746 (ix) The Education Scholarship Account (ESA)
747 program shall be the amount provided for those education
748 scholarship accounts for eligible students as provided for in
749 Sections 37-181-1 through 37-181-21, Mississippi Code of 1972.

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

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

757 The total Mississippi Adequate Education Program cost shall be the
758 sum of the total basic adequate education program cost (paragraph
759 (c)), and the adjustment to the base student cost for at-risk
760 pupils (paragraph (d)) for each school district. In any year in
761 which the MAEP is not fully funded, the Legislature shall direct
762 the Department of Education in the K-12 appropriation bill as to
763 how to allocate MAEP funds to school districts for that year.

764 (g) The State Auditor shall annually verify the State
765 Board of Education's estimated calculations for the Mississippi



766 Adequate Education Program that are submitted each year to the
767 Legislative Budget Office on August 1 and the final calculation
768 that is submitted on January 2.

769 (2) **Computation of the required local revenue in support of**
770 **the adequate education program.** The amount that each district
771 shall provide toward the cost of the adequate education program
772 shall be calculated as follows:

773 (a) The State Department of Education shall certify to
774 each school district that twenty-eight (28) mills, less the
775 estimated amount of the yield of the School Ad Valorem Tax
776 Reduction Fund grants as determined by the State Department of
777 Education, is the millage rate required to provide the district
778 required local effort for that year, or twenty-seven percent (27%)
779 of the basic adequate education program cost for such school
780 district as determined under paragraph (c), whichever is a lesser
781 amount. In the case of an agricultural high school, the millage
782 requirement shall be set at a level which generates an equitable
783 amount per pupil to be determined by the State Board of Education.
784 The local contribution amount for school districts in which there
785 is located one or more charter schools will be calculated using
786 the following methodology: using the adequate education program
787 twenty-eight (28) mill value, or the twenty-seven percent (27%)
788 cap amount (whichever is less) for each school district in which a
789 charter school is located, an average per pupil amount will be
790 calculated. This average per pupil amount will be multiplied



791 times the number of students attending the charter school in that
792 school district. The sum becomes the charter school's local
793 contribution to the adequate education program.

794 (b) The State Department of Education shall determine
795 the following from the annual assessment information submitted to
796 the department by the tax assessors of the various counties: (i)
797 the total assessed valuation of nonexempt property for school
798 purposes in each school district; (ii) assessed value of exempt
799 property owned by homeowners aged sixty-five (65) or older or
800 disabled as defined in Section 27-33-67(2), Mississippi Code of
801 1972; (iii) the school district's tax loss from exemptions
802 provided to applicants under the age of sixty-five (65) and not
803 disabled as defined in Section 27-33-67(1), Mississippi Code of
804 1972; and (iv) the school district's homestead reimbursement
805 revenues.

806 (c) The amount of the total adequate education program
807 funding which shall be contributed by each school district shall
808 be the sum of the ad valorem receipts generated by the millage
809 required under this subsection plus the following local revenue
810 sources for the appropriate fiscal year which are or may be
811 available for current expenditure by the school district:

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

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



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

818 (a) The required state effort in support of the
819 adequate education program shall be determined by subtracting the
820 sum of the required local tax effort as set forth in subsection
821 (2)(a) of this section and the other local revenue sources as set
822 forth in subsection (2)(c) of this section in an amount not to
823 exceed twenty-seven percent (27%) of the total projected adequate
824 education program cost as set forth in subsection (1)(f) of this
825 section from the total projected adequate education program cost
826 as set forth in subsection (1)(f) of this section.

827 (b) Provided, however, that in fiscal year 2015, any
828 increase in the said state contribution to any district calculated
829 under this section shall be not less than six percent (6%) in
830 excess of the amount received by said district from state funds
831 for fiscal year 2002; in fiscal year 2016, any increase in the
832 said state contribution to any district calculated under this
833 section shall be not less than four percent (4%) in excess of the
834 amount received by said district from state funds for fiscal year
835 2002; in fiscal year 2017, any increase in the said state
836 contribution to any district calculated under this section shall
837 be not less than two percent (2%) in excess of the amount received
838 by said district from state funds for fiscal year 2002; and in
839 fiscal year 2018 and thereafter, any increase in the said state
840 contribution to any district calculated under this section shall



841 be zero percent (0%). For purposes of this paragraph (b), state
842 funds shall include minimum program funds less the add-on
843 programs, State Uniform Millage Assistance Grant Funds, Education
844 Enhancement Funds appropriated for Uniform Millage Assistance
845 Grants and state textbook allocations, and State General Funds
846 allocated for textbooks.

847 (c) If the school board of any school district shall
848 determine that it is not economically feasible or practicable to
849 operate any school within the district for the full one hundred
850 eighty (180) days required for a school term of a scholastic year
851 as required in Section 37-13-63, Mississippi Code of 1972, due to
852 an enemy attack, a man-made, technological or natural disaster in
853 which the Governor has declared a disaster emergency under the
854 laws of this state or the President of the United States has
855 declared an emergency or major disaster to exist in this state,
856 said school board may notify the State Department of Education of
857 such disaster and submit a plan for altering the school term. If
858 the State Board of Education finds such disaster to be the cause
859 of the school not operating for the contemplated school term and
860 that such school was in a school district covered by the
861 Governor's or President's disaster declaration, it may permit said
862 school board to operate the schools in its district for less than
863 one hundred eighty (180) days and, in such case, the State
864 Department of Education shall not reduce the state contributions
865 to the adequate education program allotment for such district,



866 because of the failure to operate said schools for one hundred
867 eighty (180) days.

868 (4) The Interim School District Capital Expenditure Fund is
869 hereby established in the State Treasury which shall be used to
870 distribute any funds specifically appropriated by the Legislature
871 to such fund to school districts entitled to increased allocations
872 of state funds under the adequate education program funding
873 formula prescribed in Sections 37-151-3 through 37-151-7,
874 Mississippi Code of 1972, until such time as the said adequate
875 education program is fully funded by the Legislature. The
876 following percentages of the total state cost of increased
877 allocations of funds under the adequate education program funding
878 formula shall be appropriated by the Legislature into the Interim
879 School District Capital Expenditure Fund to be distributed to all
880 school districts under the formula: Nine and two-tenths percent
881 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
882 (20%) shall be appropriated in fiscal year 1999, forty percent
883 (40%) shall be appropriated in fiscal year 2000, sixty percent
884 (60%) shall be appropriated in fiscal year 2001, eighty percent
885 (80%) shall be appropriated in fiscal year 2002, and one hundred
886 percent (100%) shall be appropriated in fiscal year 2003 into the
887 State Adequate Education Program Fund. Until July 1, 2002, such
888 money shall be used by school districts for the following
889 purposes:



890 (a) Purchasing, erecting, repairing, equipping,
891 remodeling and enlarging school buildings and related facilities,
892 including gymnasiums, auditoriums, lunchrooms, vocational training
893 buildings, libraries, school barns and garages for transportation
894 vehicles, school athletic fields and necessary facilities
895 connected therewith, and purchasing land therefor. Any such
896 capital improvement project by a school district shall be approved
897 by the State Board of Education, and based on an approved
898 long-range plan. The State Board of Education shall promulgate
899 minimum requirements for the approval of school district capital
900 expenditure plans.

901 (b) Providing necessary water, light, heating,
902 air-conditioning, and sewerage facilities for school buildings,
903 and purchasing land therefor.

904 (c) Paying debt service on existing capital improvement
905 debt of the district or refinancing outstanding debt of a district
906 if such refinancing will result in an interest cost savings to the
907 district.

908 (d) From and after October 1, 1997, through June 30,
909 1998, pursuant to a school district capital expenditure plan
910 approved by the State Department of Education, a school district
911 may pledge such funds until July 1, 2002, plus funds provided for
912 in paragraph (e) of this subsection (4) that are not otherwise
913 permanently pledged under such paragraph (e) to pay all or a
914 portion of the debt service on debt issued by the school district



915 under Sections 37-59-1 through 37-59-45, 37-59-101 through
916 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
917 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
918 issued by boards of supervisors for agricultural high schools
919 pursuant to Section 37-27-65, Mississippi Code of 1972, or
920 lease-purchase contracts entered into pursuant to Section 31-7-13,
921 Mississippi Code of 1972, or to retire or refinance outstanding
922 debt of a district, if such pledge is accomplished pursuant to a
923 written contract or resolution approved and spread upon the
924 minutes of an official meeting of the district's school board or
925 board of supervisors. It is the intent of this provision to allow
926 school districts to irrevocably pledge their Interim School
927 District Capital Expenditure Fund allotments as a constant stream
928 of revenue to secure a debt issued under the foregoing code
929 sections. To allow school districts to make such an irrevocable
930 pledge, the state shall take all action necessary to ensure that
931 the amount of a district's Interim School District Capital
932 Expenditure Fund allotments shall not be reduced below the amount
933 certified by the department or the district's total allotment
934 under the Interim Capital Expenditure Fund if fully funded, so
935 long as such debt remains outstanding.

936 (e) [Repealed]

937 (f) [Repealed]

938 (g) The State Board of Education may authorize the
939 school district to expend not more than twenty percent (20%) of



940 its annual allotment of such funds or Twenty Thousand Dollars
941 (\$20,000.00), whichever is greater, for technology needs of the
942 school district, including computers, software,
943 telecommunications, cable television, interactive video, film,
944 low-power television, satellite communications, microwave
945 communications, technology-based equipment installation and
946 maintenance, and the training of staff in the use of such
947 technology-based instruction. Any such technology expenditure
948 shall be reflected in the local district technology plan approved
949 by the State Board of Education under Section 37-151-17,
950 Mississippi Code of 1972.

951 (h) To the extent a school district has not utilized
952 twenty percent (20%) of its annual allotment for technology
953 purposes under paragraph (g), a school district may expend not
954 more than twenty percent (20%) of its annual allotment or Twenty
955 Thousand Dollars (\$20,000.00), whichever is greater, for
956 instructional purposes. The State Board of Education may
957 authorize a school district to expend more than said twenty
958 percent (20%) of its annual allotment for instructional purposes
959 if it determines that such expenditures are needed for
960 accreditation purposes.

961 (i) The State Department of Education or the State
962 Board of Education may require that any project commenced under
963 this section with an estimated project cost of not less than Five
964 Million Dollars (\$5,000,000.00) shall be done only pursuant to



965 program management of the process with respect to design and
966 construction. Any individuals, partnerships, companies or other
967 entities acting as a program manager on behalf of a local school
968 district and performing program management services for projects
969 covered under this subsection shall be approved by the State
970 Department of Education.

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

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

978 (5) The State Department of Education shall make payments to
979 charter schools for each student in average daily attendance at
980 the charter school equal to the state share of the adequate
981 education program payments for each student in average daily
982 attendance at the school district in which the public charter
983 school is located. In calculating the local contribution for
984 purposes of determining the state share of the adequate education
985 program payments, the department shall deduct the pro rata local
986 contribution of the school district in which the student resides
987 as determined in subsection (2) (a) of this section.

988 **SECTION 8.** Section 37-151-101, Mississippi Code of 1972, is
989 amended as follows:



990 37-151-101. It shall be the duty of the State Department of
991 Education to file with the State Treasurer and the State Fiscal
992 Officer such data and information as may be required to enable the
993 said State Treasurer and State Fiscal Officer to distribute the
994 common school funds and adequate education program funds by
995 electronic funds transfer to the several school districts and
996 charter schools, and adequate education program funds by
997 electronic funds transfer to the Special ESA Fund at the time
998 required and provided under the provisions of this chapter. Such
999 data and information so filed shall show in detail the amount of
1000 funds to which each school district and charter school is entitled
1001 from such common school fund and adequate education program fund.
1002 Such data and information so filed may be revised from time to
1003 time as necessitated by law. At the time provided by law, the
1004 State Treasurer and the State Fiscal Officer shall distribute to
1005 the several school districts and charter schools the amounts to
1006 which they are entitled from the common school fund and shall
1007 distribute to the several school districts, charter schools, and
1008 the Special ESA Fund the amounts to which they are entitled from
1009 the adequate education program fund as provided by this chapter.
1010 Such distribution shall be made by electronic funds transfer to
1011 the depositories of the several school districts * * *, charter
1012 schools, and Special ESA Fund designated in writing to the State
1013 Treasurer based upon the data and information supplied by the
1014 State Department of Education for such distribution. In such



1015 instances, the State Treasurer shall submit a request for an
1016 electronic funds transfer to the State Fiscal Officer, which shall
1017 set forth the purpose, amount and payees, and shall be in such
1018 form as may be approved by the State Fiscal Officer so as to
1019 provide the necessary information as would be required for a
1020 requisition and issuance of a warrant. A copy of the record of
1021 said electronic funds transfers shall be transmitted by the school
1022 district and charter school depositories to the Treasurer, who
1023 shall file duplicates, and a duplicate of electronic funds
1024 transfer to the Special ESA Fund with the State Fiscal Officer.
1025 The Treasurer and State Fiscal Officer shall jointly promulgate
1026 regulations for the utilization of electronic funds transfers to
1027 school districts * * *, charter schools, and the Special ESA Fund.

1028 **SECTION 9.** Section 12 of Chapter 441, Laws of 2015, is
1029 amended as follows:

1030 Section 12. This act shall take effect and be in force from
1031 and after its passage * * *.

1032 **SECTION 10.** This act shall take effect and be in force from
1033 and after its passage.

