

By: Senator(s) Tollison

To: Education

## SENATE BILL NO. 2675

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 OPPORTUNITY  
7 WITHIN THE STATE DEPARTMENT OF EDUCATION TO ADMINISTER THE ESA  
8 PROGRAM, TO CLARIFY PARENTAL OBLIGATIONS TO QUALIFY ELIGIBLE  
9 STUDENTS FOR THE PROGRAM, TO CLARIFY THE AUTHORIZED USE OF  
10 EDUCATION SCHOLARSHIP FUNDS, TO PRESCRIBE CERTAIN NORM-REFERENCED  
11 TESTS FOR PARTICIPATING STUDENTS, TO REVISE THE LIMITATIONS ON  
12 ELIGIBLE STUDENT PARTICIPATION IN THE PROGRAM, TO CLARIFY ESA  
13 FUNDING AMOUNTS FOR PARTICIPATING STUDENTS, TO CLARIFY PROCEDURES  
14 FOR STUDENT APPLICATIONS FOR THE PROGRAM, TO CREATE THE SPECIAL  
15 ESA FUND IN THE STATE TREASURY, TO REVISE LIMITS ON ADMINISTRATIVE  
16 COSTS, TO CLARIFY REPORTING REQUIREMENTS BY PARTICIPATING SERVICE  
17 PROVIDERS, AND TO PROVIDE THAT PROGRAM RULES ARE SUBJECT TO THE  
18 REQUIREMENTS OF THE MISSISSIPPI ADMINISTRATIVE PROCEDURES ACT; TO  
19 AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
20 THE PROVISIONS OF THE COMPULSORY SCHOOL ATTENDANCE LAW; TO AMEND  
21 SECTIONS 37-151-5, 37-151-7 AND 37-151-101, MISSISSIPPI CODE OF  
22 1972, TO INCLUDE EDUCATION SCHOLARSHIP ACCOUNT (ESA) PROGRAMS AS  
23 "ADD-ON PROGRAMS" FUNDED UNDER THE MISSISSIPPI ADEQUATE EDUCATION  
24 PROGRAM AND TO PROVIDE FOR THE DISTRIBUTION FROM THE MAEP FUND TO  
25 THE SPECIAL ESA FUND; TO AMEND SECTION 12, CHAPTER 441, LAWS OF  
26 2015, TO DELETE THE AUTOMATIC REPEALER ON THE EDUCATION  
27 SCHOLARSHIP ACCOUNT (ESA) PROGRAM; AND FOR RELATED PURPOSES.

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

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



31 37-181-1. This chapter shall be known and may be cited as  
32 "The Equal Opportunity for Mississippi Students \* \* \* Act."

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

35 37-181-3. The terms used in this chapter shall have the  
36 meanings ascribed herein, unless the context clearly indicates  
37 otherwise:

38 (a) "Program" means \* \* \* the Education Scholarship  
39 Account (ESA) program created in this chapter.

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

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

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

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

50 (iii) Has received a diagnosis for or been  
51 identified as having an intellectual disability, hearing  
52 impairment, speech or language impairment, visual impairment,  
53 serious emotional disturbance, orthopedic impairment, autism,  
54 traumatic brain injury, other health impairments, specific  
55 learning disability, or any disability or condition that would



56 qualify a student to be designated under the Individuals with  
57 Disabilities Education Act (IDEA);

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

61 (v) Has been adopted or has been in the foster  
62 care system and achieved permanency through adoption,  
63 reunification or permanent guardianship; or

64 (vi) Is the sibling of a current recipient of ESA  
65 program funds.

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

69 ( \* \* \*e) " \* \* \*Office" means the State Department of  
70 Education acting through the Office of Educational Opportunity.

71 ( \* \* \*f) "Home school district" means the public  
72 school district in which the student resides.

73 ( \* \* \*g) "Eligible school" means a nonpublic school  
74 that has enrolled a participating student. An eligible school  
75 must be accredited by \* \* \* or possess a provisional letter of  
76 accreditation from a state \* \* \*, regional, or national  
77 accrediting agency \* \* \*.

78 ( \* \* \*h) "Tutor" means \* \* \* tutoring services  
79 provided by a tutor or tutoring facility that is accredited or  
80 certified by a state, regional, or national accrediting or



81 certifying organization; or tutoring services provided by a person  
82 who is or has been a teacher licensed in any state, or who has  
83 taught at a postsecondary institution, or who is a subject-matter  
84 expert, or who is approved by the office.

85 ( \* \* \*i) "Postsecondary institution" means a community  
86 college, college, or university accredited by a state, regional or  
87 national accrediting organization.

88 ( \* \* \*j) "Educational service provider" means an  
89 eligible school, tutor, or other person or organization that  
90 provides education-related services and products to participating  
91 students.

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

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

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

103 \* \* \*



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

107 ( \* \* \*c) Not to file for their participating student a  
108 certificate of enrollment indicating participation in a home  
109 instruction program under Section 37-13-91, Mississippi Code of  
110 1972; and

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

116 (2) Students with special needs meeting the definition of  
117 "eligible student" as prescribed in Section 37-181-3(c)(iii) who  
118 participate in the program are parental placements under 20 USC  
119 1412(a)(10)(A) of the Individuals with Disabilities Education Act  
120 (IDEA). The Office of Educational Opportunity in the State  
121 Department of Education shall provide all parents of students with  
122 special needs with clear and understandable documentation  
123 explaining their rights under the program.

124 (3) Signing an agreement pursuant to subsection (1) of this  
125 section serves as the participating student's certificate of  
126 enrollment under Section 37-13-91, provided that the parents are  
127 using ESA funds on one or more of the educational expenses  
128 authorized in subsection (4) of this section to provide their



129 participating student an education consistent with subsection  
130 (1)(a) of this section.

131 ( \* \* \*4) Parents shall use the funds deposited in a  
132 participating student's ESA for any of the following qualifying  
133 expenses to educate the student using any of the below methods or  
134 combination of methods that meet the requirement in subsection  
135 (1)(a) of this section:

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

138 ( \* \* \*i) Tuition and/or fees at an eligible  
139 school;

140 ( \* \* \*ii) Textbooks;

141 ( \* \* \*iii) Payment to a tutor;

142 ( \* \* \*iv) Payment for purchase of curriculum,  
143 including any supplemental materials required by the curriculum;

144 ( \* \* \*v) No more than One Thousand Dollars  
145 (\$1,000.00) annually for fees for transportation to and from an  
146 educational service provider paid to a fee-for-service  
147 transportation provider;

148 ( \* \* \*vi) Tuition and/or fees for online learning  
149 programs or courses;

150 ( \* \* \*vii) Fees for nationally standardized  
151 norm-referenced achievement tests, including alternate  
152 assessments; and fees for Advanced Placement examinations or



153 similar courses and any examinations related to college or  
154 university admission;

155 (viii) Costs directly associated with obtaining a  
156 nationally recognized industry certification;

157 ( \* \* \*ix) Contracted services provided by a  
158 public school, including individual classes and extracurricular  
159 programs;

160 ( \* \* \*x) Tuition and fees at a postsecondary  
161 institution;

162 ( \* \* \*xi) Textbooks related to coursework at a  
163 postsecondary institution;

164 ( \* \* \*xii) Educational services or therapies from  
165 a licensed or certified practitioner or provider, including  
166 licensed or certified paraprofessionals or educational aides;

167 ( \* \* \*xiii) No more than \* \* \* One Hundred  
168 Dollars (\$100.00) in annual consumable school supplies necessary  
169 for educational services and therapies, daily classroom  
170 activities, and tutoring;

171 \* \* \*

172 ( \* \* \*b) A parent of a participating student with  
173 special needs who has qualified for the program under Section  
174 37-181-3(c)(iii) may also use ESA funds for:

175 Computer hardware and software and other technological  
176 devices if an eligible school, licensed or certified tutor,  
177 licensed or certified educational service practitioner or



178 provider, or licensed medical professional verifies in writing  
179 that these items are essential for the student to meet annual,  
180 measurable goals. Once a student is no longer eligible for the  
181 program, computer hardware and software and other technological  
182 devices purchased with ESA funds may be donated to a library or a  
183 nonprofit organization with expertise and training in working with  
184 parents to educate children with disabilities or a nonprofit  
185 organization with expertise and training in working with disabled  
186 adults.

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

197 ( \* \* \*6) Payment for educational services through an ESA  
198 shall not preclude parents from paying for educational services  
199 using non-ESA funds.

200 ( \* \* \*7) ESA funds may not be used to attend an eligible  
201 school that maintains its primary location in a state other than  
202 Mississippi unless that school is approved for the Educable Child





203 Program; or unless the parent \* \* \* states in writing to the  
204 Office of Educational Opportunity that their child cannot  
205 reasonably obtain appropriate \* \* \* services in Mississippi at a  
206 location within thirty (30) miles of their legal residence.

207 ( \* \* \* 8) For purposes of continuity of educational  
208 attainment, students who enroll in the program shall remain \* \* \*  
209 participating students \* \* \* until returning to \* \* \* public  
210 school, \* \* \* completing high school, \* \* \* or reaching the age of  
211 twenty-one (21), \* \* \* whichever occurs first.

212 (9) Any funds remaining unused in a participating student's  
213 Education Scholarship Account may roll over to be used the next  
214 year.

215 ( \* \* \* 10) Any funds remaining in a student's Education  
216 Scholarship Account upon completion of high school shall be  
217 returned to the state's \* \* \* Special ESA Fund pursuant to Section  
218 37-181-7(2) (a).

219 \* \* \*

220 ( \* \* \* 11) A participating student shall be allowed to  
221 return to his home school district at any time after enrolling in  
222 the program \* \* \*. Upon a participating student's return to his  
223 home school district, that student's Education Scholarship Account  
224 shall be closed and any remaining funds shall be \* \* \* transferred  
225 to the student's home school district.

226 ( \* \* \* 12) \* \* \* In Grades 3 through 8 parents shall ensure  
227 their participating student is administered a national



228 norm-referenced achievement test that measures learning in  
229 mathematics and language arts. In Grade 11 parents shall ensure  
230 their participating student takes a test used for undergraduate  
231 college admissions.

232 (a) The results of these tests shall be reported to  
233 parents.

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

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

239 37-181-7. (1) \* \* \* Beginning with the 2019-2020 school  
240 year, the number of Education Scholarship Accounts available  
241 through the ESA program created in this chapter shall be limited  
242 to the equivalent of one-half of one percent (.5%) of the  
243 estimated statewide total public school enrollment in the  
244 preceding school year, with new enrollment limited to an  
245 additional one percent (1%) of the statewide public school  
246 enrollment each year thereafter.

247 (2) \* \* \* (a) \* \* \* There is created in the State Treasury  
248 a fund, designated the Special ESA Fund, to pay for the Education  
249 Scholarship Accounts established by this chapter. Payments made  
250 to this fund shall be an "add-on program cost" as defined in  
251 Sections 37-151-5(e) and 37-151-7(1) (e).



252           (b) \* \* \* It shall be the duty of the State Treasurer  
253 and the State Fiscal Officer to distribute to the Special ESA  
254 Fund, no later than July 15 of each year, the full amount  
255 appropriated to the ESA program for said fiscal year.

256           (c) \* \* \* In preparation each year of its budget  
257 submission to the Legislative Budget Office and State Fiscal  
258 Office, the Office of Educational Opportunity shall calculate the  
259 cost of Education Scholarship Accounts for the ensuing fiscal year  
260 by multiplying fifty percent (50%) of accounts as defined in  
261 Section 37-181-7(1) by the amount prescribed in Section  
262 37-181-7(4) (a) and adding to that number fifty percent (50%) of  
263 accounts as defined in Section 37-181-7(1) multiplied by the  
264 amount prescribed in Section 37-181-7(4) (b). The State Department  
265 of Education shall then include this amount as the add-on program  
266 cost for the Special ESA Fund in its annual Mississippi Adequate  
267 Education Program budget request. The amount requested shall be  
268 reduced by any unobligated fund balance remaining in the Special  
269 ESA Fund at the end of the previous fiscal year. The budget  
270 request shall also contain a report to the Legislature on the  
271 number of eligible applicants and funding amounts as prescribed in  
272 subsections (1) and (4) of this section. Funds in the Special ESA  
273 Fund shall not lapse to the General Fund at the end of a fiscal  
274 year.

275           (3) \* \* \* (a) From and after July 1, 2019, there shall be  
276 an Office of Educational Opportunity (office) within the State



277 Department of Education to administer the Education Scholarship  
278 Account (ESA) program created in Section 37-181-1 et seq. The  
279 Office of Educational Opportunity shall administer and implement  
280 the requirements of the ESA program as prescribed in said sections  
281 and shall be authorized to expend and distribute ESA program  
282 payments from the Special ESA Fund to parents of participating  
283 students in amounts appropriated by the Legislature and specified  
284 for use for the ESA program.

285 (b) The office shall distribute ESA program payments to  
286 parents of participating students on a quarterly basis not later  
287 than July, October, January and April each year.

288 (4) Each student's ESA shall be funded at one (1) of the  
289 following amounts:

290 (a) For students with special needs meeting the  
291 definition of "eligible student" as prescribed under Section  
292 37-181-3(c)(iii), the amount shall be Six Thousand Five Hundred  
293 Dollars (\$6,500.00) for school year 2015-2016. For each  
294 subsequent year, this amount shall increase or decrease by the  
295 same proportion as the base student cost under Section  
296 37-151-7(1)(b) is increased or decreased in the previous school  
297 year;

298 (b) For all other participating students, the amount  
299 shall be ninety-five percent (95%) of the state share of  
300 per-student spending, calculated by dividing the amount of Total  
301 State Funds expended for public schools in the previous school



302 year by the statewide Student Daily Membership in the previous  
303 school year.

304 (5) Participating students are automatically approved for  
305 participation for the following year.

306 (6) For new applications, the office shall set an annual  
307 application deadline not later than March 15 each year and notify  
308 eligible applicants up to annual enrollment limits as prescribed  
309 by subsection (1) of this section of approval for participation in  
310 the program. The office shall require parents of newly approved  
311 applicants to confirm their student's participation.

312 (7) The office shall review applications year-round and  
313 notify applicants of eligibility determinations not later than  
314 twenty-one (21) days after the submission of an application.

315 (8) The office shall set a date before the annual  
316 application deadline by which parents of participating students  
317 must confirm or deny their student's continued participation in  
318 the program for the following school year.

319 (9) If the office receives more applications by the annual  
320 application deadline than are available ESAs as provided for in  
321 subsection (1) of this section, the office shall conduct an annual  
322 random selection process not later than March 30 that gives first  
323 preference to students with special needs eligible under Section  
324 37-181-3(c) (iii) and second preference to students within a  
325 household with a household income not greater than two hundred  
326 fifty percent (250%) of the federal poverty level.



327       (10) In a year in which a random selection process occurs as  
328 prescribed in subsection (9) of this section, the office shall  
329 notify parents of eligible students who are not approved for  
330 participation in the program that their applications will be  
331 placed on a waiting list. When ESAs are denied by participating  
332 students, the office shall continue to enroll eligible applicants  
333 from a waiting list in the order applications are received with a  
334 process that gives first preference to students with special needs  
335 eligible under Section 37-181-3(c)(iii) and second preference to  
336 students within a household with a household income not greater  
337 than two hundred fifty percent (250%) of the federal poverty  
338 level.

339       (11) The office shall require parents of participating  
340 students to confirm or deny their student's participation when no  
341 scholarship funds are spent in two (2) consecutive quarters.

342       (12) The State Board of Education may contract with a  
343 nonprofit organization to administer the program and perform the  
344 duties of the office.

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

347       37-181-9. (1) The \* \* \* Office of Educational Opportunity  
348 in the State Department of Education shall create a standard form  
349 that parents of students submit to establish their student's  
350 eligibility for an Education Scholarship Account. The \* \* \*



351 office shall ensure that the application is readily available to  
352 interested families through various sources \* \* \*.

353 (2) The \* \* \* office shall provide parents of participating  
354 students with a written explanation of the allowable uses of  
355 Education Scholarship Accounts, the responsibilities of parents  
356 and the duties of the \* \* \* office, as well as a list of eligible  
357 schools in the state as defined in Section 37-181-3(g). \* \* \*

358 (3) The \* \* \* office shall annually notify all students with  
359 an IEP of the existence of the program and shall ensure that  
360 lower-income families are made aware of their potential  
361 eligibility.

362 (4) The \* \* \* office may deduct an amount up to a limit of  
363 six percent (6%) from \* \* \* funds for Education Scholarship  
364 Accounts to cover the costs of overseeing the funds and  
365 administering the program in the first five (5) years of the  
366 program's operation. The office may deduct an amount up to a  
367 limit of four percent (4%) in ensuing years.

368 (5) The office shall require only one (1) of the following  
369 to determine eligibility for applicants under Section  
370 37-181-3(c) (iii):

371 (a) \* \* \* A diagnosis from a licensed physician or  
372 clinical psychologist; or

373 (b) \* \* \* An Individualized Education Program (IEP)  
374 written in the past five (5) years.



375 (6) The home school district shall provide the parent of a  
376 participating student with a complete copy of the student's school  
377 records, while complying with the Family Educational Rights and  
378 Privacy Act of 1974 (20 USCS Section 1232(g)). The record shall  
379 be provided no later than thirty (30) days after a parent signs an  
380 agreement to participate in the program.

381 \* \* \*

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

384 37-181-11. (1) To ensure that funds are spent  
385 appropriately, the State \* \* \* Department of Education shall adopt  
386 rules and policies necessary for the administration of the  
387 program, including the auditing of Education Scholarship Accounts,  
388 and shall conduct or contract for random audits throughout the  
389 year.

390 (2) \* \* \* The office shall enter into a competitively bid  
391 contract with a third-party vendor to develop and administer a  
392 system for parents of participating students to access ESA program  
393 payments, submit applications, renewals, and denials, and find  
394 information pertaining to ESA program participation. The system  
395 shall make it an option for parents to access payments and submit  
396 applications, renewals, and denials online via a smart device  
397 application or online portal and shall allow educational service  
398 providers to invoice the office for qualified expenses consistent  
399 with Section 37-181-5(4) and parents to seek preapproval or





400 reimbursement for qualified expenses consistent with Section  
401 37-181-5(4) using the online portal or smart device application.

402 (3) The \* \* \* office shall adopt a process for removing  
403 educational service providers that defraud parents and for  
404 referring cases of fraud to law enforcement.

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

407 (5) The \* \* \* office shall establish or contract for the  
408 establishment of an anonymous telephone hotline for fraud  
409 reporting.

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

415 (7) The office shall allow parents to electronically submit  
416 ESA applications, renewals and denials year-round as part of the  
417 same system in subsection (2) of this section.

418 (8) The office shall develop and publish procedures for  
419 parents to appeal any determination of ineligibility for the  
420 program.

421 (9) The office shall invite and meet with at least three (3)  
422 parent volunteers and at least one (1) representative of a  
423 nonprofit organization that works with participating students and  
424 their parents to review department rules and practices once each



425 year and report on findings and solutions to participating  
426 parents.

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

429 37-181-13. (1) The Joint Legislative Committee on  
430 Performance Evaluation and Expenditure Review (PEER) shall prepare  
431 a \* \* \* report every three (3) years, \* \* \* assessing the  
432 sufficiency of funding for Education Scholarship Accounts and  
433 recommending any suggested changes in state law or policy  
434 necessary to improve the program.

435 (2) The report shall assess:

436 (a) The level of participating students' satisfaction  
437 with the program;

438 (b) The level of parental satisfaction with the  
439 program;

440 \* \* \*

441 ( \* \* \* c) The high school graduation rates and college  
442 acceptance rates of participating students;

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

445 ( \* \* \* e) The fiscal impact to the state and home  
446 school districts of the program, which must consider both the  
447 impact on revenue and the impact on expenses. Furthermore, the  
448 fiscal savings associated with students departing public schools



449 must be explicitly quantified, even if the public school losing  
450 the student(s) does not reduce its spending accordingly \* \* \*; and

451 (f) The academic outcomes of participating students as  
452 reported by schools pursuant to Section 37-181-17(1)(d) with  
453 consideration for students' length of time in the program and the  
454 types of tests administered.

455 (3) The report shall:

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

458 (b) Protect the identity of participating students and  
459 schools by, among other things, keeping anonymous all  
460 disaggregated data.

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

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

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

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

471 37-181-15. To ensure that students are treated fairly and  
472 kept safe, all eligible schools shall:



473 (a) Comply with the nondiscrimination policies set  
474 forth in 42 USCS 1981;

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

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

481 (d) Hold a valid occupancy permit if required by their  
482 municipality;

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

484 \* \* \*

485 ( \* \* \* f) Conduct criminal background checks on  
486 employees. The eligible school then shall:

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

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

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

493 37-181-17. (1) An eligible nonpublic school is autonomous  
494 and not an agent of the state or federal government and therefore:

495 (a) The \* \* \* Office of Educational Opportunity in the  
496 State Department of Education shall not in any way regulate the  
497 educational program of a nonpublic school, postsecondary



498 institution or educational service provider that accepts funds  
499 from the parent of a participating student;

500 (b) The creation of the Education Scholarship Account  
501 program does not expand the regulatory authority of the state, its  
502 officers, or any school district to impose any additional  
503 regulation of nonpublic schools, postsecondary institutions or  
504 educational service providers beyond those necessary to enforce  
505 the requirements of the program; \* \* \*

506 (c) Eligible schools, postsecondary institutions and  
507 educational service providers shall be given the maximum freedom  
508 to provide for the educational needs of their students without  
509 governmental control. No eligible school, postsecondary  
510 institution or educational service provider shall be required to  
511 alter its creed, practices, admission policies or curriculum in  
512 order to accept participating students \* \* \*; and

513 (d) Eligible schools, postsecondary institutions and  
514 educational service providers shall not be required to report data  
515 to the office or any other entity, except in cases where eligible  
516 schools that administer tests as prescribed in Section  
517 37-181-5(12) and have thirty (30) or more participating students  
518 enrolled full time shall make available to the Joint Legislative  
519 Committee on Performance Evaluation and Expenditure Review (PEER)  
520 upon request the aggregate test scores of all participating  
521 students tested pursuant to Section 37-181-5(12).



522 (2) In any legal proceeding challenging the application of  
523 this chapter to an eligible school, postsecondary institution or  
524 educational service provider the state bears the burden of  
525 establishing that the law is necessary and does not impose any  
526 undue burden on the eligible school, postsecondary institution or  
527 educational service provider.

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

530 37-181-19. The Office of Educational Opportunity in the  
531 State Department of Education may receive and expend contributions  
532 from any public or private source to fund ESAs for participating  
533 students.

534 **SECTION 11.** The following shall be codified as Section  
535 37-181-20, Mississippi Code of 1972:

536 37-181-20. The provisions of this article requiring the  
537 Office of Educational Opportunity in the State Department of  
538 Education to promulgate rules and regulations and to develop  
539 procedures, forms and any other policies for the administration of  
540 the provisions contained herein are subject to the Mississippi  
541 Administrative Procedures Act.

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

544 37-181-21. If any provision of this law or its application  
545 is held invalid, the invalidity does not affect other provisions  
546 or applications of this law which can be given effect without the



547 invalid provision or application and to this end the provisions of  
548 this law are severable.

549         **SECTION 13.** Section 37-13-91, Mississippi Code of 1972, is  
550 amended as follows:

551             37-13-91. (1) This section shall be referred to as the  
552 "Mississippi Compulsory School Attendance Law."

553             (2) The following terms as used in this section are defined  
554 as follows:

555                 (a) "Parent" means the father or mother to whom a child  
556 has been born, or the father or mother by whom a child has been  
557 legally adopted.

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

561                 (c) "Custodian" means any person having the present  
562 care or custody of a child, other than a parent or guardian of the  
563 child.

564                 (d) "School day" means not less than five and one-half  
565 (5-1/2) and not more than eight (8) hours of actual teaching in  
566 which both teachers and pupils are in regular attendance for  
567 scheduled schoolwork.

568                 (e) "School" means any public school, including a  
569 charter school, in this state or any nonpublic school in this  
570 state which is in session each school year for at least one  
571 hundred eighty (180) school days, except that the "nonpublic"



572 school term shall be the number of days that each school shall  
573 require for promotion from grade to grade.

574 (f) "Compulsory-school-age child" means a child who has  
575 attained or will attain the age of six (6) years on or before  
576 September 1 of the calendar year and who has not attained the age  
577 of seventeen (17) years on or before September 1 of the calendar  
578 year; and shall include any child who has attained or will attain  
579 the age of five (5) years on or before September 1 and has  
580 enrolled in a full-day public school kindergarten program.

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

583 (h) "Appropriate school official" means the  
584 superintendent of the school district, or his designee, or, in the  
585 case of a nonpublic school, the principal or the headmaster.

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

592 (3) A parent, guardian or custodian of a  
593 compulsory-school-age child in this state shall cause the child to  
594 enroll in and attend a public school or legitimate nonpublic  
595 school for the period of time that the child is of compulsory  
596 school age, except under the following circumstances:





597 (a) When a compulsory-school-age child is physically,  
598 mentally or emotionally incapable of attending school as  
599 determined by the appropriate school official based upon  
600 sufficient medical documentation.

601 (b) When a compulsory-school-age child is enrolled in  
602 and pursuing a course of special education, remedial education or  
603 education for handicapped or physically or mentally disadvantaged  
604 children.

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

607 (d) When a compulsory-school-age child is participating  
608 in the Education Scholarship Account (ESA) program as provided in  
609 Section 37-181-1 et seq.

610 The parent, guardian or custodian of a compulsory-school-age  
611 child described in this subsection, or the parent, guardian or  
612 custodian of a compulsory-school-age child attending any charter  
613 school or nonpublic school, or the appropriate school official for  
614 any or all children attending a charter school or nonpublic school  
615 shall complete a "certificate of enrollment" in order to  
616 facilitate the administration of this section. The parent,  
617 guardian or custodian of a student participating in the Education  
618 Scholarship Account (ESA) program and using ESA funds under  
619 Section 37-181-5 et seq., Mississippi Code of 1972, or the  
620 appropriate school official for any or all students participating



621 in the ESA program shall complete a "certificate of enrollment" in  
622 order to facilitate the administration of this section.

623 The form of the certificate of enrollment shall be prepared  
624 by the Office of Compulsory School Attendance Enforcement of the  
625 State Department of Education and shall be designed to obtain the  
626 following information only:

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

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

631 (iii) A simple description of the type of  
632 education the compulsory-school-age child is receiving and, if the  
633 child is enrolled in a nonpublic school, the name and address of  
634 the school; and

635 (iv) The signature of the parent, guardian or  
636 custodian of the compulsory-school-age child or, for any or all  
637 compulsory-school-age child or children attending a charter school  
638 or nonpublic school, the signature of the appropriate school  
639 official and the date signed.

640 The certificate of enrollment shall be returned to the school  
641 attendance officer where the child resides on or before September  
642 15 of each year. Any parent, guardian or custodian found by the  
643 school attendance officer to be in noncompliance with this section  
644 shall comply, after written notice of the noncompliance by the  
645 school attendance officer, with this subsection within ten (10)



646 days after the notice or be in violation of this section.  
647 However, in the event the child has been enrolled in a public  
648 school within fifteen (15) calendar days after the first day of  
649 the school year as required in subsection (6), the parent or  
650 custodian may, at a later date, enroll the child in a legitimate  
651 nonpublic school or legitimate home instruction program or  
652 Education Scholarship Account (ESA) program and send the  
653 certificate of enrollment to the school attendance officer and be  
654 in compliance with this subsection.

655 For the purposes of this subsection, a legitimate nonpublic  
656 school or legitimate home instruction or Education Scholarship  
657 Account (ESA) program shall be those not operated or instituted  
658 for the purpose of avoiding or circumventing the Compulsory School  
659 Attendance Law.

660 (4) An "unlawful absence" is an absence for an entire school  
661 day or during part of a school day by a compulsory-school-age  
662 child, which absence is not due to a valid excuse for temporary  
663 nonattendance. For purposes of reporting absenteeism under  
664 subsection (6) of this section, if a compulsory-school-age child  
665 has an absence that is more than thirty-seven percent (37%) of the  
666 instructional day, as fixed by the school board for the school at  
667 which the compulsory-school-age child is enrolled, the child must  
668 be considered absent the entire school day. Days missed from  
669 school due to disciplinary suspension shall not be considered an



670 "excused" absence under this section. This subsection shall not  
671 apply to children enrolled in a nonpublic school.

672 Each of the following shall constitute a valid excuse for  
673 temporary nonattendance of a compulsory-school-age child enrolled  
674 in a noncharter public school, provided satisfactory evidence of  
675 the excuse is provided to the superintendent of the school  
676 district, or his designee:

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

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

686 (c) An absence is excused when isolation of a  
687 compulsory-school-age child is ordered by the county health  
688 officer, by the State Board of Health or appropriate school  
689 official.

690 (d) An absence is excused when it results from the  
691 death or serious illness of a member of the immediate family of a  
692 compulsory-school-age child. The immediate family members of a  
693 compulsory-school-age child shall include children, spouse,



694 grandparents, parents, brothers and sisters, including  
695 stepbrothers and stepsisters.

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

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

702 (g) An absence may be excused if the religion to which  
703 the compulsory-school-age child or the child's parents adheres,  
704 requires or suggests the observance of a religious event. The  
705 approval of the absence is within the discretion of the  
706 superintendent of the school district, or his designee, but  
707 approval should be granted unless the religion's observance is of  
708 such duration as to interfere with the education of the child.

709 (h) An absence may be excused when it is demonstrated  
710 to the satisfaction of the superintendent of the school district,  
711 or his designee, that the purpose of the absence is to take  
712 advantage of a valid educational opportunity such as travel,  
713 including vacations or other family travel. Approval of the  
714 absence must be gained from the superintendent of the school  
715 district, or his designee, before the absence, but the approval  
716 shall not be unreasonably withheld.

717 (i) An absence may be excused when it is demonstrated  
718 to the satisfaction of the superintendent of the school district,



719 or his designee, that conditions are sufficient to warrant the  
720 compulsory-school-age child's nonattendance. However, no absences  
721 shall be excused by the school district superintendent, or his  
722 designee, when any student suspensions or expulsions circumvent  
723 the intent and spirit of the Compulsory School Attendance Law.

724 (j) An absence is excused when it results from the  
725 attendance of a compulsory-school-age child participating in  
726 official organized events sponsored by the 4-H or Future Farmers  
727 of America (FFA). The excuse for the 4-H or FFA event must be  
728 provided in writing to the appropriate school superintendent by  
729 the Extension Agent or High School Agricultural Instructor/FFA  
730 Advisor.

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

735 (5) Any parent, guardian or custodian of a  
736 compulsory-school-age child subject to this section who refuses or  
737 willfully fails to perform any of the duties imposed upon him or  
738 her under this section or who intentionally falsifies any  
739 information required to be contained in a certificate of  
740 enrollment, shall be guilty of contributing to the neglect of a  
741 child and, upon conviction, shall be punished in accordance with  
742 Section 97-5-39.



743           Upon prosecution of a parent, guardian or custodian of a  
744 compulsory-school-age child for violation of this section, the  
745 presentation of evidence by the prosecutor that shows that the  
746 child has not been enrolled in school within eighteen (18)  
747 calendar days after the first day of the school year of the public  
748 school which the child is eligible to attend, or that the child  
749 has accumulated twelve (12) unlawful absences during the school  
750 year at the public school in which the child has been enrolled,  
751 shall establish a prima facie case that the child's parent,  
752 guardian or custodian is responsible for the absences and has  
753 refused or willfully failed to perform the duties imposed upon him  
754 or her under this section. However, no proceedings under this  
755 section shall be brought against a parent, guardian or custodian  
756 of a compulsory-school-age child unless the school attendance  
757 officer has contacted promptly the home of the child and has  
758 provided written notice to the parent, guardian or custodian of  
759 the requirement for the child's enrollment or attendance.

760           (6) If a compulsory-school-age child has not been enrolled  
761 in a school within fifteen (15) calendar days after the first day  
762 of the school year of the school which the child is eligible to  
763 attend or the child has accumulated five (5) unlawful absences  
764 during the school year of the public school in which the child is  
765 enrolled, the school district superintendent, or his designee,  
766 shall report, within two (2) school days or within five (5)  
767 calendar days, whichever is less, the absences to the school



768 attendance officer. The State Department of Education shall  
769 prescribe a uniform method for schools to utilize in reporting the  
770 unlawful absences to the school attendance officer. The  
771 superintendent, or his designee, also shall report any student  
772 suspensions or student expulsions to the school attendance officer  
773 when they occur.

774 (7) When a school attendance officer has made all attempts  
775 to secure enrollment and/or attendance of a compulsory-school-age  
776 child and is unable to effect the enrollment and/or attendance,  
777 the attendance officer shall file a petition with the youth court  
778 under Section 43-21-451 or shall file a petition in a court of  
779 competent jurisdiction as it pertains to parent or child.  
780 Sheriffs, deputy sheriffs and municipal law enforcement officers  
781 shall be fully authorized to investigate all cases of  
782 nonattendance and unlawful absences by compulsory-school-age  
783 children, and shall be authorized to file a petition with the  
784 youth court under Section 43-21-451 or file a petition or  
785 information in the court of competent jurisdiction as it pertains  
786 to parent or child for violation of this section. The youth court  
787 shall expedite a hearing to make an appropriate adjudication and a  
788 disposition to ensure compliance with the Compulsory School  
789 Attendance Law, and may order the child to enroll or re-enroll in  
790 school. The superintendent of the school district to which the  
791 child is ordered may assign, in his discretion, the child to the





792 alternative school program of the school established pursuant to  
793 Section 37-13-92.

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

798 (9) Notwithstanding any provision or implication herein to  
799 the contrary, it is not the intention of this section to impair  
800 the primary right and the obligation of the parent or parents, or  
801 person or persons in loco parentis to a child, to choose the  
802 proper education and training for such child, and nothing in this  
803 section shall ever be construed to grant, by implication or  
804 otherwise, to the State of Mississippi, any of its officers,  
805 agencies or subdivisions any right or authority to control,  
806 manage, supervise or make any suggestion as to the control,  
807 management or supervision of any private or parochial school or  
808 institution for the education or training of children, of any kind  
809 whatsoever that is not a public school according to the laws of  
810 this state; and this section shall never be construed so as to  
811 grant, by implication or otherwise, any right or authority to any  
812 state agency or other entity to control, manage, supervise,  
813 provide for or affect the operation, management, program,  
814 curriculum, admissions policy or discipline of any such school or  
815 home instruction program.



816           **SECTION 14.** Section 37-151-5, Mississippi Code of 1972, is  
817 amended as follows:

818           37-151-5. As used in Sections 37-151-5 and 37-151-7:

819           (a) "Adequate program" or "adequate education program"  
820 or "Mississippi Adequate Education Program (MAEP)" shall mean the  
821 program to establish adequate current operation funding levels  
822 necessary for the programs of such school district to meet at  
823 least a successful Level III rating of the accreditation system as  
824 established by the State Board of Education using current  
825 statistically relevant state assessment data.

826           (b) "Educational programs or elements of programs not  
827 included in the adequate education program calculations, but which  
828 may be included in appropriations and transfers to school  
829 districts" shall mean:

830           (i) "Capital outlay" shall mean those funds used  
831 for the constructing, improving, equipping, renovating or major  
832 repairing of school buildings or other school facilities, or the  
833 cost of acquisition of land whereon to construct or establish such  
834 school facilities.

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

839           (iii) "Adult education" shall mean public  
840 education dealing primarily with students above eighteen (18)



841 years of age not enrolled as full-time public school students and  
842 not classified as students of technical schools, colleges or  
843 universities of the state.

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

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

851 (d) "Base student cost" shall mean the funding level  
852 necessary for providing an adequate education program for one (1)  
853 base student, subject to any minimum amounts prescribed in Section  
854 37-151-7(1).

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

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

861 (ii) "Vocational or technical education program"  
862 shall mean a secondary vocational or technical program approved by  
863 the State Department of Education and provided for from state  
864 funds.



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

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

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

876 (vi) "Extended school year programs" shall mean  
877 those programs authorized by law which extend beyond the normal  
878 school year.

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

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

884 (ix) "Education Scholarship Account (ESA) program  
885 shall mean the ESA program established in Sections 37-181-1  
886 through 37-181-21.

887 (f) "Teacher" shall include any employee of a local  
888 school who is required by law to obtain a teacher's license from  
889 the State Board of Education and who is assigned to an



890 instructional area of work as defined by the State Department of  
891 Education.

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

894 (h) "Superintendent" shall mean the head of a school  
895 district.

896 (i) "School district" shall mean any type of school  
897 district in the State of Mississippi, and shall include  
898 agricultural high schools.

899 (j) "Minimum school term" shall mean a term of at least  
900 one hundred eighty (180) days of school in which both teachers and  
901 pupils are in regular attendance for scheduled classroom  
902 instruction for not less than sixty-three percent (63%) of the  
903 instructional day, as fixed by the local school board for each  
904 school in the school district. It is the intent of the  
905 Legislature that any tax levies generated to produce additional  
906 local funds required by any school district to operate school  
907 terms in excess of one hundred seventy-five (175) days shall not  
908 be construed to constitute a new program for the purposes of  
909 exemption from the limitation on tax revenues as allowed under  
910 Sections 27-39-321 and 37-57-107 for new programs mandated by the  
911 Legislature.

912 (k) The term "transportation density" shall mean the  
913 number of transported children in average daily attendance per



914 square mile of area served in a school district, as determined by  
915 the State Department of Education.

916 (l) The term "transported children" shall mean children  
917 being transported to school who live within legal limits for  
918 transportation and who are otherwise qualified for being  
919 transported to school at public expense as fixed by Mississippi  
920 state law.

921 (m) The term "year of teaching experience" shall mean  
922 nine (9) months of actual teaching in the public or private  
923 elementary and secondary schools and shall also include nine (9)  
924 months of actual teaching at postsecondary institutions accredited  
925 by the Southern Association of Colleges and Schools (SACS) or  
926 equivalent regional accrediting body for degree-granting  
927 postsecondary institutions. In no case shall more than one (1)  
928 year of teaching experience be given for all services in one (1)  
929 calendar or school year. In determining a teacher's experience,  
930 no deduction shall be made because of the temporary absence of the  
931 teacher because of illness or other good cause, and the teacher  
932 shall be given credit therefor. Beginning with the 2003-2004  
933 school year, the State Board of Education shall fix a number of  
934 days, not to exceed forty-five (45) consecutive school days,  
935 during which a teacher may not be under contract of employment  
936 during any school year and still be considered to have been in  
937 full-time employment for a regular scholastic term. If a teacher  
938 exceeds the number of days established by the State Board of



939 Education that a teacher may not be under contract but may still  
940 be employed, that teacher shall not be credited with a year of  
941 teaching experience. In determining the experience of school  
942 librarians, each complete year of continuous, full-time employment  
943 as a professional librarian in a public library in this or some  
944 other state shall be considered a year of teaching experience. If  
945 a full-time school administrator returns to actual teaching in the  
946 public schools, the term "year of teaching experience" shall  
947 include the period of time he or she served as a school  
948 administrator. In determining the salaries of teachers who have  
949 experience in any branch of the military, the term "year of  
950 teaching experience" shall include each complete year of actual  
951 classroom instruction while serving in the military. In  
952 determining the experience of speech-language pathologists and  
953 audiologists, each complete year of continuous full-time post  
954 master's degree employment in an educational setting in this or  
955 some other state shall be considered a year of teaching  
956 experience. Provided, however, that school districts are  
957 authorized, in their discretion, to negotiate the salary levels  
958 applicable to certificated employees employed after July 1, 2009,  
959 who are receiving retirement benefits from the retirement system  
960 of another state, and the annual experience increment provided in  
961 Section 37-19-7 shall not be applicable to any such retired  
962 certificated employee.



963           (n)   (i)   The term "average daily attendance" shall be  
964 the figure which results when the total aggregate full-day  
965 attendance during the period or months counted is divided by the  
966 number of days during the period or months counted upon which both  
967 teachers and pupils are in regular attendance for scheduled  
968 classroom instruction, \* \* \* less the average daily attendance for  
969 self-contained special education classes. For purposes of  
970 determining and reporting attendance, a pupil must be present for  
971 at least sixty-three percent (63%) of the instructional day, as  
972 fixed by the local school board for each school in the school  
973 district, in order to be considered in full-day attendance. Prior  
974 to full implementation of the adequate education program the  
975 department shall deduct the average daily attendance for the  
976 alternative school program provided for in Section 37-19-22.

977                           (ii)   [Repealed]

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

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

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





988 (r) "Department" shall mean the State Department of  
989 Education.

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

992 (t) The term "successful school district" shall mean a  
993 Level III school district as designated by the State Board of  
994 Education using current statistically relevant state assessment  
995 data.

996 (u) "Dual enrollment-dual credit programs" shall mean  
997 programs for potential or recent high school student dropouts to  
998 dually enroll in their home high school and a local community  
999 college in a dual credit program consisting of high school  
1000 completion coursework and a credential, certificate or degree  
1001 program at the community college, as provided in Section  
1002 37-15-38(19).

1003 (v) "Charter school" means a public school that is  
1004 established and operating under the terms of a charter contract  
1005 between the school's governing board and the Mississippi Charter  
1006 School Authorizer Board.

1007 **SECTION 15.** Section 37-151-7, Mississippi Code of 1972, is  
1008 amended as follows:

1009 37-151-7. The annual allocation to each school district for  
1010 the operation of the adequate education program shall be  
1011 determined as follows:



1012           (1) **Computation of the basic amount to be included for**  
1013 **current operation in the adequate education program.** The  
1014 following procedure shall be followed in determining the annual  
1015 allocation to each school district:

1016           (a) **Determination of average daily attendance.**  
1017 Effective with fiscal year 2011, the State Department of Education  
1018 shall determine the percentage change from the prior year of each  
1019 year of each school district's average of months two (2) and three  
1020 (3) average daily attendance (ADA) for the three (3) immediately  
1021 preceding school years of the year for which funds are being  
1022 appropriated. For any school district that experiences a positive  
1023 growth in the average of months two (2) and three (3) ADA each  
1024 year of the three (3) years, the average percentage growth over  
1025 the three-year period shall be multiplied times the school  
1026 district's average of months two (2) and three (3) ADA for the  
1027 year immediately preceding the year for which MAEP funds are being  
1028 appropriated. The resulting amount shall be added to the school  
1029 district's average of months two (2) and three (3) ADA for the  
1030 year immediately preceding the year for which MAEP funds are being  
1031 appropriated to arrive at the ADA to be used in determining a  
1032 school district's MAEP allocation. Otherwise, months two (2) and  
1033 three (3) ADA for the year immediately preceding the year for  
1034 which MAEP funds are being appropriated will be used in  
1035 determining a school district's MAEP allocation. In any fiscal  
1036 year prior to 2010 in which the MAEP formula is not fully funded,



1037 for those districts that do not demonstrate a three-year positive  
1038 growth in months two (2) and three (3) ADA, months one (1) through  
1039 nine (9) ADA of the second preceding year for which funds are  
1040 being appropriated or months two (2) and three (3) ADA of the  
1041 preceding year for which funds are being appropriated, whichever  
1042 is greater, shall be used to calculate the district's MAEP  
1043 allocation. The district's average daily attendance shall be  
1044 computed and currently maintained in accordance with regulations  
1045 promulgated by the State Board of Education. The district's  
1046 average daily attendance shall include any student enrolled in a  
1047 Dual Enrollment-Dual Credit Program as defined and provided in  
1048 Section 37-15-38(19). The State Department of Education shall  
1049 make payments for Dual Enrollment-Dual Credit Programs to the home  
1050 school in which the student is enrolled, in accordance with  
1051 regulations promulgated by the State Board of Education. The  
1052 community college providing services to students in a Dual  
1053 Enrollment-Dual Credit Program shall require payment from the home  
1054 school district for services provided to such students at a rate  
1055 of one hundred percent (100%) of ADA. All MAEP/state funding  
1056 shall cease upon completion of high school graduation  
1057 requirements.

1058 (b) **Determination of base student cost.** Effective with  
1059 fiscal year 2011 and every fourth fiscal year thereafter, the  
1060 State Board of Education, on or before August 1, with adjusted  
1061 estimate no later than January 2, shall submit to the Legislative



1062 Budget Office and the Governor a proposed base student cost  
1063 adequate to provide the following cost components of educating a  
1064 pupil in a successful school district: (i) instructional cost;  
1065 (ii) administrative cost; (iii) operation and maintenance of  
1066 plant; and (iv) ancillary support cost. For purposes of these  
1067 calculations, the Department of Education shall utilize financial  
1068 data from the second preceding year of the year for which funds  
1069 are being appropriated.

1070 For the instructional cost component, the Department of  
1071 Education shall select districts that have been identified as  
1072 instructionally successful and have a ratio of a number of  
1073 teachers per one thousand (1,000) students that is between one (1)  
1074 standard deviation above the mean and two (2) standard deviations  
1075 below the mean of the statewide average of teachers per one  
1076 thousand (1,000) students. The instructional cost component shall  
1077 be calculated by dividing the latest available months one (1)  
1078 through nine (9) ADA into the instructional expenditures of these  
1079 selected districts. For the purpose of this calculation, the  
1080 Department of Education shall use the following funds, functions  
1081 and objects:

1082 Fund 1120 Functions 1110-1199 Objects 100-999, Functions  
1083 1210, 1220, 2150-2159 Objects 210 and 215;  
1084 Fund 1130 All Functions, Object Code 210 and 215;  
1085 Fund 2001 Functions 1110-1199 Objects 100-999;  
1086 Fund 2070 Functions 1110-1199 Objects 100-999;



1087 Fund 2420 Functions 1110-1199 Objects 100-999;

1088 Fund 2711 All Functions, Object Code 210 and 215.

1089 Prior to the calculation of the instructional cost component,  
1090 there shall be subtracted from the above expenditures any revenue  
1091 received for Chickasaw Cession payments, Master Teacher  
1092 Certification payments and the district's portion of state revenue  
1093 received from the MAEP at-risk allocation.

1094 For the administrative cost component, the Department of  
1095 Education shall select districts that have been identified as  
1096 instructionally successful and have a ratio of an administrative  
1097 staff to nonadministrative staff between one (1) standard  
1098 deviation above the mean and two (2) standard deviations below the  
1099 mean of the statewide average administrative staff to  
1100 nonadministrative staff. The administrative cost component shall  
1101 be calculated by dividing the latest available months one (1)  
1102 through nine (9) ADA of the selected districts into the  
1103 administrative expenditures of these selected districts. For the  
1104 purpose of this calculation, the Department of Education shall use  
1105 the following funds, functions and objects:

1106 Fund 1120 Functions 2300-2599, Functions 2800-2899,  
1107 Objects 100-999;

1108 Fund 2711 Functions 2300-2599, Functions 2800-2899,  
1109 Objects 100-999.

1110 For the plant and maintenance cost component, the Department  
1111 of Education shall select districts that have been identified as



1112 instructionally successful and have a ratio of plant and  
1113 maintenance expenditures per one hundred thousand (100,000) square  
1114 feet of building space and a ratio of maintenance workers per one  
1115 hundred thousand (100,000) square feet of building space that are  
1116 both between one (1) standard deviation above the mean and two (2)  
1117 standard deviations below the mean of the statewide average. The  
1118 plant and maintenance cost component shall be calculated by  
1119 dividing the latest available months one (1) through nine (9) ADA  
1120 of the selected districts into the plant and maintenance  
1121 expenditures of these selected districts. For the purpose of this  
1122 calculation, the Department of Education shall use the following  
1123 funds, functions and objects:

1124 Fund 1120 Functions 2600-2699, Objects 100-699

1125 and Objects 800-999;

1126 Fund 2711 Functions 2600-2699, Objects 100-699

1127 and Objects 800-999;

1128 Fund 2430 Functions 2600-2699, Objects 100-699

1129 and Objects 800-999.

1130 For the ancillary support cost component, the Department of  
1131 Education shall select districts that have been identified as  
1132 instructionally successful and have a ratio of a number of  
1133 librarians, media specialists, guidance counselors and  
1134 psychologists per one thousand (1,000) students that is between  
1135 one (1) standard deviation above the mean and two (2) standard  
1136 deviations below the mean of the statewide average of librarians,



1137 media specialists, guidance counselors and psychologists per one  
1138 thousand (1,000) students. The ancillary cost component shall be  
1139 calculated by dividing the latest available months one (1) through  
1140 nine (9) ADA into the ancillary expenditures instructional  
1141 expenditures of these selected districts. For the purpose of this  
1142 calculation, the Department of Education shall use the following  
1143 funds, functions and objects:

1144 Fund 1120 Functions 2110-2129, Objects 100-999;  
1145 Fund 1120 Functions 2140-2149, Objects 100-999;  
1146 Fund 1120 Functions 2220-2229, Objects 100-999;  
1147 Fund 2001 Functions 2100-2129, Objects 100-999;  
1148 Fund 2001 Functions 2140-2149, Objects 100-999;  
1149 Fund 2001 Functions 2220-2229, Objects 100-999.

1150 The total base cost for each year shall be the sum of the  
1151 instructional cost component, administrative cost component, plant  
1152 and maintenance cost component and ancillary support cost  
1153 component, and any estimated adjustments for additional state  
1154 requirements as determined by the State Board of Education.

1155 Provided, however, that the base student cost in fiscal year 1998  
1156 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

1157 For each of the fiscal years between the recalculation of the  
1158 base student cost under the provisions of this paragraph (b), the  
1159 base student cost shall be increased by an amount equal to forty  
1160 percent (40%) of the base student cost for the previous fiscal  
1161 year, multiplied by the latest annual rate of inflation for the



1162 State of Mississippi as determined by the State Economist, plus  
1163 any adjustments for additional state requirements such as, but not  
1164 limited to, teacher pay raises and health insurance premium  
1165 increases.

1166 (c) **Determination of the basic adequate education**  
1167 **program cost.** The basic amount for current operation to be  
1168 included in the Mississippi Adequate Education Program for each  
1169 school district shall be computed as follows:

1170 Multiply the average daily attendance of the district by the  
1171 base student cost as established by the Legislature, which yields  
1172 the total base program cost for each school district.

1173 (d) **Adjustment to the base student cost for at-risk**  
1174 **pupils.** The amount to be included for at-risk pupil programs for  
1175 each school district shall be computed as follows: Multiply the  
1176 base student cost for the appropriate fiscal year as determined  
1177 under paragraph (b) by five percent (5%), and multiply that  
1178 product by the number of pupils participating in the federal free  
1179 school lunch program in such school district, which yields the  
1180 total adjustment for at-risk pupil programs for such school  
1181 district.

1182 (e) **Add-on program cost.** The amount to be allocated to  
1183 school districts and to the Special ESA Fund in addition to the  
1184 adequate education program cost for add-on programs for each  
1185 school district and the Special ESA Fund shall be computed as  
1186 follows:





1187 (i) Transportation cost shall be the amount  
1188 allocated to such school district for the operational support of  
1189 the district transportation system from state funds.

1190 (ii) Vocational or technical education program  
1191 cost shall be the amount allocated to such school district from  
1192 state funds for the operational support of such programs.

1193 (iii) Special education program cost shall be the  
1194 amount allocated to such school district from state funds for the  
1195 operational support of such programs.

1196 (iv) Gifted education program cost shall be the  
1197 amount allocated to such school district from state funds for the  
1198 operational support of such programs.

1199 (v) Alternative school program cost shall be the  
1200 amount allocated to such school district from state funds for the  
1201 operational support of such programs.

1202 (vi) Extended school year programs shall be the  
1203 amount allocated to school districts for those programs authorized  
1204 by law which extend beyond the normal school year.

1205 (vii) University-based programs shall be the  
1206 amount allocated to school districts for those university-based  
1207 programs for handicapped children as defined and provided for in  
1208 Section 37-23-131 et seq., Mississippi Code of 1972.

1209 (viii) Bus driver training programs shall be the  
1210 amount provided for those driver training programs as provided for  
1211 in Section 37-41-1, Mississippi Code of 1972.



1212                   (ix) The Education Scholarship Account (ESA)  
1213 program shall be the amount provided for those education  
1214 scholarship accounts for eligible students as provided for in  
1215 Sections 37-181-1 through 37-181-21, Mississippi Code of 1972.

1216           The sum of the items listed above (i) transportation, (ii)  
1217 vocational or technical education, (iii) special education, (iv)  
1218 gifted education, (v) alternative school, (vi) extended school  
1219 year, (vii) university-based, \* \* \* (viii) bus driver training,  
1220 and (ix) Education Scholarship Account (ESA) program, shall yield  
1221 the add-on cost for each school district and the Special ESA Fund.

1222           (f) **Total projected adequate education program cost.**  
1223 The total Mississippi Adequate Education Program cost shall be the  
1224 sum of the total basic adequate education program cost (paragraph  
1225 (c)), and the adjustment to the base student cost for at-risk  
1226 pupils (paragraph (d)) for each school district. In any year in  
1227 which the MAEP is not fully funded, the Legislature shall direct  
1228 the Department of Education in the K-12 appropriation bill as to  
1229 how to allocate MAEP funds to school districts for that year.

1230           (g) The State Auditor shall annually verify the State  
1231 Board of Education's estimated calculations for the Mississippi  
1232 Adequate Education Program that are submitted each year to the  
1233 Legislative Budget Office on August 1 and the final calculation  
1234 that is submitted on January 2.

1235           (2) **Computation of the required local revenue in support of**  
1236 **the adequate education program.** The amount that each district



1237 shall provide toward the cost of the adequate education program  
1238 shall be calculated as follows:

1239 (a) The State Department of Education shall certify to  
1240 each school district that twenty-eight (28) mills, less the  
1241 estimated amount of the yield of the School Ad Valorem Tax  
1242 Reduction Fund grants as determined by the State Department of  
1243 Education, is the millage rate required to provide the district  
1244 required local effort for that year, or twenty-seven percent (27%)  
1245 of the basic adequate education program cost for such school  
1246 district as determined under paragraph (c), whichever is a lesser  
1247 amount. In the case of an agricultural high school, the millage  
1248 requirement shall be set at a level which generates an equitable  
1249 amount per pupil to be determined by the State Board of Education.  
1250 The local contribution amount for school districts in which there  
1251 is located one or more charter schools will be calculated using  
1252 the following methodology: using the adequate education program  
1253 twenty-eight (28) mill value, or the twenty-seven percent (27%)  
1254 cap amount (whichever is less) for each school district in which a  
1255 charter school is located, an average per pupil amount will be  
1256 calculated. This average per pupil amount will be multiplied  
1257 times the number of students attending the charter school in that  
1258 school district. The sum becomes the charter school's local  
1259 contribution to the adequate education program.

1260 (b) The State Department of Education shall determine  
1261 the following from the annual assessment information submitted to



1262 the department by the tax assessors of the various counties: (i)  
1263 the total assessed valuation of nonexempt property for school  
1264 purposes in each school district; (ii) assessed value of exempt  
1265 property owned by homeowners aged sixty-five (65) or older or  
1266 disabled as defined in Section 27-33-67(2), Mississippi Code of  
1267 1972; (iii) the school district's tax loss from exemptions  
1268 provided to applicants under the age of sixty-five (65) and not  
1269 disabled as defined in Section 27-33-67(1), Mississippi Code of  
1270 1972; and (iv) the school district's homestead reimbursement  
1271 revenues.

1272 (c) The amount of the total adequate education program  
1273 funding which shall be contributed by each school district shall  
1274 be the sum of the ad valorem receipts generated by the millage  
1275 required under this subsection plus the following local revenue  
1276 sources for the appropriate fiscal year which are or may be  
1277 available for current expenditure by the school district:

1278 One hundred percent (100%) of Grand Gulf income as prescribed  
1279 in Section 27-35-309.

1280 One hundred percent (100%) of any fees in lieu of taxes as  
1281 prescribed in Section 27-31-104.

1282 (3) **Computation of the required state effort in support of**  
1283 **the adequate education program.**

1284 (a) The required state effort in support of the  
1285 adequate education program shall be determined by subtracting the  
1286 sum of the required local tax effort as set forth in subsection



1287 (2) (a) of this section and the other local revenue sources as set  
1288 forth in subsection (2) (c) of this section in an amount not to  
1289 exceed twenty-seven percent (27%) of the total projected adequate  
1290 education program cost as set forth in subsection (1) (f) of this  
1291 section from the total projected adequate education program cost  
1292 as set forth in subsection (1) (f) of this section.

1293 (b) Provided, however, that in fiscal year 2015, any  
1294 increase in the said state contribution to any district calculated  
1295 under this section shall be not less than six percent (6%) in  
1296 excess of the amount received by said district from state funds  
1297 for fiscal year 2002; in fiscal year 2016, any increase in the  
1298 said state contribution to any district calculated under this  
1299 section shall be not less than four percent (4%) in excess of the  
1300 amount received by said district from state funds for fiscal year  
1301 2002; in fiscal year 2017, any increase in the said state  
1302 contribution to any district calculated under this section shall  
1303 be not less than two percent (2%) in excess of the amount received  
1304 by said district from state funds for fiscal year 2002; and in  
1305 fiscal year 2018 and thereafter, any increase in the said state  
1306 contribution to any district calculated under this section shall  
1307 be zero percent (0%). For purposes of this paragraph (b), state  
1308 funds shall include minimum program funds less the add-on  
1309 programs, State Uniform Millage Assistance Grant Funds, Education  
1310 Enhancement Funds appropriated for Uniform Millage Assistance



1311 Grants and state textbook allocations, and State General Funds  
1312 allocated for textbooks.

1313           (c) If the school board of any school district shall  
1314 determine that it is not economically feasible or practicable to  
1315 operate any school within the district for the full one hundred  
1316 eighty (180) days required for a school term of a scholastic year  
1317 as required in Section 37-13-63, Mississippi Code of 1972, due to  
1318 an enemy attack, a man-made, technological or natural disaster in  
1319 which the Governor has declared a disaster emergency under the  
1320 laws of this state or the President of the United States has  
1321 declared an emergency or major disaster to exist in this state,  
1322 said school board may notify the State Department of Education of  
1323 such disaster and submit a plan for altering the school term. If  
1324 the State Board of Education finds such disaster to be the cause  
1325 of the school not operating for the contemplated school term and  
1326 that such school was in a school district covered by the  
1327 Governor's or President's disaster declaration, it may permit said  
1328 school board to operate the schools in its district for less than  
1329 one hundred eighty (180) days and, in such case, the State  
1330 Department of Education shall not reduce the state contributions  
1331 to the adequate education program allotment for such district,  
1332 because of the failure to operate said schools for one hundred  
1333 eighty (180) days.

1334           (4) The Interim School District Capital Expenditure Fund is  
1335 hereby established in the State Treasury which shall be used to



1336 distribute any funds specifically appropriated by the Legislature  
1337 to such fund to school districts entitled to increased allocations  
1338 of state funds under the adequate education program funding  
1339 formula prescribed in Sections 37-151-3 through 37-151-7,  
1340 Mississippi Code of 1972, until such time as the said adequate  
1341 education program is fully funded by the Legislature. The  
1342 following percentages of the total state cost of increased  
1343 allocations of funds under the adequate education program funding  
1344 formula shall be appropriated by the Legislature into the Interim  
1345 School District Capital Expenditure Fund to be distributed to all  
1346 school districts under the formula: Nine and two-tenths percent  
1347 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
1348 (20%) shall be appropriated in fiscal year 1999, forty percent  
1349 (40%) shall be appropriated in fiscal year 2000, sixty percent  
1350 (60%) shall be appropriated in fiscal year 2001, eighty percent  
1351 (80%) shall be appropriated in fiscal year 2002, and one hundred  
1352 percent (100%) shall be appropriated in fiscal year 2003 into the  
1353 State Adequate Education Program Fund. Until July 1, 2002, such  
1354 money shall be used by school districts for the following  
1355 purposes:

1356           (a) Purchasing, erecting, repairing, equipping,  
1357 remodeling and enlarging school buildings and related facilities,  
1358 including gymnasiums, auditoriums, lunchrooms, vocational training  
1359 buildings, libraries, school barns and garages for transportation  
1360 vehicles, school athletic fields and necessary facilities



1361 connected therewith, and purchasing land therefor. Any such  
1362 capital improvement project by a school district shall be approved  
1363 by the State Board of Education, and based on an approved  
1364 long-range plan. The State Board of Education shall promulgate  
1365 minimum requirements for the approval of school district capital  
1366 expenditure plans.

1367 (b) Providing necessary water, light, heating,  
1368 air-conditioning, and sewerage facilities for school buildings,  
1369 and purchasing land therefor.

1370 (c) Paying debt service on existing capital improvement  
1371 debt of the district or refinancing outstanding debt of a district  
1372 if such refinancing will result in an interest cost savings to the  
1373 district.

1374 (d) From and after October 1, 1997, through June 30,  
1375 1998, pursuant to a school district capital expenditure plan  
1376 approved by the State Department of Education, a school district  
1377 may pledge such funds until July 1, 2002, plus funds provided for  
1378 in paragraph (e) of this subsection (4) that are not otherwise  
1379 permanently pledged under such paragraph (e) to pay all or a  
1380 portion of the debt service on debt issued by the school district  
1381 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
1382 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
1383 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
1384 issued by boards of supervisors for agricultural high schools  
1385 pursuant to Section 37-27-65, Mississippi Code of 1972, or





1386 lease-purchase contracts entered into pursuant to Section 31-7-13,  
1387 Mississippi Code of 1972, or to retire or refinance outstanding  
1388 debt of a district, if such pledge is accomplished pursuant to a  
1389 written contract or resolution approved and spread upon the  
1390 minutes of an official meeting of the district's school board or  
1391 board of supervisors. It is the intent of this provision to allow  
1392 school districts to irrevocably pledge their Interim School  
1393 District Capital Expenditure Fund allotments as a constant stream  
1394 of revenue to secure a debt issued under the foregoing code  
1395 sections. To allow school districts to make such an irrevocable  
1396 pledge, the state shall take all action necessary to ensure that  
1397 the amount of a district's Interim School District Capital  
1398 Expenditure Fund allotments shall not be reduced below the amount  
1399 certified by the department or the district's total allotment  
1400 under the Interim Capital Expenditure Fund if fully funded, so  
1401 long as such debt remains outstanding.

1402 (e) [Repealed]

1403 (f) [Repealed]

1404 (g) The State Board of Education may authorize the  
1405 school district to expend not more than twenty percent (20%) of  
1406 its annual allotment of such funds or Twenty Thousand Dollars  
1407 (\$20,000.00), whichever is greater, for technology needs of the  
1408 school district, including computers, software,  
1409 telecommunications, cable television, interactive video, film,  
1410 low-power television, satellite communications, microwave



1411 communications, technology-based equipment installation and  
1412 maintenance, and the training of staff in the use of such  
1413 technology-based instruction. Any such technology expenditure  
1414 shall be reflected in the local district technology plan approved  
1415 by the State Board of Education under Section 37-151-17,  
1416 Mississippi Code of 1972.

1417           (h) To the extent a school district has not utilized  
1418 twenty percent (20%) of its annual allotment for technology  
1419 purposes under paragraph (g), a school district may expend not  
1420 more than twenty percent (20%) of its annual allotment or Twenty  
1421 Thousand Dollars (\$20,000.00), whichever is greater, for  
1422 instructional purposes. The State Board of Education may  
1423 authorize a school district to expend more than said twenty  
1424 percent (20%) of its annual allotment for instructional purposes  
1425 if it determines that such expenditures are needed for  
1426 accreditation purposes.

1427           (i) The State Department of Education or the State  
1428 Board of Education may require that any project commenced under  
1429 this section with an estimated project cost of not less than Five  
1430 Million Dollars (\$5,000,000.00) shall be done only pursuant to  
1431 program management of the process with respect to design and  
1432 construction. Any individuals, partnerships, companies or other  
1433 entities acting as a program manager on behalf of a local school  
1434 district and performing program management services for projects



1435 covered under this subsection shall be approved by the State  
1436 Department of Education.

1437 Any interest accruing on any unexpended balance in the  
1438 Interim School District Capital Expenditure Fund shall be invested  
1439 by the State Treasurer and placed to the credit of each school  
1440 district participating in such fund in its proportionate share.

1441 The provisions of this subsection (4) shall be cumulative and  
1442 supplemental to any existing funding programs or other authority  
1443 conferred upon school districts or school boards.

1444 (5) The State Department of Education shall make payments to  
1445 charter schools for each student in average daily attendance at  
1446 the charter school equal to the state share of the adequate  
1447 education program payments for each student in average daily  
1448 attendance at the school district in which the public charter  
1449 school is located. In calculating the local contribution for  
1450 purposes of determining the state share of the adequate education  
1451 program payments, the department shall deduct the pro rata local  
1452 contribution of the school district in which the student resides  
1453 as determined in subsection (2) (a) of this section.

1454 **SECTION 16.** Section 37-151-101, Mississippi Code of 1972, is  
1455 amended as follows:

1456 37-151-101. It shall be the duty of the State Department of  
1457 Education to file with the State Treasurer and the State Fiscal  
1458 Officer such data and information as may be required to enable the  
1459 said State Treasurer and State Fiscal Officer to distribute the



1460 common school funds and adequate education program funds by  
1461 electronic funds transfer to the several school districts and  
1462 charter schools, and adequate education program funds by  
1463 electronic funds transfer to the Special ESA Fund at the time  
1464 required and provided under the provisions of this chapter. Such  
1465 data and information so filed shall show in detail the amount of  
1466 funds to which each school district and charter school is entitled  
1467 from such common school fund and adequate education program fund.  
1468 Such data and information so filed may be revised from time to  
1469 time as necessitated by law. At the time provided by law, the  
1470 State Treasurer and the State Fiscal Officer shall distribute to  
1471 the several school districts and charter schools the amounts to  
1472 which they are entitled from the common school fund and shall  
1473 distribute to the several school districts, charter schools, and  
1474 the Special ESA Fund the amounts to which they are entitled from  
1475 the adequate education program fund as provided by this chapter.  
1476 Such distribution shall be made by electronic funds transfer to  
1477 the depositories of the several school districts \* \* \*, charter  
1478 schools, and Special ESA Fund designated in writing to the State  
1479 Treasurer based upon the data and information supplied by the  
1480 State Department of Education for such distribution. In such  
1481 instances, the State Treasurer shall submit a request for an  
1482 electronic funds transfer to the State Fiscal Officer, which shall  
1483 set forth the purpose, amount and payees, and shall be in such  
1484 form as may be approved by the State Fiscal Officer so as to



1485 provide the necessary information as would be required for a  
1486 requisition and issuance of a warrant. A copy of the record of  
1487 said electronic funds transfers shall be transmitted by the school  
1488 district and charter school depositories to the Treasurer, who  
1489 shall file duplicates, and a duplicate of electronic funds  
1490 transfer to the Special ESA Fund with the State Fiscal Officer.  
1491 The Treasurer and State Fiscal Officer shall jointly promulgate  
1492 regulations for the utilization of electronic funds transfers to  
1493 school districts \* \* \*, charter schools, and the Special ESA Fund.

1494 **SECTION 17.** Section 12 of Chapter 441, Laws of 2015, is  
1495 amended as follows:

1496 Section 12. This act shall take effect and be in force from  
1497 and after its passage \* \* \*.

1498 **SECTION 18.** This act shall take effect and be in force from  
1499 and after its passage.

