

**Adopted
AMENDMENT NO 2 PROPOSED TO**

Cmte Sub for Senate Bill No. 2675

BY: Senator(s) McMahan

1 **AMEND by inserting the following section after line 9 and**
2 **renumbering:**

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

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

8 (a) To provide an organized, appropriate educational
9 program with measurable annual goals to their participating
10 student and, to the extent reasonably deemed appropriate by the
11 parent, to provide an education for the qualified student in at
12 least the subjects of reading, grammar, mathematics, social
13 studies and science;



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

17 (c) Not to enroll their participating student in a
18 public school and to acknowledge as part of the agreement that the
19 home school district has provided clear notice to the parent that
20 the participating student has no individual entitlement to a free
21 appropriate public education (FAPE) from their home school
22 district, including special education and related services, for as
23 long as the student is participating in the program;

24 (d) Not to file for their participating student a
25 certificate of enrollment indicating participation in a home
26 instruction program under Section 37-13-91, Mississippi Code of
27 1972; and

28 (e) Not to participate in the Mississippi Dyslexia
29 Therapy Scholarship for Students with Dyslexia Program or the
30 Mississippi Speech-Language Therapy Scholarship for Students with
31 Speech-Language Impairments Program while participating in the ESA
32 program.

33 (2) Parents shall use the funds deposited in a participating
34 student's ESA for any of the following qualifying expenses to
35 educate the student using any of the below methods or combination
36 of methods that meet the requirement in subsection (1)(a) of this
37 section:

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



- 39 (b) Textbooks;
- 40 (c) Payment to a tutor;
- 41 (d) Payment for purchase of curriculum, including any
42 supplemental materials required by the curriculum;
- 43 (e) Fees for transportation to and from an educational
44 service provider paid to a fee-for-service transportation
45 provider;
- 46 (f) Tuition and/or fees for online learning programs or
47 courses;
- 48 (g) Fees for nationally standardized norm-referenced
49 achievement tests, including alternate assessments; and fees for
50 Advanced Placement examinations or similar courses and any
51 examinations related to college or university admission;
- 52 (h) Educational services or therapies from a licensed
53 or certified practitioner or provider, including licensed or
54 certified paraprofessionals or educational aides;
- 55 (i) Services provided by a public school, including
56 individual classes and extracurricular programs;
- 57 (j) Tuition and fees at a postsecondary institution;
- 58 (k) Textbooks related to coursework at a postsecondary
59 institution;
- 60 (l) Surety bond payments if required by the department;
- 61 (m) No more than Fifty Dollars (\$50.00) in annual
62 consumable school supplies necessary for educational services and
63 therapies, daily classroom activities, and tutoring;



64 (n) Computer hardware and software and other
65 technological devices if an eligible school, licensed or certified
66 tutor, licensed or certified educational service practitioner or
67 provider, or licensed medical professional verifies in writing
68 that these items are essential for the student to meet annual,
69 measurable goals. Once a student is no longer eligible for the
70 program, computer hardware and software and other technological
71 devices purchased with ESA funds may be donated to a library or a
72 nonprofit organization with expertise and training in working with
73 parents to educate children with disabilities or a nonprofit
74 organization with expertise and training in working with disabled
75 adults.

76 (3) Neither a participating student, nor anyone on the
77 student's behalf, may receive cash or cash-equivalent items, such
78 as gift cards or store credit, from any refunds or rebates from
79 any provider of services or products in this program. Any refunds
80 or rebates shall be credited directly to the participating
81 student's ESA. The funds in an ESA may only be used for
82 education-related purposes. Eligible schools, postsecondary
83 institutions and educational service providers that serve
84 participating students shall provide parents with a receipt for
85 all qualifying expenses.

86 (4) Payment for educational services through an ESA shall
87 not preclude parents from paying for educational services using
88 non-ESA funds.



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

96 (6) For purposes of continuity of educational attainment,
97 students who enroll in the program shall remain eligible to
98 receive quarterly ESA payments until the participating student
99 returns to a public school, completes high school, completes the
100 school year in which the student reaches the age of twenty-one
101 (21), or does not have eligibility verified by a parent as
102 required under subsection (8) of this section, whichever occurs
103 first.

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

107 (8) Every three (3) years after initial enrollment in the
108 program, a parent of a participating student, except a student
109 diagnosed as being a person with a permanent disability, shall
110 document that the student continues to be identified by the school
111 district, a federal or state government agency, or a licensed
112 physician or psychometrist as a child with a disability, as



113 defined by the federal Individuals with Disabilities Education Act
114 (20 USCS Section 1401(3)).

115 (9) A participating student shall be allowed to return to
116 his home school district at any time after enrolling in the
117 program * * *. Upon a participating student's return to his home
118 school district, that student's Education Scholarship Account
119 shall be * * * transferred to the student's home school district.

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

122 **FURTHER, AMEND the title on line 3:**

123 TO AMEND SECTION 37-181-5, MISSISSIPPI CODE OF 1972, TO PROVIDE
124 THAT A PARTICIPATING STUDENT IN AN ESA PROGRAM MAY RETURN TO THE
125 HOME SCHOOL DISTRICT AND THE ESA FUNDS SHALL FOLLOW THE STUDENT;

