

By: Senator(s) DeBar

To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2594

1 AN ACT TO REENACT SECTION 37-181-1, MISSISSIPPI CODE OF 1972,
2 WHICH IS THE TITLE SECTION OF THE EQUAL OPPORTUNITY FOR STUDENTS
3 WITH SPECIAL NEEDS ACT; TO AMEND SECTION 37-181-3, MISSISSIPPI
4 CODE OF 1972, TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION
5 37-181-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT QUALIFYING
6 EXPENSES MUST HAVE BEEN INCURRED WITHIN THE AWARDED ESA SCHOOL
7 YEAR; TO PROVIDE THAT COMPUTER HARDWARE AND SOFTWARE PURCHASED
8 WITH ESA FUNDS SHALL BE DONATED TO A PUBLIC SCHOOL OR LIBRARY ONCE
9 A STUDENT IS NO LONGER ELIGIBLE FOR THE ESA PROGRAM; TO PROVIDE
10 THAT AN ORIGINAL ITEMIZED RECEIPT FOR EXPENSES IS TO BE RETURNED
11 TO THE DEPARTMENT; TO PROVIDE THAT A STUDENT'S REMAINING ESA FUNDS
12 SHALL BE DISTRIBUTED TO THE STUDENT'S HOME SCHOOL DISTRICT UPON A
13 STUDENT'S RETURN TO HIS OR HER HOME SCHOOL DISTRICT; TO AMEND
14 SECTION 37-181-7, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
15 DEPARTMENT TO MAINTAIN THE WAITLIST FOR ELIGIBLE STUDENTS IN
16 CHRONOLOGICAL ORDER; TO AMEND SECTION 37-181-9, MISSISSIPPI CODE
17 OF 1972, TO REMOVE THE AUTHORITY OF THE DEPARTMENT TO CONTRACT
18 WITH A QUALIFIED NONPROFIT ORGANIZATION TO ADMINISTER THE ESA
19 PROGRAM; TO AMEND SECTION 37-181-11, MISSISSIPPI CODE OF 1972, TO
20 CLARIFY THAT ONLY THE PARENT OR GUARDIAN WHO SUBMITTED THE ESA
21 APPLICATION IS AUTHORIZED TO SEEK REIMBURSEMENT FOR QUALIFIED
22 EXPENSES; TO AMEND SECTION 37-181-13, MISSISSIPPI CODE OF 1972, TO
23 REVISE PEER'S REVIEW OF THE ESA PROGRAM; TO AMEND SECTION
24 37-181-15, MISSISSIPPI CODE OF 1972, TO REQUIRE ELIGIBLE SCHOOLS
25 TO PROVIDE PARENTS WITH DETAILS OF ITS STUDENTS' RECORD OF
26 ACHIEVEMENT AND ITS CAPACITY TO SERVE THE PARTICIPATING STUDENTS
27 WITHIN THE SCOPE OF THEIR IEP; TO REQUIRE ELIGIBLE SCHOOLS TO
28 MANDATE A STUDENT ASSESSMENT; TO REQUIRE ELIGIBLE SCHOOLS TO
29 NOTIFY A PARENT OR GUARDIAN APPLYING FOR THE ESA PROGRAM THAT THE
30 PARENT OR GUARDIAN WAIVES THE RIGHT OF THE PARTICIPATING STUDENT
31 TO AN INDIVIDUAL ENTITLEMENT TO A FREE AND APPROPRIATE PUBLIC
32 EDUCATION; TO AMEND SECTION 37-181-17, MISSISSIPPI CODE OF 1972,
33 TO LIMIT THE DEPARTMENT'S REGULATION OF THE EDUCATIONAL PROGRAM OF
34 A NONPUBLIC SCHOOL, POSTSECONDARY INSTITUTION OR EDUCATIONAL



35 SERVICE PROVIDER TO THE AUTHORITY OF THIS CHAPTER; TO REQUIRE
36 PARTICIPATING SCHOOLS TO SUBMIT STUDENT PERFORMANCE DATA TO THE
37 DEPARTMENT AT THE END OF THE SCHOOL YEAR; TO REENACT SECTION
38 37-181-19, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT THE
39 DEPARTMENT MAY RECEIVE AND EXPEND CONTRIBUTIONS FROM ANY PUBLIC OR
40 PRIVATE SOURCE TO FUND ESAS FOR PARTICIPATING STUDENTS; TO REENACT
41 SECTION 37-181-21, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT
42 THE PROVISIONS OF THIS ACT ARE SEVERABLE; TO CREATE NEW SECTION
43 37-181-23, MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE
44 OF THE AUTOMATIC REPEALER ON SECTIONS 37-181-1 THROUGH 37-181-23;
45 TO AMEND SECTION 12, CHAPTER 441, LAWS OF 2015, TO DELETE THE
46 AUTOMATIC REPEALER FROM WITHIN THE CHAPTER LAWS; AND FOR RELATED
47 PURPOSES.

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

49 **SECTION 1.** Section 37-181-1, Mississippi Code of 1972, is
50 reenacted as follows:

51 37-181-1. This chapter shall be known and may be cited as
52 "The Equal Opportunity for Students with Special Needs Act."

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

55 37-181-3. The terms used in this chapter shall have the
56 meanings ascribed herein, unless the context clearly indicates
57 otherwise:

58 (a) "ESA program" means * * * the Education Scholarship
59 Account (ESA) program created in this chapter.

60 (b) "Eligible student" means any student who has had an
61 active Individualized Education Program (IEP) within the
62 past * * * three (3) years and has maintained eligibility.

63 (c) "Participating student" means any student who meets
64 the qualifications of an eligible student as defined in paragraph
65 (b) of this section and is participating in an ESA program at an
66 eligible school.



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

70 (* * *e) "Department" means the State Department of
71 Education.

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

74 (* * *g) "Eligible school" means a * * *
75 state-accredited special purpose school, a state-accredited
76 nonpublic school, or a nonpublic school located in the state that
77 has enrolled a participating student and is providing services for
78 the participating student's disability or special education needs,
79 or is providing services addressing a participating student's
80 IEP. * * * An eligible school does not include a home instruction
81 program under Section 37-13-91, Mississippi Code of 1972.

82 (* * *h) "Tutor" means a person who is certified or
83 licensed by a state, regional, or national certification, * * *
84 licensing, or accreditation organization or who has earned a valid
85 teacher's license or who has experience teaching at an eligible
86 postsecondary institution.

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

90 (* * *j) "Educational service provider" means an
91 eligible school, tutor, or other person or organization that



92 provides education-related services and products to participating
93 students.

94 (k) "Awarded ESA school year" means the duration of the
95 school year in which ESA program funds are deposited in a
96 student's ESA.

97 (l) Nothing in this section shall negate federal law
98 requiring public school districts to identify and provide services
99 to students with disabilities who live within the public school
100 district, including those enrolled in nonpublic schools or home
101 instruction programs.

102 (m) An eligible school shall provide notice to a
103 participating student's home school district when the eligible
104 student enrolls in the eligible school with an ESA. Furthermore,
105 a public school district providing special education services to a
106 participating student enrolled in an eligible school shall be
107 reimbursed by the eligible school, or parent or guardian who
108 submitted the ESA application, fair market value for any special
109 education services rendered to the eligible student in an amount
110 not to exceed the amount of ESA funds reimbursed to the eligible
111 student during the awarded ESA school year.

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

114 37-181-5. (1) An eligible student shall qualify to
115 participate in the ESA program if the parent signs an agreement
116 promising:



117 (a) To provide an organized, appropriate educational
118 program with measurable annual goals to their participating
119 student and * * * to provide an education for the * * *
120 participating student in at least the subjects of reading,
121 grammar, mathematics, social studies and science;

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

125 (c) Not to enroll their participating student in a
126 public school and to acknowledge as part of the agreement that
127 the * * * eligible school has provided clear notice to the parent
128 that the participating student has no individual entitlement to a
129 free appropriate public education (FAPE) from their home school
130 district, including special education and related services, for as
131 long as the student is participating in the ESA program;

132 (d) Not to file for their participating student a
133 certificate of enrollment indicating participation in a home
134 instruction program under Section 37-13-91, Mississippi Code of
135 1972; and

136 (e) Not to participate in the Mississippi Dyslexia
137 Therapy Scholarship for Students with Dyslexia Program or the
138 Mississippi Speech-Language Therapy Scholarship for Students with
139 Speech-Language Impairments Program while participating in the ESA
140 program.



141 (2) Parents shall use the funds deposited in a participating
142 student's ESA for any of the following qualifying expenses, which
143 shall be incurred within the awarded ESA school year, to educate
144 the student using any of the below methods or combination of
145 methods that meet the requirement in subsection (1)(a) of this
146 section:

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

148 (b) Textbooks related to academic coursework;

149 (c) Payment to a tutor, as defined in Section
150 37-181-3(h);

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

153 * * *

154 (* * *e) Fees for nationally standardized
155 norm-referenced achievement tests, including alternate
156 assessments; and fees for Advanced Placement examinations or
157 similar courses and any examinations related to college or
158 university admission;

159 (* * *f) Educational services or therapies from a
160 licensed or certified practitioner or provider, including licensed
161 or certified paraprofessionals or educational aides;

162 * * *

163 (* * *g) Tuition and fees related to dual enrollment
164 at a postsecondary institution;



165 (* * *h) Textbooks related to academic coursework at a
166 postsecondary institution;

167 (* * *i) Surety bond payments if required by the
168 department;

169 (* * *j) No more than Fifty Dollars (\$50.00) in annual
170 consumable school supplies necessary for educational services and
171 therapies, daily classroom activities, and tutoring;

172 (* * *k) Computer hardware and software and other
173 technological devices if an eligible school, licensed or certified
174 tutor, licensed or certified educational service practitioner or
175 provider, or licensed medical professional verifies in writing
176 that these items are essential for the student to meet annual,
177 measurable educational and academic goals or goals within the
178 scope of the eligible student's IEP. Once a student is no
179 longer * * * participating in the ESA program, computer hardware
180 and software and other technological devices purchased with ESA
181 funds * * * shall be donated to a public school or public library.
182 Qualifying expenses for computer hardware and software include
183 only those expenses incurred within the awarded ESA school year.

184 (3) Neither a participating student, nor anyone on the
185 student's behalf, may receive cash or cash-equivalent items, such
186 as gift cards or store credit, from any refunds or rebates from
187 any provider of services or products in * * * the ESA program.
188 Any refunds or rebates shall be credited directly to the



189 participating student's ESA. The funds in an ESA may only be used
190 for education-related purposes as defined in this chapter.

191 (4) (a) Eligible schools, postsecondary institutions and
192 educational service providers that serve participating students
193 shall provide * * * the parent or guardian who submitted the ESA
194 program application with * * * an original itemized receipt,
195 including the service provider's name and address, for all
196 qualifying expenses. The parent or guardian who submitted the ESA
197 application shall provide the original itemized receipt to the
198 department.

199 (b) In lieu of providing the parent or guardian who
200 submitted the ESA program application with an original itemized
201 receipt, the eligible schools, postsecondary institutions and
202 educational service providers may provide to the department an
203 original itemized receipt approved and signed off on by the parent
204 or guardian who submitted the ESA application, including the
205 service provider's name and address, for all qualifying expenses.

206 (* * *5) Payment for educational services through an ESA
207 shall not preclude parents from paying for educational services
208 using non-ESA funds.

209 * * *

210 (6) For purposes of continuity of educational attainment,
211 students who enroll in the ESA program shall remain eligible to
212 receive quarterly ESA payments until the participating student
213 returns to a public school, completes high school, completes the



214 school year in which the student reaches the age of twenty-one
215 (21), or does not have eligibility verified by a parent as
216 required under subsection (8) of this section, whichever occurs
217 first.

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

221 (8) Every three (3) years after initial enrollment in the
222 ESA program, a parent of a participating student, except a student
223 diagnosed as being a person with a permanent disability, shall
224 document that the student continues to be identified by the school
225 district, a federal or state government agency, or a licensed
226 physician or psychometrist as a child with a disability, as
227 defined by the federal Individuals with Disabilities Education Act
228 (20 USCS Section 1401(3)).

229 (9) * * * An eligible student shall be allowed to return to
230 his home school district at any time after enrolling in the ESA
231 program, in compliance with regulations adopted by the department
232 providing for the least disruptive process for doing so.
233 Upon * * * the participating student's return to his or her home
234 school district, * * * the student's Education Scholarship Account
235 shall be closed and any remaining funds shall be * * * distributed
236 to the * * * student's home school district at the end of the
237 awarded ESA school year.



238 (10) The department shall begin accepting applications for
239 the ESA program on July 1, * * * 2020.

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

242 37-181-7. (1) The ESA program created in this chapter shall
243 be limited to five hundred (500) students in the school year
244 2015-2016, with new enrollment limited to five hundred (500)
245 additional students each year thereafter. Subject to
246 appropriation from the General Fund, each student's ESA shall be
247 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school
248 year 2015-2016. For each subsequent year, this amount shall
249 increase or decrease by the same proportion as the base student
250 cost under Section 37-151-7(1)(b) is increased or decreased.

251 (2) Subject to appropriation, eligible students shall be
252 approved for participation in the ESA program as follows:

253 (a) Until participation in the ESA program reaches
254 fifty percent (50%) of the annual enrollment limits in subsection
255 (1) of this section, students shall be approved on a first-come,
256 first-served basis, with applications being reviewed on a rolling
257 basis;

258 (b) After participation reaches fifty percent (50%) of
259 the annual enrollment limits in subsection (1) of this section,
260 the department shall set annual application deadlines for the
261 remaining number of available ESAs and begin to maintain a waiting
262 list of eligible students. * * * The waitlist will be maintained



263 in the chronological order in which applications are received.
264 The department shall award ESA program applications in
265 chronological order according to the waitlist; and

266 (c) Participating students who remain eligible for the
267 ESA program are automatically approved for participation for the
268 following year and are not subject to the random selection
269 process.

270 (3) No funds for an ESA may be expended from the Mississippi
271 Adequate Education Program, nor shall any school district be
272 required to provide funding for an ESA.

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

275 37-181-9. (1) The department shall create a standard form
276 that parents of students submit to establish their student's
277 eligibility for an Education Scholarship Account. The department
278 shall ensure that the application is readily available to
279 interested families through various sources, including the
280 department's website and the copy of procedural safeguards
281 annually given to parents.

282 (2) The department shall provide parents of participating
283 students with a written explanation of the allowable uses of
284 Education Scholarship Accounts, the responsibilities of parents
285 and the duties of the department. This information shall also be
286 made available on the department's website.



287 (3) The department shall annually notify all students with
288 an IEP of the existence of the ESA program and shall ensure that
289 lower-income families are made aware of their potential
290 eligibility.

291 (4) The department may deduct an amount up to a limit of six
292 percent (6%) from appropriations used to fund Education
293 Scholarship Accounts to cover the costs of overseeing the funds
294 and administering the ESA program.

295 (5) (a) The department shall make a determination of
296 eligibility, and shall approve the application, within twenty-one
297 (21) business days of receiving an application for participation
298 in the ESA program, subject to the provisions of Section
299 37-181-3(b).

300 (b) The department shall provide for a procedure that
301 children with a ruling of hearing impairment or children suspected
302 of a hearing loss shall receive a comprehensive educational
303 assessment which may include the areas of cognitive development,
304 language/speech, audiological and academic achievement from the
305 state-funded Mississippi Assistance Center for Hearing Loss.
306 Children with a ruling of visual impairment or children suspected
307 of a visual impairment shall receive a comprehensive low vision
308 evaluation from the state-funded Low Vision Clinic.

309 (6) The home school district shall provide the parent of a
310 participating student with a complete copy of the student's school
311 records, while complying with the Family Educational Rights and



312 Privacy Act of 1974 (20 USCS Section 1232(g)). The record shall
313 be provided no later than thirty (30) days after a parent signs an
314 agreement to participate in the ESA program.

315 * * *

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

318 37-181-11. (1) To ensure that funds are spent
319 appropriately, the State Department of Education shall adopt rules
320 and policies necessary for the administration of the ESA program,
321 including the auditing of Education Scholarship Accounts, and
322 shall conduct or contract for random audits throughout the year.

323 (2) (a) The department * * * shall develop a system for
324 payment of benefits, including, but not limited to, allowing
325 educational service providers to invoice the department * * * for
326 qualified expenses consistent with Section 37-181-5(2), or
327 allowing * * * the parent or guardian who submitted the ESA
328 program application to seek reimbursement for qualified expenses
329 consistent with Section 37-181-5(2).

330 (b) The department * * * may make payments to
331 educational service providers or reimbursement to * * * the parent
332 or guardian who submitted the ESA program application via check or
333 warrant or electronic funds transfer or any other means of payment
334 deemed to be commercially viable or cost-effective.

335 (c) The department may also establish by rule that some
336 payments to educational service providers will be made on a



337 quarterly basis, rather than an annual basis, if the educational
338 services will be rendered over an extended period of time.

339 (3) The department shall adopt a process for removing
340 educational service providers that defraud parents and for
341 referring cases of fraud to law enforcement.

342 (4) The department shall establish or contract for the
343 establishment of an online anonymous fraud reporting service.

344 (5) The department shall establish or contract for the
345 establishment of an anonymous telephone hotline for fraud
346 reporting.

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

349 37-181-13. (1) The Joint Legislative Committee on
350 Performance Evaluation and Expenditure Review (PEER) shall prepare
351 a biannual report, beginning in 2018 and every two (2) years
352 thereafter, assessing * * * efficacy of Education Scholarship
353 Accounts, to include the sufficiency of funding, and recommending
354 any suggested changes in state law or policy necessary to improve
355 the ESA program.

356 (2) The report shall assess:

357 (a) The degree to which eligible schools are meeting
358 the needs of participating students as defined by the
359 participating students' IEPs;

360 (* * *b) The level of participating students'
361 satisfaction with the ESA program;



362 (* * *c) The level of parental satisfaction with the
363 ESA program;

364 (* * *d) Participating students' performance, both
365 pre-assessment and post-assessment, on the eligible school's
366 current assessment used to demonstrate academic progress, a
367 nationally standardized norm-referenced achievement * * * test, or
368 a current state board-approved screener, as required in Section
369 37-181-15(f);

370 (* * *e) Participating students' performance on
371 Advanced Placement examinations or similar courses and any
372 examinations related to college or university admission;

373 (* * *f) The four-year high school graduation rates
374 and college acceptance rates of participating students;

375 (* * *g) The percentage of funds used for each
376 qualifying expense identified in Section 37-181-5(2); and

377 (* * *h) The fiscal impact to the state and home
378 school districts of the ESA program, which must consider both the
379 impact on revenue and the impact on expenses. Furthermore, the
380 fiscal savings associated with students departing public schools
381 must be explicitly quantified, even if the public school losing
382 the student(s) does not reduce its spending accordingly.

383 (3) The report shall:

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



386 (b) Protect the identity of participating students and
387 schools by, among other things, keeping anonymous all
388 disaggregated data.

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

390 (5) PEER shall provide the Legislature with a final copy of
391 the * * * report of the ESA program before December 31 * * * each
392 year the report is due. At the same time, the study shall also be
393 placed in a prominent location on the PEER website.

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

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

399 37-181-15. To ensure that students are treated fairly and
400 kept safe, all eligible schools shall:

401 (a) Comply with the nondiscrimination policies set
402 forth in 42 USCS 1981;

403 (b) Prior to a participating student's application for
404 enrollment, provide parents with details of the school's programs,
405 record of student achievement, qualifications, experience, * * *
406 capacities to serve students with special needs, and capacity to
407 serve the participating student within the scope of their IEP;

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



410 (d) Hold a valid occupancy permit if required by their
411 municipality;

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

413 (f) * * * Require participating students * * * to take
414 a pre-assessment at the beginning of the school year and a
415 post-assessment at the end of the school year. The eligible
416 school shall have the option to select their current assessment
417 used to demonstrate academic progress, a nationally standardized
418 norm-referenced achievement test, or a current state
419 board-approved screener;

420 (g) Notify a parent or guardian applying for the ESA
421 program that the parent or guardian waives the right of the
422 participating student to an individual entitlement to a free and
423 appropriate public education (FAPE) from their home school
424 district, including special education and related services, for as
425 long as the student is participating in the ESA program;

426 (* * * h) Conduct criminal background checks on
427 employees * * * and:

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

430 (ii) Exclude from employment any person who might
431 reasonably pose a threat to the safety of students * * * ; and

432 (i) An eligible school shall certify to the department
433 upon enrollment of a participating student that the eligible
434 school shall provide services for the participating student's



435 disability or special education needs, or shall provide services
436 addressing a participating student's IEP.

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

439 37-181-17. (1) An eligible nonpublic school is autonomous
440 and not an agent of the state or federal government and therefore:

441 (a) The State Department of Education or any other
442 government agency shall not * * * regulate the educational program
443 of a nonpublic school, postsecondary institution or educational
444 service provider that accepts funds from the parent of a
445 participating student beyond the requirements of the ESA program
446 as promulgated in this chapter;

447 (b) The creation of the Education Scholarship Account
448 program does not expand the regulatory authority of the state, its
449 officers, or any school district to impose any additional
450 regulation of nonpublic schools, postsecondary institutions or
451 educational service providers beyond those necessary to enforce
452 the requirements of the ESA program; and

453 (c) Eligible schools, postsecondary institutions and
454 educational service providers shall be given the maximum freedom
455 to provide for the educational needs of their students without
456 governmental control. No eligible school, postsecondary
457 institution or educational service provider shall be required to
458 alter its creed, practices, admission policies or curriculum in
459 order to accept participating students.



460 (2) Eligible schools, or the parent or guardian who
461 submitted the ESA application, must submit student performance
462 data to the State Department of Education at the end of the school
463 year, including the individual results of the pre-assessment and
464 post-assessment required in Section 37-181-15(f).

465 (* * *3) In any legal proceeding challenging the
466 application of this chapter to an eligible school, postsecondary
467 institution or educational service provider the state bears the
468 burden of establishing that the law is necessary and does not
469 impose any undue burden on the eligible school, postsecondary
470 institution or educational service provider.

471 **SECTION 10.** Section 37-181-19, Mississippi Code of 1972, is
472 reenacted as follows:

473 37-181-19. The State Department of Education may receive and
474 expend contributions from any public or private source to fund
475 ESAs for participating students.

476 **SECTION 11.** Section 37-181-21, Mississippi Code of 1972, is
477 reenacted as follows:

478 37-181-21. If any provision of this law or its application
479 is held invalid, the invalidity does not affect other provisions
480 or applications of this law which can be given effect without the
481 invalid provision or application and to this end the provisions of
482 this law are severable.

483 **SECTION 12.** The following shall be codified as Section
484 37-181-23, Mississippi Code of 1972:



485 37-181-23. Sections 37-181-1 through 37-181-23, Mississippi
486 Code of 1972, shall stand repealed on July 1, * * * 2024.

487 **SECTION 13.** Section 12, Chapter 441, Laws of 2015, is
488 amended as follows:

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

491 **SECTION 14.** This act shall take effect and be in force from
492 and after its passage.

