

By: Representative Currie

To: Education;
Appropriations A

HOUSE BILL NO. 39

1 AN ACT TO AMEND SECTION 37-181-7, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE WAITLIST REQUIREMENT FOR STUDENTS ELIGIBLE TO
3 RECEIVE AN EDUCATIONAL SCHOLARSHIP ACCOUNT UNDER THE "EQUAL
4 OPPORTUNITY FOR STUDENTS WITH SPECIAL NEEDS ACT"; TO PROVIDE THAT,
5 SUBJECT TO APPROPRIATION, EACH STUDENT'S ESA SHALL BE FUNDED AT
6 THE STUDENT BASE AMOUNT AS DETERMINED UNDER THE "MISSISSIPPI
7 STUDENT FUNDING FORMULA"; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 37-181-7, Mississippi Code of 1972, is
10 amended as follows:

11 37-181-7. (1) New enrollment in the ESA program created in
12 this chapter shall be * * * available to all eligible students, as
13 defined in Section 37-181-3. Subject to appropriation from the
14 General Fund, each student's ESA shall be funded at * * * the
15 student base amount as determined under Section 37-151-203 for the
16 2025-2026 school year * * *, and shall increase or decrease by the
17 same proportion as the student base amount * * * is increased or
18 decreased for each subsequent year.

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



21 (a) Students shall be approved on a first-come,
22 first-served basis, with applications being reviewed on a rolling
23 basis; and

24 * * *

25 (* * *b) Participating students who remain eligible
26 for the ESA program are automatically approved for participation
27 for the following year * * *.

28 (3) No funds for an ESA may be expended from the total
29 funding formula funds provided in this chapter, nor shall any
30 school district be required to provide funding for an ESA.

31 **SECTION 2.** This act shall take effect and be in force from
32 and after July 1, 2025.

