

By: Representative Grist (By Request)

To: Education;  
Appropriations

HOUSE BILL NO. 1346

1 AN ACT TO CREATE THE MISSISSIPPI CHILD EQUITY TRUST FUND; TO  
2 REQUIRE THE STATE BOARD OF EDUCATION AND THE PUBLIC EMPLOYEES'  
3 RETIREMENT SYSTEM TO IMPLEMENT THE TRUST FUND; TO REQUIRE THE  
4 CREATION OF AN EARLY CHILDHOOD NONATTENDANCE REGISTRATION  
5 CERTIFICATE FOR INDIVIDUALS WHO ELECT NOT TO ENROLL IN MISSISSIPPI  
6 EARLY CHILDHOOD EDUCATION; TO PROVIDE THAT NO PERSON SHALL BE  
7 ELIGIBLE FOR PARTICIPATION IN THE TRUST FUND UNLESS A CERTIFICATE  
8 WAS FILED ON HIS BEHALF; TO REQUIRE THE DEPOSIT OF CERTAIN FUNDS  
9 INTO THE TRUST FUND ON BEHALF OF EACH INDIVIDUAL WHO HAS FILED A  
10 CERTIFICATE; TO REQUIRE THE INVESTMENT SECTION OF THE PUBLIC  
11 EMPLOYEES' RETIREMENT SYSTEM TO INVEST THE FUNDS; TO REQUIRE THAT  
12 THE MONEY IN THE TRUST BE PAID OUT TO THE CHILD WHEN CERTAIN  
13 CONDITIONS ARE MET; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) There is created in the Public Employees'  
16 Retirement System a special trust fund to be known as the  
17 "Mississippi Child Equity Trust Fund," which shall be administered  
18 by the State Superintendent of Public Education and the Public  
19 Employees' Retirement System. The money for the fund shall come  
20 from certain funds due to school districts under the Adequate  
21 Education Program. These funds shall be transferred to and  
22 managed by the Public Employees' Retirement System.

23 (2) The State Superintendent of Public Education shall  
24 promulgate rules and regulations for the administration of the  
25 program.

26 (3) To facilitate the administration of this act, the State  
27 Superintendent of Public Education shall develop an early  
28 childhood nonattendance registration certificate which shall be  
29 made available to the parent, guardian or custodian of any  
30 kindergarten-age child at the same location that the child is  
31 eligible to be enrolled in the Mississippi Early Childhood



32 Education Program. The certificate shall be designed to obtain  
33 the following information:

34 (a) The name, address and date of birth of any early  
35 childhood-age child who is eligible to enroll in the Mississippi  
36 Early Childhood Education Program;

37 (b) The name and address of the parent, guardian or  
38 custodian of the early childhood-age child;

39 (c) Certification that the parent, guardian or  
40 custodian of the kindergarten-age child has elected not to enroll  
41 the child in the Mississippi Early Childhood Education Program;  
42 and

43 (d) The signature of the parent, guardian or custodian  
44 of the early childhood-age child and the date signed.

45 The State Superintendent of Public Education shall furnish a  
46 sufficient number of the early childhood nonattendance  
47 registration certificates to each school district each year when  
48 the program is implemented.

49 (4) The failure of a parent, guardian or custodian of any  
50 kindergarten-age child eligible to enroll in the Mississippi Early  
51 Childhood Education Program to complete a kindergarten  
52 nonattendance registration certificate is not unlawful; however,  
53 failure to properly complete and submit the early childhood  
54 nonattendance registration certificate shall prevent funds from  
55 being transferred to the child's account for that year.

56 (5) Before September 16 of each year, each school district  
57 shall submit to the State Superintendent of Public Education a  
58 copy of each early childhood nonattendance registration  
59 certificate received for the current school year. The state  
60 superintendent shall deposit each child's pro rata part of  
61 Adequate Education Program funds to the child's personal Child  
62 Equity Trust Fund Account. For children not enrolling in  
63 kindergarten, the amount shall be the statewide per capita  
64 Adequate Education Program funding for that year. For children



65 electing to attend first, second and third grade classes not  
66 having assistant teachers, the amount shall be that child's per  
67 capita share of assistant teacher salaries and benefits for that  
68 year. The district shall provide classes both with and without  
69 assistant teachers. The district may place a child having an  
70 early childhood nonattendance registration certificate in a class  
71 served by an assistant teacher in order to solve scheduling  
72 difficulties. The contribution to the child's trust fund account  
73 shall not be reduced because of such placement. If extra funds  
74 are needed to supplement the assistant teacher salary, the funds  
75 shall be taken on an equal percentage basis from the salaries of  
76 all administrators in the district. Kindergarten, first, second  
77 and third grade children who attend private schools or are  
78 officially in home school are eligible to participate in the  
79 Mississippi Child Equity Trust Fund. A child must be a citizen of  
80 the United States and a resident of Mississippi to participate in  
81 this program. Parents, guardians or custodians of private and  
82 home school children shall complete the early childhood  
83 nonattendance registration certificate in the same manner as those  
84 attending public school. The superintendent of the public school  
85 district shall furnish the forms and collect and transmit these  
86 forms to the State Superintendent of Public Education.

87 (6) The State Superintendent of Public Education shall  
88 transfer the funds deposited to each child's account to the Public  
89 Employees' Retirement System each year along with an accounting of  
90 the amount to be credited to each child's account. The retirement  
91 system shall administer the Child Equity Trust Fund separate from  
92 other funds it manages. At least once per year, the earnings of  
93 each individual account shall be credited to that account. This  
94 fund shall be managed and audited in the same manner as funds in  
95 the other accounts managed by the Public Employees' Retirement  
96 System.



97           (7) A child who has an account in the Child Equity Trust  
98 Fund may claim the funds to go to college, trade school or for  
99 other legitimate educational activity on or after reaching  
100 eighteen (18) years of age or graduating from high school. For  
101 children under eighteen (18) years of age, the funds shall be  
102 disbursed to the parent, guardian or custodian by the Public  
103 Employees' Retirement System upon receipt of a certificate of  
104 admission of the child to a legitimate educational entity. The  
105 State Department of Education shall maintain a list of  
106 educational entities deemed legitimate for purposes of this act.  
107 For children over eighteen (18) years of age, all funds in an  
108 individual's account shall be disbursed directly to the individual  
109 upon receipt of a certificate of admission of the child to a  
110 legitimate educational entity. Any time after the child reaches  
111 twenty-five (25) years of age, the funds may be transferred  
112 directly to the child without restrictions.

113           (8) For the purposes of this act, "early childhood  
114 education" includes public school kindergarten and public school  
115 first grade, second grade and third grade classes having an  
116 assistant teacher in addition to the regular teacher.

117           **SECTION 2.** This act shall take effect and be in force from  
118 and after July 1, 2002.

