

By: Senator(s) Nunnelee

To: Education;  
Appropriations

## SENATE BILL NO. 2332

1 AN ACT TO ESTABLISH THE MISSISSIPPI SCHOLARSHIPS FOR STUDENTS  
2 WITH DISABILITIES PROGRAM; TO PROVIDE SCHOLARSHIP VOUCHERS FOR THE  
3 OPTION OF STUDENTS WITH DISABILITIES TO ATTEND A PUBLIC SCHOOL  
4 OTHER THAN THE ONE TO WHICH ASSIGNED OR TO ATTEND A QUALIFIED  
5 PRIVATE SCHOOL OF CHOICE; TO PROVIDE ELIGIBILITY STANDARDS FOR THE  
6 SCHOLARSHIP PROGRAM; TO PRESCRIBE THE OBLIGATIONS OF THE STATE  
7 DEPARTMENT OF EDUCATION AND THE LOCAL SCHOOL DISTRICT IN WHICH THE  
8 STUDENT RESIDES; TO PROVIDE ELIGIBILITY STANDARDS FOR PRIVATE  
9 SCHOOLS; TO PROVIDE THE OBLIGATIONS OF PROGRAM PARTICIPANTS; TO  
10 PROVIDE FOR SCHOLARSHIP FUNDING AND PAYMENT; TO WAIVE LIABILITY ON  
11 THE PART OF THE STATE OR LOCAL SCHOOL DISTRICT FOR PARTICIPATION  
12 IN THE PROGRAM; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO  
13 PROMULGATE RULES TO ADMINISTER THE PROGRAM; AND FOR RELATED  
14 PURPOSES.

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

16 **SECTION 1.** (1) There is established a program to be named  
17 the Mississippi Scholarships for Students with Disabilities  
18 Program, pursuant to this section, which is separate and distinct  
19 from any financial assistance for exceptional children authorized  
20 under Section 37-23-61 et seq., Mississippi Code of 1972. The  
21 Mississippi Scholarships for Students with Disabilities Program  
22 shall provide the option to attend a public school other than the  
23 one to which assigned, or to provide a scholarship to a private  
24 school of choice, for students with disabilities for whom an  
25 individual education plan has been written in accordance with  
26 rules of the State Board of Education. Students with disabilities  
27 include K-12 students who are mentally handicapped, speech and  
28 language impaired, deaf or hard of hearing, visually impaired,  
29 dual sensory impaired, physically impaired, emotionally  
30 handicapped, specific learning disabled, hospitalized or  
31 homebound, or autistic.

32 (2) **Scholarship eligibility.** The parent of a public school  
33 student with a disability who is dissatisfied with the student's

34 progress may request and receive from the state a scholarship for  
35 the child to enroll in and attend a private school in accordance  
36 with this section if:

37           (a) By assigned school attendance area or by special  
38 assignment, the student has spent the prior school year in  
39 attendance at a Mississippi public school. Prior school year in  
40 attendance means that the student was enrolled and reported by a  
41 school district for funding during the preceding October and  
42 February Mississippi Adequate Education Program surveys in  
43 Kindergarten through Grade 12. However, this paragraph does not  
44 apply to a dependent child of a member of the United States Armed  
45 Forces who transfers to a school in this state from out of state  
46 or from a foreign country pursuant to a parent's permanent change  
47 of station orders. A dependent child of a member of the United  
48 States Armed Forces who transfers to a school in this state from  
49 out of state or from a foreign country pursuant to a parent's  
50 permanent change of station orders must meet all other eligibility  
51 requirements to participate in the program.

52           (b) The parent has obtained acceptance for admission of  
53 the student to a private school that is eligible for the program  
54 under subsection (4) and has notified the school district of the  
55 request for a scholarship at least sixty (60) days prior to the  
56 date of the first scholarship payment. The parental notification  
57 must be through a communication directly to the district or  
58 through the State Department of Education to the district in a  
59 manner that creates a written or electronic record of the  
60 notification and the date of receipt of the notification.

61           This section does not apply to a student who is enrolled in a  
62 school operating for the purpose of providing educational services  
63 to youth in the Department of Human Services, Office of Juvenile  
64 Correctional Institutions, commitment programs. For purposes of  
65 continuity of educational choice, the scholarship shall remain in  
66 force until the student returns to a public school or graduates

67 from high school. However, at any time, the student's parent may  
68 remove the student from the private school and place the student  
69 in another private school that is eligible for the program under  
70 subsection (4) or in a public school as provided in subsection  
71 (3).

72 (3) **School district and state department of education**  
73 **obligations.** (a) A local school board shall timely notify the  
74 parent of the student of all options available pursuant to this  
75 section and offer that student's parent an opportunity to enroll  
76 the student in another public school within the district. The  
77 parent is not required to accept this offer in lieu of requesting  
78 a scholarship to a private school. However, if the parent chooses  
79 the public school option, the student may continue attending a  
80 public school chosen by the parent until the student graduates  
81 from high school. If the parent chooses a public school  
82 consistent with the local school board's choice plan, the school  
83 district shall provide transportation to the public school  
84 selected by the parent. The parent is responsible to provide  
85 transportation to a public school chosen that is not consistent  
86 with the local school board's choice plan.

87 (b) For a student with disabilities who does not have a  
88 matrix of services required by federal and state law, the school  
89 district must complete a matrix that assigns the student to one of  
90 the levels of service as they existed prior to the 2006-2007  
91 school year. The school district must complete the matrix of  
92 services for any student who is participating in the Mississippi  
93 Scholarships for Students with Disabilities Program and must  
94 notify the State Department of Education of the student's matrix  
95 level within thirty (30) days after receiving notification by the  
96 student's parent of intent to participate in the scholarship  
97 program. The State Department of Education shall notify the  
98 private school of the amount of the scholarship within ten (10)  
99 days after receiving the school district's notification of the

100 student's matrix level. Within ten (10) school days after it  
101 receives notification of a parent's intent to apply for a  
102 scholarship, a local school board must notify the student's parent  
103 if the matrix has not been completed and provide the parent with  
104 the date for completion of the matrix required in this paragraph.

105 (c) If the parent chooses the private school option and  
106 the student is accepted by the private school pending the  
107 availability of a space for the student, the parent of the student  
108 must notify the school district sixty (60) days prior to the first  
109 scholarship payment and before entering the private school in  
110 order to be eligible for the scholarship when a space becomes  
111 available for the student in the private school.

112 (d) The parent of a student may choose, as an  
113 alternative, to enroll the student in and transport the student to  
114 a public school in an adjacent school district which has available  
115 space and has a program with the services agreed to in the  
116 student's individual education plan already in place, and that  
117 school district shall accept the student and report the student  
118 for purposes of the district's funding pursuant to the Mississippi  
119 Adequate Education Program.

120 (e) For a student in the district who participates in  
121 the Mississippi Scholarships for Students with Disabilities  
122 Program whose parent requests that the student take the statewide  
123 assessments, the district shall provide locations and times to  
124 take all statewide assessments.

125 (f) A school district must notify the State Department  
126 of Education within ten (10) days after it receives notification  
127 of a parent's intent to apply for a scholarship for a student with  
128 a disability. A school district must provide the student's parent  
129 with the student's matrix level within ten (10) school days after  
130 its completion.

131 (4) **Private school eligibility.** To be eligible to  
132 participate in the Mississippi Scholarships for Students with

133 Disabilities Program, a private school must be a Mississippi  
134 private school, may be sectarian or nonsectarian, and must:

135           (a) Demonstrate fiscal soundness by being in operation  
136 for one (1) school year or provide the State Department of  
137 Education with a statement by a certified public accountant  
138 confirming that the private school desiring to participate is  
139 insured and the owner or owners have sufficient capital or credit  
140 to operate the school for the upcoming year serving the number of  
141 students anticipated with expected revenues from tuition and other  
142 sources that may be reasonably expected. In lieu of such a  
143 statement, a surety bond or letter of credit for the amount equal  
144 to the scholarship funds for any quarter may be filed with the  
145 department.

146           (b) Notify the State Department of Education of its  
147 intent to participate in the program under this section. The  
148 notice must specify the grade levels and services that the private  
149 school has available for students with disabilities who are  
150 participating in the scholarship program.

151           (c) Comply with the antidiscrimination provisions of 42  
152 USC 2000d.

153           (d) Meet state and local health and safety laws and  
154 codes.

155           (e) Be academically accountable to the parent for  
156 meeting the educational needs of the student.

157           (f) Employ or contract with teachers who hold  
158 baccalaureate or higher degrees, or have at least three (3) years  
159 of teaching experience in public or private schools, or have  
160 special skills, knowledge or expertise that qualifies them to  
161 provide instruction in subjects taught.

162           (g) Comply with all state accreditation standards.

163           (h) Adhere to the tenets of its published disciplinary  
164 procedures prior to the expulsion of a scholarship student.

165           (5) **Obligation of program participants.** (a) A parent who  
166 applies for a scholarship is exercising his or her parental option  
167 to place his or her child in a private school. The parent must  
168 select the private school and apply for the admission of his or  
169 her child.

170                   (b) The parent must have requested the scholarship at  
171 least sixty (60) days prior to the date of the first scholarship  
172 payment.

173                   (c) Any student participating in the scholarship  
174 program must remain in attendance throughout the school year,  
175 unless excused by the school for illness or other good cause, and  
176 must comply fully with the school's code of conduct.

177                   (d) The parent of each student participating in the  
178 scholarship program must comply fully with the private school's  
179 parental involvement requirements, unless excused by the school  
180 for illness or other good cause.

181                   (e) If the parent requests that the student  
182 participating in the scholarship program take all statewide  
183 assessments required, the parent is responsible for transporting  
184 the student to the assessment site designated by the school  
185 district.

186                   (f) Upon receipt of a scholarship warrant, the parent  
187 to whom the warrant is made must restrictively endorse the warrant  
188 to the private school for deposit into the account of the private  
189 school.

190                   (g) A participant who fails to comply with this  
191 subsection (5) forfeits the scholarship.

192           (6) **Scholarship funding and payment.** (a) (i) The maximum  
193 scholarship granted for an eligible student with disabilities  
194 shall be a calculated amount equivalent to the base student  
195 allocation in the Mississippi Adequate Education Program  
196 multiplied by the appropriate cost factor for the educational  
197 program that would have been provided for the student in the

198 district school to which he or she was assigned, multiplied by the  
199 district cost differential.

200 (ii) In addition, a share of the guaranteed  
201 allocation for exceptional students shall be determined and added  
202 to the calculated amount. The calculation shall be based on the  
203 methodology and the data used to calculate the guaranteed  
204 allocation for exceptional students for each district. The  
205 calculation shall be based on the student's grade, matrix level of  
206 services, and the difference between the 2006-2007 basic program  
207 and the appropriate level of services cost factor, multiplied by  
208 the 2006-2007 base student allocation and the 2006-2007 district  
209 cost differential for the sending district.

210 (iii) Until the school district completes the  
211 matrix required by paragraph (b) of subsection (3), the  
212 calculation shall be based on the matrix that assigns the student  
213 to support Level I of service as it existed prior to the 2006-2007  
214 school year. When the school district completes the matrix, the  
215 amount of the payment shall be adjusted as needed.

216 (b) The amount of the scholarship shall be the  
217 calculated amount or the amount of the private school's tuition  
218 and fees, whichever is less. The amount of any assessment fee  
219 required by the participating private school may be paid from the  
220 total amount of the scholarship.

221 (c) If the participating private school requires  
222 partial payment of tuition prior to the start of the academic year  
223 to reserve space for students admitted to the school, that partial  
224 payment may be paid by the State Department of Education prior to  
225 the first quarterly payment of the year in which the scholarship  
226 is awarded, up to a maximum of One Thousand Dollars (\$1,000.00),  
227 and deducted from subsequent scholarship payments. If a student  
228 decides not to attend the participating private school, the  
229 partial reservation payment must be returned to the State  
230 Department of Education by the participating private school.

231 There is a limit of one (1) reservation payment per student per  
232 year.

233 (d) The school district shall report all students who  
234 are attending a private school under this program. The students  
235 with disabilities attending private schools on scholarships shall  
236 be reported separately from other students reported for purposes  
237 of the Mississippi Adequate Education Program.

238 (e) Following notification on July 1, September 1,  
239 December 1 or February 1 of the number of program participants,  
240 the State Department of Education shall transfer the amount  
241 calculated under paragraph (b) of this subsection (6) from the  
242 school district's total funding entitlement under the Mississippi  
243 Adequate Education Program and from authorized categorical  
244 accounts to a separate account for the scholarship program for  
245 quarterly disbursement to the parents of participating students.  
246 When a student enters the scholarship program, the State  
247 Department of Education must receive all documentation required  
248 for the student's participation, including the private school's  
249 and student's fee schedules, at least thirty (30) days before the  
250 first quarterly scholarship payment is made for the student. The  
251 State Department of Education may not make any retroactive  
252 payments.

253 (f) Upon proper documentation reviewed and approved by  
254 the State Department of Education, scholarship payments shall be  
255 made in four (4) equal amounts no later than September 1, November  
256 1, February 1 and April 15 of each academic year in which the  
257 scholarship is in force. The initial payment shall be made after  
258 State Department of Education verification of admission  
259 acceptance, and subsequent payments shall be made upon  
260 verification of continued enrollment and attendance at the private  
261 school. Payment must be by individual warrant made payable to the  
262 student's parent and mailed by the State Department of Education  
263 to the private school of the parent's choice, and the parent shall



264 restrictively endorse the warrant to the private school for  
265 deposit into the account of the private school.

266 (7) **Liability.** No liability shall arise on the part of the  
267 state or local school district based on the award or use of a  
268 scholarship.

269 (8) **Rules.** The State Board of Education shall adopt rules  
270 to administer this section, including rules that school districts  
271 must use to expedite the development of a matrix of services based  
272 on a current individual education plan from another state or a  
273 foreign country for a transferring student with a disability who  
274 is a dependent child of a member of the United States Armed  
275 Forces. The rules must identify the appropriate school district  
276 personnel who must complete the matrix of services. However, the  
277 inclusion of eligible private schools within options available to  
278 Mississippi public school students does not expand the regulatory  
279 authority of the state, its officers, or any school district to  
280 impose any additional regulation of private schools beyond those  
281 reasonably necessary to enforce requirements expressly set forth  
282 in this section.

283 **SECTION 2.** This act shall take effect and be in force from  
284 and after July 1, 2007.