

By: Representative Crawford

To: Education;  
Appropriations

HOUSE BILL NO. 529

1 AN ACT TO AMEND SECTION 37-23-69, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE AMOUNT OF FINANCIAL ASSISTANCE MADE AVAILABLE TO  
3 EXCEPTIONAL CHILDREN ATTENDING PRIVATE OR PAROCHIAL SCHOOLS AS  
4 EDUCATIONAL COSTS REIMBURSEMENTS CHARGED BY SUCH ORGANIZATIONS  
5 from \$600.00 to \$3,400.00; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-23-69, Mississippi Code of 1972, is  
8 amended as follows:

9 37-23-69. The State Department of Education may determine  
10 and pay the amount of the financial assistance to be made  
11 available to each applicant, and see that all applicants and the  
12 programs for them meet the requirements of the program for  
13 exceptional children. No financial assistance shall exceed the  
14 obligation actually incurred by the applicant for educational  
15 costs, which shall include special education and related services  
16 as defined by the Mississippi Department of Education Policies and  
17 Procedures Regarding Children with Disabilities under the federal  
18 Individuals with Disabilities Education Act (IDEA). Within the  
19 amount of available state funds appropriated for that purpose,



20 each such applicant may receive assistance according to the  
21 following allowances:

22 (a) If the applicant chooses to attend a private  
23 school, a parochial school or a speech, hearing and/or language  
24 clinic having an appropriate program for the applicant, and if the  
25 school or clinic meets federal and state regulations, then the  
26 educational costs reimbursement will be one hundred percent (100%)  
27 of the first \* \* \* Three Thousand Four Hundred Dollars (\$3,400.00)  
28 in educational costs charged by the school or clinic; or, if the  
29 applicant is under six (6) years of age, and no program  
30 appropriate for the child exists in the public schools of his  
31 domicile, then the reimbursement shall be one hundred percent  
32 (100%) of the first Six Hundred Dollars (\$600.00) in educational  
33 costs charged by the school or clinic, and fifty percent (50%) of  
34 the next Eight Hundred Dollars (\$800.00) in educational costs  
35 charged by the school or clinic;

36 (b) A public school district shall be reimbursed for  
37 the educational costs of an applicant up to an annual maximum  
38 based on a multiple of the base student cost as determined under  
39 the Mississippi Adequate Education Program (MAEP) or other cost  
40 factor as determined by the State Board of Education if the  
41 following conditions are met: (i) an applicant in the age range  
42 six (6) through twenty (20) requests the public school district  
43 where he resides to provide an education for him and the nature of  
44 the applicant's educational problem is such that, according to



45 best educational practices, it cannot be met in the public school  
46 district where the child resides; (ii) the public school district  
47 decides to provide the applicant a free appropriate education by  
48 placing him in a private school, a parochial school or a speech,  
49 hearing and/or language clinic having an appropriate program for  
50 the applicant; (iii) the program meets federal and state  
51 regulations; and (iv) the applicant is approved for financial  
52 assistance by a State Level Review Board established by the State  
53 Board of Education. The Review Board will act on financial  
54 assistance requests within five (5) working days of receipt.  
55 Nothing in this paragraph shall prevent two (2) or more public  
56 school districts from forming a cooperative to meet the needs of  
57 low incidence exceptional children, nor shall the public school be  
58 relieved of its responsibility to provide an education for all  
59 children. If state monies are not sufficient to fund all  
60 applicants, there will be a ratable reduction for all recipients  
61 receiving state funds under this section. School districts may  
62 pay additional educational costs from available federal, state and  
63 local funds.

64 If an exceptional child, as defined in Section 37-23-3, is  
65 placed in a therapeutic or other group home licensed or approved  
66 by the state that has no educational program associated with it,  
67 the local school district in which the home is located shall offer  
68 an appropriate educational program to that child.



69           At any time that the Individualized Education Program (IEP)  
70 Committee in the district where the home is located determines  
71 that an exceptional child, as defined in Section 37-23-3, residing  
72 in that home can no longer be provided a free appropriate public  
73 education in that school district, and the State Department of  
74 Education agrees with that decision, then the State Department of  
75 Education shall recommend to the Department of Human Services  
76 placement of the child by the Department of Human Services, which  
77 shall take appropriate action. The placement of the exceptional  
78 child in the facility shall be at no cost to the local school  
79 district. Funds available under Sections 37-23-61 through  
80 37-23-77, as well as any available federal funds, may be used to  
81 provide the educational costs of the placement. If the  
82 exceptional child is under the guardianship of the Department of  
83 Human Services or another state agency, the State Department of  
84 Education shall pay only for the educational costs of that  
85 placement, and the other agency shall be responsible for the room,  
86 board and any other costs. The special education and related  
87 services provided to the child shall be in compliance with State  
88 Department of Education and any related federal regulations. The  
89 State Board of Education may promulgate regulations that are  
90 necessary to implement this section; and  
91           (c) If an appropriate local or regional system of care,  
92 including a free appropriate public education, is available for  
93 exceptional children who are currently being served in



94 out-of-district or Department of Human Services placements under  
95 Section 37-23-69(b) or 37-23-77, then the state funds from the  
96 State Department of Education that would have been used for those  
97 placements may be paid into a pool of funds with funds from other  
98 state agencies to be used for the implementation of the  
99 individualized plans of care for those children. If there are  
100 sufficient funds to serve additional exceptional children because  
101 of cost savings as a result of serving these students at home  
102 and/or matching the pooled funds with federal dollars, the funds  
103 may be used to implement individualized plans of care for those  
104 additional exceptional children. Each local or regional provider  
105 of services included in the individualized plans of care shall  
106 comply with all appropriate state and federal regulations. The  
107 State Board of Education may promulgate regulations that are  
108 necessary to implement this section.

109         The State Department of Education may also provide for the  
110 payment of that financial assistance in installments and for  
111 proration of that financial assistance in the case of children  
112 attending a school or clinic for less than a full school session  
113 and, if available funds are insufficient, may allocate the  
114 available funds among the qualified applicants and local school  
115 districts by reducing the maximum assistance provided for in this  
116 section.

117         Any monies provided an applicant under Sections 37-23-61  
118 through 37-23-75 shall be applied by the receiving educational



119 institution as a reduction in the amount of the educational costs  
120 paid by the applicant, and the total educational costs paid by the  
121 applicant shall not exceed the total educational costs paid by any  
122 other child in similar circumstances enrolled in the same program  
123 in that institution. However, this limitation shall not prohibit  
124 the waiving of all or part of the educational costs for a limited  
125 number of children based upon demonstrated financial need, and the  
126 State Department of Education may adopt and enforce reasonable  
127 rules and regulations to carry out the intent of these provisions.

128       **SECTION 2.** This act shall take effect and be in force from  
129 and after July 1, 2014.

