



Education Scholarship Account (ESA) Duties of the Mississippi Department of Education

The Mississippi Department of Education (MDE) shall ensure the following requirements are routinely and fairly applied to all recipients or potential recipients of the Education Scholarship Account (ESA) program:

1. The MDE shall annually notify all students with an IEP of the existence of the program and shall ensure that lower-income families are made aware of their potential eligibility. This notification shall include the annual deadline for application submission.
2. The MDE ESA Application shall be available on the MDE's website and included with the annual Procedural Safeguards given to parents.
3. The MDE shall make a determination of eligibility and approve/deny all applications within twenty-one (21) business days of receipt of the application for participation in the program, subject to the annual application deadline and participation cap set by law.
4. The MDE shall compute the actual number of ESAs available each year based on the amount appropriated from the state's General Fund. The following formula will be used to compute the ESAs available:
$$\frac{\text{Appropriation less Administrative (not to exceed 6\%)} = \text{Net Appropriation}}{\text{Net Appropriation divided by amount awarded}} = \text{Number of ESA Accounts}$$
5. The MDE shall approve applicants in the ESA program for each school year. Applications that are determined eligible, will be awarded an ESA on a first-come, first-served basis. The remaining applications after all awards are filled will be placed on a waiting list, if determined eligible.
6. The MDE shall fund each participating student's ESA per amount awarded for each school year. An administrative charge not to exceed six percent (6%) of the total award will be deducted from the total appropriation prior to disbursement of ESA funds to recipients. Each subsequent year, the award amount shall increase/decrease by the same proportion as the base student

cost under Section 37-151-7(1)(b) is increased/decreased, however administrative costs shall remain at six percent (6%) or less of the total appropriation.

7. The MDE shall, for the purposes of continuity of educational attainment, keep participating students enrolled in the program, as long as they remain eligible, until the participating student returns to a public school, completes high school, completes the school year in which the student reaches the age of twenty-one (21), or does not have eligibility verified by a parent every three (3) years after initial enrollment in the ESA program.
8. The MDE shall refer all participating students with a ruling of hearing impairment or children suspected of a hearing loss to the state-funded Mississippi Assistance Center for Hearing Loss where they shall receive a comprehensive educational assessment which may include the areas of cognitive development, language/speech, audiological and academic achievement.
9. The MDE shall refer all participating students with a ruling of visual impairment or children suspected of visual impairment to the state-funded Low Vision Clinic where they shall receive a comprehensive low vision evaluation.
10. A participating student shall be allowed to return to his/her home school district at any time after enrolling in the ESA program. Upon return, the student's ESA shall be closed and the MDE shall return any of that student's remaining ESA funds to the state's General Fund.
11. The MDE shall conduct random audits throughout the year to ensure all ESA funds are being appropriately spent for the education of the participating students. Any fraudulent use of ESA funds shall be required to be repaid to the ESA and referred to the appropriate law enforcement agency, if needed. Educational service providers that defraud parents shall be immediately removed from the program.
12. The MDE shall maintain an anonymous online and telephone fraud reporting service.