

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
January 16, 2020

OFFICE OF SPECIAL EDUCATION

05. Action: Establish State Board Policy Part 3, Chapter 74, Rule 74.21 – Education Scholarship Account (ESA) [Goal 2 – MBE Strategic Plan]
(Has cleared the Administrative Procedures Act process with public comments)

Background Information: The Equal Opportunity for Students with Special Needs Act (Miss. Code Ann. §§ 37-181-1 through 37-181-21) was signed into law during the 2015 session of the Mississippi Legislature and established Education Scholarship Accounts. The Education Scholarship Account (ESA) provides an opportunity for parents of children with disabilities who wish to withdraw their child from the public-school system to use scholarship money to help defray the cost of private school tuition or other specific allowable activities to educate their child.

The purpose of this policy is to establish regulations that govern the overall application, approval, reimbursement, and cancellation process for the ESA.

This item references Goal 2 of the *Mississippi Board of Education 2018-2022 Strategic Plan*.

Recommendation: Approval

Back-up material attached

APA Comments on Educational Scholarship Account Program

The Office of Special Education received the following APA comments about the Educational Scholarship Account Program.

| Comment | MDE Response |
|--|---|
| <p>We think as parents of a special needs child, that getting a ESA scholarship is the hardest battle, but unfortunately it's not</p> <p>First it's the registration of these accounts, that the directions are incomplete and you need to be rocket scientists to figure out, and know one at MDE knows how to do it</p> <p>I was transferred 12 times in a hour.</p> <p>Paperwork that was filled out exactly like last year, had be refilled out this year differently and your funds are threatened to be with held if it isn't done within 2 days. Ever so nicely though.</p> <p>Can someone please explain to me why you need a copy of my doctors medical licences every three months as well as my therapist when you have the receipts and it has not changed in 3 months? There again they can withhold your funds .</p> <p>Why are there such headaches to transfer our funds to another state if they can provide for that child's needs, and we do not have resources closer to home. We as parents drive these children.</p> <p>Even though this is a few of the problems with the program, it is appreciated and greatly benefits a number of children in this state.</p> | <p>Rule 74.21</p> <p>Section 3. Covered by proposed policy:</p> <p>In accordance with Miss. Code Ann. § 37-181-9(1), the Mississippi Department of Education (MDE) Office of Special Education (OSE) has created a standard form for parents to submit to establish the student's eligibility. The application is available online at https://mdek12.org/OSE/ESA or by contacting the OSE.</p> <p>Section 4. Covered by proposed policy:</p> <p>Along with the application form, parents must provide the following documentation:</p> <ul style="list-style-type: none"> a. Copy of parent/legal guardian's driver's license or state-issued identification; b. Copy of student's birth certificate; c. Legal paperwork to act on behalf of student , if applicable; |

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| Comment | MDE Response |
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| | <p>d. Proof of residency (e.g., copy of utility bill);</p> <p>e. Copy of student's most recent IEP that was active within the past five years;</p> <p>f. Copy of student's most recent eligibility and/or evaluation; and</p> <p>g. Original, signed "Responsibilities of Parents" document with all boxes properly initialed.</p> |
| <p>We are very appreciative of the ESA Program and the way it has helped our child. The only problem now that we have with the program is not being able to receive reimbursement on a timely basis to be able to pay the school. We are still due \$698.00 from the 2018-2019 school year. The first two years we had no problems getting the school paid on a timely basis with much help from the staff at Ms. Dept. of Education. Now that has changed.</p> | <p>No change is needed</p> |
| <p>1) Upgrade the ESA policy about how to qualify or receive one... it should not be 5 years...it should be no limited years</p> <p>2) ESA parents added on the advisory board ...we have no voice or representation any where</p> <p>3) A shorter and more friendly sign up process</p> <p>4) More advertising in school districts about ESA ...make it a law that all parents of an IEP is made aware that this option is available to them</p> <p>5) Help the parents get rid of the repeller for good</p> <p>6) Meetings set up in school districts to troubleshoot problems or questions parents may have</p> <p>7) I think that if a parent pays in full they should be repaid or reimbursed in full not partial</p> | <p>Note:</p> <p>The MDE OSE is working with the Office of Technology and Strategic Services to develop an online platform for the ESA application, review, award and reimbursement process.</p> |

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| Comment | MDE Response |
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| <p>...my thoughts of improvements</p> | <p>Miss. Code Ann. § 37-181-3 requires that payments are made on a quarterly basis.</p> |
| <p>This year after waiting through several lotteries, my daughter finally received an ESA. In August, we submitted the first reimbursement paperwork to use the funds assigned to my daughter. I prepared my paperwork to the best of my ability according to the paperwork given to me. I had learned from past experiences with submitting information to MDE I needed to make copies of what I submitted and send it all certified well in enough time to be received before the deadline, which I did. The period for the first quarter ended on August 30th, 2019. The checks were to be disbursed nearly a month later on September 27th, 2019. My paperwork was in before the deadline, and I received no confirmation MDE received the packet or any communication that indicated there were any issues with the paperwork I had submitted. Within days of the disbursement date, I received a check written to me for the amount of the payment I had made to Penn Foster for my daughter's online schooling.</p> <p>I let my daughter's dyslexia therapist know she should be receiving a check any day. After a week had passed and she had not received a payment, I contacted MDE by email on October 3rd, 2019, concerning the payment. On October 4th, I received an email response that the payment was made to Penn Foster, not my Daughter's Therapist. I was asked to provide them with Penn Foster's contact information then so they could correct the problem. I was starting a process that took 12 business days to resolve. During those 12 days, the responsibility of getting the check located with Penn Foster and requesting the check returned was placed on me. There were several emails and phone calls made before I contacted someone who made something happen. Had I not involved this outside person, I wholeheartedly believe this issue would have taken up to another 90 days to resolve had let them continue to handle this the way that had wanted. A primary concern is not just how this could happen, but in the manner in which it processed. Accusing me of filling out the form in</p> | <p>Note:</p> <p>The MDE OSE is working with the Office of Technology and Strategic Services to develop an online platform for the ESA application, review, award and reimbursement process. The electronic system will provide confirmation of submission.</p> |

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| Comment | MDE Response |
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| <p>a confusing way; however, when I asked for that to be clarified so that it didn't happen again, I received no response. I had asked early on in the situation if they could put a stop payment on the check before Penn Foster cashed it. Especially since Penn Foster was having difficulty finding the check, to which I did not get a response. Then 12 business days later, that is what was done to correct the situation. Something that should have been done when they realized the check sent to the wrong party. I am frustrated that funds were awarded to my daughter to get the help she needs, and those funds have been handled carelessly. My daughter nearly lost services for non-payment, something that is inexcusable.</p> | |
| <p>I am the mother of 3 dyslexic children, 2 of which receive (eligible for an ESA). The following are some concerns with rules and procedures with our program.</p> <ul style="list-style-type: none"> -mail submission. This process could be a lot more efficient if we were able to submit applications, forms, and documents electronically. -handling of packets. There seems to be one or two issues and neither are acceptable. 1. Either there are too many people handling paperwork and items are being misplaced or mishandled. 2. Individual families are being targeted and told that their applications are incomplete, when in fact they are/ were not. This has happened to me personally on more than one occasion. <p>Overall, we are extremely satisfied with the program with the exception of its overall management of above listed items.</p> <p>Thank you for your time.</p> | <p>Note:</p> <p>The MDE OSE is working with the Office of Technology and Strategic Services to develop an online platform for the ESA application, review, award and reimbursement process.</p> |

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| Comment | MDE Response |
|---|---|
| <p>One of my problems, as a parent advocate, is that the ESA lets the school district off the hook. Many of my families who filed, or intended to file, a state or due process complaint won the ESA and dropped their complaint. So there was no finding and no investigation. I think MDE should find out WHY the parents applied for the ESA and enrolled their children in private school. And if you find a large number or disproportionate number of students from a school district, you should monitor them.</p> <p>My other complaint is that the rich get richer and the poor get poorer. So many families in Rankin and Madison get the ESA and have several options for their children. But families in the rural and poor parts of the states dont have resources available for private school, even if they are awarded the ESA.</p> | <p>No change is needed</p> |
| <p>First let me start by saying we are very thankful for the ESA program. We have two special needs kids with autism that are receiving educational services in a non public special purpose school. My number one concern with the ESA right now is the June 2020 repealer date which needs to be removed or extended. My next concern is the amount of time we spent on the waitlist to receive an ESA. My third issue is the lack of administrative organization. No one ever knows where are paperwork is and seems to get "misfiled" or "lost" frequently. Also the lack of knowledge from the MDE staff about purpose of the scholarship and the bill itself is frustrating. How can you successfully run a program if you don't educate the staff about the program? This program means a lot to families like mine and to see it so mismanaged by the MDE shows us parents exactly how you feel about us and our kids. Most of us are in private schools now because public schools failed to serve us and now we feel that y'all are also trying to make this harder than it should be. We shouldn't have to fight so hard for our kids education. We shouldn't have to fight the very people who are supposed to be helping us.</p> | <p>Note:</p> <p>The MDE OSE is working with the Office of Technology and Strategic Services to develop an online platform for the ESA application, review, award and reimbursement process.</p> |
| <p>PUBLIC COMMENTS BY EMPOWER MISSISSIPPI 10-24-19</p> | <p>Section 6. Adjusted to include:</p> |

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| Comment | MDE Response |
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| <p>Regarding (5), Mississippi is one of six states with an ESA program and the only state without an online portal with clear parent resources (including an ESA handbook, an ESA support email, and an ESA parent hotline) and electronic submission of paperwork. To be sure, those without internet access should have the option of mailing materials and receiving materials by mail, but using the postal service for all is rife with issues:</p> <ul style="list-style-type: none"> • MDE states on multiple forms “No postmarked applications will be accepted” _and “Any incomplete submissions will not be processed” _and that it “will not be liable for applications lost in the mail.” _Without further instruction, this language is unhelpful to parents. Parents are generally confused as to whether paperwork must be postmarked by deadlines or received. If these are the only two options, the first is preferable, because parents have no control over the postal service. Several parents have recounted driving paperwork to MDE to deliver in person or incurring expenses to overnight paperwork because they could not otherwise ensure it would be received by a specific date. This seems overly burdensome for parents and inefficient because they have to call or email MDE to confirm receipt. An online portal would solve some of these issues, streamline the application process, and give confused parents relief. • There are instances of applications and documentation being lost by MDE (when parents could prove it was sent) and parents being notified late or not at all about problems with paperwork. The current system is inefficient and overly burdensome to parents in part because the postal service is unreliable and slow, MDE’s notification process thus far has been unreliable, lost or misplaced paper records take longer to replace, and email and phone communication is either discouraged by MDE or inconsistent. Parents must maintain their own large, paper files because there is no common electronic file for both MDE and parents to view regarding submissions and applicable dates. • In general, parents say they must call and email to find out information because there is not enough clarity around deadlines, processes, and available | <p>“The information is entered into the ESA database, a control number is assigned, and the applicant is placed on the waitlist (if applicable). Applicants are notified by email or telephone of receipt of the application. If the application contains missing or incorrect information, the parents will be notified and provided 21 days to submit complete and accurate documentation. After 21 days, the applicant’s place on the waitlist will be forfeited.</p> <p>Section 7. Add:</p> <p>If additional awards are made during the year, awardees will have thirty (30) days from the date of the award to provide the letter of acceptance and enrollment provided by the eligible school which meets the requirements stipulated above.</p> <p>Section 10. Remove:</p> <p>Parents are responsible for submitting documentation from the organization receiving the donation.</p> <p>Section 11. Add:</p> |

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| Comment | MDE Response |
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| <p>information. The system is inappropriately reliant upon parents being transferred to or contacting the right person, asking the right questions, following up in a timely manner, and finding a way to appeal any questionable occurrence or decision without any direction from MDE. Missing from these policies is an appeals process. The PEER Committee recommended creating one, and parent history demonstrates a clear need for this.</p> <ul style="list-style-type: none"> • A voluntary withdrawal form would be useful, especially on an online portal. <p>Regarding (6), this provides much-needed clarity. In the past, recipients have been notified late of receipt or not at all, and IMMEDIATE notification is crucial to give them the maximum time necessary to respond.</p> <p>Regarding (7), there should be mention of a generally applicable timeline (i.e. 21 days after enrollment, etc.) for students who receive an ESA after July.</p> <p>Regarding (8), parents should be able to find out their child's place in line at any given time. The process should look much more like the charter school lottery process for parents' _planning purposes.</p> <p>There is no guidance on this point for parents now, and several have received conflicting information this year about whether or not they can find out their child's place in line. Please clarify to waitlisted families.</p> <p>Regarding (9), requiring parents to submit a due process decision is directly opposed to the law, which states going to a school outside of the state is not allowed unless the school is approved for the Educable Child program or unless the parent verifies in writing that their child cannot reasonably obtain appropriate special education and related services in Mississippi at a location within thirty (30) miles of their legal residence. No mention is made of due process or district verification because the legislature intended that parents make that decision and be free to make that decision. Requiring due process</p> <ul style="list-style-type: none"> • May delay the setting and services needed for the child. • increases the distress families are already under to find solutions quickly. | <p>If additional awards are made during the year, awardees will be required to submit a completed <i>Educational Scholarship Account (ESA) Reimbursement Request Form</i> along with required documentation by the third Monday in April . Failure to submit this documentation will result in the termination of the ESA award.</p> <p>Note:</p> <p>Parents may contact the MDE OSE to obtain the student's position on the waitlist. Status is subject to change as awards and removals occur.</p> |

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| <ul style="list-style-type: none"> Places MDE and districts, rather than parents, in the position of determining whether certain students may receive ESAs, which was not legislative intent. <p><u>T h e r e a r e m u l t i p l e i n s t a n c e s o f p a r e n t s g o i n g t h r o u g h d u e p r o c e s s o n l y t o f i n d t h e i r c h i l d ' s n e e d s w e r e m e t</u> on paper, but not in reality. Requiring them to go through a lengthy, costly process to have the chance of receiving an ESA simply because they may live in an area of the state farther away from the best setting and services than others and because they are willing to make the sacrifice of driving out-of-state to find an education for their child is far from legislative intent in passing a program to give parents freedom to meet the urgent needs they see. Regarding (10)d, it seems unnecessary to include that Parents are responsible for submitting documentation from the organization receiving the donation when the law only states they may donate equipment. Regarding (11), this is a welcome clarification to ensure ESA funds are used by those presently able to use them. However, again, a generally applicable timeline should be included for those who may receive an ESA after July. It should also be clear that students receiving ESAs later in the year will still have access to the full ESA amount for that year – <u>this has NOT been clear in the past, and parents should gain clarity here.</u> Regarding (12), the law states that the department shall develop a system for payment of benefits including, but not limited to direct payment to providers and parent reimbursement. A major deterrent to low-income participation is late reimbursement. Another issue for parents is the inability to make a reduced, full tuition payment to schools at the beginning of the year. 37-181-11 explicitly leaves open the possibility of structuring a payment of benefits system that is conducive to parents navigating the very different private school timeline and to parents without the means to incur expenses up front. MDE should explore ALL of the options available to make the ESA program both parent-friendly and accessible to as many parents as possible.</p> | <p>Section 7. Add:</p> <p>If the parent is able to provide verification of enrollment and attendance, invoices may be submitted for the current school year. The ESA account will be reimbursed accordingly.</p> <p>Note:</p> <p>Miss. Code Ann. § 37-181-3 requires payment on a reimbursement basis.</p> |

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| <p>Other states have moved or are moving to a prepaid debit card system, pre-approved expenses, and online processes for most recipients.</p> <p>MDE has set the annual deadline in July and initial payment in September which does not correspond to the search and payment process for private school parents. Making conservative projections of the new BSC and setting an annual deadline no later than April or May would help parents plan and increase the likelihood of ESA students finding and enrolling in a private school by the beginning of the school year. According to LBO and DFA, MDE can have access to a greater portion of ESA funds at the beginning of the year upon request.</p> <p>MDE should also maintain a list of all of the accredited schools in the state and commonly used online and out-of-state schools to (1) stay annually apprised of accredited school options and (2) provide parents a useful resource.</p> <p>General comments: Empower Mississippi serves as a support organization for parents interested in applying for the ESA, maintaining the ESA, and finding an eligible school and services. Because we play this role, we have insight into many of the problems parents face and hope our communication with MDE can continue to improve as we both try to serve parents well.</p> <p>For some, schools also play an important part. If parents need help from their schools to submit paperwork and understand their rights and responsibilities, schools should not be deterred from providing expertise and help, nor parents reprimanded for accessing it. In the case of some low-income parents, this has been especially necessary.</p> | <p>Section 7. Add:</p> <p>The MDE will maintain a list of eligible schools based on prior application submissions. An eligible school is a school which is accredited by a state or regional accrediting agency or one that possesses a provisional letter of accreditation from a state or regional accrediting agency or a school which is approved/licensed by the Mississippi Department of Education. Schools that have been placed on probationary status may not be considered eligible. Eligible schools do not include home instruction programs.</p> |

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| Comment | MDE Response |
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| <p>I am a mother of 5 children. My husband and I moved our children to Tupelo, Mississippi about 3.5 years ago. We came from Kentucky. At that time two of my sons came with an IEP. One for autism and the other for "other" needs he has ADHD and is very emotional. We now believe he is on the spectrum as well. We tried public school and it was a struggle. Their needs were simple not met. They both have sensory issues and cannot handle large schools. With that said we had to pull them. We were so excited to get the ESA funds because private school was only a dream for us having 5 kids we could not add that to our budget. Our sons (Luke and Ryan) go to the Learning Skills Center. They have flourished at this school. Grades have gone up and so have self esteem issues. They do not fear going to school. They look forward to it. They love their school. I received a letter yesterday in the mail stating that they have until Dec 5. To find a new school. The school they attend is not a approved school. I do not understand how this could happen. They are getting a fabulous education. When looking at schools there are not any that are approved within 20 miles of our home. I have 3 other children to take to school as well. I kindly ask that you will look into this situation and see why and what can be done about this.</p> <p>Thank you,</p> | <p>Section 7. Add:</p> <p>The MDE will maintain a list of eligible schools based on prior application submissions. An eligible school is a school which is accredited by a state or regional accrediting agency or one that possesses a provisional letter of accreditation from a state or regional accrediting agency or a school which is approved/licensed by the Mississippi Department of Education. Schools that have been placed on probationary status may not be considered eligible. Eligible schools do not include home instruction programs.</p> |
| <p>I am the mother to a special needs child in Tupelo, MS.</p> <p>We pulled my child from the Tupelo Public School District 3 years ago. I am happy to disclose the specific details of why if you would like, but in the interest of your valuable time, I will sum it up as this: the school was not meeting my child's specific needs. He was slipping through the cracks.</p> <p>I homeschooled him for a year and one semester before we found the Learning Skills Center. What I didn't know when we pulled him and what the school district never tested for (despite all the signs) was that he has dyslexia in addition to various other learning disabilities (including, but not limited to: auditory processing disorder, Sensory processing disorder, ADD, anxiety, dyspraxia, and suspected executive function disorder). Nothing was done to help him in public</p> | <p>Section 7. Add:</p> <p>The MDE will maintain a list of eligible schools based on prior application submissions. An eligible school is a school which is accredited by a state or regional accrediting agency or one that possesses a provisional letter of accreditation from a state or regional accrediting agency or a school which is</p> |

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| Comment | MDE Response |
|---|--|
| <p>school. The accommodations available are not enough to help my child. I am not qualified to teach him at the level he needs. The Learning Skills Center, however, is and has helped him immensely.</p> <p>While at the Learning Skills Center, his grades have improved, his confidence in himself academically has skyrocketed, and he is an overall happier child. I credit this to the Learning Skills Center. The teachers at this school are skilled in how to teach special needs kids. The classroom sizes are smaller. The kids at this school are able to get what the need academically as well as emotionally. I can not begin to tell you how this school has changed my sons life. The only downside is that it is \$550 a month.</p> <p>We were elated in December of 2018 when we received a letter saying that he had been chosen for the ESA scholarship. What a relief it was for us, as a family of five, to have that burden lifted. Almost \$5,000 a year is a lot for a single income family. Fast forward to this week when I received a certified letter stating he is in danger of losing his scholarship because the SBE has adopted the APA. Let me make this clear: there is NO other school that can help my son the way this one has. Private schools very rarely have special needs programs, and according to the list of approved schools the Office of Special Education directed me to, not only are there no special needs focused schools on the list (that I am aware of), there isn't a single school on that list within 30 miles of my home. And, as I stated before, the public schools in Tupelo failed my child. Learning Skills Center is where he needs to be, but I am not sure that we will be able to afford to send him there without the ESA.</p> <p>I am begging you... as an educator, as a mother, as someone compassionate and sensitive to the needs of non neurotypical children, please find a way to let not just my child, but all of the ESA students at Learning Skills Center retain their scholarship. I am concerned that these special needs children will slip through the cracks of Mississippi's education system (like so many before them) if The Learning Skills Center isn't approved as viable school for ESA recipients. Please contact me with any questions or comments you have.</p> | <p>approved/licensed by the Mississippi Department of Education. Schools that have been placed on probationary status may not be considered eligible. Eligible schools do not include home instruction programs.</p> |

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| Comment | MDE Response |
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| <p>Thank you for your time and consideration.</p> | |
| <p>I am writing you in regards to a letter that we recently received stating that the school my son attends no longer qualifies for reimbursement from the ESA. Long story short—the public school system failed my child. They were not able to provide him the resources and education that he needed. He suffers from a multitude of issues –Auditory Processing Disorder, Sensory Processing Disorder, Dyslexia—just to name a few. We pulled him from public schools to home school him because he was being left behind. This was a challenge for my wife for over a year because she is not qualified to teach a special needs child. We eventually stumbled upon The Learning Skills Center in Tupelo. This has been the greatest thing to happen to my child in our journey of finding the best place for him to succeed in the classroom. This was a financial burden for us for a short time until we were awarded the ESA scholarship. We were told just yesterday that we had to find somewhere else to send him by December 6th—just slightly over 6 weeks away. We were told to look at the MAIS website for accredited schools. There are none in the Tupelo area. Again, we have 6 weeks to find a new school for our son when there are none in the general area of our home.</p> <p>My child has absolutely flourished in the classroom since enrolling in The Learning Skills Center. This school that is so very important in our community may not be able to survive the impact of this decision. We are not the only family that is affected at our school. A small school that serves my child so incredibly well may be shut down because of these decisions.</p> <p>We ask you to reconsider the policy changes that are going to negatively affect the future of my child—any many other children.</p> <p>Thank you for your consideration.</p> | <p>Section 7. Add:</p> <p>The MDE will maintain a list of eligible schools based on prior application submissions. An eligible school is a school which is accredited by a state or regional accrediting agency or one that possesses a provisional letter of accreditation from a state or regional accrediting agency or a school which is approved/licensed by the Mississippi Department of Education. Schools that have been placed on probationary status may not be considered eligible. Eligible schools do not include home instruction programs.</p> |

APA Comments on Educational Scholarship Account Program

Email 1

Sent: Wednesday, October 23, 2019 at 4:00 PM
Subject: Educational Scholarship Account Program

We think as parents of a special needs child, that getting a ESA scholarship is the hardest battle, but unfortunately it's not

First it's the registration of these accounts, that the directions are incomplete and you need to be rocket scientists to figure out, and know one at MDE knows how to do it I was transferred 12 times in a hour.

Paperwork that was filled out exactly like last year, had be refilled out this year differently and your funds are threatened to be with held if it isn't done within 2 days. Ever so nicely though.

Can someone please explain to me why you need a copy of my doctors medical licences every three months as well as my therapist when you have the receipts and it has not changed in 3 months? There again they can withhold your funds .

Why are there such headaches to transfer our funds to another state if they can provide for that child's needs, and we do not have resources closer to home. We as parents drive these children.

Even though this is a few of the problems with the program, it is appreciated and greatly benefits a number of children in this state.

Sincerely

Email 2

From:
Sent: Thursday, October 17, 2019 at 6:57 PM
Subject: Educational Scholarship Account Program

We are very appreciative of the ESA Program and the way it has helped our child. The only problem now that we have with the program is not being able to receive reimbursement on a timely basis to be able to pay the school. We are still due \$698.00 from the 2018-2019 school year.

The first two years we had no problems getting the school paid on a timely basis with much help from the staff at Ms. Dept. of Education. Now that has changed.

Thank you,

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Email 3

From:
Sent: Wednesday, October 23, 2019 at 1:00 AM
Subject: Educational Scholarship Account Program

- 1) Upgrade the ESA policy about how to qualify or receive one... it should not be 5 years...it should be no limited years
- 2) ESA parents added on the advisory board ...we have no voice or representation any where
- 3) A shorter and more friendly sign up process
- 4) More advertising in school districts about ESA ...make it a law that all parents of an IEP is made aware that this option is available to them
- 5) Help the parents get rid of the repeller for good
- 6) Meetings set up in school districts to troubleshoot problems or questions parents may have
- 7) I think that if a parent pays in full they should be repaid or reimbursed in full not partial

...my thoughts of improvements

Email 4

From:
Sent: Wednesday, October 23, 2019 at 8:56 PM
Subject: Educational Scholarship Account Program
educationscholarshipaccount@mdek12.org

This year after waiting through several lotteries, my daughter finally received an ESA. In August, we submitted the first reimbursement paperwork to use the funds assigned to my daughter. I prepared my paperwork to the best of my ability according to the paperwork given to me. I had learned from past experiences with submitting information to MDE I needed to make copies of what I submitted and send it all certified well in enough time to be received before the deadline, which I did. The period for the first quarter ended on August 30th, 2019. The checks were to be disbursed nearly a month later on

APA Comments on Educational Scholarship Account Program

September 27th, 2019. My paperwork was in before the deadline, and I received no confirmation MDE received the packet or any communication that indicated there were any issues with the paperwork I had submitted. Within days of the disbursement date, I received a check written to me for the amount of the payment I had made to Penn Foster for my daughter's online schooling. I let my daughter's dyslexia therapist know she should be receiving a check any day. After a week had passed and she had not received a payment, I contacted MDE by email on October 3rd, 2019, concerning the payment. On October 4th, I received an email response that the payment was made to Penn Foster, not my Daughters Therapist. I was asked to provide them with Penn Foster's contact information then so they could correct the problem. I was starting a process that took 12 business days to resolve. During those 12 days, the responsibility of getting the check located with Penn Foster and requesting the check returned was placed on me. There were several emails and phone calls made before I contacted someone who made something happen. Had I not involved this outside person, I wholeheartedly believe this issue would have taken up to another 90 days to resolve had let them continue to handle this the way that had wanted. A primary concern is not just how this could happen, but in the manner in which it processed. Accusing me of filling out the form in a confusing way; however, when I asked for that to be clarified so that it didn't happen again, I received no response. I had asked early on in the situation if they could put a stop payment on the check before Penn Foster cashed it. Especially since Penn Foster was having difficulty finding the check, to which I did not get a response. Then 12 business days later, that is what was done to correct the situation. Something that should have been done when they realized the check sent to the wrong party. I am frustrated that funds were awarded to my daughter to get the help she needs, and those funds have been handled carelessly. My daughter nearly lost services for non-payment, something that is inexcusable.

Email 5

From:
Sent: Thursday, October 24, 2019 at 12:09 PM
Subject: Educational Scholarship Account Program

I am the mother of 3 dyslexic children, 2 of which receive (eligible for an ESA). The following are some concerns with rules and procedures with our program.

- mail submission. This process could be a lot more efficient if we were able to submit applications, forms, and documents electronically.
- handling of packets. There seems to be one or two issues and neither are acceptable. 1. Either there are too many people handling paperwork and items are being misplaced or mishandled. 2. Individual families are being

APA Comments on Educational Scholarship Account Program

targeted and told that their applications are incomplete, when in fact they are/ were not. This has happened to me personally on more than one occasion.

Overall, we are extremely satisfied with the program with the exception of its overall management of above listed items.

Thank you for your time.

Email 6

From:

Sent: Thursday, October 24, 2019 at 12:10 PM

Subject: Educational Scholarship Account Program

One of my problems, as a parent advocate, is that the ESA lets the school district off the hook. Many of my families who filed, or intended to file, a state or due process complaint won the ESA and dropped their complaint. So there was no finding and no investigation. I think MDE should find out WHY the parents applied for the ESA and enrolled their children in private school. And if you find a large number or disproportionate number of students from a school district, you should monitor them.

My other complaint is that the rich get richer and the poor get poorer. So many families in Rankin and Madison get the ESA and have several options for their children. But families in the rural and poor parts of the states dont have resources available for private school, even if they are awarded the ESA.

Email 7 (Duplicate of email received from parent)

From:

Sent: Thursday, October 24, 2019 at 3:57 PM

Subject: Educational Scholarship Account Program

Please see the comment below from ESA parent

Thank you,

EMPOWER | MISSISSIPPI

From:

Date: Wednesday, October 23, 2019 at 1:02 AM

To:

Subject: Fw: Opinions about ESA...

10-23-19

APA Comments on Educational Scholarship Account Program

Begin forwarded message:

On Wednesday, October 23, 2019, 1:00 AM, wrote:

- 1) Upgrade the ESA policy about how to qualify or receive one... it should not be 5 years...it should be no limited years
- 2) ESA parents added on the advisory board ...we have no voice or representation any where
- 3) A shorter and more friendly sign up process
- 4) More advertising in school districts about ESA ...make it a law that all parents of an IEP is made aware that this option is available to them
- 5) Help the parents get rid of the repeller for good
- 6) Meetings set up in school districts to troubleshoot problems or questions parents may have
- 7) I think that if a parent pays in full they should be repaid or reimbursed in full not partial

...my thoughts of improvements

Email 8

From:

Date: Thursday, October 24, 2019 at 4:26 PM

Subject: Educational Scholarship Account Program

First let me start by saying we are very thankful for the ESA program. We have two special needs kids with autism that are receiving educational services in a non public special purpose school. My number one concern with the ESA right now is the June 2020 repealer date which needs to be removed or extended. My next concern is the amount of time we spent on the waitlist to receive an ESA. My third issue is the lack of administrative organization. No one ever knows where the paperwork is and seems to get "misfiled" or "lost" frequently. Also the lack of knowledge from the MDE staff about the purpose of the scholarship and the bill itself is frustrating. How can you successfully run a program if you don't educate the staff about the program? This program means a lot to families like mine and to see it so mismanaged by the MDE shows us parents exactly how you feel about us and our kids. Most of us are in private schools now because public schools failed to serve us and now we feel that y'all are also trying to make this harder than it should be. We shouldn't have to fight so hard for our kids education. We shouldn't have to fight the very people who are supposed to be helping us.

Sincerely

APA Comments on Educational Scholarship Account Program

Email 9

From:

Date: Thursday, October 24, 2019 at 4:32 PM

Subject: Educational Scholarship Account Program

Empower Mississippi's public comments regarding the ESA are attached. Thank you!

Best,

EMPOWER | MISSISSIPPI

PUBLIC COMMENTS BY EMPOWER MISSISSIPPI 10-24-19

Regarding (5), Mississippi is one of six states with an ESA program and the only state without an online portal with clear parent resources (including an ESA handbook, an ESA support email, and an ESA parent hotline) and electronic submission of paperwork. To be sure, those without internet access should have the option of mailing materials and receiving materials by mail, but using the postal service for all is rife with issues:

- MDE states on multiple forms “No postmarked applications will be accepted” _and “Any incomplete submissions will not be processed” _and that it “will not be liable for applications lost in the mail.” _Without further instruction, this language is unhelpful to parents. Parents are generally confused as to whether paperwork must be postmarked by deadlines or received. If these are the only two options, the first is preferable, because parents have no control over the postal service. Several parents have recounted driving paperwork to MDE to deliver in person or incurring expenses to overnight paperwork because they could not otherwise ensure it would be received by a specific date. This seems *overly burdensome* for parents and *inefficient* because they have to call or email MDE to confirm receipt. An online portal would solve some of these issues, streamline the application process, and give confused parents relief.
- There are instances of applications and documentation being lost by MDE (when parents could prove it was sent) and parents being notified late or not at all about problems with paperwork. The current system is *inefficient* and *overly burdensome* to parents in part because the postal service is unreliable and slow, MDE's notification process thus far has been unreliable, lost or misplaced paper records take longer to replace, and email and phone communication is either discouraged by MDE or inconsistent. Parents must maintain their own large, paper files because there is no common electronic file for both MDE and parents to view regarding submissions and applicable dates.
- In general, parents say they must call and email to find out information because there is not enough clarity around deadlines, processes, and available information. The system is inappropriately reliant upon parents being transferred to or contacting the right person, asking the right questions, following up in a timely manner, and finding a way to appeal any questionable occurrence or decision without any direction from MDE. Missing from these policies is an appeals process. The PEER Committee recommended creating one, and parent history demonstrates a clear need for this.
- A voluntary withdrawal form would be useful, especially on an online portal.

APA Comments on Educational Scholarship Account Program

Regarding (6), this provides much-needed clarity. In the past, recipients have been notified late of receipt or not at all, and IMMEDIATE notification is crucial to give them the maximum time necessary to respond.

Regarding (7), there should be mention of a generally applicable timeline (i.e. 21 days after enrollment, etc.) for students who receive an ESA after July.

Regarding (8), parents should be able to find out their child's place in line at any given time. The process should look much more like the charter school lottery process for parents' _planning purposes. There is no guidance on this point for parents now, and several have received conflicting information this year about whether or not they can find out their child's place in line. Please clarify to waitlisted families.

Regarding (9), requiring parents to submit a due process decision is directly opposed to the law, which states going to a school outside of the state is not allowed unless the school is approved for the Educable Child program or *unless the parent verifies in writing that their child cannot reasonably obtain appropriate special education and related services in Mississippi at a location within thirty (30) miles of their legal residence*. No mention is made of due process or district verification because the legislature intended that parents make that decision and be free to make that decision.

Requiring due process

- May delay the setting and services needed for the child.
- Increases the distress families are already under to find solutions quickly.
- Places MDE and districts, rather than parents, in the position of determining whether certain students may receive ESAs, which was not legislative intent.

T_h_e_r_e_a_r_e_m_u_l_t_i_p_l_e_i_n_s_t_a_n_c_e_s_o_f_p_a_r_e_n_t_s_g_o_i_n_g_t_h_r_o_u_g_h_d_u_e_p_r_o_c_e_s_s_o_n_l_y_t_o_f_i_n_d_t_h_e_i_r_c_h_i_l_d's_n_e_e_d_s_w_e_r_e_m_e_t on paper, but not in reality. Requiring them to go through a lengthy, costly process to have the chance of receiving an ESA simply because they may live in an area of the state farther away from the best setting and services than others and because they are willing to make the sacrifice of driving out-of-state to find an education for their child is far from legislative intent in passing a program to give parents freedom to meet the urgent needs they see.

Regarding (10)d, it seems unnecessary to include that *Parents are responsible for submitting documentation from the organization receiving the donation* when the law only states they may donate equipment.

Regarding (11), this is a welcome clarification to ensure ESA funds are used by those presently able to use them. However, again, a generally applicable timeline should be included for those who may receive an ESA after July. It should also be clear that students receiving ESAs later in the year will still have access to the full ESA amount for that year – _this has NOT been clear in the past, and parents should gain clarity here.

Regarding (12), the law states that the department shall develop a system for payment of benefits *including, but not limited to* direct payment to providers and parent reimbursement. A major deterrent to low-income participation is late reimbursement. Another issue for parents is the inability to make a reduced, full tuition payment to schools at the beginning of the year. 37-181-11 explicitly leaves open the possibility of structuring a payment of benefits system that is conducive to parents navigating the very different private school timeline and to parents without the means to incur expenses up front. MDE should explore ALL of the options available to make the ESA program both parent-friendly and accessible to as many parents as possible.

APA Comments on Educational Scholarship Account Program

Other states have moved or are moving to a prepaid debit card system, pre-approved expenses, and online processes for most recipients.

MDE has set the annual deadline in July and initial payment in September which does not correspond to the search and payment process for private school parents. Making conservative projections of the new BSC and setting an annual deadline no later than April or May would help parents plan and increase the likelihood of ESA students finding and enrolling in a private school by the beginning of the school year. According to LBO and DFA, MDE can have access to a greater portion of ESA funds at the beginning of the year upon request.

MDE should also maintain a list of all of the accredited schools in the state and commonly used online and out-of-state schools to (1) stay annually apprised of accredited school options and (2) provide parents a useful resource.

General comments: Empower Mississippi serves as a support organization for parents interested in applying for the ESA, maintaining the ESA, and finding an eligible school and services. Because we play this role, we have insight into many of the problems parents face and hope our communication with MDE can continue to improve as we both try to serve parents well.

For some, schools also play an important part. If parents need help from their schools to submit paperwork and understand their rights and responsibilities, schools should not be deterred from providing expertise and help, nor parents reprimanded for accessing it. In the case of some low-income parents, this has been especially necessary.

Email 10

From:

Thursday, October 24, 2019 at 4:40 PM

Subject: Educational Scholarship Account Program

I am a mother of 5 children. My husband and I moved our children to Tupelo, Mississippi about 3.5 years ago. We came from Kentucky. At that time two of my sons came with a IEP. One for autism and the other for "other" needs he has ADHD and is very emotional. We now believe he is on the spectrum as well. We tried public school and it was a struggle. Their needs were simple not met. They both have sensory issues and cannot handle large schools. With that said we had to pull them. We were so excited to get the ESA funds because private school was only a dream for us having 5 kids we could not add that to our budget. Our sons go to the Learning Skills Center. They have flourished at this school. Grades have gone up and so have self esteem issues. They do not fear going to school. They look forward to it. They love their school. I received a letter yesterday in the mail stating that they have until Dec 5. To find a new school. The school they attend is not a approved school. I do not understand how this could happen. They are getting a fabulous education. When looking at schools there are not any that are approved within 20 miles of our home. I have 3 other children to take to school as well. I kindly ask that you will look into this situation and see why and what can be done about this.

Thank you,

Email 11

APA Comments on Educational Scholarship Account Program

From:

Date: Thursday, October 24, 2019 at 4:51 PM

Subject: Educational Scholarship Account Program

I am the mother to a special needs child in Tupelo, MS.

We pulled my child from the Tupelo Public School District 3 years ago. I am happy to disclose the specific details of why if you would like, but in the interest of your valuable time, I will sum it up as this: the school was not meeting my child's specific needs. He was slipping through the cracks.

I homeschooled him for a year and one semester before we found the Learning Skills Center. What I didn't know when we pulled him and what the school district never tested for (despite all the signs) was that he has dyslexia in addition to various other learning disabilities (including, but not limited to: auditory processing disorder, Sensory processing disorder, ADD, anxiety, dyspraxia, and suspected executive function disorder). Nothing was done to help him in public school. The accommodations available are not enough to help my child. I am not qualified to teach him at the level he needs. The Learning Skills Center, however, is and has helped him immensely.

While at the Learning Skills Center, his grades have improved, his confidence in himself academically has skyrocketed, and he is an overall happier child. I credit this to the Learning Skills Center. The teachers at this school are skilled in how to teach special needs kids. The classroom sizes are smaller. The kids at this school are able to get what they need academically as well as emotionally. I can not begin to tell you how this school has changed my son's life. The only downside is that it is \$550 a month.

We were elated in December of 2018 when we received a letter saying that he had been chosen for the ESA scholarship. What a relief it was for us, as a family of five, to have that burden lifted. Almost \$5,000 a year is a lot for a single income family. Fast forward to this week when I received a certified letter stating he is in danger of losing his scholarship because the SBE has adopted the APA. Let me make this clear: there is NO other school that can help my son the way this one has. Private schools very rarely have special needs programs, and according to the list of approved schools the Office of Special Education directed me to, not only are there no special needs focused schools on the list (that I am aware of), there isn't a single school on that list within 30 miles of my home. And, as I stated before, the public schools in Tupelo failed my child. Learning Skills Center is where he needs to be, but I am not sure that we will be able to afford to send him there without the ESA.

I am begging you... as an educator, as a mother, as someone compassionate and sensitive to the needs of non neurotypical children, please find a way to let not just my child, but all of the ESA students at Learning Skills Center retain their scholarship. I am concerned that these special needs children will slip through the cracks of Mississippi's education system (like so many before them) if The Learning Skills Center isn't approved as a viable school for ESA recipients. Please contact me with any questions or comments you have.

APA Comments on Educational Scholarship Account Program

Thank you for your time and consideration.

Sincerely,

Email 12

From:

Date: Thursday, October 24, 2019 at 4:52 PM

Subject: Educational Scholarship Account Program

I am writing you in regards to a letter that we recently received stating that the school my son attends no longer qualifies for reimbursement from the ESA. Long story short—the public school system failed my child. They were not able to provide him the resources and education that he needed. He suffers from a multitude of issues—Auditory Processing Disorder, Sensory Processing Disorder, Dyslexia—just to name a few. We pulled him from public schools to home school him because he was being left behind. This was a challenge for my wife for over a year because she is not qualified to teach a special needs child. We eventually stumbled upon The Learning Skills Center in Tupelo. This has been the greatest thing to happen to my child in our journey of finding the best place for him to succeed in the classroom. This was a financial burden for us for a short time until we were awarded the ESA scholarship. We were told just yesterday that we had to find somewhere else to send him by December 6th—just slightly over 6 weeks away. We were told to look at the MAIS website for accredited schools. There are none in the Tupelo area. Again, we have 6 weeks to find a new school for our son when there are none in the general area of our home.

My child has absolutely flourished in the classroom since enrolling in The Learning Skills Center. This school that is so very important in our community may not be able to survive the impact of this decision. We are not the only family that is affected at our school. A small school that serves my child so incredibly well may be shut down because of these decisions.

We ask you to reconsider the policy changes that are going to negatively affect the future of my child—any many other children.

Thank you for your consideration.

Sincerely,

Chapter 74: Special Education

Rule 74.21 Education Scholarship Account

1. To be eligible for the Education Scholarship Account (ESA) the student must have had an active Individualized Education Program (IEP) within the past five (5) years.
2. The number of ESAs awarded annually is determined based on State legislative appropriations.
3. In accordance with Miss. Code Ann. § 37-181-9(1), the Mississippi Department of Education (MDE) Office of Special Education (OSE) has created a standard form for parents to submit to establish the student's eligibility. The application is available online at <https://mdek12.org/OSE/ESA> or by contacting the OSE.
4. Along with the application form, parents must provide the following documentation:
 - a. copy of parent/legal guardian's driver's license or state-issued identification;
 - b. copy of student's birth certificate;
 - c. legal paperwork to act on behalf of student, if applicable;
 - d. proof of residency (e.g., copy of utility bill);
 - e. copy of student's most recent IEP that was active within the past five years;
 - f. copy of student's most recent eligibility and/or evaluation; and
 - g. original, signed "*Responsibilities of Parents*" document with all boxes properly initialed.
5. Signed applications must be submitted via the United States Postal Service to:

Mississippi Department of Education
Attention: Educational Scholarship Account
P. O. Box 771
Jackson, MS 39205
6. Upon receipt, each ESA application is time and date stamped. The information is entered into the ESA database, -and- a control number is assigned, and the applicant is placed on the waitlist (if applicable). Applicants are notified by email or telephone of receipt of the application. ~~Incomplete applications will not be processed.~~ If the application contains missing or incorrect information, the parents will be notified and provided 21 days to submit complete and accurate documentation. After 21 days, the applicant's place in line will be forfeited.
7. The MDE. OSE shall notify the applicant by the third Monday in July of intent to award an EDA pending the receipt of a letter verifying the student's acceptance and enrollment.

The letter must be on school letterhead and signed by a school official and must be submitted by U. S. Postal Service by the third Monday in September. Failure to submit this documentation will result in termination of the ESA award. If additional awards are made during the year, awardees will have thirty (30) days from the date of the award to provide the letter of acceptance and enrollment provided by the eligible school which meets the requirements stipulated above. If the parent is able to provide verification of enrollment and attendance, invoices may be submitted for the current school year. The ESA account will be reimbursed accordingly.

7. The MDE will maintain a list of eligible schools based on prior application submissions. An eligible school is a school which is accredited by a state or regional accrediting agency or one that possesses a provisional letter of accreditation from a state or regional accrediting agency or a school which is approved/licensed by the Mississippi Department of Education. School that have been placed on probationary status may not be considered eligible. Eligible schools do not include home instruction programs.

8. Until program participation reaches 50% of annual enrollment as established in Miss. Code Ann. § 37-181-7(2)(b), students are approved on a first-come, first-served basis, with applications being reviewed throughout the year. An ongoing waitlist will be maintained based on the applicant's original control number. As ESAs become available, applicants will be awarded in chronological order from the waitlist. After program participation reaches 50% of the annual enrollment, the MDE OSE will randomly select students from its waiting list (i.e., conduct a lottery).
9. ESA funds may not be used to attend an eligible school that maintains its primary location in a state other than Mississippi unless that school is approved for the Educable Child Program; or unless the parent can provide, in writing, documentation from the district (e.g., due process decision) that their child cannot reasonably obtain appropriate special education and related services in Mississippi within thirty (30) miles of their legal residence.
10. Mississippi Code Ann. § 37-181-5(2) lists the types of expenses eligible for reimbursement (i.e., allowable expenses).
 - a. Payment to a tutor. A tutor is "a person who is certified or licensed by a state, regional, or national certification or licensing organization or who has earned a valid teacher's license or who has experience teaching at an eligible postsecondary institution," which is defined in § 37-181-3(h) as "a community college, college, or university accredited by a state, regional or national accrediting organization." Parents may not be reimbursed as a tutor for their own

child.

- b. Tuition, fees, and textbooks at a postsecondary institution. These expenses are allowable for a high school student taking a class or classes at a postsecondary institution, but they are not allowable for a student who has graduated from high school and is enrolled at a postsecondary institution.
 - c. Fees for transportation to and from an educational service provider paid to a licensed fee-for-service transportation provider;
 - d. Computer hardware and software and other technological devices if an eligible school, licensed and certified tutor, licensed or certified educational service practitioner or provider, or licensed medical professional verifies in writing that these items are essential for the student to meet annual, measurable goals. Once a student is no longer eligible for the program, computer hardware and software and other technological devices purchased with ESA funds may be donated to a library or a nonprofit organization with expertise and training in working with parents to educate children with disabilities or a nonprofit organization with expertise and training in working with disabled adults. ~~Parents are responsible for submitting documentation from the organization receiving the donation.~~
11. The MDE reimburses quarterly. Each quarter in the fiscal year parents must submit a completed *Educational Scholarship Account (ESA) Reimbursement Request Form* along with required documentation (e.g., receipts) to the MDE OSE by mail. If not received by the OSE by the third Monday in November, the student account will not remain active and eligible for the disbursement of funds and ESA will be cancelled. If additional awards are made during the year, awardees will be required to submit a completed *Educational Scholarship Account (ESA) Reimbursement Request Form* along with required documentation by the third Monday in April. Failure to submit this documentation will result in termination of the ESA award.
12. Parents are notified via the award letter of the various ways they may receive funds.
- a. They may register as a vendor to receive quarterly reimbursement for eligible expenditures and choose to receive electronic reimbursement based on the MDE's receipt of qualified invoices; or submit receipts and receive a paper check mailed; or
 - b. Choose for the school to be a direct recipient of funds. The school must register as a vendor by setting up a PayMode account, or by completing a W9. In addition, the parents must have a signed agreement on file with the MDE OSE indicating that the school is to be directly reimbursed.
13. If the parent chooses to register as a vendor to receive quarterly reimbursements, the MDE will reimburse the parent who applied on behalf of the child.

14. The MDE OSE shall mail out *Recertification Forms* in April requesting an affirmation of the participant's intent for continued participation in the ESA program. Forms are due back to the MDE OSE by the second Friday in May. If the *Recertification Form* is not received by the aforementioned date, the MDE will use the contact information provided by the applicant to make 2 additional attempts (phone, via-e-mail) to contact the applicant. If no response is received by the last working day of May, the ESA account associated with the participant name will be cancelled due to lack of response.

15. Mississippi Code Ann. § 37-181-5(2) requires that the MDE adopt rules and policies necessary for the administration of the program to ensure that funds are spent appropriately. The MDE OSE shall conduct or contract for random audits annually.

Chapter 74: Special Education

Rule 74.21 Education Scholarship Account

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3. In accordance with Miss. Code Ann. § 37-181-9(1), the Mississippi Department of Education (MDE) Office of Special Education (OSE) has created a standard form for parents to submit to establish the student's eligibility. The application is available online at <https://mdek12.org/OSE/ESA> or by contacting the OSE.
4. Along with the application form, parents must provide the following documentation:
 - a. copy of parent/legal guardian's driver's license or state-issued identification;
 - b. copy of student's birth certificate;
 - c. legal paperwork to act on behalf of student, if applicable;
 - d. proof of residency (e.g., copy of utility bill);
 - e. copy of student's most recent IEP that was active within the past five years;
 - f. copy of student's most recent eligibility and/or evaluation; and
 - g. original, signed "*Responsibilities of Parents*" document with all boxes properly initialed.
5. Signed applications must be submitted via the United States Postal Service to:

Mississippi Department of Education
Attention: Educational Scholarship Account
P. O. Box 771
Jackson, MS 39205
6. Upon receipt, each ESA application is time and date stamped. The information is entered into the ESA database, a control number is assigned, and the applicant is placed on the waitlist (if applicable). Applicants are notified by email or telephone of receipt of the application. If the application contains missing or incorrect information, the parents will be notified and provided 21 days to submit complete and accurate documentation. After 21 days, the applicant's place in line will be forfeited.
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submitted by U. S. Postal Service by the third Monday in September. Failure to submit this documentation will result in termination of the ESA award. If additional awards are made during the year, awardees will have thirty (30) days from the date of the award to provide the letter of acceptance and enrollment provided by the eligible school which meets the requirements stipulated above. If the parent is able to provide verification of enrollment and attendance, invoices may be submitted for the current school year. The ESA account will be reimbursed accordingly.

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9. ESA funds may not be used to attend an eligible school that maintains its primary location in a state other than Mississippi unless that school is approved for the Educable Child Program; or unless the parent can provide, in writing, documentation from the district (e.g., due process decision) that their child cannot reasonably obtain appropriate special education and related services in Mississippi within thirty (30) miles of their legal residence.
10. Mississippi Code Ann. § 37-181-5(2) lists the types of expenses eligible for reimbursement (i.e., allowable expenses).
 - a. Payment to a tutor. A tutor is "a person who is certified or licensed by a state, regional, or national certification or licensing organization or who has earned a valid teacher's license or who has experience teaching at an eligible postsecondary institution," which is defined in § 37-181-3(h) as "a community college, college, or university accredited by a state, regional or national accrediting organization." Parents may not be reimbursed as a tutor for their own child.

- b. Tuition, fees, and textbooks at a postsecondary institution. These expenses are allowable for a high school student taking a class or classes at a postsecondary institution, but they are not allowable for a student who has graduated from high school and is enrolled at a postsecondary institution.
 - c. Fees for transportation to and from an educational service provider paid to a licensed fee-for-service transportation provider;
 - d. Computer hardware and software and other technological devices if an eligible school, licensed and certified tutor, licensed or certified educational service practitioner or provider, or licensed medical professional verifies in writing that these items are essential for the student to meet annual, measurable goals. Once a student is no longer eligible for the program, computer hardware and software and other technological devices purchased with ESA funds may be donated to a library or a nonprofit organization with expertise and training in working with parents to educate children with disabilities or a nonprofit organization with expertise and training in working with disabled adults.
11. The MDE reimburses quarterly. Each quarter in the fiscal year parents must submit a completed *Educational Scholarship Account (ESA) Reimbursement Request Form* along with required documentation (e.g., receipts) to the MDE OSE by mail. If not received by the OSE by the third Monday in November, the student account will not remain active and eligible for the disbursement of funds and ESA will be cancelled. If additional awards are made during the year, awardees will be required to submit a completed *Educational Scholarship Account (ESA) Reimbursement Request Form* along with required documentation by the third Monday in April. Failure to submit this documentation will result in termination of the ESA award.
12. Parents are notified via the award letter of the various ways they may receive funds.
- a. They may register as a vendor to receive quarterly reimbursement for eligible expenditures and choose to receive electronic reimbursement based on the MDE's receipt of qualified invoices; or submit receipts and receive a paper check mailed; or
 - b. Choose for the school to be a direct recipient of funds. The school must register as a vendor by setting up a PayMode account, or by completing a W9. In addition, the parents must have a signed agreement on file with the MDE OSE indicating that the school is to be directly reimbursed.
13. If the parent chooses to register as a vendor to receive quarterly reimbursements, the MDE will reimburse the parent who applied on behalf of the child.
14. The MDE OSE shall mail out *Recertification Forms* in April requesting an affirmation of

the participant's intent for continued participation in the ESA program. Forms are due back to the MDE OSE by the second Friday in May. If the *Recertification Form* is not received by the aforementioned date, the MDE will use the contact information provided by the applicant to make 2 additional attempts (phone, via-e-mail) to contact the applicant. If no response is received by the last working day of May, the ESA account associated with the participant name will be cancelled due to lack of response.

15. Mississippi Code Ann. § 37-181-5(2) requires that the MDE adopt rules and policies necessary for the administration of the program to ensure that funds are spent appropriately. The MDE OSE shall conduct or contract for random audits annually.