



## **Education Scholarship Account (ESA) Duties of Eligible Schools**

Eligible schools are nonpublic schools that have enrolled a participating student. An eligible school must be accredited by a state or regional accrediting agency or possess a provisional letter of accreditation from a state or regional accrediting agency or be approved/licensed by the Mississippi Department of Education. An eligible school does not include a home instruction program under Section 37-13-91, Mississippi Code of 1972.

To ensure students are treated fairly and kept safe, all eligible schools shall:

1. Comply with the nondiscrimination policies set forth in 42 USCS 1981;
2. Prior to a participating student's application for enrollment, provide parents with details of the school's programs, qualifications, experience, and capacities to serve students with special needs;
3. Comply with all health and safety laws or codes that apply to nonpublic schools;
4. Hold a valid occupancy permit if required by their municipality;
5. Have no public record of fraud or malfeasance;
6. Offer participating students the option of taking a nationally standardized norm-referenced achievement test;
7. Conduct criminal background checks on employees. The eligible school then shall:
  - Exclude from employment any person not permitted by state law to work in a nonpublic school; and
  - Exclude from employment any person who might reasonably pose a threat to the safety of students.

An eligible nonpublic school is autonomous and not an agent of the state or federal government and therefore shall not be required to alter the school's educational program, creed, practices, admission policies, or curriculum in order to accept participating students.

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.