

SCHOOL CHOICE MATTERS

Mississippi Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in Mississippi

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p>LIMITED</p> <p>Sending and/or receiving districts have discretion over transfers</p>	<p>General Prohibition on Enrollment Outside of Resident School District</p> <p>Mississippi Statute, with some exceptions, prohibits a minor child from enrolling in or attending any school except in the resident school district. Provisions for such child to be “lawfully transferred from the resident school district to another school district” are defined as exceptions to this general rule and include:</p> <ul style="list-style-type: none"> • Children whose parent(s) or legal guardian(s) are instructional personnel or certificated employees of a school district may enroll in the district, at the discretion of the parent(s) or legal guardian(s), even if the district is not the child’s district of residence. • Children who otherwise would be required to be transported in excess of thirty (30) miles on a school bus to or from school, may, at the discretion of their parent(s) or legal guardian(s), enroll in a nonresident district school if there is another school in an adjacent school district located on a shorter bus route. • The brother(s) and sister(s) of children lawfully transferred prior to July 1, 1992, may also, at the discretion of their parent(s) or legal guardian(s), enroll and attend school in the nonresident school district. • Children whose parent(s) or legal guardian(s) are active members of the United States Armed Forces or civilian military personnel and reside on a military base, may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the school district of their parent’s or legal guardian’s choosing, provided the school district where the student resides or in an adjacent school district and the parent’s or guardian’s choice of school district does not violate the provision of subsection (3) of this section prohibiting the transportation of students in excess of thirty (30) miles. <p>(Miss. Code Ann. § 37-15-29 Minor child to attend school in district of residence; exceptions; see also Miss. Code Ann. § 37-15-30 Pupil's compliance with residency requirement in district if parent is transferred to military installation within the state while on active duty; electronic application for enrollment and course registration; proof of residence.)</p>

		<p>Petition of a Parent or Guardian for Transfer of Students Between Districts Mississippi Statute establishes that, with some exceptions, a parent or guardian may petition a child’s resident district school board (or the board of the district where the child is qualified to be enrolled as a student, referred to as the transferring school district), so that a student may be legally transferred to another school district (referred to as the transferee school district), by the mutual consent of the school boards of all districts concerned.</p> <p>(Miss. Code Ann. § 37-15-31 Transfer of students between school districts generally)</p> <p>Uniform Policy Allowing Enrollment and Attendance of Dependent Children of Noninstructional and Nonlicensed Employees Mississippi Statute permits a school district’s board, in its discretion, to adopt a uniform policy to allow the enrollment and attendance of the dependent children of noninstructional and nonlicensed employees, who are residents of Mississippi but are not residents of their district. Such a policy shall be based upon the employment needs of the district, implemented according to job classification groups and renewed each school year.</p> <p>(Miss. Code Ann. § 37-15-31 Transfer of students between school districts generally)</p>
<p>Transfers Within Districts</p>	<p>NO No policy</p>	<p>Mississippi Statute establishes that a school district’s board has the power and authority to designate the particular school or attendance center of the district in which a child is enrolled. It also establishes that no child is entitled to attend any school or attendance center except that to which he has been assigned by the school board, with the exception of temporary assignments made pending a board’s permanent assignment.</p> <p>(Miss. Code Ann. § 37-15-13 Assignment of child enrolling in public schools to particular school or attendance center generally)</p> <p>In making the assignment described above, a school board is to take into consideration a number of factors enumerated in statute, including the educational needs and welfare of the child, the welfare and best interests of all the pupils attending the school(s) involved, and the availability of school facilities. The enumerated factors do not include the preference of a parent or guardian.</p> <p>(Miss. Code Ann. § 37-15-15 Factors to be considered in making assignments)</p>

<p>Year-round Transfer Window</p>	<p>YES Year-round transfer window and once-in always-in provision</p>	<p>Mississippi Statute establishes some procedures for the petition of a parent or guardian for a student’s interdistrict transfer. Rather than defining a specific transfer window, it requires the board of the transferring school district (the district to which the petition is addressed) to act on it no later than its next regular meeting. However, the failure of the board to act within that time is required to “constitute a rejection of such request”.</p> <p>The transferee board is subsequently required to act on the transfer request “as soon as possible after the transferor board shall have approved or rejected such transfer and no later than the next regular meeting of the transferee board, and a failure of such transferee board to act within such time shall constitute a rejection of such request.” The decision of either board shall be final.</p> <p>(Miss. Code Ann. § 37-15-31 Transfer of students between school districts generally)</p>
<p>Tuition-Free Public Schools</p>	<p>LIMITED Tuition can be charged</p>	<p>Mississippi Statute establishes that when any school district accepts a student under the provisions allowing for the lawful transfer of a child whose parent or guardian is an instructional or licensed employee of the transferee district, it shall not assess any tuition fees upon such transferring student.</p> <p>This prohibition on fees does not extend to other agreements for the lawful transfer of students upon the petition of a parent or guardian.</p> <p>(Miss. Code Ann. § 37-15-31 Transfer of students between school districts generally)</p>
<p>School Capacity Transparency</p>	<p>NO No transparency policy</p>	<p>Neither Mississippi Statute nor Administrative Rules require school districts to publicly report capacity data.</p>
<p>Transfer Data Transparency</p>	<p>NO No transparency in data reporting</p>	<p>Neither Mississippi Statute nor Administrative Rules require a state agency to collect and publicly report open enrollment data.</p>
<p>Transparent Appeal Process</p>	<p>NO</p>	<p>Mississippi Statute establishes some procedures for the petition of a parent or guardian for a student’s interdistrict transfer.</p> <p>The process requires action first by the transferring district and then the transferee district. The failure of either to approve or reject a transfer petition no later than the next regular meeting of the board is considered a rejection of the request. The decision of either board shall be final.</p>

[\(Miss. Code Ann. § 37-15-31 Transfer of students between school districts generally\)](#)

Mississippi Statute establishes a review and reconsideration process regarding a school board’s assignment of a child to a school or attendance center (interdistrict enrollment). “If the parent, guardian or other person having custody of any child shall feel aggrieved by the assignment of such child to a school or attendance center by the school board, then such parent, guardian or other person may, at any time within thirty (30) days after such assignment, make application in writing to the school board for a review or reconsideration of such assignment.” After hearing evidence, the school board either affirms, modifies, or changes its previous action.

[\(Miss. Code Ann. § 37-15-17 Review or reconsideration by school board of assignment of child\)](#)

Within thirty (30) days from a district’s reconsideration of an assignment, as described above, a parent, guardian, or other interested party may file a petition for appeal in the circuit court of the county in which the school district involved is located.

[\(Miss. Code Ann. § 37-15-21 Judicial review of assignment of child\)](#)

SOURCE CITATIONS

Statutes

[Miss. Code Ann. § 37-15-13 Assignment of child enrolling in public schools to particular school or attendance center generally](#)

[Miss. Code Ann. § 37-15-15 Factors to be considered in making assignments](#)

[Miss. Code Ann. § 37-15-17 Review or reconsideration by school board of assignment of child](#)

[Miss. Code Ann. § 37-15-21 Judicial review of assignment of child](#)

[Miss. Code Ann. § 37-15-29 Minor child to attend school in district of residence; exceptions](#)

[Miss. Code Ann. § 37-15-31 Transfer of students between school districts generally](#)



Charter Schools in Mississippi

POLICY	RATING	POLICY OVERVIEW
<p>Multiple Charter Authorizers</p>	<p>LIMITED</p> <p>No real authorizer options</p>	<p>Mississippi Statute creates the Mississippi Charter School Authorizer Board (MCSAB), assigns it “exclusive chartering jurisdiction”, and establishes that it may authorize charter schools within any school district in the state. It may approve a maximum of fifteen (15) applications during any fiscal year.</p> <p>In any school district designated as an “A,” “B” or “C” school district under the accreditation rating system, the Mississippi Charter School Authorizer Board may authorize charter schools only if a majority of the members of the local school board votes at a public meeting to endorse the application or to initiate the application on its own initiative.</p> <p>In any school district rated “D” or “F”, an applicant may apply directly to the MCSAB.</p> <p>(Miss. Code Ann. § 37-28-7 Mississippi Charter School Authorizer Board created; jurisdiction; mission; composition)</p>
<p>Charter Appeal Process</p>	<p>NO</p> <p>No appeals process</p>	<p>Mississippi Statute does not establish a path to appeal for charter schools whose application has been denied. In the event of denial, the authorizer must state clearly its reasons for denial and the denied applicant “may reapply subsequently with the authorizer.”</p> <p>(Miss. Code Ann. § 37-28-19 Standards for authorizing charter school; review process)</p>
<p>Charter Regulatory Flexibility</p>	<p>LIMITED</p> <p>Some or no exemptions</p>	<p>Mississippi Statute establishes that a charter school must function as a local educational agency and, as such, is responsible for meeting the requirements of local educational agencies under applicable federal laws.</p> <p>A charter school is subject to all federal laws and authorities specified in Chapter 28 of the Mississippi Charter Schools Act of 2013 or agreed upon with the authorizer in the charter contract.</p> <p>(Miss. Code Ann. § 37-28-39 Charter school and certain service providers to be nonprofit education organization; charter school to function as local educational agency)</p> <p>Mississippi Statute establishes, with the exceptions noted below, that even though a charter school is geographically located within a school district’s boundaries and enrolls students residing within that district, the rules, regulations, policies and procedures established by the school board for the noncharter public schools do not apply to the charter</p>

school unless otherwise required under the charter contract or any contract entered into between the charter school governing board and the local school board.

A charter school is subject to:

- the same civil rights, health and safety requirements applicable to noncharter public schools in the state, except as otherwise specifically provided in the Charter Schools Act;
- the student assessment and accountability requirements applicable to noncharter public schools in the state.

[\(Miss. Code Ann. § 37-28-45 Applicability of statutes, rules, regulations, policies, procedures, etc. that noncharter public schools are subject to; relation to other laws\)](#)

Mississippi Statute establishes that even though a charter school functions as a local educational agency provisions using the language “school districts,” “school boards,” “boards of trustees,” “the schools within a school district,” or any other similar phraseology does not include a charter school and the governing board of a charter school unless the statute specifically is made applicable to charter schools as well as noncharter public schools. Similarly, a charter school is not subject to any rule, regulation, policy or procedure of the State Board of Education or MDE unless otherwise required by the authorizer in the charter contract.

Exclusions from exemption are enumerated in this section, including:

- Chapter 41, Title 25, Mississippi Code of 1972, which relates to open meetings of public bodies.
- Chapter 61, Title 25, Mississippi Code of 1972, which relates to public access to public records.
- Section 37-3-51, which requires notice by the district attorney of licensed school employees who are convicted of certain sex offenses.
- Section 37-3-53, which requires publication of the Mississippi Report Card by the State Board of Education.
- Section 37-11-18, which requires the automatic expulsion of a student possessing a weapon or controlled substance on educational property.
- Section 37-11-18.1, which requires expulsion of certain habitually disruptive students.
- Section 37-11-19, which requires suspension or expulsion of a student who damages school property.
- Section 37-11-20, which prohibits acts of intimidation intended to keep a student from attending school.
- Section 37-11-21, which prohibits parental abuse of school staff.
- Section 37-11-23, which prohibits the willful disruption of school and school meetings.
- Sections 37-11-29 and 37-11-31, which relate to reporting requirements regarding unlawful or violent acts on school property.

- Section 37-11-67, which prohibits bullying or harassing behavior in public schools.
- Section 37-13-3, which prohibits doctrinal, sectarian or denominational teaching in public schools.
- Sections 37-13-5 and 37-13-6, which require the flags of the United States and the State of Mississippi to be displayed near the school building.
- Section 37-13-63(1), which prescribes the minimum number of days which public schools must be kept in session during a scholastic year.
- Section 37-13-91, which is the Mississippi Compulsory School Attendance Law.
- Section 37-13-171(2) and (4), which requires any course containing sex-related education to include instruction in abstinence-only or abstinence-plus education.
- Section 37-13-173, which requires notice to parents before instruction on human sexuality is provided in public classrooms.
- Section 37-13-193, which relates to civil rights and human rights education in public schools.
- Sections 37-15-1 and 37-15-3, which relate to the maintenance and transfer of permanent student records in public schools.
- Section 37-15-6, which requires the State Department of Education to maintain a record of expulsions from public schools.
- Section 37-15-9, which establishes minimum age requirements for kindergarten and first grade enrollment in public schools.
- Section 37-15-11, which requires a parent, legal guardian or custodian to accompany a child seeking enrollment in a public school.
- Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9, which relate to the statewide assessment testing program.
- Section 37-18-1, which establishes the Superior-Performing Schools Program and Exemplary Schools Program to recognize public schools that improve.

[\(Miss. Code Ann. § 37-28-45 Applicability of statutes, rules, regulations, policies, procedures, etc. that noncharter public schools are subject to; relation to other laws\)](#)

Mississippi Statue establishes that charter schools are subject to several significant requirements regarding teacher qualifications and certification, including;

- Charter schools must comply with applicable federal laws, rules and regulations regarding the qualification of teachers and other instructional staff.
- No more than twenty-five percent (25%) of teachers in a charter school may be exempt from state teacher licensure requirements.

		<ul style="list-style-type: none"> Teachers and administrators must have a bachelor’s degree as a minimum requirement, and teachers must have demonstrated subject-matter competency. Within three (3) years of a teacher’s employment by a charter school, the teacher must have, at a minimum, alternative licensure approved by the Commission on Teacher and Administrator Education, Certification and Licensure and Development. <p>Charter school employees must have the same general rights and privileges as other public school employees, except such employees are not covered under the Education Employment Procedures Law (Section 37-9-103) or subject to the state salary requirements prescribed in Section 37-19-7.</p> <p>(Miss. Code Ann. § 37-28-47 Qualifications of charter school employees; applicability of Education Employment Procedures Law)</p> <p>Mississippi Statute establishes that a charter school authorized by the MCSAB must be granted accreditation by the State Board of Education based solely on the approval of the school by the authorizer.</p> <p>(Miss. Code Ann. § 37-17-1 Authority of state board of education with respect to accreditation of noncharter and charter public schools)</p> <p>Mississippi Statute requires the MCSAB to annually publish a pamphlet containing all statutes in the education code (Title 37) which are applicable to charter schools, along with any rules, regulations and policies of the State Superintendent, State Board of Education, or State Department of Education with which charter schools must comply.</p> <p>(Miss. Code Ann. § 37-28-13 Technical information and assistance from Department of Education; publication of laws and regulations applicable to charter schools)</p>
<p>Equitable Charter Funding</p>	<p>YES</p> <p>Students are funded as in a traditional district school</p>	<p>Mississippi Statute requires that MDE make payments to charter schools for each student in average daily attendance “equal to the state share of the adequate education program payments for each student in average daily attendance at the school district in which the charter school is located. In calculating the local contribution for purposes of determining the state share of the adequate education program payments, the department shall deduct the pro rata local contribution of the school district in which the student resides...”</p> <p>Amounts payable to a charter school over its charter term must be based on the enrollment projections set forth over the term of the charter contract, subject to reconciliation with ADA using a formula defined in statute. In addition:</p> <ul style="list-style-type: none"> For each student attending a charter school in the student’s district of residence, the school district is required to pay the charter school “an amount for each student enrolled in the charter school equal to the ad valorem tax

		<p>receipts and in-lieu payments received per pupil for the support of the local school district in which the student resides”, in accordance with the statute.</p> <ul style="list-style-type: none"> • For each student attending a charter school in a school district in which the student does not reside, MDE shall pay to the charter school “an amount as follows: the pro rata ad valorem receipts and in-lieu payments per pupil for the support of the local school district in which the student resides under Sections 37-57-1 (local contribution to the adequate education program) and 37-57-105 (school district operational levy), however, not including any taxes levied for the retirement of the local school district’s bonded indebtedness or short-term notes or any taxes levied for the support of vocational-technical education programs...” • MDE must direct the proportionate share of monies generated under federal and state categorical aid programs, including special education, vocational, gifted and alternative school programs, to charter schools serving students eligible for such aid. • MDE must disburse Education Enhancement Funds for classroom supplies, instructional materials and equipment, including computers and computer software to all eligible charter school teachers on the same basis and in the same manner as it is paid to school districts. <p>(Miss. Code Ann. § 37-28-55 Charter school funding; adequate education program payments; local funding; federal and state categorical aid program monies; state transportation funding; disbursement of Education Enhancement Funds)</p> <p>For additional information, <i>see also</i> MS Admin. Code Rule 7-3-32.1 Education Enhancement Funds. Rules and Regulations Regarding the Administration of Funds Appropriated for Education Enhancement Funds for Classroom Supplies and Materials</p>
<p>Charter Facilities Funding</p>	<p>YES</p> <p>Charter schools have equal access to facility funding streams</p>	<p>Mississippi does provide charter schools with access to robust sources of facilities funding.</p> <p>Mississippi Statute provides for school district funding, which for purposes of this chapter, includes public charter schools.</p> <p>(Miss. Code Ann. § 37-47-3 “School district” defined)</p> <p>Mississippi Statute provides for legislative findings, including that the state should make an annual grant of Twenty-four Dollars (\$24.00) for each child in average daily attendance in the public schools of the various school districts of this state during each school year, and that such monies should be applied for the purpose of establishing and maintaining adequate physical facilities for the public school district and/or the payment of existing debt therefor.</p> <p>(Miss. Code Ann. § 37-47-9 Annual grants by state)</p> <p>Mississippi Statute establishes the Educational Facilities Revolving Loan Fund Program to assist public schools in procuring funds for making certain capital improvements. MDE is required to accept requests for loans for purposes</p>

which include repairs and renovations to existing school buildings and related facilities; construction of new facilities; construction of new career and technical education facilities or repairs and renovations to existing facilities for purposes of upgrading or expanding CTE programs. Program funds may not be used for athletic facilities.

[\(Miss. Code Ann. § 37-47-24 Educational Facilities Revolving Loan Fund Program established; Educational Facilities Revolving Loan Fund created; purpose; use of funds\)](#)

Mississippi Statute establishes that whenever MDE determines that a school district is in need of capital improvements “in excess of that which may be financed by the credit then due such school district...”, MDE is empowered to advance or lend said school district such sums as in the opinion of the department are necessary to be expended for capital improvements.

[\(Miss. Code Ann. § 37-47-25 Loans for capital improvements\)](#)

Mississippi Statute establishes that a charter school may exercise powers necessary for carrying out the terms of its charter contract, including, to acquire real property for use as its facility or facilities, from public or private sources.

[\(Miss. Code Ann. § 37-28-41 Charter school powers\)](#)

Mississippi Statute gives a charter school a right of first refusal to purchase or lease at or below fair market value a closed public school facility or property in the school district in which the charter school is located. With a conversion charter school, the local district owning the charter school’s facility must offer to lease or sell the building to the charter school at or below fair market value.

A charter school may also negotiate and contract at or below fair market value with a school district, state institution of higher learning, public community or junior college, or any other public or for-profit or nonprofit private entity for the use of a facility for a school building.

Public entities, including, but not limited to, libraries, community service organizations, museums, performing arts venues, colleges and universities, may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

[\(Miss. Code Ann. § 37-28-61 Right of first refusal to purchase vacant public school facilities; public entities authorized to provide space to charters in their facilities under preexisting zoning and land use designations\)](#)

<p>Options for High-Performing Charters</p>	<p>LIMITED</p> <p>No opportunities for high-performing charter schools</p>	<p>Mississippi Statute requires the State Board of Education to establish, design, and implement a Superior-Performing Schools Program and an Exemplary Schools Program for identifying and rewarding public schools, including charter schools, that improve.</p> <p>Superior-Performing and Exemplary Schools may apply to the State Board of Education for monetary incentives to be used for selected school needs, and the State Board is to provide special recognition to all such schools.</p> <p>(Miss. Code Ann. § 37-18-1 Superior-Performing and Exemplary Schools Programs; designation as Superior-Performing, Exemplary, or School At-Risk School; growth expectations and proficiency measurements; monetary incentives; special recognition for schools receiving Superior-Performing or Exemplary School designation.)</p> <p>The State Board of Education is required to develop rules and regulations for the program. No such rules were identified.</p> <p>Mississippi Statute establishes the School Recognition Program, under which all public schools, including charter schools, may participate. Financial awards are available to schools that earn a school accountability rating of “A” or “B” or demonstrate exemplary performance by improving at least one letter grade.</p> <p>(Miss. Code Ann. § 37-19-10 School recognition program created for prospective salary supplements for teachers and staff; Legislative intent; purpose; school eligibility; School Recognition Program Fund)</p>
<p>Charter Zoning Exemptions</p>	<p>LIMITED</p> <p>Less than full protections</p>	<p>Mississippi Statute establishes that the state finance commission must formulate and approve or disapprove plans for the location and construction of noncharter public school buildings. This section does not extend to charter schools.</p> <p>(Miss. Code Ann. § 37-45-23 Formulation of policies and approval of plans for location and construction of noncharter public school buildings)</p>

SOURCE CITATIONS

Statutes

[Miss. Code Ann. § 37-17-1 Authority of state board of education with respect to accreditation of noncharter and charter public schools](#)

[Miss. Code Ann. § 37-18-1 Superior-Performing and Exemplary Schools Programs; designation as Superior-Performing, Exemplary, or School At-Risk School; growth expectations and proficiency measurements; monetary incentives; special recognition for schools](#)

[Miss. Code Ann. § 37-19-10 School recognition program created for prospective salary supplements for teachers and staff; Legislative intent; purpose; school eligibility; School Recognition Program Fund](#)

[Miss. Code Ann. § 37-28 Mississippi Charter Schools Act of 2013](#)

[Miss. Code Ann. § 37-45-23 Formulation of policies and approval of plans for location and construction of noncharter public school buildings](#)

[Miss. Code Ann. § 37-47-3 “School district” defined](#)

[Miss. Code Ann. § 37-47-9 Annual grants by state](#)

[Miss. Code Ann. § 37-47-24 Educational Facilities Revolving Loan Fund Program established; Educational Facilities Revolving Loan Fund created; purpose; use of funds](#)

[Miss. Code Ann. § 37-47-25 Loans for capital improvements](#)



Private School Choice in Mississippi

POLICY	OVERALL RATING	PROGRAM OVERVIEW
<p>Universal Eligibility</p>	<p>LIMITED</p> <p>Eligibility less than 100%</p> <p><i>Scoring is calculated based off % of all students served</i></p>	<p>LIMITED</p> <p>Equal Opportunity for Special Needs Program Mississippi Statutes establish the 2015 Equal Opportunity for Students with Special Needs Act, creating Education Savings Accounts (ESA) for use by a parent of a child with special needs. Parents of eligible children have the option of withdrawing their child from the public school system and receiving ESA funds that can be used for private school tuition and other allowable expenses.</p> <p>All provisions of the act (Sections 37-181-1 through 37-181-23, Mississippi Code of 1972) were repealed on July 1, 2024, pending legislative approval of a measure to reenact those provisions.</p> <p>(Miss. Code Ann. § 37-181-23 Repeal of Sections 37-181-1 through 37-181-23 [Repealed effective July 1, 2024])</p> <p>Mississippi Statute limits eligibility to a student who has had an active IEP within the past three (3) years and has maintained eligibility.</p> <p>(Miss. Code Ann. § 37-181-3 Definitions [Repealed effective July 1, 2024]; see also MDE – Education Scholarship Account)</p>
		<p>LIMITED</p> <p>Dyslexia Therapy Scholarship for Students with Dyslexia Program Mississippi Statute establishes the Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program to provide the option for students diagnosed with dyslexia to attend a public school other than the one to which assigned, or to provide a scholarship to a nonpublic school of choice.</p> <p>Students in Grades 1 through 12 who have been properly screened and diagnosed with dyslexia are eligible to receive scholarship assistance under this program.</p>

			<p>(Miss. Code Ann. § 37-173-3 Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program established)</p> <p>A student is not eligible to participate in the program while:</p> <ul style="list-style-type: none"> • enrolled in Department of Juvenile Justice commitment programs; • participating in a homeschool education program; • participating in a virtual school, correspondence school, or distance learning program that receives state funding under the student’s participation unless the participation is limited to no more than two (2) courses per school year; or • not having regular and direct contact with his or her private school teachers at the school’s physical location. <p>(Miss. Code Ann. §37-173-7 Student eligibility for scholarship; duration of scholarship)</p>
		<p>LIMITED</p>	<p>Nate Rogers Scholarship for Students with Disabilities Program Mississippi Statute establishes the Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program (also known as the Nate Rogers Scholarship for Students with Disabilities Program). It provides a scholarship to a nonpublic school of choice for students in kindergarten through grade 6 with an eligibility ruling of a speech-language impairment.</p> <p>(Miss. Code Ann. §§§ 37-175-3 Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program established)</p> <p>Mississippi Statute establishes that the parent or legal guardian of a public school student with a speech-language impairment may request and receive from the state a Mississippi Speech-Language Therapy Scholarship for the child to enroll in and attend a nonpublic school if: (a) The student has spent the previous school year in attendance at a Mississippi public school or any other state accredited nonpublic special purpose school in the state that is organized to provide and emphasizes instruction in speech-language therapy and intervention as the primary purpose of the school; or (b) The parent or legal guardian has obtained acceptance for admission of the student to a nonpublic school that is eligible for the program under Section 37-175-19 and has requested from the department a scholarship within thirty (30) days before the date of the first scholarship payment.</p>

			<p>(Miss. Code Ann. § 37-175-5 Option to remove child from public school to enroll in nonpublic school with specific instruction for students with speech-language impairment)</p> <p>A student is not eligible to participate in the program while:</p> <ul style="list-style-type: none"> • enrolled in Department of Juvenile Justice commitment programs; • participating in a homeschool education program; • participating in a virtual school, correspondence school, or distance learning program that receives state funding under the student’s participation unless the participation is limited to no more than two (2) courses per school year; or • Not having regular and direct contact with his or her private school teachers at the school’s physical location. <p>(Miss. Code Ann. §37-173-7 Student eligibility for scholarship; duration of scholarship)</p>
<p>Comparable Student Funding</p>	<p>LIMITED</p> <p>Funding below 90%</p> <p><i>Scoring is calculated based off program with largest number of students (Equal Opportunity for Special Needs Program)</i></p>	<p>LIMITED</p>	<p>Equal Opportunity for Special Needs Program</p> <p>EdChoice notes the following:</p> <p>The ESA value is \$7,089, which is about 70 percent of the average expenditure per student at Mississippi’s district schools. Only \$3 million in funding for the ESAs is currently available, which is equivalent to only 0.06 percent of Mississippi’s total K–12 revenue.</p> <p>(EdChoice, The ABCs of School Choice: Mississippi (2024 Edition))</p>
		<p>LIMITED</p>	<p>Dyslexia Therapy Scholarship for Students with Dyslexia Program</p> <p>Mississippi Statute establishes the maximum scholarship granted per eligible student is to be an amount equivalent to the Mississippi Adequate Education Program base student cost.</p> <p>(Miss. Code Ann. § 37-173-13 Maximum scholarship; report by nonpublic schools; disbursement of payments to nonpublic schools)</p> <p>EdChoice notes that the average voucher size is about \$6,600, which is about three-fifths of the average expenditure per student at Mississippi’s district schools.</p> <p>(EdChoice, The ABCs of School Choice: Mississippi (2024 Edition))</p>

		<p>LIMITED</p>	<p>Nate Rogers Scholarship for Students with Disabilities Program Mississippi Statute establishes that the maximum scholarship granted per eligible student with speech-language impairment shall be an amount equivalent to the Mississippi Adequate Education Program base student cost.</p> <p>(Miss. Code Ann. §37-175-13 State Department of Education duties regarding administration of program; determination of funding; transportation of students)</p> <p>EdChoice notes that: The average voucher size is about \$6,063, which is about 60 percent of the average expenditure per student at Mississippi’s district schools.</p> <p>The maximum voucher amount is equal to the Mississippi Adequate Education Program base student cost, i.e., the funding amount provided by the state to public schools. That amount was \$6,532 in 2022–23.</p> <p>(EdChoice, The ABCs of School Choice: Mississippi (2024 Edition))</p>
<p>Uncapped Student Access</p>	<p>LIMITED</p> <p>Funding or enrollment cap</p> <p><i>Scoring is calculated based off program with largest number of students (Equal Opportunity for Special Needs Program)</i></p>	<p>LIMITED</p>	<p>Equal Opportunity for Special Needs Program The amount is calculated each spring and may vary based on the availability of funds. For the 2023-2024 school year, the maximum reimbursement is \$7,089.00.</p> <p>MDE’s FAQs on the program note that a waitlist will be maintained of eligible applicants that have not yet been awarded due to availability of funds.</p> <p>(MDE, ESA - FAQs (revised 10/2023))</p> <p>EdChoice notes the following::</p> <ul style="list-style-type: none"> • Enrollment Cap: 3,000 • Budget Cap: \$3 million <p>(EdChoice, The ABCs of School Choice: Mississippi (2024 Edition))</p>

		<p>YES</p>	<p>Dyslexia Therapy Scholarship for Students with Dyslexia Program Mississippi Statute does not establish a funding or enrollment cap.</p> <p>EdChoice notes that program rules and regulations do not establish an enrollment cap, but the voucher cap is set at \$9,614.</p> <p>(EdChoice, The ABCs of School Choice: Mississippi (2024 Edition))</p>
		<p>YES</p>	<p>Nate Rogers Scholarship for Students with Disabilities Program Mississippi Statute does not establish a funding or enrollment cap.</p> <p>EdChoice notes that program rules and regulations do not establish an enrollment cap. The voucher cap is \$9,614.</p> <p>(EdChoice, The ABCs of School Choice: Mississippi (2024 Edition))</p>
<p>Extended Application Window</p>	<p>YES</p> <p><i>Scoring is calculated based off program with largest number of students (Equal Opportunity for Special Needs Program)</i></p>	<p>YES</p>	<p>Equal Opportunity for Special Needs Program Mississippi Statute does not establish an application window.</p> <p>MDE FAQs on the program explain that applications are available through public schools and the MDE website. They advise, “[T]o ensure the award notification is received prior to the start of the school year, the best time to submit the application is from December through May. This will allow time to get all documentation submitted and verified. However, applications are accepted throughout the school year.”</p> <p>(MDE, ESA - FAQs (revised 10/2023))</p>
		<p>YES</p>	<p>Dyslexia Therapy Scholarship for Students with Dyslexia Program Mississippi Statute does not explicitly establish a rolling application window; however, it does require that the parent or legal guardian must have requested the scholarship at least thirty (30) days before the date of the first scholarship payment, and to comply with the nonpublic special purpose school’s published policies.</p> <p>(Miss. Code Ann. §§ 37-173-11 Parental obligations if applying for Mississippi Dyslexia Therapy Scholarship)</p>

		<p>YES</p>	<p>Nate Rogers Scholarship for Students with Disabilities Program Mississippi Statute does not explicitly establish a rolling application window; however, it does require the parent or legal guardian to have requested the scholarship at least thirty (30) days before the date of the first scholarship payment and to comply with the nonpublic special purpose school’s published policies.</p> <p>(Miss. Code Ann. § 37-175-11 Parental, guardian and student obligations if applying for Mississippi Speech-Language Therapy Scholarship)</p> <p>Each local school district is to make an initial determination of whether a student has an eligibility ruling of speech-language impairment. If the parent or legal guardian chooses the nonpublic school option and the student is accepted by the nonpublic school pending the availability of a space for the student, the parent or legal guardian must notify the department thirty (30) days before the first scholarship payment and before entering the nonpublic school in order to be eligible for the scholarship when a space becomes available.</p> <p>(Miss. Code Ann. § 37-175-9 Initial determination of qualifying eligibility ruling of speech-language impairment; public, nonpublic school options)</p>
<p>Student Testing Options</p>	<p>YES</p> <p><i>Scoring is calculated based off program with largest number of students (Equal Opportunity for Special Needs Program)</i></p>	<p>YES</p>	<p>Equal Opportunity for Special Needs Program MDE’s ESA program FAQs provide that the MDE Office of Special Education “requires submission of pre- and post-assessments each school year. Assessments may be a teacher-created test, nationally standardized norm-referenced test, or a current state board-approved screener to gather baseline data on students’ academic performance and given again during 2nd semester to evaluate student learning.”</p> <p>(MDE, ESA - FAQs (revised 10/2023))</p>
		<p>LIMITED</p>	<p>Dyslexia Therapy Scholarship for Students with Dyslexia Program Neither Mississippi Statute nor Administrative Rules establish a testing mandate for program participants.</p>
		<p>LIMITED</p>	<p>Nate Rogers Scholarship for Students with Disabilities Program Neither Mississippi Statute nor Administrative Rules establish a testing mandate for program participants.</p>

<p>School Autonomy</p>	<p>YES</p> <p><i>Scoring is calculated based off program with largest number of students (Equal Opportunity for Special Needs Program)</i></p>	<p>YES</p> <p>Equal Opportunity for Special Needs Program Mississippi Statute establishes school eligibility criteria for participation in the program, including the need to conduct criminal background checks on employees and the exclusion from employment of any person not permitted by state law to work in a nonpublic school or any person who might reasonably pose a threat to the safety of students.</p> <p>Other than student eligibility criteria, as detailed above, there are no restrictions on school admissions.</p> <p>(Miss. Code Ann. § 37-181-15 Obligations of schools to become and remain eligible [Repealed effective July 1, 2024])</p>
		<p>YES</p> <p>Dyslexia Therapy Scholarship for Students with Dyslexia Program Mississippi Statute establishes that an eligible nonpublic school’s inclusion in the options made available to participating students “does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of nonpublic schools beyond those reasonably necessary to enforce requirements expressly set forth in this chapter.”</p> <p>There are no provisions in statute that infringe on the autonomy of a nonpublic school over admissions, hiring, etc.</p> <p>(Miss. Code Ann. § 37-173-29 No expansion of regulatory authority of state over nonpublic schools beyond what is necessary to enforce this chapter)</p>
		<p>YES</p> <p>Nate Rogers Scholarship for Students with Disabilities Program Mississippi Statute establishes that a participating non-public school’s qualified personnel who provide speech-language services for children with speech-language impairment consist of speech-language pathologists.</p> <p>(Miss. Code Ann. § 37-175-21 Length of school day and scholastic year; development of curriculum; purchase of instructional material; qualifications of personnel providing speech-language services)</p> <p>Mississippi Statute establishes that an eligible nonpublic school’s inclusion within options available to Mississippi public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of nonpublic</p>

			<p>schools beyond those reasonably necessary to enforce requirements expressly set forth in this chapter.</p> <p>There are no provisions in statute that infringe on the autonomy of a nonpublic school over admissions, hiring, etc.</p> <p>(Miss. Code Ann. § 37-175-29 No expansion of regulatory authority of state over nonpublic schools beyond what is necessary to enforce this chapter)</p>
<p>Accessible School Participation</p>	<p>YES</p> <p>No accreditation requirement</p> <p><i>Scoring is calculated based off program with largest number of students (Equal Opportunity for Special Needs Program)</i></p>	<p>YES</p>	<p>Equal Opportunity for Special Needs Program</p> <p>Mississippi Statute defines “Eligible school” as a state-accredited special purpose school, a state-accredited nonpublic school, or a nonpublic school located in the state that has enrolled a participating student and is providing services for the participating student’s disability or special education needs or is providing services addressing a participating student’s IEP. An eligible school does not include a home instruction program under Mississippi Code Section 37-13-91.</p> <p>(Miss. Code Ann. § 37-181-3 Definitions [Repealed effective July 1, 2024])</p>
		<p>LIMITED</p>	<p>Dyslexia Therapy Scholarship for Students with Dyslexia Program</p> <p>Mississippi Statute establishes eligibility criteria for nonpublic schools’ participation in the program, including that the school must be a state accredited special purpose school.</p> <p>(Miss. Code Ann. § 37-173-17 Eligibility requirements for nonpublic schools to participate in scholarship program)</p>
		<p>LIMITED</p>	<p>Nate Rogers Scholarship for Students with Disabilities Program</p> <p>Mississippi Statute establishes that to be eligible to participate in the program, a nonpublic school must, among other things, be a state accredited nonpublic special purpose school in the state that is organized to provide and emphasizes instruction in speech-language therapy and intervention as the primary purpose of the school.</p> <p>(Miss. Code Ann. § 37-175-17 Eligibility requirements for nonpublic schools to participate in scholarship program)</p>

ESAs and Parent-Directed Spending

<p>Freedom to Customize</p>	<p>YES</p>	<p>Equal Opportunity for Special Needs Program Mississippi Statute establishes that the following are qualifying expenses:</p> <ul style="list-style-type: none"> • Tuition and/or academic fees at an eligible school; • Textbooks related to academic coursework; • Payment to a tutor, as defined in Section 37-181-3(h); • Payment for purchase of curriculum, including any supplemental materials required by the curriculum; • Fees for nationally standardized norm-referenced achievement tests, including alternate assessments; and fees for Advanced Placement examinations or similar courses and any examinations related to college or university admission; • Educational services or therapies from a licensed or certified practitioner or provider, including licensed or certified paraprofessionals or educational aides; • Tuition and fees related to dual enrollment at a postsecondary institution; • Textbooks related to academic coursework at a postsecondary institution; • Surety bond payments if required by the department; • No more than Fifty Dollars (\$50.00) in annual consumable school supplies necessary for educational services and therapies, daily classroom activities, and tutoring; • Computer hardware and software and other technological devices, subject to some restrictions. <p>(Miss. Code Ann. § 37-181-5 Parental obligations to qualify eligible student for program participation; use of Education Scholarship Account funds [Repealed effective July 1, 2024])</p>
<p>Freedom to Access</p>	<p>LIMITED Eligibility restricted by school type</p>	<p>Equal Opportunity for Special Needs Program Mississippi Statute limits eligibility to a student who has had an active IEP within the past three (3) years and has maintained eligibility. Once eligibility is established, funding may be used for private school choice or supplemental funding, regardless of school type.</p> <p>However, MDE’s FAQs on the program note that a student cannot be home schooled or enrolled in a public school to receive funds for payment of a tutor or procure educational services or therapies from a licensed or certified practitioner or provider.</p> <p>(Miss. Code Ann. § 37-181-3 Definitions [Repealed effective July 1, 2024]; MDE, ESA - FAQs (revised 10/2023))</p>

<p>Carry-Over Funding</p>	<p>YES</p>	<p>Equal Opportunity for Special Needs Program Mississippi Statute establishes that students who enroll in the ESA program shall remain eligible to receive quarterly ESA payments 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 as required.</p> <p>Any funds remaining in a student’s Education Scholarship Account upon completion of high school shall be returned to the state’s General Fund.</p> <p>(Miss. Code Ann. § 37-181-5 Parental obligations to qualify eligible student for program participation; use of Education Scholarship Account funds [Repealed effective July 1, 2024])</p>
<p>Tax Credits</p>		
<p>Full Tax Credit</p>	<p>N/A No Tax Credit Program</p>	<p>Mississippi does not have an education tax credit program.</p>

SOURCE CITATIONS

Statutes

[Miss. Code Ann. § 37-181 Equal Opportunity for Students with Special Needs Act](#)

[Miss. Code Ann. § 37-173 Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program](#)

[Miss. Code Ann. §37-175 Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program](#)

[Miss. Code Ann. § 37-181-5 Parental obligations to qualify eligible student for program participation; use of Education Scholarship Account funds \[Repealed effective July 1, 2024\]](#)

[Miss. Code Ann. § 37-181-3 Definitions \[Repealed effective July 1, 2024\]](#)

State Department of Education

[MDE, Education Scholarship Account](#)

[MDE, Understanding the ESA \(Frequently Asked Questions\)](#)

[MDE, Education Scholarship Account – Allowable Uses](#)

[MDE, ESA - FAQs \(revised 10/2023\)](#)

Other Resources

[EdChoice, The ABCs of School Choice: Mississippi \(2024 Edition\)](#)



Homeschooling in Mississippi

POLICY	RATING	POLICY OVERVIEW
<p>Homeschool without Prior Approval</p>	<p>YES</p> <p>No permission required</p>	<p>Mississippi Statute establishes the “Mississippi Compulsory School Attendance Law.” Requiring a child to enroll in and attend a public school or legitimate nonpublic school, with some exceptions, including a legitimate home instruction program.</p> <p>Home instruction programs are included in the definition of “nonpublic school”, as follows: “Nonpublic school” means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, private, church, parochial and home instruction programs.”</p> <p>The parent, guardian or custodian of a child attending any charter school or nonpublic school is required to complete a “certificate of enrollment”, which requires “a simple description of the type of education” the child is receiving. The certificate must be signed by the parent, guardian or custodian, as well as the appropriate school official.</p> <p>Submission constitutes notice, rather than approval, as this section provides “...this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.”</p> <p>(Miss. Code Ann. § 37-13-91 Compulsory school attendance requirements generally; enforcement of law)</p>
<p>No Extra Homeschool Notifications</p>	<p>NO</p> <p>Annual notification</p>	<p>Mississippi Statute requires the parent, guardian or custodian of a child attending a nonpublic school, the definition of which includes a home instruction program, to complete a certificate of enrollment and return it to the school attendance officer where the child resides on or before September 15 of each year.</p> <p>(Miss. Code Ann. § 37-13-91 Compulsory school attendance requirements generally; enforcement of law)</p>

<p>No Certification to Homeschool</p>	<p>YES No certification requirement</p>	<p>Neither Mississippi Statute nor homeschool policy of the State Board require homeschool parents to possess state teacher certification. (Miss. Admin. Code Rule 7-3-30.7 Home School Guidelines)</p> <p>HSLDA confirms this: There are no teacher qualifications, standardized testing requirements, or required subjects or days of instruction for homeschools in Mississippi. (HSLDA, Public School Access for Homeschoolers in Mississippi)</p>
<p>Flexible Assessment Options</p>	<p>YES Flexible academic accountability</p>	<p>Neither Mississippi Statute nor homeschool policy of the State Board require homeschool students to participate in state or NRT standardized testing. Law and policy are also silent regarding a homeschool students’ options for participation in any such assessments. (Miss. Admin. Code Rule 7-3-30.7 Home School Guidelines)</p> <p>HSLDA confirms this: There are no teacher qualifications, standardized testing requirements, or required subjects or days of instruction for homeschools in Mississippi. (HSLDA, Public School Access for Homeschoolers in Mississippi)</p>

SOURCE CITATIONS

<p>Statutes</p>	<p>Administrative Code</p>	<p>State Department of Education</p>	<p>Other Resources</p>
<p>Miss. Code Ann. § 37-13-91 Compulsory school attendance requirements generally; enforcement of law</p>	<p>Miss. Admin. Code Rule 7-3-30.7 Home School Guidelines</p>	<p>MDE, Home School MDE, Frequently Asked Questions Regarding Home School</p>	<p>HSLDA, Public School Access for Homeschoolers in Mississippi</p>

POLICY ENHANCERS



Part-time Enrollment in Mississippi

POLICY	RATING	POLICY OVERVIEW
Resident Course Access	<p>LIMITED</p> <p>By type of student, type of course, or district policy</p>	<p>Neither Mississippi Statute nor Administrative Rules require school districts to provide nonpublic students, which includes home school students, access to courses.</p> <p>From HSLDA: Mississippi does not have a law granting homeschooled students the right to participate in public school classes and activities; thus, the individual schools and school districts have the authority to decide whether to allow homeschooler participation. Policies often vary from district to district.</p> <p>(HSLDA, Public School Access for Homeschoolers in Mississippi)</p>
Nonresident Course Access	<p>LIMITED</p> <p>Districts only serve resident students or can impose other restrictions</p>	<p>Neither Mississippi Statute nor Administrative Rules specifically authorize nonpublic students, which includes home school students, access to courses outside their district of residence.</p>

<p>Virtual Course Access</p>	<p>LIMITED</p> <p>Access denied to some resident students, or students must take at least one class in a public school</p>	<p>Mississippi Statute establishes the Mississippi Virtual Public School (MVPS), which is recognized as a public school. The State Board of Education selects private providers to administer, manage, and operate virtual school programs. MDE approves all coursework and MVPS policy. Each MVPS must meet all state licensure qualifications.</p> <p>Enrollment is open to students who reside anywhere in the state. A “sponsor”, which is a public school district, is responsible for the academic process of each MVPS student, including, but not limited to, enrollment, awarding of credit and monitoring progress.</p> <p>Enrollment is free of charge to students, except that, “once the State Department of Education appropriation and the local school district budgeted funds for Mississippi Virtual Public School have been expended and students choose to enroll in online courses, the costs of the online courses may be the responsibility of the students’ parents or guardians.”</p> <p>(Miss. Code Ann. § 37-161-3 Legislative findings and declarations; Mississippi Virtual Public School Program created; definitions; necessary instructional materials and access to necessary technology provided to students enrolled in virtual school; qualifications of teachers; enrollment to be free of charge to students subject to availability of funds; responsibility of parents or guardians for cost.)</p> <p>Mississippi Administrative Rule provides that MDE does not accredit online programs or schools, but rather approves individual online courses for use in Mississippi schools.</p> <p>(Miss. Admin. Code Rule 7-3-56 Distance Learning, Blended Learning, and Online Courses)</p>
<p>Extracurricular Access</p>	<p>NO</p> <p>No requirement to make extra/co-curricular opportunities available to all students</p>	<p>Mississippi Statute does not require public schools to provide charter school students or nonpublic students, which includes homeschool students, with access to athletics and extra/co-curricular activities.</p> <p>Mississippi Statute does establish that a charter school is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as non-charter public schools.</p> <p>(Miss. Code Ann. § 37-28-51 Charter schools eligible to participate in state- or district-sponsored athletic and academic interscholastic activities)</p>

Mississippi Statute establishes requirements for charter school applications, including that the application must include a description of cocurricular or extracurricular programs and how those programs will be funded and delivered.

[\(Miss. Code Ann. § 37-28-15 Authorizer to publicize request for proposals for charter school applications; request for proposals to prescribe mandatory elements of charter applications\)](#)

SOURCE CITATIONS

Statutes

[Miss. Code Ann. § 37-28-15 Authorizer to publicize request for proposals for charter school applications; request for proposals to prescribe mandatory elements of charter applications](#)

[Miss. Code Ann. § 37-28-43 Prohibition against discrimination; prohibition against charging tuition; transportation plan; virtual courses](#)

[Miss. Code Ann. § 37-28-51 Charter schools eligible to participate in state- or district-sponsored athletic and academic interscholastic activities](#)

[Miss. Code Ann. § 37-161-3 Legislative findings and declarations; Mississippi Virtual Public School Program created; definitions; necessary instructional materials and access to necessary technology provided to students enrolled in virtual school; qualifications of teachers; enrollment to be free of charge to students subject to availability of funds; responsibility of parents or guardians for cost.](#)

Administrative Code

[Miss. Admin. Code Rule 7-3-56 Distance Learning, Blended Learning, and Online Courses](#)

Other Resources

[HSLDA, Public School Access for Homeschoolers in Mississippi](#)



Learn Everywhere in Mississippi

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p>NO</p> <p>No program</p>	Mississippi has not established a Learn Everywhere program.
Course Credit Standard	<p>NO</p> <p>No program</p>	
Core Course Opportunities	<p>NO</p> <p>No program</p>	
Central State List	<p>NO</p> <p>No program</p>	



Transportation in Mississippi

POLICY	RATING	POLICY OVERVIEW
<p>Open Enrollment Transit</p>	<p>NO</p>	<p>Mississippi Statute prohibits the transportation of pupils from one district to another “if their grade or grades are taught in a school within the district wherein they reside, unless the transfer of such children from the district in which they reside to such districts shall have been approved in the manner provided by law.” It is deemed unlawful for a school board to expend funds from any source for such transportation, unless the transfer of such children from the district in which they reside to such other district has been approved in the manner provided by law.</p> <p>(Miss. Code Ann. § 37-41-21 Prohibition on transporting certain pupils; exceptions)</p> <p>Mississippi Statute permits, in limited circumstances, an agreement by school boards for the legal transfer of a student. Any such agreement is required to include a provision providing for the transportation of the student. In the absence of such a provision the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian. Exceptions to this include the following:</p> <ul style="list-style-type: none"> • When the petition is based on the requirement that the child would otherwise be transported in excess of thirty (30) miles on a school bus between the child’s home and school, any agreement for the child’s legal transfer is to include a provision for the student’s transportation by either district. However, if the school boards agreeing on the legal transfer of any student shall fail to agree on which district shall provide transportation, the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian. • If a school district board, pursuant to a uniform policy to allow the enrollment and attendance of the dependent children of noninstructional and nonlicensed employees, any transfer agreement entered into by the school boards must include a provision providing for the transportation of the student. In the absence of such a provision the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian. <p>(Miss. Code Ann. § 37-15-31 Transfer of students between school districts generally)</p>

<p>Fair Transportation Access</p>	<p>NO</p>	<p>Mississippi Statute establishes the entitlement to transportation of certain pupils. This includes, subject to some limitations, pupils “in actual attendance in the public schools.” Charter school and other nonpublic school students are not enumerated in this section as being entitled to transportation.</p> <p>(Miss. Code Ann. § 37-41-3 Pupils entitled to transportation)</p> <p>Mississippi Statute establishes that the terms of each charter school must include a transportation plan for students attending the charter school. However, the school is not required to provide transportation.</p> <p>(Miss. Code Ann. § 37-28-43 Prohibition against discrimination; prohibition against charging tuition; transportation plan; virtual courses)</p> <p>Mississippi Statute establishes that MDE will disburse state transportation funding to a charter school on the same basis and in the same manner as it is paid to school districts under the adequate education program. A charter school may contract with a school district or private provider to provide transportation to its students.</p> <p>(Miss. Code Ann. § 37-28-55 Charter school funding; adequate education program payments; local funding; federal and state categorical aid program monies; state transportation funding; disbursement of Education Enhancement Funds)</p>
<p>Vehicle Flexibility</p>	<p>LIMITED</p> <p>Only for student activities, or other restrictive conditions</p>	<p>Mississippi Statute allows local school boards to regularly permit the use of motor vehicles other than school buses when the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but is not for customary transportation between a student’s residence and such sites.</p> <p>When such transportation is provided in a vehicle other than a school bus, whether owned, operated, rented, contracted, or leased by a school district or charter school, the vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined in 49 C.F.R. Part 571, designed to transport fewer than ten (10) students.</p> <p>In addition, subject to rules and regulations promulgated by the State Board of Education, to use publicly owned school buses for, among other things, the transportation of participating students, teachers, coaches and sponsors in connection with athletic events, other enumerated events, and special events in connection with the schools which the boards may consider a part of the educational program.</p> <p>(Miss. Code Ann. § 37-41-27 School buses may be used for special events and during emergencies; school buses may be used to transport citizens attending air show or historic commemorative event on military base or military park under certain circumstances; transportation of students in vehicles other than school buses.)</p>

State Statute establishes that charter schools authorized by the Mississippi Charter School Authorizer Board are exempt from the provisions of Chapter 41. Transportation of Pupils. As the provisions of this chapter are applicable only to school districts and the transportation of students enrolled in public school districts, they also do not extend to nonpublic school students, the definition of which includes home instruction programs.

[\(Miss. Code Ann. § 37-41-1 Promulgation of rules and regulations; applicability of chapter\)](#)

Mississippi Statute requires that the State Board of Education adopt and enforce regulations “not inconsistent with the traffic laws and regulations of this state to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school board or privately owned and operated under contract with any school board in this state.”

[\(Miss. Code Ann. § 37-41-57 Promulgation of regulations governing design and operation of school buses\)](#)

MDE’s Minimum Standards for School Buses apply to all school transportation vehicles purchased by school districts. Definitions of School Buses provided include:

- Type A – “...a conversion or body constructed upon a van-type or cutaway -front-section vehicle with a left side driver’s door, designed for carrying more than 10 persons...”
- Type B – “a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than ten thousand (10,000) pounds, designed for carrying more than ten (10) persons...”
- Type C – “...a body installed upon a flat-back cowl chassis with a gross vehicle weight rating of more than ten thousand (10,000) pounds, designed for carrying more than ten (10) persons...”
- Type D – “...a body installed upon a chassis, with the engine mounted in the front, midship, or rear with a gross vehicle weight rating of more than ten thousand (10,000) pounds, designed for carrying more than ten (10) persons...”

[\(MDE, Minimum Standards For School Buses\)](#)

SOURCE CITATIONS

Statutes

[Miss. Code Ann. § 37-15-31 Transfer of students between school districts generally](#)

[Miss. Code Ann. § 37-28-43 Prohibition against discrimination; prohibition against charging tuition; transportation plan; virtual courses](#)

[Miss. Code Ann. § 37-28-55 Charter school funding; adequate education program payments; local funding; federal and state categorical aid program monies; state transportation funding; disbursement of Education Enhancement Funds](#)

[Miss. Code Ann. § 37-41-1 Promulgation of rules and regulations; applicability of chapter](#)

[Miss. Code Ann. § 37-41-3 Pupils entitled to transportation](#)

[Miss. Code Ann. § 37-41-21 Prohibition on transporting certain pupils; exceptions](#)

[Miss. Code Ann. § 37-41-27 School buses may be used for special events and during emergencies; school buses may be used to transport citizens attending air show or historic commemorative event on military base or military park under certain circumstances](#)

[Miss. Code Ann. § 37-41-57 Promulgation of regulations governing design and operation of school buses](#)

State Department of Education

[MDE, Minimum Standards For School Buses](#)

Note:

- State statutes ([Mississippi Code 1972 Annotated](#)) are available through Lexis. *Title 37. Education* spans Chapters 1 – 187.
- Administrative Rules of the Department of Education ([MS Administrative Code Title 7. Department of Education](#)) are also referred to as State Board Policy ([State Board Policy Manual](#)).

