

By: Representatives Scott, Burnett, Espy,
Gibbs, Harrison, Huddleston (30th),
Middleton, Thomas

To: Education

HOUSE BILL NO. 972

1 AN ACT TO CREATE THE "VOLUNTEER AND PARENTS INCENTIVE PROGRAM
2 ACT"; TO DEFINE CERTAIN TERMS; TO AUTHORIZE THE STATE DEPARTMENT
3 OF EDUCATION TO PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE
4 PROVISIONS OF THIS ACT; TO REQUIRE THE STATE DEPARTMENT OF
5 EDUCATION TO DEVELOP AND PUBLISH "THE PARENTS' BILL OF RIGHTS" TO
6 INFORM PARENTS OF CHILDREN WITH AN INDIVIDUALIZED EDUCATION
7 PROGRAM OF THEIR STATE AND FEDERAL RIGHTS; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** (1) This section shall be known and may be cited
11 as the "Volunteer and Parents Incentive Program Act." The
12 Department of Education shall implement and administer the
13 provisions of this section.

14 (2) For purposes of this section, the following words and
15 phrases have the meanings ascribed in this subsection unless the
16 context clearly indicates otherwise:

17 (a) "At-risk student" means:

18 (i) A student who is still compulsory-school-age
19 but whose continued education is in jeopardy because the student
20 is experiencing academic deficits, including, but not limited to:

21 1. Being one or more years behind their age
22 or grade level in mathematics or reading skills through Grade 8 or
23 three (3) or more credits behind in the number of credits toward
24 graduation from Grade 9 through Grade 12;

25 2. Having low scores on tests of academic
26 achievement and scholastic aptitude;

27 3. Having low grades and academic
28 deficiencies;



29 4. Having a history of failure and being held
30 back in school;

31 5. Having language problems or being from a
32 non-English speaking home; or

33 6. Not having access to appropriate
34 educational programs.

35 (ii) A student may also be considered "at-risk" if
36 the student has any of the following:

37 1. A parent or sibling who dropped out of
38 school;

39 2. Experienced numerous family relocations;

40 3. Poor social adjustment or deviant social
41 behavior;

42 4. Employment of more than twenty (20) hours
43 per week while school is in session;

44 5. Been the victim of racial or ethnic
45 prejudice;

46 6. Low self-esteem and expectations of
47 teachers, parents and the community;

48 7. A poorly educated mother or father;

49 8. Children of their own;

50 9. A deprived environment that slows economic
51 and social development;

52 10. A fatherless home;

53 11. Been the victim of personal or family
54 abuse, including substance abuse, emotional abuse and sexual
55 abuse;

56 (b) "Department" means the State Department of
57 Education;

58 (c) "Institution of higher education" means a four-year
59 college or university located in the State of Mississippi;

60 (d) "Program" means the volunteer and parents incentive
61 program;



62 (e) "Qualifying public school" means a school located
63 in Mississippi that:

64 (i) Is located in a school district that has been
65 classified by the State Board of Education as underperforming;

66 (ii) Is located in a school district that has low
67 cost housing, high unemployment and high food stamp use; or

68 (iii) That has a student population of more than
69 fifty percent (50%) at-risk students.

70 (3) The State Department of Education shall promulgate rules
71 and regulations to implement this section.

72 **SECTION 2.** (1) Before January 1, 2012, the State Department
73 of Education shall develop and produce a publication entitled "The
74 Parents' Bill of Rights," which shall be designed to inform
75 parents of children with an individualized education program of
76 their educational rights provided under federal and state law.
77 The content of the publication may not confer any right or rights
78 beyond those conferred by federal or state law and must state that
79 it is for informational purposes only. The department shall post
80 a copy of this publication on its website. The publication must
81 contain the department's contact information.

82 (2) The publication must contain, but need not be limited
83 to, the following general information presented in a clear and
84 concise manner, and the department shall ensure the content is
85 consistent with legal interpretations of existing federal and
86 state law and provides equitable treatment of all disability
87 groups and interests:

88 (a) The right of parents to attend individualized
89 education program meetings and represent their child's interests;

90 (b) The right of parents to have an advocate or expert
91 present at an individualized education program meeting;

92 (c) The right of parents to receive a copy of the
93 child's evaluation and to disagree with its results and request
94 one (1) independent educational evaluation at public expense;



95 (d) The right of parents to provide a written report
96 from outside sources as part of the evaluation process;

97 (e) The right of parents to examine all school records
98 pertaining to the child and be provided with a copy of the
99 individualized education program;

100 (f) The right of parents to disagree with the decision
101 of the school district and the individualized education program
102 team and to pursue complaint procedures, including a child
103 complaint filed with the Department of Education, state-paid
104 mediation and other due process rights;

105 (g) The right of parents with a child with an
106 individualized education program to participate in reviews of such
107 program, participate in any decision to change any aspects of the
108 individualized education program and meet with school officials
109 whenever a change occurs in their child's education program or
110 classroom placement;

111 (h) The right of a child to be placed in the least
112 restrictive environment and be placed in a general education
113 classroom, to the greatest extent appropriate;

114 (i) The right of parents with limited English language
115 proficiency to request an accommodation to provide effective
116 communications;

117 (j) The right of parents to have a free appropriate
118 public education for their child with an individualized education
119 program designed to meet their child's unique needs, which may
120 include, but need not be limited to, special education and related
121 services such as assistive technology devices and services,
122 transportation, speech pathology services, audiology services,
123 interpreting services, psychological services, including
124 behavioral interventions, physical therapy, occupational therapy,
125 recreation, including therapeutic recreation, early identification
126 and assessment of disabilities in children, counseling services,
127 including rehabilitation counseling, orientation and mobility



128 services, school health services, school nurse services, social
129 work services, parent counseling and training and medical services
130 for diagnostic or evaluation purposes.

131 (3) Each school district shall provide the parent or parents
132 of a child with a copy of this publication upon determining that a
133 student qualifies for an individualized education program and at
134 any time the school district is required under state or federal
135 law to provide the parent or parents with notice of procedural
136 safeguards.

137 (4) The State Department of Education shall review and
138 revise the content of the publication as necessary to ensure the
139 content accurately summarizes current federal and state law and
140 shall promulgate rules and regulations necessary to implement the
141 provisions of this section, including, but not limited to, the
142 manner in which the publication described in this section must be
143 distributed.

144 **SECTION 3.** This act shall take effect and be in force from
145 and after July 1, 2011.

