

By: Representatives Byrd, Aldridge, Boyd, Brown (20th), Carpenter, Chism, Gipson, Martinson, McLeod, Moore, Pigott, Rogers (61st), Weathersby, Gardner, Miles, Bounds, Howell, Turner, Barker, DeBar, Dixon

To: Education; Appropriations

HOUSE BILL NO. 1031
(As Sent to Governor)

1 AN ACT TO ESTABLISH THE MISSISSIPPI DYSLEXIA THERAPY
2 SCHOLARSHIP FOR STUDENTS WITH DYSLEXIA PROGRAM; TO DEFINE CERTAIN
3 TERMS USED IN THIS ACT; TO PROVIDE FOR STUDENT ELIGIBILITY
4 REQUIREMENTS FOR RECEIPT OF A SCHOLARSHIP AND RESTRICTING
5 ELIGIBILITY THEREFOR; TO PROVIDE FOR THE TERM OF THE SCHOLARSHIP;
6 TO STIPULATE THE OBLIGATIONS OF PARENTS OR LEGAL GUARDIANS,
7 STUDENTS AND SCHOOLS AND SCHOOL DISTRICTS; TO PRESCRIBE THE DUTIES
8 OF THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION
9 REGARDING THE ADMINISTRATION OF THE SCHOLARSHIP PROGRAM; TO
10 PROVIDE THE DEPARTMENT OF EDUCATION WITH THE AUTHORITY TO VERIFY
11 THE ELIGIBILITY OF NONPUBLIC SCHOOLS AND TO ESTABLISH THE PROCESS
12 FOR NOTIFICATIONS OF VIOLATIONS; TO AUTHORIZE THE STATE BOARD OF
13 EDUCATION TO DENY, SUSPEND OR REVOKE A SCHOOL'S PARTICIPATION IN
14 THE SCHOLARSHIP PROGRAM AND THE PROCEDURES TAKEN WITH RESPECT
15 THEREFOR; TO REQUIRE THAT ALL COMPULSORY-SCHOOL-AGE CHILDREN BE
16 SCREENED FOR DYSLEXIA DURING THE PERIOD BETWEEN THE SPRING OF
17 KINDERGARTEN AND THE FALL OF GRADE 1 AND OTHER APPROPRIATE TIMES
18 AS DEEMED NECESSARY IN THE PUBLIC SCHOOLS OF THIS STATE; TO
19 ESTABLISH THE PROCEDURES TO BE FOLLOWED IN SCREENING AND
20 EVALUATION OF STUDENTS FOR DYSLEXIA AND RELATED DISORDERS AND
21 PRESCRIBING WHO SHALL ADMINISTER THE SCREENING AND EVALUATION; TO
22 REQUIRE THAT SCHOOL DIAGNOSTICIANS RECEIVE ADDITIONAL TRAINING IN
23 THE EVALUATION AND DIAGNOSIS OF DYSLEXIA; TO REQUIRE THAT STUDENTS
24 RECEIVE COMPREHENSIVE ACADEMIC EVALUATIONS BY TRAINED
25 DIAGNOSTICIANS IN THE DIAGNOSIS OF DYSLEXIA IF SCREENING INDICATES
26 RISK OF DYSLEXIA; TO REQUIRE THE DEPARTMENT OF EDUCATION TO SUBMIT
27 AN ANNUAL REPORT TO THE LEGISLATURE SUMMARIZING STUDENT
28 PERFORMANCE, STUDENT ASSESSMENTS, FUNDING AND ANY RECOMMENDED
29 CHANGES; TO PRESCRIBE APPROPRIATE DYSLEXIA QUALIFICATIONS FOR
30 ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL; TO REQUIRE THE STATE
31 DEPARTMENT OF EDUCATION TO SERVE AS THE LOCAL EDUCATIONAL AGENCY
32 FOR THOSE SCHOOLS; TO REQUIRE THE STATE TO PAY DIRECTLY TO THE
33 SCHOOL ANY FEDERAL OR STATE AID ATTRIBUTABLE TO A STUDENT WITH A
34 DISABILITY ATTENDING THE SCHOOL; TO REQUIRE THE SCHOOL TO COMPLY
35 WITH THE ANNUAL AUDIT AND BUDGET SUBMISSION REQUIREMENTS
36 PRESCRIBED BY LAW IN TITLE 37, MISSISSIPPI CODE OF 1972; AND FOR
37 RELATED PURPOSES.

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

39 **SECTION 1.** As used in this act, the following words and
40 phrases shall have the meanings ascribed in this section unless
41 the context clearly indicates otherwise:

42 (a) "Board" means the State Board of Education.



43 (b) "Department" means the State Department of
44 Education.

45 (c) "Dyslexia" means a specific learning disability
46 that is neurological in origin, characterized by difficulties with
47 accurate and fluent word recognition and poor spelling and
48 decoding abilities, which typically result from a deficit in the
49 phonological component of language that is often unexpected in
50 relation to other cognitive abilities and the provision of
51 effective classroom instruction, and secondary consequences which
52 may include problems in reading comprehension and reduced reading
53 experience that can impede growth of vocabulary and background
54 knowledge.

55 (d) "Dyslexia therapy" means an appropriate specialized
56 dyslexia instructional program that is delivered by a Mississippi
57 Department of Education licensed dyslexia therapist which is
58 scientific, research-based, Orton-Gillingham based, and is offered
59 in a small group setting to teach students the components of
60 reading instruction which include:

61 (i) Phonemic awareness to enable students to
62 detect, segment, blend and manipulate sounds in spoken language;

63 (ii) Graphophonemic knowledge (phonics) for
64 teaching the letter-sound plan of English;

65 (iii) The entire structure of the English language
66 that encompasses morphology, semantics, syntax and pragmatics;

67 (iv) Linguistic instruction directed toward
68 proficiency and fluency with the patterns of language so that
69 words and sentences are carriers of meaning; and

70 (v) Strategies that students use for decoding,
71 encoding, word recognition, fluency and comprehension.

72 These components shall be taught using instructional
73 approaches that include explicit, direct instruction which is
74 systematic, sequential and cumulative, following a logical plan of
75 presenting the alphabetic principle commensurate with the



76 students' needs, with no assumption of prior skills or language
77 knowledge; individualized to meet the specific learning needs of
78 each individual student in a small group setting; intensive,
79 highly concentrated instruction that maximizes student engagement
80 and uses specialized methods and materials; meaning-based
81 instruction directed toward purposeful reading and writing, with
82 an emphasis on comprehension and composition; and multisensory
83 instruction that incorporates the simultaneous use of two (2) or
84 more sensory pathways during teacher presentations and student
85 practice.

86 (e) "Dyslexia therapist" means a professional who has
87 completed training in a department approved Orton-Gillingham based
88 dyslexia therapy training program attaining a AA license in
89 dyslexia therapy or a professional participating in a state
90 approved dyslexia therapy training program to attain a AA license
91 in dyslexia therapy.

92 (f) "Mississippi Dyslexia Therapy Scholarship for
93 Students with Dyslexia Program" means a scholarship to provide the
94 option to attend a public school other than the one to which
95 assigned, or to provide a scholarship to a nonpublic school of
96 choice, for students in Grade 1 through Grade 6 diagnosed with
97 dyslexia in order to receive comprehensive multisensory dyslexia
98 therapy delivered by holders of an appropriate license in dyslexia
99 therapy issued by the department.

100 (g) "School" means any public or state accredited
101 nonpublic special purpose school that provides a specific learning
102 environment that provides comprehensive dyslexia therapy
103 instruction delivered by dyslexia therapists licensed by the
104 department providing highly qualified education and intervention
105 services to children diagnosed with the primary learning
106 disability of dyslexia.

107 **SECTION 2.** The Mississippi Dyslexia Therapy Scholarship for
108 Students with Dyslexia Program is established to provide the



109 option to attend a public school other than the one to which
110 assigned, or to provide a scholarship to a nonpublic school of
111 choice, for students with a diagnosis of dyslexia. Students in
112 Grades 1-6 who have been properly screened and diagnosed with
113 dyslexia shall be eligible to receive scholarship assistance under
114 this program.

115 **SECTION 3.** (1) Parents or legal guardians may exercise the
116 option to remove their child from a traditional public school
117 setting to be enrolled in a public or nonpublic school which meets
118 the standards for appropriate specific instruction designed to
119 meet the unique learning needs of young dyslexic students. The
120 objectives of such school shall be:

121 (a) To emphasize the importance of early intervention;
122 and

123 (b) To provide intensive high-quality instruction of
124 students in reading, spelling, writing, language arts,
125 phonological awareness and fluency training, but shall not
126 preclude instruction in mathematics, social studies, science, art,
127 music and physical education based on the curriculum requirements
128 of the State Department of Education.

129 (2) The parent or legal guardian of a public school student
130 with dyslexia may request and receive from the state a Mississippi
131 Dyslexia Therapy Scholarship for the child to enroll in and attend
132 a nonpublic school in accordance with this section if:

133 (a) The student has spent the previous school year in
134 attendance at a Mississippi public school or any other state
135 approved nonpublic school in the state that emphasizes instruction
136 in dyslexia intervention; or

137 (b) The parent or legal guardian has obtained
138 acceptance for admission of the student to a nonpublic school that
139 is eligible for the program under Section 10 of this act and has
140 requested from the department a scholarship within thirty (30)
141 days before the date of the first scholarship payment. The



142 request must be through a communication directly to the department
143 in a manner that creates a written or electronic record of the
144 request and the date of receipt of the request. The Department of
145 Education must notify the district of the parent's or legal
146 guardian's intent upon receipt of the parent's or legal guardian's
147 request.

148 **SECTION 4.** (1) A student is not eligible for a Mississippi
149 Dyslexia Therapy Scholarship while he or she is:

150 (a) Enrolled in a school operating for the purpose of
151 providing educational services to youth in Department of Juvenile
152 Justice commitment programs;

153 (b) Participating in a home-school education program;

154 (c) Participating in a virtual school, correspondence
155 school, or distance learning program that receives state funding
156 under the student's participation unless the participation is
157 limited to no more than two (2) courses per school year;

158 (d) Not having regular and direct contact with his or
159 her private school teachers at the school's physical location.

160 (2) (a) For purposes of continuity of educational choice,
161 a Mississippi Dyslexia Therapy Scholarship shall remain in force
162 until the student returns to a public school or completes Grade 6,
163 whichever occurs first.

164 (b) Upon reasonable notice to the department and the
165 school district, the student's parent or legal guardian may remove
166 the student from the nonpublic school and place the student in a
167 public school in accordance with this section.

168 **SECTION 5.** (1) (a) The parent or legal guardian is not
169 required to accept the offer of enrolling in another public school
170 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
171 to a nonpublic school. However, if the parent or legal guardian
172 chooses the public school option, the student may continue
173 attending a public school chosen by the parent or legal guardian
174 until the student completes Grade 6.



175 (b) If the parent or legal guardian chooses a public
176 school within the district, the school district shall provide
177 transportation to the public school selected by the parent or
178 legal guardian. However, if the parent or legal guardian chooses
179 a public school in another district, the parent or legal guardian
180 is responsible to provide transportation to the school of choice.

181 (2) Each local school district shall make an initial
182 determination of whether a student diagnosed with dyslexia
183 qualifies under the Individuals with Disabilities Education Act
184 (IDEA) to receive services and funding under the provisions of the
185 IDEA before proceeding to the development of a 504 Plan for each
186 dyslexic student eligible for educational services or equipment,
187 or both, under Sections 37-23-1 through 37-23-157. If a student's
188 diagnosis of dyslexia results in a determination that the
189 disability is not a disability which would qualify the student as
190 eligible under the IDEA, then in developing the written 504 Plan
191 for each dyslexia student, there shall be a presumption that
192 proficiency in spelling, reading and writing are essential for the
193 student to achieve appropriate educational progress. Each local
194 school district shall develop interventions and strategies to
195 address the needs of those students diagnosed with dyslexia which
196 provide the necessary accommodations to enable the student to
197 achieve appropriate educational progress. The interventions and
198 strategies developed shall include, but not be limited to, the use
199 of the 3-Tier Instructional Model and the utilization of
200 provisions of the IDEA and Section 504 to address those needs.

201 Furthermore, these provisions do not prohibit a parent or
202 legal guardian of a student diagnosed with dyslexia, at any time,
203 from choosing the option of a Mississippi Dyslexia Therapy
204 Scholarship which would allow the student to attend another public
205 school or nonpublic special purpose school.

206 (3) If the parent or legal guardian chooses the nonpublic
207 school option and the student is accepted by the nonpublic school



208 pending the availability of a space for the student, the parent or
209 legal guardian of the student must notify the department thirty
210 (30) days before the first scholarship payment and before entering
211 the nonpublic school in order to be eligible for the scholarship
212 when a space becomes available for the student in the nonpublic
213 school.

214 (4) The parent or legal guardian of a student may choose, as
215 an alternative, to enroll the student in and transport the student
216 to a public school in an adjacent school district which has
217 available space and has a program with dyslexia services that
218 provide daily dyslexia therapy sessions delivered by a department
219 licensed dyslexia therapist, and that school district shall accept
220 the student and report the student for purposes of the district's
221 funding under the Mississippi Adequate Education Program.

222 **SECTION 6.** A parent or legal guardian who applies for a
223 Mississippi Dyslexia Therapy Scholarship is exercising his or her
224 parental option to place his or her child in a nonpublic school.
225 Each participating parent or legal guardian and student shall
226 adhere to the following:

227 (a) The parent or legal guardian must select the
228 nonpublic school and apply for the admission of his or her child;

229 (b) The parent or legal guardian must have requested
230 the scholarship at least thirty (30) days before the date of the
231 first scholarship payment;

232 (c) Any student participating in the Mississippi
233 Dyslexia Therapy Scholarship for Students with Dyslexia Program
234 must remain in attendance throughout the school year unless
235 excused by the school for illness or other good cause; and

236 (d) Each parent or legal guardian and each student has
237 an obligation to the nonpublic special purpose school to comply
238 with the nonpublic special purpose school's published policies.



239 **SECTION 7.** (1) The maximum scholarship granted per eligible
240 student with dyslexia shall be an amount equivalent to the
241 Mississippi Adequate Education Program base student cost.

242 (2) (a) The nonpublic school under this program shall
243 report to the Mississippi Department of Education the number of
244 students with dyslexia who are enrolled in nonpublic schools on
245 the Mississippi Dyslexia Therapy Scholarships as of September 30
246 of each year in order to determine funding for the subsequent
247 year. Funds may not be transferred from any funding provided to
248 the Mississippi School for the Deaf and the Blind for program
249 participants who are eligible under Section 3 of this act.

250 (b) The Mississippi Department of Education will
251 disburse payments to nonpublic schools under this program in
252 twelve (12) substantially equal installments. The initial payment
253 shall be made after department verification of admission
254 acceptance, and subsequent payments shall be made upon
255 verification of continued enrollment and attendance at the
256 nonpublic school.

257 **SECTION 8.** (1) (a) Each local school district shall adopt
258 a policy to ensure that students will be screened in the Spring of
259 kindergarten and the Fall of Grade 1. The component of the
260 screening must include:

- 261 (i) Phonological awareness and phonemic awareness;
- 262 (ii) Sound symbol recognition;
- 263 (iii) Alphabet knowledge;
- 264 (iv) Decoding skills;
- 265 (v) Encoding skills; and
- 266 (vi) Rapid naming.

267 (b) If a student fails the screener, the parent or
268 legal guardian will be notified of the results of the screener.
269 Subsequent dyslexia evaluations may be administered by licensed
270 professionals, including:



271 (i) Psychologists, licensed under Chapter 31,
272 Title 73, Mississippi Code of 1972;

273 (ii) Psychometrists, licensed by the Mississippi
274 Department of Education; or

275 (iii) Speech Language Pathologists, licensed under
276 Chapter 38, Title 73, Mississippi Code of 1972.

277 (c) If a student fails the screener, the school
278 district, in its discretion, may perform a comprehensive dyslexia
279 evaluation, such evaluation must be administered by any of the
280 licensed professionals identified under paragraph (b) of this
281 subsection.

282 (d) If a parent or legal guardian of a student who
283 fails the dyslexia screener exercises the option to have a
284 subsequent evaluation performed, such evaluation shall be
285 administered by any of the licensed professionals identified under
286 paragraph (b) of this subsection, and the resulting diagnosis of
287 the subsequent evaluation must be accepted by the school district
288 for purposes of determining eligibility for placement within a
289 dyslexia therapy program within the current school or to receive a
290 Mississippi Dyslexia Therapy Scholarship for placement in a
291 dyslexia program in another public school or nonpublic special
292 purpose school.

293 (2) The screening of all compulsory-school-age children
294 enrolled in each local public school district for dyslexia
295 required by subsection (1)(a) of this section shall in no manner
296 nullify or defeat the requirements of the pilot programs adopted
297 by the State Department of Education to test certain students
298 enrolled or enrolling in public schools for dyslexia under Section
299 37-23-15.

300 **SECTION 9.** (1) To be eligible to participate in the
301 Mississippi Dyslexia Therapy Scholarship for Students with
302 Dyslexia Program, a nonpublic school must:

303 (a) Be a state accredited special purpose school;



304 (b) Provide to the department all documentation
305 required for a student's participation, including the nonpublic
306 school's and student's fee schedules, at least thirty (30) days
307 before the first quarterly scholarship payment is made for the
308 student.

309 (c) Be academically accountable to the parent or legal
310 guardian for meeting the educational needs of the student by, at a
311 minimum, annually providing to the parent or legal guardian a
312 written explanation of the student's progress.

313 (d) Maintain in this state a physical location where a
314 scholarship student regularly attends classes.

315 (2) The inability of a nonpublic school to meet the
316 requirements of this subsection shall constitute a basis for the
317 ineligibility of the nonpublic school to participate in the
318 scholarship program as determined by the department.

319 **SECTION 10.** (1) The department shall publicize information
320 regarding the Mississippi Dyslexia Therapy Scholarship on the
321 department's official website.

322 (2) Annually, by December 15, report to the Governor, the
323 Lieutenant Governor, and the Speaker of the House of
324 Representatives the Department of Education's actions with respect
325 to implementing accountability in the scholarship program under
326 this section, any substantiated allegations or violations of law
327 or rule by an eligible nonpublic school under this program
328 concerning the enrollment and attendance of students, the
329 credentials of teachers, background screening of teachers, and
330 teachers' fingerprinting results and the corrective action taken
331 by the Department of Education.

332 **SECTION 11.** (1) The State Board of Education in conjunction
333 with each nonpublic school and local school board operating under
334 the provisions of this act, may:

335 (a) Extend the school day or length of the scholastic
336 year;



337 (b) Develop and establish a curriculum that is
338 consistent with the Mississippi Curriculum Framework in the
339 subject areas of mathematics, social studies, science, music, art
340 and physical education; and

341 (c) Select, purchase and use textbooks, literature and
342 other instructional materials that would improve educational
343 attainment by students in the school, subject to the approval of
344 the board.

345 (2) The qualified personnel to facilitate the educational
346 process of learning and instruction for children with dyslexia who
347 attend the schools shall consist of the following:

348 (a) An administrator or director with additional
349 training in the characteristics of dyslexia;

350 (b) A dyslexia therapist licensed by the department in
351 dyslexia therapy;

352 (c) Dyslexia therapists in training participating in a
353 department approved dyslexia therapy graduate internship program;
354 and

355 (d) Licensed elementary teachers under the supervision
356 of a state department licensed dyslexia therapist.

357 **SECTION 12.** Teachers and other school personnel shall be
358 subject to criminal history record checks and fingerprinting
359 requirements applicable to other public schools under Section
360 37-9-17(2) and (3).

361 **SECTION 13.** (1) Each school providing instruction to
362 children with dyslexia shall certify to the State Department of
363 Education its student enrollment in the same manner as local
364 school districts.

365 (2) The department shall direct the proportionate share of
366 monies generated under federal and state categorical aid programs
367 to the participating school for serving students eligible for the
368 aid. The state shall ensure that each school is treated equitably
369 in the calculation and disbursement of all federal and state



370 categorical aid program dollars. Each school participating in the
371 scholarship program shall comply with all reporting requirements
372 to receive the aid.

373 (3) (a) Each school shall adhere to generally accepted
374 accounting principles as promulgated by nationally recognized
375 professional organizations.

376 (b) Each school shall have its financial records
377 audited annually, at the end of each fiscal year, by the State
378 Auditor and shall file a copy of each audit report and
379 accompanying management letter with the board by July 30.

380 (4) Nothing in this act shall be construed to prohibit any
381 person or organization from providing funding or other assistance
382 to the establishment or operation of any school authorized under
383 this act, except religious or sectarian organizations. The State
384 Board of Education, acting on behalf of the participating schools,
385 is authorized to accept gifts, donations, and grants of any kind
386 made to a participating school and to expend or use such gifts,
387 donations, and grants in accordance with the conditions prescribed
388 by the donor; however, no gift, donation, or grant may be accepted
389 if subject to a condition that is contrary to any provision of
390 state law or board rule.

391 **SECTION 14.** No liability shall arise on the part of the
392 state based on the award or use of a Mississippi Dyslexia Therapy
393 Scholarship.

394 **SECTION 15.** The inclusion of eligible nonpublic schools
395 within options available to Mississippi public school students
396 does not expand the regulatory authority of the state, its
397 officers, or any school district to impose any additional
398 regulation of nonpublic schools beyond those reasonably necessary
399 to enforce requirements expressly set forth in this section.

400 **SECTION 16.** The provisions of Sections 1 through 15 of this
401 act shall stand repealed from and after July 1, 2016.



402 **SECTION 17.** This act shall take effect and be in force from
403 and after July 1, 2012.

