

By: Representatives Barker, Buck (72nd),
Miles, Bounds, Brown (20th)

To: Education

HOUSE BILL NO. 896
(As Sent to Governor)

1 AN ACT TO ESTABLISH THE MISSISSIPPI SPEECH-LANGUAGE THERAPY
2 SCHOLARSHIP FOR STUDENTS WITH SPEECH-LANGUAGE IMPAIRMENTS PROGRAM;
3 TO DEFINE CERTAIN TERMS USED IN THIS ACT; TO PROVIDE FOR STUDENT
4 ELIGIBILITY REQUIREMENTS FOR RECEIPT OF A SCHOLARSHIP AND
5 RESTRICTING ELIGIBILITY THEREFOR; TO PROVIDE FOR THE TERM OF THE
6 SCHOLARSHIP; TO STIPULATE THE OBLIGATIONS OF PARENTS OR LEGAL
7 GUARDIANS, STUDENTS AND SCHOOLS AND SCHOOL DISTRICTS; TO PRESCRIBE
8 THE DUTIES OF THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF
9 EDUCATION REGARDING THE ADMINISTRATION OF THE SCHOLARSHIP PROGRAM;
10 TO PROVIDE THE DEPARTMENT OF EDUCATION WITH THE AUTHORITY TO
11 VERIFY THE ELIGIBILITY OF NONPUBLIC SCHOOLS AND TO ESTABLISH THE
12 PROCESS FOR NOTIFICATIONS OF VIOLATIONS; TO AUTHORIZE THE STATE
13 BOARD OF EDUCATION TO DENY, SUSPEND OR REVOKE A SCHOOL'S
14 PARTICIPATION IN THE SCHOLARSHIP PROGRAM AND THE PROCEDURES TAKEN
15 WITH RESPECT THEREFOR; TO REQUIRE THAT ALL CHILDREN BE SCREENED
16 FOR SPEECH, LANGUAGE, VOICE AND FLUENCY DISORDERS BEFORE THE END
17 OF GRADE 1 IN THE PUBLIC SCHOOLS OF THIS STATE; TO ESTABLISH THE
18 PROCEDURES TO BE FOLLOWED IN THE SCREENING AND EVALUATION OF
19 STUDENTS FOR SPEECH-LANGUAGE IMPAIRMENT; TO REQUIRE THE DEPARTMENT
20 OF EDUCATION TO SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE
21 SUMMARIZING STUDENT PERFORMANCE, STUDENT ASSESSMENTS, FUNDING AND
22 ANY RECOMMENDED CHANGES; TO REQUIRE THE STATE TO PAY DIRECTLY TO
23 THE SCHOOL ANY STATE AID ATTRIBUTABLE TO A STUDENT WITH A
24 DISABILITY ATTENDING THE SCHOOL; TO REQUIRE THE SCHOOL TO COMPLY
25 WITH THE ANNUAL AUDIT AND BUDGET SUBMISSION REQUIREMENTS
26 PRESCRIBED BY LAW IN TITLE 37, MISSISSIPPI CODE OF 1972; AND FOR
27 RELATED PURPOSES.

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



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

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

33 (b) "Department" means the State Department of
34 Education.

35 (c) "Speech-language impairment," as defined under
36 IDEA, means a communication disorder, such as stuttering, impaired
37 articulation, a language impairment or a voice impairment, that
38 adversely affects a child's educational performance, which
39 include:

40 (i) Articulation disorders: difficulties
41 producing sounds in syllables or saying words incorrectly to the
42 point that listeners cannot understand what is being said;

43 (ii) Fluency disorders: problems in which the
44 flow of speech is interrupted by abnormal stoppages, repetitions,
45 prolonged sounds and syllables or avoided, and where there may be
46 silent blocks or inappropriate inhalation, exhalation or phonation
47 patterns;

48 (iii) Resonance or voice disorders: problems with
49 abnormal pitch, volume, resonance or quality of the voice, which
50 may also cause pain or discomfort when speaking;

51 (iv) Receptive language disorders: difficulties
52 understanding or processing language; and



53 (v) Expressive language disorders: difficulty
54 putting words together, limited vocabulary or inability to use
55 language in a socially appropriate manner.

56 (d) "Speech-language therapy" means an appropriate
57 specialized speech-language instructional program that is
58 delivered by a speech-language pathologist which is scientific and
59 research-based. These components shall be taught using
60 instructional approaches that include explicit, direct instruction
61 which is systematic, sequential and cumulative, individualized to
62 meet the specific learning needs of each individual student.

63 (e) "Speech-language pathologist" means a professional
64 who has met the requirements and acquired a Certificate of
65 Clinical Competence from the American Speech-Language-Hearing
66 Association, or who has completed training in a department
67 approved American Speech-Language-Hearing Association based
68 speech-language pathology training program attaining a AA license
69 in speech-language pathology.

70 (f) "Mississippi Speech-Language Therapy Scholarship
71 for Students with Speech-Language Impairments Program" means a
72 scholarship to provide the option to provide a scholarship to a
73 nonpublic school of choice, for students in kindergarten through
74 Grade 6 or its equivalent with an eligibility ruling of a
75 speech-language impairment in order to receive comprehensive
76 multimodality speech-language therapy delivered by holders of an
77 appropriate license and clinical certification in speech-language



78 pathology issued by the department and the American
79 Speech-Language-Hearing Association.

80 (g) "School" means any state accredited nonpublic
81 special purpose school that is organized to provide and emphasizes
82 instruction in speech-language therapy and intervention as the
83 primary purpose of the school and provides a specific learning
84 environment that provides comprehensive speech-language therapy
85 instruction delivered by speech-language pathologists licensed by
86 the department providing highly qualified education and
87 intervention services to children with a primary eligibility
88 ruling of speech-language impariment.

89 **SECTION 2.** The Mississippi Speech-Language Therapy
90 Scholarship for Students with Speech-Language Impairments Program,
91 which may also be cited as the Nate Rogers Scholarship for
92 Students with Disabilities Program, is established to provide a
93 scholarship to a nonpublic school of choice, for students with an
94 eligibility ruling of a speech-language impairment. Students in
95 kindergarten through Grade 6 or its equivalent who have been
96 properly evaluated and received an eligibility ruling of
97 speech-language impairment shall be eligible to receive
98 scholarship assistance under this program.

99 **SECTION 3.** (1) Parents or legal guardians may exercise the
100 option to remove their child from a traditional public school
101 setting to be enrolled in a nonpublic school which meets the
102 standards for appropriate specific instruction designed to meet



103 the unique learning needs of young students with a speech-language
104 impairment. The objectives of such school shall be:

105 (a) To emphasize the importance of early intervention;
106 and

107 (b) To provide intensive high-quality speech-language
108 pathology services.

109 (2) The parent or legal guardian of a public school student
110 with a speech-language impairment may request and receive from the
111 state a Mississippi Speech-Language Therapy Scholarship for the
112 child to enroll in and attend a nonpublic school in accordance
113 with this section if:

114 (a) The student has spent the previous school year in
115 attendance at a Mississippi public school or any other state
116 accredited nonpublic special purpose school in the state that is
117 organized to provide and emphasizes instruction in speech-language
118 therapy and intervention as the primary purpose of the school; or

119 (b) The parent or legal guardian has obtained
120 acceptance for admission of the student to a nonpublic school that
121 is eligible for the program under Section 10 of this act and has
122 requested from the department a scholarship within thirty (30)
123 days before the date of the first scholarship payment. The
124 request must be through a communication directly to the department
125 in a manner that creates a written or electronic record of the
126 request and the date of receipt of the request. The State
127 Department of Education must notify the district of the parent's



128 or legal guardian's intent upon receipt of the parent's or legal
129 guardian's request.

130 **SECTION 4.** (1) A student is not eligible for a Mississippi
131 Speech-Language Therapy Scholarship while he or she is:

132 (a) Enrolled in a school operating for the purpose of
133 providing educational services to youth in Department of Juvenile
134 Justice commitment programs;

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

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

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

142 (2) (a) For purposes of continuity of educational choice, a
143 Mississippi Speech-Language Therapy Scholarship shall remain in
144 force until the student returns to a public school or completes
145 Grade 6 or its equivalent, whichever occurs first.

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

150 **SECTION 5.** (1) Each local school district shall make an
151 initial determination of whether a student has an eligibility
152 ruling of speech-language impairment that qualifies under the



153 Individuals with Disabilities Education Act (IDEA) to receive
154 services and funding under the provisions of the IDEA before
155 proceeding to the development of a plan for each speech-language
156 impaired student eligible for educational services or equipment,
157 or both, under Sections 37-23-1 through 37-23-157.

158 Furthermore, these provisions do not prohibit a parent or
159 legal guardian of a student who has an eligibility ruling of
160 speech-language impairment, at any time, from choosing the option
161 of a Mississippi Speech-Language Therapy Scholarship which would
162 allow the student to attend another nonpublic special purpose
163 school.

164 (2) If the parent or legal guardian chooses the nonpublic
165 school option and the student is accepted by the nonpublic school
166 pending the availability of a space for the student, the parent or
167 legal guardian of the student must notify the department thirty
168 (30) days before the first scholarship payment and before entering
169 the nonpublic school in order to be eligible for the scholarship
170 when a space becomes available for the student in the nonpublic
171 school.

172 **SECTION 6.** A parent or legal guardian who applies for a
173 Mississippi Speech-Language Therapy Scholarship is exercising his
174 or her parental option to place his or her child in a nonpublic
175 school. Each participating parent or legal guardian and student
176 shall adhere to the following:



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

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

182 (c) Any student participating in the Mississippi
183 Speech-Language Therapy Scholarship for Students with
184 Speech-Language Impairments Program must remain in attendance
185 throughout the school year unless excused by the school for
186 illness or other good cause; and

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

190 **SECTION 7.** (1) The maximum scholarship granted per eligible
191 student with speech-language impairment shall be an amount
192 equivalent to the Mississippi Adequate Education Program base
193 student cost.

194 (2) (a) Any nonpublic school under this program shall
195 report to the State Department of Education the number of students
196 with speech-language impairment who are enrolled in nonpublic
197 schools on the Mississippi Speech-Language Therapy Scholarships as
198 of September 30 of each year in order to determine funding for the
199 subsequent year. Funds may not be transferred from any funding
200 provided to the Mississippi School for the Deaf and the Blind for
201 program participants who are eligible under Section 3 of this act.



202 (b) The State Department of Education shall make
203 payments to nonpublic schools for each student at the nonpublic
204 school equal to the state share of the adequate education program
205 payments for each student in average daily attendance at the
206 school district from which the student transferred. In
207 calculating the local contribution for purposes of determining the
208 state share of the adequate education program payments, the
209 department shall deduct the pro rata local contribution of the
210 school district in which the student resides, to be determined as
211 provided in Section 37-151-7(2) (a).

212 (c) Payments made pursuant to this subsection by the
213 State Department of Education must be made at the same time and in
214 the same manner as adequate education program payments are made to
215 school districts under Sections 37-151-101 and 37-151-103.
216 Amounts payable to a nonpublic school must be determined by the
217 State Department of Education.

218 (3) If the parent opts to remove a child from a public
219 school to a nonpublic special purpose school and to receive a
220 scholarship under this act, then transportation shall be provided
221 at the parent's or guardian's expense.

222 **SECTION 8.** (1) Each local school district shall adopt a
223 policy to ensure that students will be screened for speech,
224 language, voice and fluency disorders before the end of Grade 1.

225 (2) If a student fails the screener, the parent or legal
226 guardian will be notified of the results of the screener.



227 (3) If a student fails the screener, the school district, in
228 its discretion, may perform a comprehensive speech-language
229 evaluation.

230 (4) If a parent or a legal guardian of a student who fails
231 the speech-language screener exercises the option to have a
232 subsequent evaluation performed, such evaluation shall be
233 administered by a speech-language pathologist. The subsequent
234 evaluation obtained by the parents shall be considered by the
235 school district for eligibility in the area of speech-language in
236 accordance with the procedures mandated by the federal Individuals
237 with Disabilities Education Act (IDEA) for a placement in a
238 speech-language program within the current school or to receive a
239 Mississippi speech-language therapy scholarship for placement in a
240 speech-language program in a nonpublic special purpose school. A
241 parent or legal guardian may provide written notification to the
242 local school district opting out of the mandatory screening
243 provided by the district. The provisions of this section shall
244 not apply to homeschooled students.

245 **SECTION 9.** (1) To be eligible to participate in the
246 Mississippi Speech-Language Therapy Scholarship for Students with
247 Speech-Language Impairments Program, a nonpublic school must:

248 (a) Be a state accredited nonpublic special purpose
249 school in the state that is organized to provide and emphasizes
250 instruction in speech-language therapy and intervention as the
251 primary purpose of the school;



252 (b) Provide to the department all documentation
253 required for a student's participation, including the nonpublic
254 school's and student's fee schedules, at least thirty (30) days
255 before the first quarterly scholarship payment is made for the
256 student;

257 (c) Be academically accountable to the parent or legal
258 guardian for meeting the educational needs of the student by, at a
259 minimum, annually providing to the parent or legal guardian a
260 written explanation of the student's progress;

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

263 (2) The inability of a nonpublic school to meet the
264 requirements of this subsection shall constitute a basis for the
265 ineligibility of the nonpublic school to participate in the
266 scholarship program as determined by the department.

267 **SECTION 10.** (1) The department shall publicize information
268 regarding the Mississippi Speech-Language Therapy Scholarship on
269 the department's official website.

270 (2) The department shall annually, by December 15, report to
271 the Governor, the Lieutenant Governor, and the Speaker of the
272 House of Representatives the department's actions with respect to
273 implementing accountability in the scholarship program under this
274 section, any substantiated allegations or violations of law or
275 rule by an eligible nonpublic school under this program concerning
276 the enrollment and attendance of students, the credentials of



277 teachers, background screening of teachers, and teachers'
278 fingerprinting results and the corrective action taken by the
279 department.

280 **SECTION 11.** (1) The State Board of Education in conjunction
281 with each nonpublic school operating under the provisions of this
282 act, may:

283 (a) Extend the school day or length of the scholastic
284 year;

285 (b) Develop and establish a curriculum that is
286 consistent with the Mississippi Curriculum Framework in the
287 subject areas of mathematics, social studies, science, music, art
288 and physical education; and

289 (c) Select, purchase and use textbooks, literature and
290 other instructional materials that would improve educational
291 attainment by students in the school, subject to the approval of
292 the board.

293 (2) The qualified personnel to provide speech-language
294 services for children with speech-language impairment who attend
295 the nonpublic special purpose schools shall consist of
296 speech-language pathologists.

297 **SECTION 12.** Teachers and other school personnel shall be
298 subject to criminal history record checks and fingerprinting
299 requirements applicable to other public schools under Section
300 37-9-17(2) and (3).



301 **SECTION 13.** (1) Each school providing instruction to
302 children with speech-language impairment shall certify to the
303 State Department of Education its student enrollment in the same
304 manner as local school districts.

305 (2) The state shall ensure that each school is treated
306 equitably in the calculation and disbursement of all state
307 categorical aid program dollars. Each school participating in the
308 scholarship program shall comply with all reporting requirements
309 to receive the aid.

310 (3) (a) Each nonpublic school shall adhere to generally
311 accepted accounting principles as promulgated by nationally
312 recognized professional organizations.

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

317 (4) Nothing in this act shall be construed to prohibit any
318 person or organization from providing funding or other assistance
319 to the establishment or operation of any school authorized under
320 this act, except religious or sectarian organizations. The State
321 Board of Education, acting on behalf of the participating schools,
322 is authorized to accept gifts, donations, and grants of any kind
323 made to a participating school and to expend or use such gifts,
324 donations, and grants in accordance with the conditions prescribed
325 by the donor; however, no gift, donation, or grant may be accepted



326 if subject to a condition that is contrary to any provision of
327 federal law, state law or board rule.

328 **SECTION 14.** No liability shall arise on the part of the
329 state based on the award or use of a Mississippi Speech-Language
330 Therapy Scholarship.

331 **SECTION 15.** The inclusion of eligible nonpublic schools
332 within options available to Mississippi public school students
333 does not expand the regulatory authority of the state, its
334 officers, or any school district to impose any additional
335 regulation of nonpublic schools beyond those reasonably necessary
336 to enforce requirements expressly set forth in this section.

337 **SECTION 16.** This act shall take effect and be in force from
338 and after July 1, 2013.

