AMENDMENT PROPOSED TO

SENATE BILL NO. 2695

BY: Representative Bain

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Sections 1 through 4 of this act shall be known and may be cited as the "Special Education Improvement Act of 2015."

SECTION 2. The State Board of Education shall allocate the special education funding to each school district as follows:

For each teacher employed by a school district in a program for exceptional children, as defined in Section 27-23-3, which is approved by the State Department of Education, an amount equal to one hundred percent (100%) of the adequate education program salary schedule prescribed in Section 37-19-7, based on the type of license and number of years' teaching experience held by each
approved special education teacher, plus an amount equal to one
hundred percent (100%) of the applicable employer's rate for
social security and contributions to the state retirement system.

**SECTION 3.** Subject to the availability of funding for this
purpose, the State Department of Education shall employ a
coordinator of Autism Spectrum Disorder (ASD) services. The
coordinator shall perform the following duties:

(a) Develop and implement statewide ASD public
education policies under the auspices of the Office of Special
Education within the State Department of Education and in
cooperation with the Mississippi Autism Advisory Committee created
under Section 37-169-1;

(b) Conduct oversight of ASD services in the public
schools;

(c) Facilitate interagency cooperation and coordination
on ASD services with the State Department of Mental Health and the
State Department of Rehabilitation Services, as well as other
state agencies that may provide ASD or related services; and

(d) Carry out any other duties assigned by the State
Superintendent of Public Education or the State Director of
Special Education.

**SECTION 4.** (1) As used in this section, the following words
and phrases have the meanings ascribed in this subsection unless
the context clearly indicates otherwise:
(a) "Dyslexia" means a specific learning disability that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities, which typically result from a deficit in the phonological component of language which is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and further characterized by secondary consequences that may include problems in reading comprehension and reduced reading experience, which can impede growth of vocabulary and background knowledge.

(b) "Fund" means the Children with Special Needs Fund created under this section.

(c) "Parent" means a resident of this state who is a parent, legal guardian, custodian or other person having the authority to act on behalf of a child.

(d) "Services" means special education services provided in Mississippi schools under the Individuals with Disabilities Education Act (IDEA) or state laws and clinical or therapeutic services provided by licensed professionals.

(e) "Special education advisory panel" means the advisory panel created pursuant to Section 37-23-145 to advise the State Department of Education on issues related to special education.

(f) "Special needs" means the needs of a child who has an Individualized Education Program (IEP) through a school
(2) There is created the Children with Special Needs Fund, to be administered by the State Department of Health, for the purpose of helping families of children with special needs defray the costs of therapies, services and equipment for a child with special needs as follows:

(a) As a supplement to services provided within the school setting under IDEA or state law;

(b) For clinical or therapeutic services and equipment that are not allowed under IDEA but which are prescribed by a licensed professional; and

(c) For respite care, enrichment programs and special purpose camps that support the child's special needs, private tutoring and assistive technology.

(3) In order to be eligible for assistance from the fund, a child must:

(a) Be in the age range of six (6) through twenty-one (21) years;

(b) Have a parent or legal guardian who is a lawful resident of the State of Mississippi; and

(c) (i) Possess an IEP through a school district in this state; or

(ii) Possess a diagnosis of dyslexia from a licensed professional.
(d) Enrolled in a public, private or home school

(4) Monies from the fund may be used for the following allowable expenses:

(a) In-home or out-of-home respite care;

(b) Clinical services provided by licensed therapists, including behavioral, occupational, physical, speech, art and music therapists;

(c) Enrichment programs and special purpose camps that support the child's special needs;

(d) Private tutoring;

(e) Assistive technology software and hardware which is not covered by private insurance or Medicaid but prescribed by a licensed therapist or physician; and

(f) Therapeutic and life skills equipment and technology software and hardware not covered by private insurance or Medicaid but prescribed by a licensed therapist or physician.

(5) Tuition and fees to private, parochial or other nonpublic schools are not allowable expenditures for monies from the fund.

(6) The State Department of Health, in cooperation with the special education advisory panel, shall develop guidelines for the administration and distribution of monies from the fund. The guidelines must include, but need not be limited to, the following:

(a) Application procedures that will not present an undue burden on families;
(b) Application procedures that establish a timeline for submission and a means of prioritizing applications by the order in which the applications are received;

(c) An application form that requires:

(i) The name and address of the applicant, which must be the child's parent or legal guardian;

(ii) The household income of the applicant, verified by a copy of the parent or guardian's most recent federal income tax return;

(iii) The name, age, gender and date of birth of the child for whom services are requested;

(iv) A description of the services for which funds are requested, including the name and address of the service provider and the expected length of time or frequency of the service. If funds are requested for equipment, the application must include: the name and address of the equipment provider;

whether the equipment is new or used; if the requested funds will be used for renting, leasing or purchasing the equipment; and if the equipment will not be purchased, the period of time for which any rental or lease is planned;

(v) The reason for requesting the funds;

(vi) The amount of funds being requested, subject to the following limitations:

1. Families with a household income over four hundred percent (400%) of the federal poverty level may apply
annually for assistance not exceeding One Thousand Dollars ($1,000.00).

2. Families with a household income over three hundred percent (300%) but not more than four hundred percent (400%) of the federal poverty level may apply annually for assistance not exceeding Two Thousand Dollars ($2,000.00).

3. Families with a household income over two hundred percent (200%) but not more than three hundred percent (300%) of the federal poverty level may apply annually for assistance not exceeding Three Thousand Dollars ($3,000.00).

4. Families with a household income at or below two hundred percent (200%) of the federal poverty level may apply annually for assistance not exceeding Four Thousand Dollars ($4,000.00); and

(vii) Supporting materials that must include, at a minimum, the following:

1. A copy of the child's treatment plan submitted by a licensed therapist or physician;

2. In the case of a request for equipment, a prescription submitted by a licensed therapist or physician;

3. Copies of written statements regarding the diagnosis or observation of the child by clinical or educational professionals who have evaluated, treated, taught or tutored the child within the most recent period of twenty-four (24) months;
4. Copies of the child's relevant medical records; and

5. A complete copy of the child's most recent IEP;

(d) A requirement that no less than fifty percent (50%) of the fund's annual appropriation be reserved for applicants who are at or below four hundred percent (400%) of the federal poverty level;

(e) A procedure for online and paper-based application submissions;

(f) A streamlined annual renewal process for those applicants wishing to reapply which requires submission, along with a renewal application, of: documentation of completion of at least seventy-five percent (75%) of services outlined in the preceding year's application; a description of the effectiveness of services; and the anticipated treatment plan for continuation of services; and

(g) A clear process for the denial of an application and an appeal of any denial.

(7) The Office of the State Auditor shall be responsible for oversight of the fund's operations. Before October 1 of each year, the State Auditor shall submit a report to the Legislature outlining the fund's expenditures during the preceding fiscal year, which report must include no less than the following:
(a) A detailed listing of services and equipment provided to participants; and
(b) Demographic data, including:
   (i) The number of children served by year of age;
   (ii) The number of children served by school district in which they reside;
   (iii) The number of children served by each public and private provider of services or equipment for participants;
   (iv) The number of adults and children in households of children served by household size;
   (v) Household income in households of children served by the income ranges prescribed in subparagraph (c)(vii) of subsection (6); and
   (vi) The number of children served by enrollment in public, private and home schools.

SECTION 5. This act shall take effect and be in force from and after its passage.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO CREATE THE "SPECIAL EDUCATION IMPROVEMENT ACT OF 2015"; TO PRESCRIBE A FORMULA FOR DETERMINING ALLOCATIONS OF SPECIAL EDUCATION FUNDS TO THE LOCAL SCHOOL DISTRICTS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO EMPLOY A COORDINATOR OF AUTISM SPECTRUM DISORDER SERVICES; TO ESTABLISH THE CHILDREN WITH SPECIAL NEEDS FUND, TO BE ADMINISTERED BY THE STATE DEPARTMENT OF HEALTH, FOR THE PURPOSE OF PROVIDING FINANCIAL ASSISTANCE TO FAMILIES OF CHILDREN WITH SPECIAL NEEDS; TO DESCRIBE THE SERVICES AND EQUIPMENT FOR WHICH FUNDS MAY BE USED; TO ESTABLISH ELIGIBILITY CRITERIA FOR APPLICANTS FOR FUNDS; TO REQUIRE THE...
STATE DEPARTMENT OF HEALTH TO DEVELOP GUIDELINES CONCERNING
APPLICATIONS FOR ASSISTANCE FROM THE FUND; TO REQUIRE THE STATE
AUDITOR TO OVERSEE THE FUND’S OPERATIONS AND TO ANNUALLY REPORT TO
THE LEGISLATURE ON THE FUND’S ACTIVITIES; AND FOR RELATED
PURPOSES.