Sub 1 to Am # 1

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:

17 **SECTION 1.** Sections 1 through 4 of this act shall be known
18 and may be cited as the "Special Education Improvement Act of
19 2015."
20 **SECTION 2.** The State Board of Education shall allocate the
21 special education funding to each school district as follows:
22 For each teacher employed by a school district in a program
23 for exceptional children, as defined in Section 27-23-3, which is
24 approved by the State Department of Education, an amount equal to
25 one hundred percent (100%) of the adequate education program
26 salary schedule prescribed in Section 37-19-7, based on the type
27 of license and number of years' teaching experience held by each

28 approved special education teacher, plus an amount equal to one
29 hundred percent (100%) of the applicable employer's rate for
30 social security and contributions to the state retirement system.
31 **SECTION 3.** Subject to the availability of funding for this
32 purpose, the State Department of Education shall employ a
33 coordinator of Autism Spectrum Disorder (ASD) services. The
34 coordinator shall perform the following duties:
35 (a) Develop and implement statewide ASD public
36 education policies under the auspices of the Office of Special
37 Education within the State Department of Education and in
38 cooperation with the Mississippi Autism Advisory Committee created
39 under Section 37-169-1;
40 (b) Conduct oversight of ASD services in the public
41 schools;
42 (c) Facilitate interagency cooperation and coordination
43 on ASD services with the State Department of Mental Health and the
44 State Department of Rehabilitation Services, as well as other
45 state agencies that may provide ASD or related services; and
46 (d) Carry out any other duties assigned by the State
47 Superintendent of Public Education or the State Director of
48 Special Education.
49 **SECTION 4.** (1) As used in this section, the following words
50 and phrases have the meanings ascribed in this subsection unless
51 the context clearly indicates otherwise:

52 (a) "Dyslexia" means a specific learning disability
53 that is neurological in origin, characterized by difficulties with
54 accurate and fluent word recognition and poor spelling and
55 decoding abilities, which typically result from a deficit in the
56 phonological component of language which is often unexpected in
57 relation to other cognitive abilities and the provision of
58 effective classroom instruction, and further characterized by
59 secondary consequences that may include problems in reading
60 comprehension and reduced reading experience, which can impede
61 growth of vocabulary and background knowledge.
62 (b) "Fund" means the Children with Special Needs Fund
63 created under this section.
64 (c) "Parent" means a resident of this state who is a
65 parent, legal guardian, custodian or other person having the
66 authority to act on behalf of a child.
67 (d) "Services" means special education services
68 provided in Mississippi schools under the Individuals with
69 Disabilities Education Act (IDEA) or state laws and clinical or
70 therapeutic services provided by licensed professionals.
71 (e) "Special education advisory panel" means the
72 advisory panel created pursuant to Section 37-23-145 to advise the
73 State Department of Education on issues related to special
74 education.
75 (f) "Special needs" means the needs of a child who has
76 an Individualized Education Program (IEP) through a school

district in Mississippi or a diagnosis by a licensed professional of dyslexia.

(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)~~ three 3 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

102 (4) Monies from the fund may be used for the following
103 allowable expenses:
104 (a) In-home or out-of-home respite care;
105 (b) Clinical services provided by licensed therapists,
106 including behavioral, occupational, physical, speech, art and
107 music therapists;
108 (c) Enrichment programs and special purpose camps that
109 support the child's special needs;
110 (d) Private tutoring;
111 (e) Assistive technology software and hardware which is
112 not covered by private insurance or Medicaid but prescribed by a
113 licensed therapist or physician; and
114 (f) Therapeutic and life skills equipment and
115 technology software and hardware not covered by private insurance
116 or Medicaid but prescribed by a licensed therapist or physician.
117 (5) Tuition and fees to private, parochial or other
118 nonpublic schools are not allowable expenditures for monies from
119 the fund.
120 (6) The State Department of Health, in cooperation with the
121 special education advisory panel, shall develop guidelines for the
122 administration and distribution of monies from the fund. The
123 guidelines must include, but need not be limited to, the
124 following:
125 (a) Application procedures that will not present an
126 undue burden on families;

127 (b) Application procedures that establish a timeline
128 for submission and a means of prioritizing applications by the
129 order in which the applications are received;
130 (c) An application form that requires:
131 (i) The name and address of the applicant, which
132 must be the child's parent or legal guardian;
133 (ii) The household income of the applicant,
134 verified by a copy of the parent or guardian's most recent federal
135 income tax return;
136 (iii) The name, age, gender and date of birth of
137 the child for whom services are requested;
138 (iv) A description of the services for which funds
139 are requested, including the name and address of the service
140 provider and the expected length of time or frequency of the
141 service. If funds are requested for equipment, the application
142 must include: the name and address of the equipment provider;
143 whether the equipment is new or used; if the requested funds will
144 be used for renting, leasing or purchasing the equipment; and if
145 the equipment will not be purchased, the period of time for which
146 any rental or lease is planned;
147 (v) The reason for requesting the funds;
148 (vi) The amount of funds being requested, subject
149 to the following limitations:
150 1. Families with a household income over four
151 hundred percent (400%) of the federal poverty level may apply

152 annually for assistance not exceeding One Thousand Dollars
153 ($1,000.00).
154 2. Families with a household income over
155 three hundred percent (300%) but not more than four hundred
156 percent (400%) of the federal poverty level may apply annually for
157 assistance not exceeding Two Thousand Dollars ($2,000.00).
158 3. Families with a household income over two
159 hundred percent (200%) but not more than three hundred percent
160 (300%) of the federal poverty level may apply annually for
161 assistance not exceeding Three Thousand Dollars ($3,000.00).
162 4. Families with a household income at or
163 below two hundred percent (200%) of the federal poverty level may
164 apply annually for assistance not exceeding Four Thousand Dollars
165 ($4,000.00); and
166 (vii) Supporting materials that must include, at a
167 minimum, the following:
168 1. A copy of the child's treatment plan
169 submitted by a licensed therapist or physician;
170 2. In the case of a request for equipment, a
171 prescription submitted by a licensed therapist or physician;
172 3. Copies of written statements regarding the
173 diagnosis or observation of the child by clinical or educational
174 professionals who have evaluated, treated, taught or tutored the
175 child within the most recent period of twenty-four (24) months;

176 4. Copies of the child's relevant medical
177 records; and
178 5. A complete copy of the child's most recent
179 IEP;
180 (d) A requirement that no less than fifty percent (50%)
181 of the fund's annual appropriation be reserved for applicants who
182 are at or below four hundred percent (400%) of the federal poverty
183 level;
184 (e) A procedure for online and paper-based application
185 submissions;
186 (f) A streamlined annual renewal process for those
187 applicants wishing to reapply which requires submission, along
188 with a renewal application, of: documentation of completion of at
189 least seventy-five percent (75%) of services outlined in the
190 preceding year's application; a description of the effectiveness
191 of services; and the anticipated treatment plan for continuation
192 of services; and
193 (g) A clear process for the denial of an application
194 and an appeal of any denial.
195 (7) The Office of the State Auditor shall be responsible for
196 oversight of the fund's operations. Before October 1 of each
197 year, the State Auditor shall submit a report to the Legislature
198 outlining the fund's expenditures during the preceding fiscal
199 year, which report must include no less than the following:

200 (a) A detailed listing of services and equipment
201 provided to participants; and
202 (b) Demographic data, including:
203 (i) The number of children served by year of age;
204 (ii) The number of children served by school
205 district in which they reside;
206 (iii) The number of children served by each public
207 and private provider of services or equipment for participants;
208 (iv) The number of adults and children in
209 households of children served by household size;
210 (v) Household income in households of children
211 served by the income ranges prescribed in subparagraph (c)(vii) of
212 subsection (6); and
213 (vi) The number of children served by enrollment
214 in public, private and home schools.
215 **SECTION 5.** This act shall take effect and be in force from
216 and after its passage.

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

1 AN ACT TO CREATE THE "SPECIAL EDUCATION IMPROVEMENT ACT OF
2 2015"; TO PRESCRIBE A FORMULA FOR DETERMINING ALLOCATIONS OF
3 SPECIAL EDUCATION FUNDS TO THE LOCAL SCHOOL DISTRICTS; TO REQUIRE
4 THE STATE DEPARTMENT OF EDUCATION TO EMPLOY A COORDINATOR OF
5 AUTISM SPECTRUM DISORDER SERVICES; TO ESTABLISH THE CHILDREN WITH
6 SPECIAL NEEDS FUND, TO BE ADMINISTERED BY THE STATE DEPARTMENT OF
7 HEALTH, FOR THE PURPOSE OF PROVIDING FINANCIAL ASSISTANCE TO
8 FAMILIES OF CHILDREN WITH SPECIAL NEEDS; TO DESCRIBE THE SERVICES
9 AND EQUIPMENT FOR WHICH FUNDS MAY BE USED; TO ESTABLISH
10 ELIGIBILITY CRITERIA FOR APPLICANTS FOR FUNDS; TO REQUIRE THE

11 STATE DEPARTMENT OF HEALTH TO DEVELOP GUIDELINES CONCERNING
12 APPLICATIONS FOR ASSISTANCE FROM THE FUND; TO REQUIRE THE STATE
13 AUDITOR TO OVERSEE THE FUND'S OPERATIONS AND TO ANNUALLY REPORT TO
14 THE LEGISLATURE ON THE FUND'S ACTIVITIES; AND FOR RELATED
15 PURPOSES.

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