

By: Representatives Barker, Byrd, Hines,
Dixon

To: Education

HOUSE BILL NO. 950

1 AN ACT TO REENACT AND AMEND SECTIONS 37-173-1, 37-173-3,
 2 37-173-7 AND 37-173-9, MISSISSIPPI CODE OF 1972, TO EXPAND THE
 3 ELIGIBILITY FOR THE MISSISSIPPI DYSLEXIA THERAPY SCHOLARSHIP FOR
 4 STUDENTS WITH DYSLEXIA PROGRAM TO INCLUDE STUDENTS IN GRADE 1
 5 THROUGH GRADE 12; TO REENACT SECTIONS 37-173-5 AND 37-173-11
 6 THROUGH 37-173-29, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH AND
 7 PROVIDE FOR THE ADMINISTRATION OF THE MISSISSIPPI DYSLEXIA THERAPY
 8 SCHOLARSHIP FOR STUDENTS WITH DYSLEXIA PROGRAM; TO REPEAL SECTION
 9 37-173-31, MISSISSIPPI CODE OF 1972, WHICH REPEALS THE PROVISIONS
 10 OF LAW WHICH ESTABLISH THE MISSISSIPPI DYSLEXIA THERAPY
 11 SCHOLARSHIP FOR STUDENTS WITH DYSLEXIA PROGRAM; AND FOR RELATED
 12 PURPOSES.

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

14 **SECTION 1.** Section 37-173-1, Mississippi Code of 1972, is
 15 reenacted and amended as follows:

16 37-173-1. As used in this chapter, the following words and
 17 phrases shall have the meanings ascribed in this section unless
 18 the context clearly indicates otherwise:

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

20 (b) "Department" means the State Department of
 21 Education.

22 (c) "Dyslexia" means a specific learning disability
 23 that is neurological in origin, characterized by difficulties with



24 accurate and fluent word recognition and poor spelling and
25 decoding abilities, which typically result from a deficit in the
26 phonological component of language that is often unexpected in
27 relation to other cognitive abilities and the provision of
28 effective classroom instruction, and secondary consequences which
29 may include problems in reading comprehension and reduced reading
30 experience that can impede growth of vocabulary and background
31 knowledge.

32 (d) "Dyslexia therapy" means an appropriate specialized
33 dyslexia instructional program that is delivered by a Mississippi
34 Department of Education licensed dyslexia therapist which is
35 scientific, research-based, Orton-Gillingham based, and is offered
36 in a small group setting to teach students the components of
37 reading instruction which include:

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

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

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

44 (iv) Linguistic instruction directed toward
45 proficiency and fluency with the patterns of language so that
46 words and sentences are carriers of meaning; and

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



49 These components shall be taught using instructional
50 approaches that include explicit, direct instruction which is
51 systematic, sequential and cumulative, following a logical plan of
52 presenting the alphabetic principle commensurate with the
53 students' needs, with no assumption of prior skills or language
54 knowledge; individualized to meet the specific learning needs of
55 each individual student in a small group setting; intensive,
56 highly concentrated instruction that maximizes student engagement
57 and uses specialized methods and materials; meaning-based
58 instruction directed toward purposeful reading and writing, with
59 an emphasis on comprehension and composition; and multisensory
60 instruction that incorporates the simultaneous use of two (2) or
61 more sensory pathways during teacher presentations and student
62 practice.

63 (e) "Dyslexia therapist" means a professional who has
64 completed training in a department approved Orton-Gillingham based
65 dyslexia therapy training program attaining a AA license in
66 dyslexia therapy or a professional participating in a state
67 approved dyslexia therapy training program to attain a AA license
68 in dyslexia therapy.

69 (f) "Mississippi Dyslexia Therapy Scholarship for
70 Students with Dyslexia Program" means a scholarship to provide the
71 option to attend a public school other than the one to which
72 assigned, or to provide a scholarship to a nonpublic school of
73 choice, for students in Grade 1 through Grade * * * 12 diagnosed



74 with dyslexia in order to receive comprehensive multisensory
75 dyslexia therapy delivered by holders of an appropriate license in
76 dyslexia therapy issued by the department.

77 (g) "School" means any public or state accredited
78 nonpublic special purpose school that provides a specific learning
79 environment that provides comprehensive dyslexia therapy
80 instruction delivered by dyslexia therapists licensed by the
81 department providing highly qualified education and intervention
82 services to children diagnosed with the primary learning
83 disability of dyslexia.

84 **SECTION 2.** Section 37-173-3, Mississippi Code of 1972, is
85 reenacted and amended as follows:

86 37-173-3. The Mississippi Dyslexia Therapy Scholarship for
87 Students with Dyslexia Program is established to provide the
88 option to attend a public school other than the one to which
89 assigned, or to provide a scholarship to a nonpublic school of
90 choice, for students with a diagnosis of dyslexia. Students in
91 Grades 1- * * * 12 who have been properly screened and diagnosed
92 with dyslexia shall be eligible to receive scholarship assistance
93 under this program.

94 **SECTION 3.** Section 37-173-7, Mississippi Code of 1972, is
95 reenacted and amended as follows:

96 37-173-7. (1) A student is not eligible for a Mississippi
97 Dyslexia Therapy Scholarship while he or she is:



98 (a) Enrolled in a school operating for the purpose of
99 providing educational services to youth in Department of Juvenile
100 Justice commitment programs;

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

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

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

108 (2) (a) For purposes of continuity of educational choice,
109 a Mississippi Dyslexia Therapy Scholarship shall remain in force
110 until the student returns to a public school or completes
111 Grade * * * 12, whichever occurs first.

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

116 **SECTION 4.** Section 37-173-9, Mississippi Code of 1972, is
117 reenacted and amended as follows:

118 37-173-9. (1) (a) The parent or legal guardian is not
119 required to accept the offer of enrolling in another public school
120 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
121 to a nonpublic school. However, if the parent or legal guardian
122 chooses the public school option, the student may continue



123 attending a public school chosen by the parent or legal guardian
124 until the student completes Grade * * * 12.

125 (b) If the parent or legal guardian chooses a public
126 school within the district, the school district shall provide
127 transportation to the public school selected by the parent or
128 legal guardian. However, if the parent or legal guardian chooses
129 a public school in another district, the parent or legal guardian
130 is responsible to provide transportation to the school of choice.

131 (2) Each local school district shall make an initial
132 determination of whether a student diagnosed with dyslexia
133 qualifies under the Individuals with Disabilities Education Act
134 (IDEA) to receive services and funding under the provisions of the
135 IDEA before proceeding to the development of a 504 Plan for each
136 dyslexic student eligible for educational services or equipment,
137 or both, under Sections 37-23-1 through 37-23-157. If a student's
138 diagnosis of dyslexia results in a determination that the
139 disability is not a disability which would qualify the student as
140 eligible under the IDEA, then in developing the written 504 Plan
141 for each dyslexia student, there shall be a presumption that
142 proficiency in spelling, reading and writing are essential for the
143 student to achieve appropriate educational progress. Each local
144 school district shall develop interventions and strategies to
145 address the needs of those students diagnosed with dyslexia which
146 provide the necessary accommodations to enable the student to
147 achieve appropriate educational progress. The interventions and



148 strategies developed shall include, but not be limited to, the use
149 of the 3-Tier Instructional Model and the utilization of
150 provisions of the IDEA and Section 504 to address those needs.

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

156 (3) If the parent or legal guardian chooses the nonpublic
157 school option and the student is accepted by the nonpublic school
158 pending the availability of a space for the student, the parent or
159 legal guardian of the student must notify the department thirty
160 (30) days before the first scholarship payment and before entering
161 the nonpublic school in order to be eligible for the scholarship
162 when a space becomes available for the student in the nonpublic
163 school.

164 (4) The parent or legal guardian of a student may choose, as
165 an alternative, to enroll the student in and transport the student
166 to a public school in an adjacent school district which has
167 available space and has a program with dyslexia services that
168 provide daily dyslexia therapy sessions delivered by a department
169 licensed dyslexia therapist, and that school district shall accept
170 the student and report the student for purposes of the district's
171 funding under the Mississippi Adequate Education Program.



172 **SECTION 5.** Section 37-173-5, Mississippi Code of 1972, is
173 reenacted as follows:

174 37-173-5. (1) Parents or legal guardians may exercise the
175 option to remove their child from a traditional public school
176 setting to be enrolled in a public or nonpublic school which meets
177 the standards for appropriate specific instruction designed to
178 meet the unique learning needs of young dyslexic students. The
179 objectives of such school shall be:

180 (a) To emphasize the importance of early intervention;
181 and

182 (b) To provide intensive high-quality instruction of
183 students in reading, spelling, writing, language arts,
184 phonological awareness and fluency training, but shall not
185 preclude instruction in mathematics, social studies, science, art,
186 music and physical education based on the curriculum requirements
187 of the State Department of Education.

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

192 (a) The student has spent the previous school year in
193 attendance at a Mississippi public school or any other state
194 approved nonpublic school in the state that emphasizes instruction
195 in dyslexia intervention; or



196 (b) The parent or legal guardian has obtained
197 acceptance for admission of the student to a nonpublic school that
198 is eligible for the program under Section 37-173-19 and has
199 requested from the department a scholarship within thirty (30)
200 days before the date of the first scholarship payment. The
201 request must be through a communication directly to the department
202 in a manner that creates a written or electronic record of the
203 request and the date of receipt of the request. The Department of
204 Education must notify the district of the parent's or legal
205 guardian's intent upon receipt of the parent's or legal guardian's
206 request.

207 **SECTION 6.** Section 37-173-11, Mississippi Code of 1972, is
208 reenacted as follows:

209 37-173-11. A parent or legal guardian who applies for a
210 Mississippi Dyslexia Therapy Scholarship is exercising his or her
211 parental option to place his or her child in a nonpublic school.
212 Each participating parent or legal guardian and student shall
213 adhere to the following:

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

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

219 (c) Any student participating in the Mississippi
220 Dyslexia Therapy Scholarship for Students with Dyslexia Program



221 must remain in attendance throughout the school year unless
222 excused by the school for illness or other good cause; and

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

226 **SECTION 7.** Section 37-173-13, Mississippi Code of 1972, is
227 reenacted as follows:

228 37-173-13. (1) The maximum scholarship granted per eligible
229 student with dyslexia shall be an amount equivalent to the
230 Mississippi Adequate Education Program base student cost.

231 (2) (a) The nonpublic school under this program shall
232 report to the Mississippi Department of Education the number of
233 students with dyslexia who are enrolled in nonpublic schools on
234 the Mississippi Dyslexia Therapy Scholarships as of September 30
235 of each year in order to determine funding for the subsequent
236 year. Funds may not be transferred from any funding provided to
237 the Mississippi School for the Deaf and the Blind for program
238 participants who are eligible under Section 37-173-5.

239 (b) The Mississippi Department of Education will
240 disburse payments to nonpublic schools under this program in
241 twelve (12) substantially equal installments. The initial payment
242 shall be made after department verification of admission
243 acceptance, and subsequent payments shall be made upon
244 verification of continued enrollment and attendance at the
245 nonpublic school.



246 **SECTION 8.** Section 37-173-15, Mississippi Code of 1972, is
247 reenacted as follows:

248 37-173-15. (1) (a) Each local school district shall adopt
249 a policy to ensure that students will be screened in the spring of
250 kindergarten and the fall of Grade 1. The component of the
251 screening must include:

- 252 (i) Phonological awareness and phonemic awareness;
- 253 (ii) Sound symbol recognition;
- 254 (iii) Alphabet knowledge;
- 255 (iv) Decoding skills;
- 256 (v) Encoding skills; and
- 257 (vi) Rapid naming.

258 (b) If a student fails the screener, the parent or
259 legal guardian will be notified of the results of the screener.
260 Subsequent dyslexia evaluations may be administered by licensed
261 professionals, including:

- 262 (i) Psychologists, licensed under Chapter 31,
263 Title 73, Mississippi Code of 1972;
- 264 (ii) Psychometrists, licensed by the Mississippi
265 Department of Education; or
- 266 (iii) Speech Language Pathologists, licensed under
267 Chapter 38, Title 73, Mississippi Code of 1972.

268 (c) If a student fails the screener, the school
269 district, in its discretion, may perform a comprehensive dyslexia
270 evaluation, such evaluation must be administered by any of the



271 licensed professionals identified under paragraph (b) of this
272 subsection.

273 (d) If a parent or legal guardian of a student who
274 fails the dyslexia screener exercises the option to have a
275 subsequent evaluation performed, such evaluation shall be
276 administered by any of the licensed professionals identified under
277 paragraph (b) of this subsection, and the resulting diagnosis of
278 the subsequent evaluation must be accepted by the school district
279 for purposes of determining eligibility for placement within a
280 dyslexia therapy program within the current school or to receive a
281 Mississippi Dyslexia Therapy Scholarship for placement in a
282 dyslexia program in another public school or nonpublic special
283 purpose school.

284 (2) The screening of all compulsory-school-age children
285 enrolled in each local public school district for dyslexia
286 required by subsection (1)(a) of this section shall in no manner
287 nullify or defeat the requirements of the pilot programs adopted
288 by the State Department of Education to test certain students
289 enrolled or enrolling in public schools for dyslexia under Section
290 37-23-15.

291 **SECTION 9.** Section 37-173-17, Mississippi Code of 1972, is
292 reenacted as follows:

293 37-173-17. (1) To be eligible to participate in the
294 Mississippi Dyslexia Therapy Scholarship for Students with
295 Dyslexia Program, a nonpublic school must:



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

297 (b) Provide to the department all documentation
298 required for a student's participation, including the nonpublic
299 school's and student's fee schedules, at least thirty (30) days
300 before the first quarterly scholarship payment is made for the
301 student.

302 (c) Be academically accountable to the parent or legal
303 guardian for meeting the educational needs of the student by, at a
304 minimum, annually providing to the parent or legal guardian a
305 written explanation of the student's progress.

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

308 (2) The inability of a nonpublic school to meet the
309 requirements of this subsection shall constitute a basis for the
310 ineligibility of the nonpublic school to participate in the
311 scholarship program as determined by the department.

312 **SECTION 10.** Section 37-173-19, Mississippi Code of 1972, is
313 reenacted as follows:

314 37-173-19. (1) The department shall publicize information
315 regarding the Mississippi Dyslexia Therapy Scholarship on the
316 department's official website.

317 (2) Annually, by December 15, report to the Governor, the
318 Lieutenant Governor, and the Speaker of the House of
319 Representatives the Department of Education's actions with respect
320 to implementing accountability in the scholarship program under



321 this section, any substantiated allegations or violations of law
322 or rule by an eligible nonpublic school under this program
323 concerning the enrollment and attendance of students, the
324 credentials of teachers, background screening of teachers, and
325 teachers' fingerprinting results and the corrective action taken
326 by the Department of Education.

327 **SECTION 11.** Section 37-173-21, Mississippi Code of 1972, is
328 reenacted as follows:

329 37-173-21. (1) The State Board of Education in conjunction
330 with each nonpublic school and local school board operating under
331 the provisions of this chapter, may:

332 (a) Extend the school day or length of the scholastic
333 year;

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

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

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



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

347 (b) A dyslexia therapist licensed by the department in
348 dyslexia therapy;

349 (c) Dyslexia therapists in training participating in a
350 department approved dyslexia therapy graduate internship program;
351 and

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

354 **SECTION 12.** Section 37-173-23, Mississippi Code of 1972, is
355 reenacted as follows:

356 37-173-23. Teachers and other school personnel shall be
357 subject to criminal history record checks and fingerprinting
358 requirements applicable to other public schools under Section
359 37-9-17(2) and (3).

360 **SECTION 13.** Section 37-173-25, Mississippi Code of 1972, is
361 reenacted as follows:

362 37-173-25. (1) Each school providing instruction to
363 children with dyslexia shall certify to the State Department of
364 Education its student enrollment in the same manner as local
365 school districts.

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



370 in the calculation and disbursement of all federal and state
371 categorical aid program dollars. Each school participating in the
372 scholarship program shall comply with all reporting requirements
373 to receive the aid.

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

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

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

393 **SECTION 14.** Section 37-173-27, Mississippi Code of 1972, is
394 reenacted as follows:



395 37-173-27. No liability shall arise on the part of the state
396 based on the award or use of a Mississippi Dyslexia Therapy
397 Scholarship.

398 **SECTION 15.** Section 37-173-29, Mississippi Code of 1972, is
399 reenacted as follows:

400 37-173-29. The inclusion of eligible nonpublic schools
401 within options available to Mississippi public school students
402 does not expand the regulatory authority of the state, its
403 officers, or any school district to impose any additional
404 regulation of nonpublic schools beyond those reasonably necessary
405 to enforce requirements expressly set forth in this chapter.

406 **SECTION 16.** Section 37-173-31, Mississippi Code of 1972,
407 which provides for the repeal of Sections 37-173-1 through
408 37-173-29, which establish the Mississippi Dyslexia Therapy
409 Scholarship for Students with Dyslexia Program, is repealed.

410 **SECTION 17.** This act shall take effect and be in force from
411 and after July 1, 2016.

