

By: Representatives Byrd, Roberson

To: Education; Revenue and  
Expenditure General Bills

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1036

1 AN ACT TO AMEND SECTIONS 37-173-1, 37-173-3, 37-173-7,  
2 37-173-9, 37-173-11, 37-173-15, 37-173-17, 37-173-21, 37-173-25  
3 AND 37-173-29, MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF  
4 THE MISSISSIPPI DYSLEXIA THERAPY SCHOLARSHIP FOR STUDENTS WITH  
5 DYSLEXIA PROGRAM, TO EXPAND ELIGIBILITY FOR PARTICIPATION IN THE  
6 PROGRAMS TO STUDENTS THROUGH GRADE 12; TO ALLOW PARTICIPATION BY  
7 ANY NONPUBLIC SCHOOLS IN THE STATE THAT ARE ACCREDITED BY A STATE,  
8 SACS OR ARE ACCREDITED IN AN ADJACENT STATE MEETING CERTAIN  
9 CRITERIA; TO REQUIRE THE SCHOOL DISTRICT TO PERFORM A  
10 COMPREHENSIVE DYSLEXIA EVALUATION IF A STUDENT FAILS THE DYSLEXIA  
11 SCREENER OR UPON THE REQUEST OF THE STUDENT'S PARENT OR LEGAL  
12 GUARDIAN; TO PROVIDE EXCEPTIONS FOR STUDENTS TO PARTICIPATE IN A  
13 PROGRAM FOR WHICH APPROPRIATE SERVICES ARE NOT OFFERED IN  
14 MISSISSIPPI; TO PROVIDE PARTICIPATING SCHOOLS GREATER AUTONOMY BY  
15 DELETING THE OPTION TO WORK IN CONJUNCTION WITH THE STATE BOARD OF  
16 EDUCATION TO ESTABLISH THE SCHOOL CALENDAR, DEVELOP CURRICULUM AND  
17 PURCHASE OF INSTRUCTIONAL MATERIALS AND TEXTBOOKS; TO REQUIRE EACH  
18 PARTICIPATING NONPUBLIC SCHOOL TO HAVE ITS FINANCIAL RECORDS  
19 AUDITED ANNUALLY BY THE STATE AUDITOR OR A PRIVATE ACCOUNTING  
20 FIRM; TO PROVIDE THAT NO NONPUBLIC SCHOOL SHALL BE REQUIRED TO  
21 ALTER ITS TRADITIONAL AND CUSTOMARY PRACTICES, POLICIES OR  
22 CURRICULUM IN ORDER TO ACCEPT A PARTICIPATING STUDENT; TO BRING  
23 FORWARD SECTIONS 37-173-5, 37-173-13, 37-173-19, 37-173-23 AND  
24 37-173-27, MISSISSIPPI CODE OF 1972, WHICH ARE THE REMAINING  
25 PROVISIONS OF THE MISSISSIPPI DYSLEXIA THERAPY SCHOLARSHIP FOR  
26 STUDENTS WITH DYSLEXIA PROGRAM, FOR THE PURPOSE OF POSSIBLE  
27 AMENDMENTS; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** Section 37-173-1, Mississippi Code of 1972, is  
30 amended as follows:



31           37-173-1. As used in this chapter, the following words and  
32 phrases shall have the meanings ascribed in this section unless  
33 the context clearly indicates otherwise:

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

35           (b) "Department" means the State Department of  
36 Education.

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

47           (d) "Dyslexia therapy" means an appropriate specialized  
48 dyslexia instructional program that is delivered by a Mississippi  
49 Department of Education licensed dyslexia therapist which is  
50 scientific, research-based, Orton-Gillingham based, and is offered  
51 in a small group setting to teach students the components of  
52 reading instruction which include:

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



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

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

59 (iv) Linguistic instruction directed toward  
60 proficiency and fluency with the patterns of language so that  
61 words and sentences are carriers of meaning; and

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

64 These components shall be taught using instructional  
65 approaches that include explicit, direct instruction which is  
66 systematic, sequential and cumulative, following a logical plan of  
67 presenting the alphabetic principle commensurate with the  
68 students' needs, with no assumption of prior skills or language  
69 knowledge; individualized to meet the specific learning needs of  
70 each individual student in a small group setting; intensive,  
71 highly concentrated instruction that maximizes student engagement  
72 and uses specialized methods and materials; meaning-based  
73 instruction directed toward purposeful reading and writing, with  
74 an emphasis on comprehension and composition; and multisensory  
75 instruction that incorporates the simultaneous use of two (2) or  
76 more sensory pathways during teacher presentations and student  
77 practice.

78 (e) "Dyslexia therapist" means a professional who has  
79 completed training in a department approved Orton-Gillingham based



80 dyslexia therapy training program attaining a AA license in  
81 dyslexia therapy or a professional participating in a state  
82 approved dyslexia therapy training program to attain a AA license  
83 in dyslexia therapy.

84 (f) "Mississippi Dyslexia Therapy Scholarship for  
85 Students with Dyslexia Program" means a scholarship to provide the  
86 option to attend a public school other than the one to which  
87 assigned, or to provide a scholarship to a nonpublic school of  
88 choice, for students in Grade 1 through Grade \* \* \* 12 diagnosed  
89 with dyslexia in order to receive comprehensive multisensory  
90 dyslexia therapy delivered by holders of an appropriate license in  
91 dyslexia therapy issued by the department.

92 (g) "School" means any Mississippi public school or any  
93 state or SACS accredited nonpublic \* \* \* school or any accredited  
94 nonpublic school within the county of an adjacent state having a  
95 population of approximately nine hundred twenty-eight thousand  
96 (928,000) inhabitants according to the 2010 federal decennial  
97 census, that provides a specific learning environment that  
98 provides comprehensive dyslexia therapy instruction delivered by  
99 dyslexia therapists licensed by the department providing highly  
100 qualified education and intervention services to children  
101 diagnosed with the primary learning disability of dyslexia.

102 **SECTION 2.** Section 37-173-3, Mississippi Code of 1972, is  
103 amended as follows:



104 37-173-3. The Mississippi Dyslexia Therapy Scholarship for  
105 Students with Dyslexia Program is established to provide the  
106 option to attend a public school other than the one to which  
107 assigned, or to provide a scholarship to a nonpublic school of  
108 choice within state or in an adjacent state as defined in Section  
109 37-173-1(g), for students with a diagnosis of dyslexia. Students  
110 in Grades 1 \* \* \* through 12 who have been properly screened and  
111 diagnosed with dyslexia shall be eligible to receive scholarship  
112 assistance under this program.

113 **SECTION 3.** Section 37-173-7, Mississippi Code of 1972, is  
114 amended as follows:

115 37-173-7. (1) A student is not eligible for a Mississippi  
116 Dyslexia Therapy Scholarship while he or she is:

117 (a) Enrolled in a school operating for the purpose of  
118 providing educational services to youth in Department of Juvenile  
119 Justice commitment programs;

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

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

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

127 (2) (a) For purposes of continuity of educational choice,  
128 a Mississippi Dyslexia Therapy Scholarship shall remain in force



129 until the student returns to a public school or completes  
130 Grade \* \* \* 12, whichever occurs first.

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

135 **SECTION 4.** Section 37-173-9, Mississippi Code of 1972, is  
136 amended as follows:

137 37-173-9. (1) (a) The parent or legal guardian is not required  
138 to accept the offer of enrolling in another public school in lieu  
139 of requesting a Mississippi Dyslexia Therapy Scholarship to a  
140 nonpublic school. However, if the parent or legal guardian  
141 chooses the public school option, the student may continue  
142 attending a public school chosen by the parent or legal guardian  
143 until the student completes Grade \* \* \* 12.

144 (b) If the parent or legal guardian chooses a public  
145 school within the district, the school district shall provide  
146 transportation to the public school selected by the parent or  
147 legal guardian. However, if the parent or legal guardian chooses  
148 a public school in another district, the parent or legal guardian  
149 is responsible to provide transportation to the school of choice.

150 (2) Each local school district shall make an initial  
151 determination of whether a student diagnosed with dyslexia  
152 qualifies under the Individuals with Disabilities Education Act  
153 (IDEA) to receive services and funding under the provisions of the



154 IDEA before proceeding to the development of a 504 Plan for each  
155 dyslexic student eligible for educational services or equipment,  
156 or both, under Sections 37-23-1 through 37-23-157. If a student's  
157 diagnosis of dyslexia results in a determination that the  
158 disability is not a disability which would qualify the student as  
159 eligible under the IDEA, then in developing the written 504 Plan  
160 for each dyslexia student, there shall be a presumption that  
161 proficiency in spelling, reading and writing are essential for the  
162 student to achieve appropriate educational progress. Each local  
163 school district shall develop interventions and strategies to  
164 address the needs of those students diagnosed with dyslexia which  
165 provide the necessary accommodations to enable the student to  
166 achieve appropriate educational progress. The interventions and  
167 strategies developed shall include, but not be limited to, the use  
168 of the 3-Tier Instructional Model and the utilization of  
169 provisions of the IDEA and Section 504 to address those needs.

170 Furthermore, these provisions do not prohibit a parent or  
171 legal guardian of a student diagnosed with dyslexia, at any time,  
172 from choosing the option of a Mississippi Dyslexia Therapy  
173 Scholarship which would allow the student to attend another public  
174 school or nonpublic \* \* \* school.

175 (3) If the parent or legal guardian chooses the nonpublic  
176 school option and the student is accepted by the nonpublic school  
177 pending the availability of a space for the student, the parent or  
178 legal guardian of the student must notify the department thirty



179 (30) days before the first scholarship payment and before entering  
180 the nonpublic school in order to be eligible for the scholarship  
181 when a space becomes available for the student in the nonpublic  
182 school.

183 (4) The parent or legal guardian of a student may choose, as  
184 an alternative, to enroll the student in and transport the student  
185 to a public school in an adjacent school district which has  
186 available space and has a program with dyslexia services that  
187 provide daily dyslexia therapy sessions delivered by a department  
188 licensed dyslexia therapist, and that school district shall accept  
189 the student and report the student for purposes of the district's  
190 funding under the Mississippi Adequate Education Program.

191 **SECTION 5.** Section 37-173-5, Mississippi Code of 1972, is  
192 brought forward as follows:

193 37-173-5. (1) Parents or legal guardians may exercise the  
194 option to remove their child from a traditional public school  
195 setting to be enrolled in a public or nonpublic school which meets  
196 the standards for appropriate specific instruction designed to  
197 meet the unique learning needs of young dyslexic students. The  
198 objectives of such school shall be:

199 (a) To emphasize the importance of early intervention;  
200 and

201 (b) To provide intensive high-quality instruction of  
202 students in reading, spelling, writing, language arts,  
203 phonological awareness and fluency training, but shall not





204 preclude instruction in mathematics, social studies, science, art,  
205 music and physical education based on the curriculum requirements  
206 of the State Department of Education.

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

211 (a) The student has spent the previous school year in  
212 attendance at a Mississippi public school or any other state  
213 approved nonpublic school in the state that emphasizes instruction  
214 in dyslexia intervention; or

215 (b) The parent or legal guardian has obtained  
216 acceptance for admission of the student to a nonpublic school that  
217 is eligible for the program under Section 37-173-19 and has  
218 requested from the department a scholarship within thirty (30)  
219 days before the date of the first scholarship payment. The  
220 request must be through a communication directly to the department  
221 in a manner that creates a written or electronic record of the  
222 request and the date of receipt of the request. The Department of  
223 Education must notify the district of the parent's or legal  
224 guardian's intent upon receipt of the parent's or legal guardian's  
225 request.

226 **SECTION 6.** Section 37-173-11, Mississippi Code of 1972, is  
227 amended as follows:



228           37-173-11. A parent or legal guardian who applies for a  
229 Mississippi Dyslexia Therapy Scholarship is exercising his or her  
230 parental option to place his or her child in a nonpublic school.  
231 Each participating parent or legal guardian and student shall  
232 adhere to the following:

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

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

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

242           (d) Each parent or legal guardian and each student has  
243 an obligation to the nonpublic \* \* \* school to comply with the  
244 nonpublic \* \* \* school's published policies.

245           **SECTION 7.** Section 37-173-13, Mississippi Code of 1972, is  
246 brought forward as follows:

247           37-173-13. (1) The maximum scholarship granted per eligible  
248 student with dyslexia shall be an amount equivalent to the  
249 Mississippi Adequate Education Program base student cost.

250           (2) (a) The nonpublic school under this program shall  
251 report to the Mississippi Department of Education the number of  
252 students with dyslexia who are enrolled in nonpublic schools on



253 the Mississippi Dyslexia Therapy Scholarships as of September 30  
254 of each year in order to determine funding for the subsequent  
255 year. Funds may not be transferred from any funding provided to  
256 the Mississippi School for the Deaf and the Blind for program  
257 participants who are eligible under Section 37-173-5.

258 (b) The Mississippi Department of Education will  
259 disburse payments to nonpublic schools under this program in  
260 twelve (12) substantially equal installments. The initial payment  
261 shall be made after department verification of admission  
262 acceptance, and subsequent payments shall be made upon  
263 verification of continued enrollment and attendance at the  
264 nonpublic school.

265 **SECTION 8.** Section 37-173-15, Mississippi Code of 1972, is  
266 amended as follows:

267 37-173-15. (1) (a) Each local school district shall adopt  
268 a policy to ensure that students will be screened in the spring of  
269 kindergarten and the fall of Grade 1. The component of the  
270 screening must include:

- 271 (i) Phonological awareness and phonemic awareness;
- 272 (ii) Sound symbol recognition;
- 273 (iii) Alphabet knowledge;
- 274 (iv) Decoding skills;
- 275 (v) Encoding skills; and
- 276 (vi) Rapid naming.



277 (b) If a student fails the screener, the parent or  
278 legal guardian will be notified of the results of the screener.  
279 Subsequent dyslexia evaluations may be administered by licensed  
280 professionals, including:

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

283 (ii) Psychometrists, licensed by the Mississippi  
284 Department of Education, and in accordance with Chapter 31, Title  
285 73, Section 27, Mississippi Code of 1972; or

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

288 (c) If a student fails the screener, or if requested by  
289 a parent or legal guardian, the school district \* \* \* must perform  
290 a comprehensive dyslexia evaluation, such evaluation must be  
291 administered by any of the licensed professionals identified under  
292 paragraph (b) of this subsection.

293 (d) If a parent or legal guardian of a student who  
294 fails the dyslexia screener exercises the option to have a  
295 subsequent evaluation performed, such evaluation shall be  
296 administered by any of the licensed professionals identified under  
297 paragraph (b) of this subsection, and the resulting diagnosis of  
298 the subsequent evaluation must be accepted by the school district  
299 for purposes of determining eligibility for placement within a  
300 dyslexia therapy program within the current school or to receive a  
301 Mississippi Dyslexia Therapy Scholarship for placement in a



302 dyslexia program in another public school or nonpublic \* \* \*  
303 school.

304 (2) The screening of all compulsory-school-age children  
305 enrolled in each local public school district for dyslexia  
306 required by subsection (1)(a) of this section shall in no manner  
307 nullify or defeat the requirements of the pilot programs adopted  
308 by the State Department of Education to test certain students  
309 enrolled or enrolling in public schools for dyslexia under Section  
310 37-23-15.

311 **SECTION 9.** Section 37-173-17, Mississippi Code of 1972, is  
312 amended as follows:

313 37-173-17. (1) To be eligible to participate in the  
314 Mississippi Dyslexia Therapy Scholarship for Students with  
315 Dyslexia Program, a nonpublic school must:

316 (a) Be a state accredited public or nonpublic special  
317 purpose school \* \* \*, be accredited by SACS, or be an accredited  
318 nonpublic school in the county of an adjacent state having a  
319 population of approximately nine hundred twenty-eight thousand  
320 (928,000) inhabitants according to the 2010 federal decennial  
321 census;

322 (b) Provide to the department all documentation  
323 required for a student's participation, including the nonpublic  
324 school's and student's fee schedules, at least thirty (30) days  
325 before the first quarterly scholarship payment is made for the  
326 student \* \* \*;



327 (c) Be academically accountable to the parent or legal  
328 guardian for meeting the educational needs of the student by, at a  
329 minimum, annually providing to the parent or legal guardian a  
330 written explanation of the student's progress \* \* \*; and

331 (d) Maintain in this state or any in applicable  
332 adjacent state a physical location where a scholarship student  
333 regularly attends classes unless that school is approved for the  
334 Educable Child Program; or unless the parent verifies in writing  
335 that their child cannot reasonably obtain appropriate services in  
336 Mississippi at a location within thirty (30) miles of their legal  
337 residence, which necessitates the services being provided in the  
338 adjacent state.

339 (2) The inability of a nonpublic school to meet the  
340 requirements of this subsection shall constitute a basis for the  
341 ineligibility of the nonpublic school to participate in the  
342 scholarship program as determined by the department.

343 **SECTION 10.** Section 37-173-19, Mississippi Code of 1972, is  
344 brought forward as follows:

345 37-173-19. (1) The department shall publicize information  
346 regarding the Mississippi Dyslexia Therapy Scholarship on the  
347 department's official website.

348 (2) Annually, by December 15, report to the Governor, the  
349 Lieutenant Governor, and the Speaker of the House of  
350 Representatives the Department of Education's actions with respect  
351 to implementing accountability in the scholarship program under



352 this section, any substantiated allegations or violations of law  
353 or rule by an eligible nonpublic school under this program  
354 concerning the enrollment and attendance of students, the  
355 credentials of teachers, background screening of teachers, and  
356 teachers' fingerprinting results and the corrective action taken  
357 by the Department of Education.

358 **SECTION 11.** Section 37-173-21, Mississippi Code of 1972, is  
359 amended as follows:

360 37-173-21. \* \* \* The qualified personnel to facilitate the  
361 educational process of learning and instruction for children with  
362 dyslexia who attend the schools shall consist of the following:

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

365 (b) A dyslexia therapist licensed by the department in  
366 dyslexia therapy;

367 (c) Dyslexia therapists in training participating in a  
368 department approved dyslexia therapy graduate internship program;  
369 and

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

372 **SECTION 12.** Section 37-173-23, Mississippi Code of 1972, is  
373 brought forward as follows:

374 37-173-23. Teachers and other school personnel shall be  
375 subject to criminal history record checks and fingerprinting



376 requirements applicable to other public schools under Section  
377 37-9-17(2) and (3).

378         **SECTION 13.** Section 37-173-25, Mississippi Code of 1972, is  
379 amended as follows:

380         37-173-25. (1) Each school providing instruction to  
381 children with dyslexia shall certify to the State Department of  
382 Education its student enrollment in the same manner as local  
383 school districts.

384         (2) The department shall direct the proportionate share of  
385 monies generated under federal and state categorical aid programs  
386 to the participating school for serving students eligible for the  
387 aid. The state shall ensure that each school is treated equitably  
388 in the calculation and disbursement of all federal and state  
389 categorical aid program dollars. Each school participating in the  
390 scholarship program shall comply with all reporting requirements  
391 to receive the aid.

392         (3) (a) Each school shall adhere to generally accepted  
393 accounting principles as promulgated by nationally recognized  
394 professional organizations.

395         (b) Each school shall have its financial records  
396 audited annually, at the end of each fiscal year, by the State  
397 Auditor \* \* \* or a private accounting firm.

398         (4) Nothing in this chapter shall be construed to prohibit  
399 any person or organization from providing funding or other  
400 assistance to the establishment or operation of any school





401 authorized under this chapter, except religious or sectarian  
402 organizations. The State Board of Education, acting on behalf of  
403 the participating schools, is authorized to accept gifts,  
404 donations, and grants of any kind made to a participating school  
405 and to expend or use such gifts, donations, and grants in  
406 accordance with the conditions prescribed by the donor; however,  
407 no gift, donation, or grant may be accepted if subject to a  
408 condition that is contrary to any provision of state law or board  
409 rule.

410 **SECTION 14.** Section 37-173-27, Mississippi Code of 1972, is  
411 brought forward as follows:

412 37-173-27. No liability shall arise on the part of the state  
413 based on the award or use of a Mississippi Dyslexia Therapy  
414 Scholarship.

415 **SECTION 15.** Section 37-173-29, Mississippi Code of 1972, is  
416 amended as follows:

417 37-173-29. (1) The inclusion of eligible nonpublic schools  
418 within options available to Mississippi public school students  
419 does not expand the regulatory authority of the state, its  
420 officers, or any school district to impose any additional  
421 regulation of nonpublic schools beyond those reasonably necessary  
422 to enforce requirements expressly set forth in this chapter.

423 (2) Eligible schools shall be given maximum autonomy  
424 and freedom to provide for the educational needs of the enrolled  
425 student population. No eligible school shall be required to alter



426 its creed, practices, admission policies or curriculum in order to  
427 accept participating students.

428       **SECTION 16.** This act shall take effect and be in force from  
429 and after July 1, 2017, and shall be repealed from and after June  
430 30, 2017.

