

By: Representatives Barker, Roberson,
Touchstone, Byrd

To: Education

HOUSE BILL NO. 1046

1 AN ACT TO AMEND SECTIONS 37-173-1, 37-173-3, 37-173-7 AND
2 37-173-9, MISSISSIPPI CODE OF 1972, TO EXPAND THE ELIGIBILITY FOR
3 THE MISSISSIPPI DYSLEXIA THERAPY SCHOLARSHIP FOR STUDENTS WITH
4 DYSLEXIA PROGRAM TO INCLUDE STUDENTS IN GRADE 1 THROUGH GRADE 12;
5 AND FOR RELATED PURPOSES.

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

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

9 37-173-1. As used in this chapter, the following words and
10 phrases shall have the meanings ascribed in this section unless
11 the context clearly indicates otherwise:

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

13 (b) "Department" means the State Department of
14 Education.

15 (c) "Dyslexia" means a specific learning disability
16 that is neurological in origin, characterized by difficulties with
17 accurate and fluent word recognition and poor spelling and
18 decoding abilities, which typically result from a deficit in the
19 phonological component of language that is often unexpected in



20 relation to other cognitive abilities and the provision of
21 effective classroom instruction, and secondary consequences which
22 may include problems in reading comprehension and reduced reading
23 experience that can impede growth of vocabulary and background
24 knowledge.

25 (d) "Dyslexia therapy" means an appropriate specialized
26 dyslexia instructional program that is delivered by a Mississippi
27 Department of Education licensed dyslexia therapist which is
28 scientific, research-based, Orton-Gillingham based, and is offered
29 in a small group setting to teach students the components of
30 reading instruction which include:

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

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

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

37 (iv) Linguistic instruction directed toward
38 proficiency and fluency with the patterns of language so that
39 words and sentences are carriers of meaning; and

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

42 These components shall be taught using instructional
43 approaches that include explicit, direct instruction which is
44 systematic, sequential and cumulative, following a logical plan of



45 presenting the alphabetic principle commensurate with the
46 students' needs, with no assumption of prior skills or language
47 knowledge; individualized to meet the specific learning needs of
48 each individual student in a small group setting; intensive,
49 highly concentrated instruction that maximizes student engagement
50 and uses specialized methods and materials; meaning-based
51 instruction directed toward purposeful reading and writing, with
52 an emphasis on comprehension and composition; and multisensory
53 instruction that incorporates the simultaneous use of two (2) or
54 more sensory pathways during teacher presentations and student
55 practice.

56 (e) "Dyslexia therapist" means a professional who has
57 completed training in a department approved Orton-Gillingham based
58 dyslexia therapy training program attaining a AA license in
59 dyslexia therapy or a professional participating in a state
60 approved dyslexia therapy training program to attain a AA license
61 in dyslexia therapy.

62 (f) "Mississippi Dyslexia Therapy Scholarship for
63 Students with Dyslexia Program" means a scholarship to provide the
64 option to attend a public school other than the one to which
65 assigned, or to provide a scholarship to a nonpublic school of
66 choice, for students in Grade 1 through Grade * * * 12 diagnosed
67 with dyslexia in order to receive comprehensive multisensory
68 dyslexia therapy delivered by holders of an appropriate license in
69 dyslexia therapy issued by the department.



70 (g) "School" means any public or state accredited
71 nonpublic special purpose school that provides a specific learning
72 environment that provides comprehensive dyslexia therapy
73 instruction delivered by dyslexia therapists licensed by the
74 department providing highly qualified education and intervention
75 services to children diagnosed with the primary learning
76 disability of dyslexia.

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

79 37-173-3. The Mississippi Dyslexia Therapy Scholarship for
80 Students with Dyslexia Program is established to provide the
81 option to attend a public school other than the one to which
82 assigned, or to provide a scholarship to a nonpublic school of
83 choice, for students with a diagnosis of dyslexia. Students in
84 Grades 1 through * * * 12 who have been properly screened and
85 diagnosed with dyslexia shall be eligible to receive scholarship
86 assistance under this program.

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

89 37-173-7. (1) A student is not eligible for a Mississippi
90 Dyslexia Therapy Scholarship while he or she is:

91 (a) Enrolled in a school operating for the purpose of
92 providing educational services to youth in Department of Juvenile
93 Justice commitment programs;

94 (b) Participating in a homeschool education program;



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

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

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

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

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

111 37-173-9. (1) (a) The parent or legal guardian is not
112 required to accept the offer of enrolling in another public school
113 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
114 to a nonpublic school. However, if the parent or legal guardian
115 chooses the public school option, the student may continue
116 attending a public school chosen by the parent or legal guardian
117 until the student completes Grade * * * 12.

118 (b) If the parent or legal guardian chooses a public
119 school within the district, the school district shall provide



120 transportation to the public school selected by the parent or
121 legal guardian. However, if the parent or legal guardian chooses
122 a public school in another district, the parent or legal guardian
123 is responsible to provide transportation to the school of choice.

124 (2) Each local school district shall make an initial
125 determination of whether a student diagnosed with dyslexia
126 qualifies under the Individuals with Disabilities Education Act
127 (IDEA) to receive services and funding under the provisions of the
128 IDEA before proceeding to the development of a 504 Plan for each
129 dyslexic student eligible for educational services or equipment,
130 or both, under Sections 37-23-1 through 37-23-157. If a student's
131 diagnosis of dyslexia results in a determination that the
132 disability is not a disability which would qualify the student as
133 eligible under the IDEA, then in developing the written 504 Plan
134 for each dyslexia student, there shall be a presumption that
135 proficiency in spelling, reading and writing are essential for the
136 student to achieve appropriate educational progress. Each local
137 school district shall develop interventions and strategies to
138 address the needs of those students diagnosed with dyslexia which
139 provide the necessary accommodations to enable the student to
140 achieve appropriate educational progress. The interventions and
141 strategies developed shall include, but not be limited to, the use
142 of the 3-Tier Instructional Model and the utilization of
143 provisions of the IDEA and Section 504 to address those needs.



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

149 (3) If the parent or legal guardian chooses the nonpublic
150 school option and the student is accepted by the nonpublic school
151 pending the availability of a space for the student, the parent or
152 legal guardian of the student must notify the department thirty
153 (30) days before the first scholarship payment and before entering
154 the nonpublic school in order to be eligible for the scholarship
155 when a space becomes available for the student in the nonpublic
156 school.

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

165 **SECTION 5.** This act shall take effect and be in force from
166 and after July 1, 2017.

