

By: Representatives Barker, Roberson,  
Touchstone, Byrd

To: Education

HOUSE BILL NO. 1046  
(As Sent to Governor)

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 TO AMEND SECTION 37-173-15, MISSISSIPPI CODE OF 1972, TO REQUIRE  
6 LOCAL SCHOOL DISTRICTS TO USE A DYSLEXIA SCREENER FROM A LIST  
7 APPROVAL BY THE STATE BOARD OF EDUCATION; AND FOR RELATED  
8 PURPOSES.

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

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

12 37-173-1. As used in this chapter, the following words and  
13 phrases shall have the meanings ascribed in this section unless  
14 the context clearly indicates otherwise:

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

16 (b) "Department" means the State Department of  
17 Education.

18 (c) "Dyslexia" means a specific learning disability  
19 that is neurological in origin, characterized by difficulties with  
20 accurate and fluent word recognition and poor spelling and  
21 decoding abilities, which typically result from a deficit in the



22 phonological component of language that is often unexpected in  
23 relation to other cognitive abilities and the provision of  
24 effective classroom instruction, and secondary consequences which  
25 may include problems in reading comprehension and reduced reading  
26 experience that can impede growth of vocabulary and background  
27 knowledge.

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

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

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

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

40 (iv) Linguistic instruction directed toward  
41 proficiency and fluency with the patterns of language so that  
42 words and sentences are carriers of meaning; and

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

45 These components shall be taught using instructional  
46 approaches that include explicit, direct instruction which is



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

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

65 (f) "Mississippi Dyslexia Therapy Scholarship for  
66 Students with Dyslexia Program" means a scholarship to provide the  
67 option to attend a public school other than the one to which  
68 assigned, or to provide a scholarship to a nonpublic school of  
69 choice, for students in Grade 1 through Grade \* \* \* 12 diagnosed  
70 with dyslexia in order to receive comprehensive multisensory



71 dyslexia therapy delivered by holders of an appropriate license in  
72 dyslexia therapy issued by the department.

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

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

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

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

92 37-173-7. (1) A student is not eligible for a Mississippi  
93 Dyslexia Therapy Scholarship while he or she is:



94 (a) Enrolled in a school operating for the purpose of  
95 providing educational services to youth in Department of Juvenile  
96 Justice commitment programs;

97 (b) Participating in a homeschool education program;

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

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

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

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

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

114 37-173-9. (1) (a) The parent or legal guardian is not  
115 required to accept the offer of enrolling in another public school  
116 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship  
117 to a nonpublic school. However, if the parent or legal guardian  
118 chooses the public school option, the student may continue



119 attending a public school chosen by the parent or legal guardian  
120 until the student completes Grade \* \* \* 12.

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

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



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

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

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

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



168           **SECTION 5.** Section 37-173-15, Mississippi Code of 1972, is  
169 amended as follows:

170           37-173-15. (1) (a) Each local school district shall adopt  
171 a policy to ensure that students will be screened by a screener  
172 approved by the State Board of Education in the spring of  
173 kindergarten and the fall of Grade 1. The component of the  
174 screening must include:

- 175                           (i) Phonological awareness and phonemic awareness;
- 176                           (ii) Sound symbol recognition;
- 177                           (iii) Alphabet knowledge;
- 178                           (iv) Decoding skills;
- 179                           (v) Encoding skills; and
- 180                           (vi) Rapid naming.

181           (b) If a student fails the screener, the parent or  
182 legal guardian will be notified of the results of the screener.  
183 Subsequent dyslexia evaluations may be administered by licensed  
184 professionals, including:

- 185                           (i) Psychologists, licensed under Chapter 31,  
186 Title 73, Mississippi Code of 1972;
- 187                           (ii) Psychometrists, licensed by the Mississippi  
188 Department of Education, and in accordance with Chapter 31, Title  
189 73, Section 27, Mississippi Code of 1972; or
- 190                           (iii) Speech Language Pathologists, licensed under  
191 Chapter 38, Title 73, Mississippi Code of 1972.





192 (c) If a student fails the screener, the school  
193 district, in its discretion, may perform a comprehensive dyslexia  
194 evaluation, such evaluation must be administered by any of the  
195 licensed professionals identified under paragraph (b) of this  
196 subsection.

197 (d) If a parent or legal guardian of a student who  
198 fails the dyslexia screener exercises the option to have a  
199 subsequent evaluation performed, such evaluation shall be  
200 administered by any of the licensed professionals identified under  
201 paragraph (b) of this subsection, and the resulting diagnosis of  
202 the subsequent evaluation must be accepted by the school district  
203 for purposes of determining eligibility for placement within a  
204 dyslexia therapy program within the current school or to receive a  
205 Mississippi Dyslexia Therapy Scholarship for placement in a  
206 dyslexia program in another public school or nonpublic \* \* \*  
207 school.

208 (2) The screening of all compulsory-school-age children  
209 enrolled in each local public school district for dyslexia  
210 required by subsection (1)(a) of this section shall in no manner  
211 nullify or defeat the requirements of the pilot programs adopted  
212 by the State Department of Education to test certain students  
213 enrolled or enrolling in public schools for dyslexia under Section  
214 37-23-15.

215 **SECTION 6.** This act shall take effect and be in force from  
216 and after July 1, 2017.

