

By: Representative Dixon

To: Education

HOUSE BILL NO. 752

1 AN ACT TO CREATE NEW SECTIONS 37-173-16 AND 37-175-16,  
 2 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE  
 3 ADDITIONAL DYSLEXIA SCREENINGS, SPEECH, LANGUAGE, VOICE AND  
 4 FLUENCY SCREENINGS AND COMPREHENSIVE EVALUATIONS FOR STUDENTS AT  
 5 ANY TIME THE STUDENT IS ENROLLED IN PUBLIC SCHOOL; TO PROVIDE THAT  
 6 THE SCREENINGS AND EVALUATIONS MAY BE CONDUCTED AT ANY TIME DEEMED  
 7 NECESSARY BASED ON RECOMMENDATIONS OF A TEACHER OR UPON THE  
 8 REQUEST OF A PARENT OR LEGAL GUARDIAN UPON OBSERVING A SUBSTANTIAL  
 9 DEFICIENCY IN A STUDENT'S ABILITY TO MAINTAIN ADEQUATE ACADEMIC  
 10 PERFORMANCE DUE TO THE STUDENT'S EXPERIENCING DYSLEXIA-LIKE OR  
 11 SPEECH-LANGUAGE IMPAIRMENT-LIKE SYMPTOMS; TO REQUIRE SCHOOL  
 12 DISTRICTS TO PERFORM A COMPREHENSIVE EVALUATION OF A STUDENT WHO  
 13 FAILS THE DYSLEXIA SCREENER OR THE SPEECH, LANGUAGE, VOICE AND  
 14 FLUENCY SCREENER; TO PROVIDE THAT THE COSTS ASSOCIATED WITH THE  
 15 SUBSEQUENT SCREENING AND COMPREHENSIVE EVALUATION SHALL BE PAID BY  
 16 THE SCHOOL DISTRICT OF THE STUDENT'S ENROLLMENT AND ATTENDANCE; TO  
 17 IMPOSE A \$2,500.00 FINE UPON SCHOOL DISTRICTS FOR EACH INSTANCE OF  
 18 DENYING TO ACCEPT A SECOND EVALUATION; TO AMEND SECTIONS 37-173-15  
 19 AND 37-175-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE  
 20 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** The following shall be codified as Section  
 23 37-173-16, Mississippi Code of 1972:

24 37-173-16. (1) Each local school district shall adopt a  
 25 policy to ensure that students enrolled in kindergarten or Grade 1  
 26 who fail the dyslexia screener required under Section 37-173-15,  
 27 and students enrolled in subsequent grades who demonstrate factors



28 commonly associated with dyslexia and related disorders, as  
29 evidenced by the observation of a classroom teacher, parent or  
30 legal guardian, will be provided a comprehensive evaluation to be  
31 administered by a dyslexia diagnostician or any licensed  
32 professional authorized under Section 37-173-15(1) (b).

33 (2) When a student in Grade 2 or higher demonstrates  
34 a deficiency in the ability to maintain adequate academic  
35 performance due to the student's experiencing dyslexia-like  
36 symptoms, as evidenced by the observation of a classroom teacher,  
37 parent or legal guardian, the student shall be screened in  
38 accordance with Section 37-173-15 and through the early literacy  
39 and numeracy screening required under Section 37-23-16. If the  
40 student fails the screenings, the parent or legal guardian of the  
41 student shall be notified of the failure and that the child is in  
42 need of intervention. The appropriate time for students described  
43 in the subsections to be screened shall depend upon multiple  
44 factors including:

- 45 (a) The student's reading performance;
- 46 (b) The student's difficulties in reading;
- 47 (c) Poor response to supplemental, scientifically based  
48 reading instruction; and
- 49 (d) Input from the student's teacher(s) and parents or  
50 legal guardians.

51 (3) (a) A Response to Intervention (RTI), established in  
52 accordance with Section 37-173-9(2), shall be used to address the



53 needs of the student and shall initiate the right of the parent or  
54 legal guardian, in their discretion, to request a comprehensive  
55 evaluation of the student pending the results of the RTI. The use  
56 of the RTI shall not delay or deny the administration of a  
57 comprehensive evaluation when the purpose of intervention is  
58 revealed through teacher or parent observations. If the RTI  
59 indicates the possibility of dyslexia, the student shall receive a  
60 comprehensive evaluation upon the request of the student's parent  
61 or legal guardian.

62 (b) When a parent or legal guardian requests a  
63 comprehensive evaluation be administered, the school district  
64 shall cause a dyslexia diagnostician or other licensed  
65 professional to administer the evaluation in compliance with  
66 Section 37-173-15. Upon completion of the evaluation the school  
67 district shall review the student's data history, evaluation  
68 results and diagnostician's diagnosis to determine whether the  
69 student has dyslexia and qualifies under the Individuals with  
70 Disabilities Education Act (IDEA) to receive services and funding  
71 under the provisions of the IDEA before proceeding to the  
72 development of a 504 Plan for each dyslexic student eligible for  
73 educational services, equipment or both under Chapter 23, Title  
74 37, Mississippi Code of 1972.

75 (c) If the school district determines the student does  
76 not have dyslexia for purposes of IDEA or the development of a 504  
77 Plan, the parent or legal guardian shall be notified of the



78 districts determination, the parent or legal guardian may exercise  
79 the option to have a subsequent independent comprehensive  
80 evaluation performed, administered by a dyslexia diagnostician or  
81 any licensed professional authorized under Section  
82 37-173-15(1)(b), the cost of such evaluation to be paid by the  
83 local school district of the student's enrollment and attendance.  
84 The resulting diagnosis of the subsequent comprehensive evaluation  
85 must be accepted by the school district for purposes of  
86 determining eligibility for placement within a dyslexia therapy  
87 program within the current school to receive direct intervention  
88 or to receive a Mississippi Dyslexia Therapy Scholarship for  
89 placement in a dyslexia program in another public school or  
90 nonpublic special purpose school. The failure of the school  
91 district to accept a subsequent independent comprehensive  
92 evaluation administered in accordance to the provisions of Section  
93 37-173-15(1)(b), which results in a diagnosis of dyslexia, and the  
94 denial of adequate services based on the rejected evaluation,  
95 shall result in the district being fined Two Thousand Five Hundred  
96 Dollars (\$2,500.00) for each instance of denial reported to the  
97 State Department of Education. School districts shall not use any  
98 adequate education program funds for the payment of any fines.

99       **SECTION 2.** The following shall be codified as Section  
100 37-175-16, Mississippi Code of 1972:  
101       37-175-16. (1) Each local school district shall adopt a  
102 policy to ensure that students enrolled in kindergarten or Grade 1



103 who fail the speech, language, voice and fluency screener required  
104 under Section 37-175-15, and students enrolled in subsequent  
105 grades who demonstrate factors commonly associated with  
106 speech-language impairments, as evidenced by the observation of a  
107 classroom teacher, parent or legal guardian, will be provided a  
108 comprehensive evaluation to be administered by a speech-language  
109 pathologist authorized under Section 37-175-15(4).

110 (2) When a student in Grade 2 or higher demonstrates  
111 a deficiency in the ability to maintain adequate academic  
112 performance due to the student's demonstration of speech-language  
113 impairment-like symptoms, as evidenced by the observation of a  
114 classroom teacher, parent or legal guardian, the student shall be  
115 screened in accordance with Section 37-175-15 and through the  
116 early literacy and numeracy screening required under Section  
117 37-23-16. If the student fails the screenings, the parent or  
118 legal guardian of the student shall be notified of the failure and  
119 that the child is in need of intervention. The appropriate time  
120 for students described in the subsections to be screened shall  
121 depend upon multiple factors including:

- 122 (a) Stuttering;
- 123 (b) Impaired articulation;
- 124 (c) Language and voice impairments; and
- 125 (d) Fluency disorders.

126 (3) (a) A Response to Intervention (RTI), established in  
127 accordance with Section 37-175-9(1), shall be used to address the



128 needs of the student and shall initiate the right of the parent or  
129 legal guardian, in their discretion, to request a comprehensive  
130 evaluation of the student pending the results of the RTI. The use  
131 of the RTI shall not delay or deny the administration of a  
132 comprehensive evaluation when the purpose of intervention is  
133 revealed through teacher or parent observations. If the RTI  
134 indicates the possibility of a speech-language impairment, the  
135 student shall receive a comprehensive evaluation upon the request  
136 of the student's parent or legal guardian.

137 (b) When a parent or legal guardian requests a  
138 comprehensive evaluation be administered, the school district  
139 shall cause a speech-language pathologist to administer the  
140 evaluation in compliance with Section 37-175-15. Upon completion  
141 of the evaluation the school district shall review the student's  
142 data history, evaluation results and speech-language pathologist's  
143 diagnosis to determine whether the student has a speech-language  
144 impairment and qualifies under the Individuals with Disabilities  
145 Education Act (IDEA) to receive services and funding under the  
146 provisions of the IDEA before proceeding to the development of a  
147 504 Plan for each dyslexic student eligible for educational  
148 services, equipment or both under Chapter 23, Title 37,  
149 Mississippi Code of 1972.

150 (c) If the school district determines the student does  
151 not have a speech-language impairment for purposes of IDEA or the  
152 development of a 504 Plan, the parent or legal guardian shall be



153 notified of the districts determination, the parent or legal  
154 guardian may exercise the option to have a subsequent independent  
155 comprehensive evaluation performed, administered by a  
156 speech-language pathologist authorized under Section 37-175-15(4),  
157 the cost of such evaluation to be paid by the local school  
158 district of the student's enrollment and attendance. The  
159 resulting diagnosis of the subsequent comprehensive evaluation  
160 must be accepted by the school district for purposes of  
161 determining eligibility for placement within a speech-language  
162 instructional program within the current school to receive direct  
163 intervention or to receive a Mississippi Speech-Language Therapy  
164 Scholarship for placement in a speech-language instructional  
165 program in another public school or nonpublic special purpose  
166 school. The failure of the school district to accept a subsequent  
167 independent comprehensive evaluation administered in accordance to  
168 the provisions of Section 37-175-15(4), which results in a  
169 speech-language impairment diagnosis, and the denial of adequate  
170 services based on the rejected evaluation, shall result in the  
171 district being fined Two Thousand Five Hundred Dollars (\$2,500.00)  
172 for each instance of denial reported to the State Department of  
173 Education. School districts shall not use any adequate education  
174 program funds for the payment of any fines.

175       **SECTION 3.** Section 37-173-15, Mississippi Code of 1972, is  
176 amended as follows:



177           37-173-15. (1) (a) Each local school district shall adopt  
178 a policy to ensure that students will be screened by a screener  
179 approved by the State Board of Education in the spring of  
180 kindergarten and the fall of Grade 1. The component of the  
181 screening must include:

- 182                   (i) Phonological awareness and phonemic awareness;
- 183                   (ii) Sound symbol recognition;
- 184                   (iii) Alphabet knowledge;
- 185                   (iv) Decoding skills;
- 186                   (v) Encoding skills; and
- 187                   (vi) Rapid naming.

188           (b) If a student fails the screener, the parent or  
189 legal guardian will be notified of the results of the screener.  
190 Subsequent comprehensive dyslexia evaluations, as authorized under  
191 Section 37-173-16, may be administered by dyslexia diagnosticians  
192 and other licensed professionals, including:

- 193                   (i) Psychologists, licensed under Chapter 31,  
194 Title 73, Mississippi Code of 1972;
- 195                   (ii) Psychometrists, licensed by the Mississippi  
196 Department of Education, and in accordance with Chapter 31, Title  
197 73, Section 27, Mississippi Code of 1972; or
- 198                   (iii) Speech Language Pathologists, licensed under  
199 Chapter 38, Title 73, Mississippi Code of 1972.

200           (c) If a student fails the screener, the school  
201 district, \* \* \* shall perform a comprehensive dyslexia evaluation,





202 such evaluation must be administered by dyslexia diagnostician or  
203 any of the licensed professionals identified under paragraph (b)  
204 of this subsection, in addition to providing students with the  
205 required Response to Intervention (RTI).

206 (d) If a parent or legal guardian of a student who  
207 fails the dyslexia screener exercises the option to have a  
208 subsequent independent evaluation performed, such evaluation shall  
209 be administered by a dyslexia diagnostician or any of the licensed  
210 professionals identified under paragraph (b) of this subsection,  
211 the cost of which shall be paid by the local school district of  
212 the student's enrollment and attendance, and the resulting  
213 diagnosis of the subsequent evaluation must be accepted by the  
214 school district for purposes of determining eligibility for  
215 placement within a dyslexia therapy program within the current  
216 school or to receive a Mississippi Dyslexia Therapy Scholarship  
217 for placement in a dyslexia program in another public school or  
218 nonpublic school.

219 (2) The screening of all compulsory-school-age children  
220 enrolled in each local public school district for dyslexia  
221 required by subsection (1)(a) of this section shall in no manner  
222 nullify or defeat the requirements of the pilot programs adopted  
223 by the State Department of Education to test certain students  
224 enrolled or enrolling in public schools for dyslexia under Section  
225 37-23-15.



226           **SECTION 4.** Section 37-175-15, Mississippi Code of 1972, is  
227 amended as follows:

228           37-175-15. (1) Each local school district shall adopt a  
229 policy to ensure that students will be screened for speech,  
230 language, voice and fluency disorders before the end of Grade 1.

231           (2) If a student fails the screener, the parent or legal  
232 guardian will be notified of the results of the screener.

233           (3) If a student fails the screener, the school district, in  
234 its discretion, may perform a subsequent comprehensive  
235 speech-language evaluation.

236           (4) If a parent or a legal guardian of a student who fails  
237 the speech-language screener exercises the option to have a  
238 subsequent independent comprehensive evaluation performed, such  
239 evaluation shall be administered by a speech-language pathologist,  
240 as authorized under Section 37-175-16, in addition to providing  
241 students with the required Response to Intervention (RTI). The  
242 cost of the subsequent evaluation obtained by the parents shall  
243 be \* \* \* paid by the local school district of the student's  
244 enrollment and attendance, and the resulting diagnosis must be  
245 accepted by the school district for eligibility in the area of  
246 speech-language in accordance with the procedures mandated by the  
247 federal Individuals with Disabilities Education Act (IDEA) for a  
248 placement in a speech-language program within the current school  
249 or to receive a Mississippi speech-language therapy scholarship  
250 for placement in a speech-language program in a nonpublic special



251 purpose school. A parent or legal guardian may provide written  
252 notification to the local school district opting out of the  
253 mandatory screening provided by the district. The provisions of  
254 this section shall not apply to home schooled students.

255         **SECTION 5.** This act shall take effect and be in force from  
256 and after July 1, 2018.

