

By: Representatives Criswell, Tullos,
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Hopkins

To: Education

HOUSE BILL NO. 1018

1 AN ACT TO AMEND SECTIONS 37-173-1, 37-173-9, 37-173-11,
2 37-173-17 AND 37-173-21, MISSISSIPPI CODE OF 1972, WHICH IS THE
3 MISSISSIPPI DYSLEXIA THERAPY SCHOLARSHIP FOR STUDENTS WITH
4 DYSLEXIA PROGRAM, TO PRESCRIBE CERTAIN STANDARDS FOR PARTICIPATION
5 IN THE PROGRAM; TO AMEND SECTION 37-173-25, TO DIRECT PUBLIC
6 SCHOOL DISTRICTS TO PROVIDE AGE-APPROPRIATE AND
7 CONDITION-APPROPRIATE DYSLEXIA THERAPY SERVICES SUBJECT TO THE
8 AVAILABILITY OF FUNDING; AND FOR RELATED 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 with
70 dyslexia in order to receive comprehensive multisensory dyslexia



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

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

81 **SECTION 2.** Section 37-173-9, Mississippi Code of 1972, is
82 amended as follows:

83 37-173-9. (1) (a) The parent or legal guardian is not
84 required to accept the offer of enrolling in another public school
85 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
86 to a nonpublic school. However, if the parent or legal guardian
87 chooses the public school option, the student may continue
88 attending a public school chosen by the parent or legal guardian
89 until the student completes Grade 12.

90 (b) If the parent or legal guardian chooses a public
91 school within the district, the school district shall provide
92 transportation to the public school selected by the parent or
93 legal guardian. However, if the parent or legal guardian chooses
94 a public school in another district, the parent or legal guardian
95 is responsible to provide transportation to the school of choice.



96 (2) Each local school district shall make an initial
97 determination of whether a student diagnosed with dyslexia
98 qualifies under the Individuals with Disabilities Education Act
99 (IDEA) to receive services and funding under the provisions of the
100 IDEA before proceeding to the development of a 504 Plan for each
101 dyslexic student eligible for educational services or equipment,
102 or both, under Sections 37-23-1 through 37-23-157. If a student's
103 diagnosis of dyslexia results in a determination that the
104 disability is not a disability which would qualify the student as
105 eligible under the IDEA, then in developing the written 504 Plan
106 for each dyslexia student, there shall be a presumption that
107 proficiency in spelling, reading and writing are essential for the
108 student to achieve appropriate educational progress. Each local
109 school district shall develop interventions and strategies to
110 address the needs of those students diagnosed with dyslexia which
111 provide the necessary accommodations to enable the student to
112 achieve appropriate educational progress. The interventions and
113 strategies developed shall include, but not be limited to, the use
114 of the 3-Tier Instructional Model and the utilization of
115 provisions of the IDEA and Section 504 to address those needs.

116 Furthermore, these provisions do not prohibit a parent or
117 legal guardian of a student diagnosed with dyslexia, at any time,
118 from choosing the option of a Mississippi Dyslexia Therapy
119 Scholarship which would allow the student to attend another public
120 school or nonpublic * * * school.



121 (3) If the parent or legal guardian chooses the nonpublic
122 school option and the student is accepted by the nonpublic school
123 pending the availability of a space for the student, the parent or
124 legal guardian of the student must notify the department thirty
125 (30) days before the first scholarship payment and before entering
126 the nonpublic school in order to be eligible for the scholarship
127 when a space becomes available for the student in the nonpublic
128 school.

129 (4) The parent or legal guardian of a student may choose, as
130 an alternative, to enroll the student in and transport the student
131 to a public school in an adjacent school district which has
132 available space and has a program with dyslexia services that
133 provide daily dyslexia therapy sessions delivered by a department
134 licensed dyslexia therapist, and that school district shall accept
135 the student and report the student for purposes of the district's
136 funding under the Mississippi Adequate Education Program.

137 **SECTION 3.** Section 37-173-11, Mississippi Code of 1972, is
138 amended as follows:

139 37-173-11. A parent or legal guardian who applies for a
140 Mississippi Dyslexia Therapy Scholarship is exercising his or her
141 parental option to place his or her child in a nonpublic school.
142 Each participating parent or legal guardian and student shall
143 adhere to the following:

144 (a) The parent or legal guardian shall be a resident of
145 the State of Mississippi;



146 (* * *b) The parent or legal guardian must select the
147 nonpublic school and apply for the admission of his or her child;

148 (* * *c) The parent or legal guardian must have
149 requested the scholarship at least thirty (30) days before the
150 date of the first scholarship payment;

151 (* * *d) Any student participating in the Mississippi
152 Dyslexia Therapy Scholarship for Students with Dyslexia Program
153 must remain in attendance throughout the school year unless
154 excused by the school for illness or other good cause; and

155 (* * *e) Each parent or legal guardian and each
156 student has an obligation to the nonpublic * * * school to comply
157 with the nonpublic * * * school's published policies.

158 **SECTION 4.** Section 37-173-17, Mississippi Code of 1972, is
159 amended as follows:

160 37-173-17. (1) To be eligible to participate in the
161 Mississippi Dyslexia Therapy Scholarship for Students with
162 Dyslexia Program, a nonpublic school must:

163 (a) Be * * * accredited by a state, regional or
164 national accrediting organization.

165 (b) Provide to the department all documentation
166 required for a student's participation, including the nonpublic
167 school's and student's fee schedules, at least thirty (30) days
168 before the first quarterly scholarship payment is made for the
169 student.



170 (c) Be academically accountable to the parent or legal
171 guardian for meeting the educational needs of the student by, at a
172 minimum, annually providing to the parent or legal guardian a
173 written explanation of the student's progress.

174 (d) Maintain in this state a physical location where a
175 scholarship student regularly attends classes unless that school
176 is approved for the Educable Child Program; or unless the parent
177 verifies in writing that their child cannot reasonably obtain
178 appropriate services in Mississippi at a location within thirty
179 (30) miles of their legal residence.

180 (2) The inability of a nonpublic school to meet the
181 requirements of this subsection shall constitute a basis for the
182 ineligibility of the nonpublic school to participate in the
183 scholarship program as determined by the department.

184 **SECTION 5.** Section 37-173-21, Mississippi Code of 1972, is
185 amended as follows:

186 37-173-21. * * * The qualified personnel to facilitate the
187 educational process of learning and instruction for children with
188 dyslexia who attend the schools shall consist of the following:

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

191 (b) A dyslexia therapist licensed by the department in
192 dyslexia therapy;



193 (c) Dyslexia therapists in training participating in a
194 department approved dyslexia therapy graduate internship program;
195 and

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

198 **SECTION 6.** Section 37-173-25, Mississippi Code of 1972, is
199 amended as follows:

200 37-173-25. (1) Each school providing instruction to
201 children with dyslexia shall certify to the State Department of
202 Education its student enrollment in the same manner as local
203 school districts.

204 (2) * * * Results of dyslexia screening and evaluation shall
205 be placed in the student's cumulative file.

206 (3) * * * After receiving the diagnosis, subject to the
207 availability of state or local funds appropriated specifically
208 therefor or available federal funding, the school district shall
209 provide age-appropriate and condition-appropriate dyslexia therapy
210 from a certified dyslexia therapist or graduate of an
211 International Multisensory Structured Language Education Council
212 (IMSLEC) accredited program who is qualified at the therapy level,
213 or a Certified Academic Language Therapist (CALT), on a
214 first-come, first-served basis. Dyslexia therapy services may be
215 provided to the student in a school district which is adjacent to
216 the district in which the student is enrolled with the home school
217 district reimbursing the school district providing the services.



218 The student will receive a therapy plan for providing dyslexia
219 therapy, and the school district(s) shall designate a certified
220 dyslexia therapist or graduate of an International Multisensory
221 Structured Language Education Council (IMSLEC) accredited program
222 who is qualified at the therapy level, or a Certified Academic
223 Language Therapist (CALT), to provide therapy according to an
224 individual student's diagnosis.

225 (* * *4) The department shall direct the proportionate
226 share of monies generated under federal and state categorical aid
227 programs to the participating school for serving students eligible
228 for the aid. The state shall ensure that each school is treated
229 equitably in the calculation and disbursement of all federal and
230 state categorical aid program dollars. Each school participating
231 in the scholarship program shall comply with all reporting
232 requirements to receive the aid.

233 (* * *5) (a) Each school shall adhere to generally
234 accepted accounting principles as promulgated by nationally
235 recognized professional organizations.

236 (b) Each school shall have its financial records
237 audited annually, at the end of each fiscal year, by the State
238 Auditor * * * or private accounting firm.

239 (* * *6) Nothing in this chapter shall be construed to
240 prohibit any person or organization from providing funding or
241 other assistance to the establishment or operation of any school
242 authorized under this chapter, except religious or sectarian



243 organizations. The State Board of Education, acting on behalf of
244 the participating schools, is authorized to accept gifts,
245 donations, and grants of any kind made to a participating school
246 and to expend or use such gifts, donations, and grants in
247 accordance with the conditions prescribed by the donor; however,
248 no gift, donation, or grant may be accepted if subject to a
249 condition that is contrary to any provision of state law or board
250 rule.

251 **SECTION 7.** This act shall take effect and be in force from
252 and after July 1, 2018.

