

By: Senator(s) Blackwell, Caughman

To: Education;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2019

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, MISSISSIPPI CODE OF
6 1972, TO DIRECT PUBLIC SCHOOL DISTRICTS TO PROVIDE AGE-APPROPRIATE
7 AND 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



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

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

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

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

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

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

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

These components shall be taught using instructional 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.



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

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

(3) * * * After receiving the diagnosis, subject to the availability of state or local funds appropriated specifically therefor or available federal funding, the school district shall provide age-appropriate and condition-appropriate dyslexia therapy from a certified dyslexia therapist or graduate of an International Multisensory Structured Language Education Council (IMSLEC) accredited program who is qualified at the therapy level, or a Certified Academic Language Therapist (CALT), on a first-come, first-served basis. Dyslexia therapy services may be provided to the student in a school district which is adjacent to the district in which the student is enrolled with the home school 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, 2020.

