

By: Representative Hood

To: Education;
Appropriations

HOUSE BILL NO. 411

1 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ENSURE THAT
2 DIAGNOSTIC SCREENERS ARE AVAILABLE TO TEST ALL
3 COMPULSORY-SCHOOL-AGE CHILDREN ENROLLED IN EACH PUBLIC SCHOOL
4 DISTRICT FOR IRLÉN SYNDROME; TO PROVIDE THAT UPON A STUDENT'S
5 DIAGNOSIS OF IRLÉN SYNDROME, SCHOOL DISTRICTS AND EDUCATORS
6 PROVIDE REASONABLE ACCOMMODATIONS IN COMPLIANCE WITH THE
7 PROVISIONS OF THE FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990;
8 TO REQUIRE TEACHERS WHO RECOGNIZE SYMPTOMS OF IRLÉN SYNDROME IN A
9 STUDENT TO RECOMMEND TO THE PARENTS OR GUARDIAN THAT THE STUDENT
10 BE TESTED FOR IRLÉN SYNDROME; TO REQUIRE THE SCREENING TEST TO BE
11 CONDUCTED BY A SCREENER APPROVED BY THE STATE DEPARTMENT OF
12 EDUCATION UPON RECEIPT OF WRITTEN CONSENT FROM THE PARENT OR
13 GUARDIAN OF A STUDENT; TO REQUIRE THE DEPARTMENT TO PROMULGATE
14 RULES AND REGULATIONS ESTABLISHING CRITERIA, STANDARDS AND
15 POLICIES GOVERNING SCREENERS AND SCREENING PROCEDURES; TO PROVIDE
16 THAT UPON A DETERMINATION THAT A STUDENT HAS OR MAY HAVE IRLÉN
17 SYNDROME, THE SCREENER MUST ADVISE THE PARENT OR GUARDIAN AND
18 INDICATE WHAT CORRECTIVE MEASURES MAY BE UNDERTAKEN AND IF
19 ADDITIONAL TESTING IS REQUIRED; TO REQUIRE TEACHERS TO USE
20 ACCESSIBLE TEACHING MATERIALS WHEN INSTRUCTING STUDENTS DIAGNOSED
21 WITH IRLÉN SYNDROME; TO BRING FORWARD SECTIONS 37-7-342 AND
22 37-23-13, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
23 AMENDMENTS; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** (1) As used in this act, the following terms
26 shall have the meanings ascribed in this section, unless the
27 context of use clearly indicates otherwise:



(a) "Irlen Syndrome" includes scotopic sensitivity syndrome and visual disturbance syndrome, which is a condition that causes a variety of distortions on the written page, including:

- (i) Sensitivity to fluorescent lighting and bright white paper;
- (ii) Inability to track lines and words on a page;
- (iii) Inability to concentrate when reading printed text, or working on a computer;
- (iv) Perceiving words, numbers and lines to blur, move, become three-dimensional (3-D), and/or fade on the page;
- (v) Perceiving white spaces between words as being dominant;
- (vi) Perceiving flashes of light and/or colors on the page;
- (vii) Difficulty judging distance and spatial relationships; and
- (viii) Difficulty reading information from tables, charts, graphs and music sheets.

(b) "Board" means the State Board of Education.

(c) "Department" means the State Department of Education.

(d) "Screeener" means an Irlen Syndrome screener who has completed training in a department approved training program attaining the proper license, certification or credentials, and



53 who meets the requirements established in the regulations
54 prescribed by the State Department of Education.

55 (2) Any other term or expression used in this act that is
56 not defined in this section has the same meaning as may be
57 assigned to it in Chapter 23, Title 37, Mississippi Code of 1972,
58 which provides statutory regulation of matters pertaining to
59 exceptional children.

60 (3) The State Board of Education must ensure that diagnostic
61 screeners are available to test all compulsory-school-age children
62 enrolled in each public school district for Irlen Syndrome, and
63 ensure, upon a student's diagnosis of Irlen Syndrome, that
64 reasonable accommodations are made in compliance with Section
65 37-7-342 and the provisions of the Federal Americans with
66 Disabilities Act of 1990 (42 USCS Sections 12101-12213 (West Supp.
67 1991)) as required under Section 37-23-13.

68 **SECTION 2.** (1) Each school district shall provide
69 reasonable accommodations to students who have received a
70 diagnosis of Irlen Syndrome in order to maximize the students'
71 educational potential and success.

72 (2) A teacher who recognizes symptoms of Irlen Syndrome in a
73 student must recommend to the parents or guardian of the student
74 that he or she be tested for Irlen Syndrome. Upon receiving
75 written consent from the parent or guardian of a student, that
76 student must be tested by a screener who is approved by the State
77 Department of Education.



78 (3) The department shall promulgate rules and regulations
79 establishing criteria, standards and policies governing screeners
80 and screening procedures.

81 (4) If a screener determines that the student may have Irlen
82 Syndrome, the screener must advise the parent or guardian and
83 indicate what corrective measures may be undertaken and if
84 additional testing is required, including the use of assistive
85 aids such as colored transparent overlays or the wearing of
86 glasses or spectacles with tinted lenses obtained through a
87 recognized Irlen assessor or optometrist.

88 (5) Teachers shall ensure that students having a diagnosis
89 of Irlen Syndrome are provided written material presented in an
90 accessible format. Such accessible teaching materials shall:

91 (a) Use at least a size eleven (11) font type face, or
92 larger;

93 (b) Use a clear, sans serif font, such as Arial,
94 without the use of mixed fonts;

95 (c) Ensure that sections are well spaced;

96 (d) Use double line spacing, if necessary;

97 (e) Highlight in bold, rather than italicizing or
98 underlining;

99 (f) Ensure that sentences and paragraphs are not too
100 lengthy;

101 (g) Keep lines left justified, with ragged right edge;



(h) Use bullets and numbered points, which are easier to read than continuous prose;

(i) Use wide margins and headings;

(j) Refrain from beginning sentences at the end of a line;

(k) Refrain from issuing photocopies that are faded or disfigured;

(l) Simplify text;

(m) Use flow charts, diagrams and pictograms to illustrate points, but ensure that the page is not overly cluttered;

(n) Ensure that lines and columns are well spaced;

(o) Avoid using bright white paper, and incorporate the use of off white, ecru or creak paper when using overlays; and

(p) Avoid using background graphics on overhead projectors or PowerPoint presentations.

SECTION 3. Section 37-7-342, Mississippi Code of 1972, is brought forward as follows:

37-7-342. (1) The Legislature recognizes the necessity of school districts to provide reasonable accommodations to students and licensed employees of a school district who are diagnosed with debilitating illnesses or disabilities, including, but not limited to, diabetes and epilepsy.

(2) The school board of any school district shall authorize the use, in all district facilities and property, of service or



127 assistance dogs which have been specifically trained to alert
128 people of symptoms or conditions resulting from a debilitating
129 illness or disability that threaten their health.

130 (3) In providing accommodations for students, the parent of
131 a child with such illness or disability, the teacher or teachers
132 of the student and the appropriate school administrator shall meet
133 and develop a written 504 Plan consistent with the provisions of
134 Chapter 23, Title 37, Mississippi Code of 1972, that would permit
135 the use of service dogs in the school facility. Also, in
136 providing accommodations for students, the teacher or teachers of
137 the student and the appropriate school administrator shall develop
138 a plan designed to educate other students of the appropriate
139 behavior in the presence of such dogs, as well as the proper
140 handling of such dogs in the presence of those students who may
141 have an allergic reaction to the dog and the reasonable care to be
142 taken in efforts to prevent contact by students who are allergic
143 with such dogs.

144 **SECTION 4.** Section 37-23-13, Mississippi Code of 1972, is
145 brought forward as follows:

146 37-23-13. (1) The school board of any school district is
147 hereby authorized to comply with the provisions of the Federal
148 Americans with Disabilities Act of 1990 (42 USCS Sections
149 12101-12213 (West Supp. 1991)) by making reasonable accommodations
150 to the known physical or mental limitations of an otherwise
151 qualified individual with a disability who is an applicant or



employee, unless the school board can demonstrate that the accommodation would impose an undue hardship on the operation of the school. The school board of any such school district determining that such accommodation is required and reasonable may, by resolution spread upon its minutes, apply to the State Department of Education for funds to defray the cost of providing qualified reader machines or persons, as determined by the school board to be in the best interest of the individual teacher, for visually-impaired classroom teachers in compliance with said federal law.

(2) The State Department of Education, within the availability of funds appropriated for such purpose, may expend funds for the purpose of defraying the expenses of school districts in providing qualified reader machines or persons, as determined by the school board to be in the best interest of the individual teacher, for visually-impaired classroom teachers under the said Americans with Disabilities Act of 1990, with the approval of the State Board of Education. The department shall, by regulation, prescribe a method and necessary forms for the purpose of school districts' applications for funds as authorized herein.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

