

By: Representative Hood

To: Education

HOUSE BILL NO. 900

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 IRLLEN SYNDROME; TO PROVIDE THAT UPON A STUDENT'S
5 DIAGNOSIS OF IRLLEN 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 IRLLEN SYNDROME IN A
9 STUDENT TO RECOMMEND TO THE PARENTS OR GUARDIAN THAT THE STUDENT
10 BE TESTED FOR IRLLEN 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 IRLLEN
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 IRLLEN 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:



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

32 (i) Sensitivity to fluorescent lighting and bright
33 white paper;

34 (ii) Inability to track lines and words on a page;

35 (iii) Inability to concentrate when reading
36 printed text, or working on a computer;

37 (iv) Perceiving words, numbers and lines to blur,
38 move, become three-dimensional (3-D), and/or fade on the page;

39 (v) Perceiving white spaces between words as being
40 dominant;

41 (vi) Perceiving flashes of light and/or colors on
42 the page;

43 (vii) Difficulty judging distance and spatial
44 relationships; and

45 (viii) Difficulty reading information from tables,
46 charts, graphs and music sheets.

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

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

50 (d) "Screeener" means an Irlen Syndrome screeener who has
51 completed training in a department approved training program
52 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;



- 102 (h) Use bullets and numbered points, which are easier
103 to read than continuous prose;
- 104 (i) Use wide margins and headings;
- 105 (j) Refrain from beginning sentences at the end of a
106 line;
- 107 (k) Refrain from issuing photocopies that are faded or
108 disfigured;
- 109 (l) Simplify text;
- 110 (m) Use flow charts, diagrams and pictograms to
111 illustrate points, but ensure that the page is not overly
112 cluttered;
- 113 (n) Ensure that lines and columns are well spaced;
- 114 (o) Avoid using bright white paper, and incorporate the
115 use of off white, ecru or creak paper when using overlays; and
- 116 (p) Avoid using background graphics on overhead
117 projectors or PowerPoint presentations.

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

120 37-7-342. (1) The Legislature recognizes the necessity of
121 school districts to provide reasonable accommodations to students
122 and licensed employees of a school district who are diagnosed with
123 debilitating illnesses or disabilities, including, but not limited
124 to, diabetes and epilepsy.

125 (2) The school board of any school district shall authorize
126 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



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

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

173 **SECTION 5.** This act shall take effect and be in force from
174 and after July 1, 2022.

