

By: Senator(s) England

To: Education;
Appropriations

SENATE BILL NO. 2702

1 AN ACT TO AMEND SECTION 37-181-3, MISSISSIPPI CODE OF 1972,
2 WHICH IS THE DEFINITIONS SECTION OF THE "EQUAL OPPORTUNITY FOR
3 STUDENTS WITH SPECIAL NEEDS ACT," TO REVISE THE DEFINITIONS FOR
4 "ELIGIBLE STUDENT" AND "ELIGIBLE SCHOOL" TO REFLECT THE INCLUSION
5 OF STUDENTS DIAGNOSED WITH DYSLEXIA WHO DO NOT RECEIVE THE
6 ASSISTANCE OF A MISSISSIPPI DYSLEXIA THERAPY SCHOLARSHIP FOR
7 STUDENTS WITH DYSLEXIA PROGRAM; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 37-181-3, Mississippi Code of 1972, is
10 amended as follows:

11 37-181-3. The terms used in this chapter shall have the
12 meanings ascribed herein, unless the context clearly indicates
13 otherwise:

14 (a) "ESA program" means the Education Scholarship
15 Account (ESA) program created in this chapter.

16 (b) "Eligible student" means any student who has had an
17 active Individualized Education Program (IEP) within the past
18 three (3) years and has maintained eligibility or who has been
19 properly screened and has received a diagnosis of dyslexia and is



20 not a recipient of a scholarship under the Mississippi Dyslexia
21 Therapy Scholarship for Students with Dyslexia Program.

22 (c) "Participating student" means any student who meets
23 the qualifications of an eligible student as defined in paragraph
24 (b) of this section and is participating in an ESA program at an
25 eligible school.

26 (d) "Parent" means a resident of this state who is a
27 parent, legal guardian, custodian or other person with the
28 authority to act on behalf of the eligible student.

29 (e) "Department" means the State Department of
30 Education.

31 (f) "Home school district" means the public school
32 district in which the student resides.

33 (g) "Eligible school" means a state-accredited special
34 purpose school, a state-accredited nonpublic school, or a
35 nonpublic school located in the state that has enrolled a
36 participating student and is providing services for the
37 participating student's disability or special education needs, or
38 is providing services addressing a participating student's IEP.
39 For purposes of eligible students with a dyslexia diagnosis, an
40 eligible school includes those defined in Section 37-173-1(g). An
41 eligible school does not include a home instruction program under
42 Section 37-13-91, Mississippi Code of 1972.

43 (h) "Tutor" means a person who is certified or licensed
44 by a state, regional, or national certification, licensing, or



45 accreditation organization or who has earned a valid teacher's
46 license or who has experience teaching at an eligible
47 postsecondary institution.

48 (i) "Postsecondary institution" means a community
49 college, college, or university accredited by a state, regional or
50 national accrediting organization.

51 (j) "Educational service provider" means an eligible
52 school, tutor, or other person or organization that provides
53 education-related services and products to participating students.

54 (k) "Awarded ESA school year" means the duration of the
55 school year in which ESA program funds are deposited in a
56 student's ESA.

57 (l) Nothing in this section shall negate federal law
58 requiring public school districts to identify and provide services
59 to students with disabilities who live within the public school
60 district, including those enrolled in nonpublic schools or home
61 instruction programs.

62 (m) An eligible school shall provide notice to a
63 participating student's home school district when the eligible
64 student enrolls in the eligible school with an ESA. Furthermore,
65 a public school district providing special education services to a
66 participating student enrolled in an eligible school shall be
67 reimbursed by the eligible school, or parent or guardian who
68 submitted the ESA application, fair market value for any special
69 education services rendered to the eligible student in an amount



70 not to exceed the amount of ESA funds reimbursed to the eligible
71 student during the awarded ESA school year.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2022.

