

By: Representative Scott

To: Education

HOUSE BILL NO. 1329

1 AN ACT TO CREATE THE "VOLUNTEER AND PARENTS INCENTIVE
 2 PROGRAM"; TO DEFINE CERTAIN TERMS; TO AUTHORIZE THE STATE
 3 DEPARTMENT OF EDUCATION TO PROMULGATE RULES AND REGULATIONS TO
 4 CARRY OUT THE PROVISIONS OF THIS ACT; TO REQUIRE THE DEPARTMENT TO
 5 DEVELOP AND PUBLISH A PUBLICATION ENTITLED "THE PARENTS' BILL OF
 6 RIGHTS" TO INFORM PARENTS OF CHILDREN HAVING AN INDIVIDUALIZED
 7 EDUCATION PROGRAM (IEP) OF CERTAIN EDUCATIONAL PROGRAMS; AND FOR
 8 RELATED PURPOSES.

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

10 **SECTION 1.** (1) This act shall be known and may be cited as
 11 the "Volunteer and Parents Incentive Program." The State
 12 Department of Education shall implement and administer the
 13 provisions of this act.

14 (2) For purposes of this section, the following words and
 15 phrases have the meanings ascribed in this subsection unless the
 16 context clearly requires otherwise:

17 (a) "At risk student" means:

18 (i) A student who is still of school age but whose
 19 continued education is in jeopardy because the student is
 20 experiencing academic deficits, including, but not limited to:



21 1. Being one or more years behind their age
22 or grade level in mathematics or reading skills through eighth
23 grade or three (3) or more credits behind in the number of credits
24 toward graduation from ninth through twelfth grade;

25 2. Having low scores on tests of academic
26 achievement and scholastic aptitude;

27 3. Having low grades and academic
28 deficiencies;

29 4. Having a history of failure and being held
30 back in school;

31 5. Having language problems or being from a
32 non-English speaking home; or

33 6. Not having access to appropriate
34 educational programs.

35 (ii) A student may also be considered "at risk" if
36 the student has any of the following:

37 1. A parent or sibling who dropped out of
38 school;

39 2. Experienced numerous family relocations;

40 3. Poor social adjustment or deviant social
41 behavior;

42 4. Employment of more than twenty (20) hours
43 per week while school is in session;

44 5. Been the victim of racial or ethnic
45 prejudice;



- 46 6. Low self-esteem and expectations of
47 teachers, parents and the community;
48 7. A poorly educated mother or father;
49 8. Children of his or her own;
50 9. A deprived environment that slows economic
51 and social development;
52 10. A fatherless home; or
53 11. Been the victim of personal or family
54 abuse, including substance abuse, emotional abuse and sexual
55 abuse.

56 (b) "Department" means the State Department of
57 Education.

58 (c) "Institution of higher education" means a four-year
59 college or university located in the State of Mississippi.

60 (d) "Program" means the Volunteer and Parents Incentive
61 Program.

62 (e) "Qualifying public school" means a school located
63 in Mississippi that:

64 (i) Is located in a school district that has been
65 classified by the State Board of Education as unaccredited or
66 provisionally accredited;

67 (ii) Is located in a school district that has
68 low-cost housing, high unemployment and high food stamp use; or

69 (iii) Has a student population of more than fifty
70 percent (50%) at-risk students.



71 (3) The State Department of Education shall promulgate rules
72 and regulations to implement this section. Any rule or portion of
73 a rule that is created under the authority delegated in this
74 section may become effective only if it complies with the
75 Mississippi Administrative Procedures Law.

76 **SECTION 2.** (1) By January 1, 2024, the State Department of
77 Education shall develop and produce a publication entitled "The
78 Parents' Bill of Rights" that shall be designed to inform parents
79 of children with an individualized education program (IEP) of
80 their educational rights provided under federal and state law.
81 The content of the publication will not confer any right or rights
82 beyond those conferred by federal or state law and must state that
83 it is for informational purposes only. The department shall post
84 a copy of this publication on its website. The publication must
85 contain the department's contact information.

86 (2) The publication must contain, but need not be limited
87 to, the following general information presented in a clear and
88 concise manner, and the department shall ensure the content is
89 consistent with legal interpretations of existing federal and
90 state law and provides equitable treatment of all disability
91 groups and interests:

92 (a) The right of parents to attend IEP meetings and
93 represent their child's interests;

94 (b) The right of parents to have an advocate or expert
95 present at an IEP meeting;



96 (c) The right of parents to receive a copy of the
97 child's evaluation and to disagree with its results and request
98 one (1) independent educational evaluation at public expense;

99 (d) The right of parents to provide a written report
100 from outside sources as part of the evaluation process;

101 (e) The right of parents to examine all school records
102 pertaining to the child and be provided with a copy of the IEP;

103 (f) The right of parents to disagree with the decision
104 of the school district and the IEP team and to pursue complaint
105 procedures, including a child complaint filed with the State
106 Department of Education, state-paid mediation and other due
107 process rights;

108 (g) The right of parents with a child with an IEP to
109 participate in reviews of the program, participate in any decision
110 to change any aspects of the IEP and meet with school officials
111 whenever a change occurs in their child's education program or
112 classroom placement;

113 (h) The right of a child to be placed in the least
114 restrictive environment and be placed in a general education
115 classroom, to the greatest extent appropriate;

116 (i) The right of parents with limited English language
117 proficiency to request an accommodation to provide effective
118 communications;

119 (j) The right of parents to have a free appropriate
120 public education for their child with an IEP designed to meet



121 their child's unique needs, which may include, but need not be
122 limited to, special education and related services such as
123 assistive technology devices and services; transportation; speech
124 pathology services; audiology services; interpreting services;
125 psychological services, including behavioral interventions;
126 physical therapy; occupational therapy; recreation, including
127 therapeutic recreation; early identification and assessment of
128 disabilities in children; counseling services, including
129 rehabilitation counseling; orientation and mobility services;
130 school health services; school nurse services; social work
131 services; parent counseling and training; and medical services for
132 diagnostic or evaluation purposes.

133 (3) Each school district shall provide the parent or parents
134 of a child with a copy of this publication upon determining that a
135 student qualifies for an IEP and at any time a school district is
136 required under state or federal law to provide the parent or
137 parents with notice of procedural safeguards.

138 (4) The department shall review and revise the content of
139 the publication as necessary to ensure the content accurately
140 summarizes current federal and state law and shall promulgate
141 rules and regulations necessary to implement the provisions of
142 this section, including, but not limited to, the manner in which
143 the publication described in this section must be distributed.



144 (5) Any rule or portion of a rule that is created under the
145 authority delegated in this section may become effective only if
146 it complies with the Mississippi Administrative Procedures Act.

147 **SECTION 3.** This act shall take effect and be in force from
148 and after July 1, 2023.

