

By: Representative Byrd

To: Education;  
Appropriations A

## HOUSE BILL NO. 1161

1       AN ACT TO ESTABLISH THE MISSISSIPPI AUTISM SCHOLARSHIP  
2 PROGRAM FOR STUDENTS DIAGNOSED WITH AUTISM SPECTRUM DISORDER; TO  
3 DEFINE CERTAIN TERMS USED IN THIS ACT; TO PROVIDE FOR STUDENT  
4 ELIGIBILITY REQUIREMENTS FOR RECEIPT OF A SCHOLARSHIP AND  
5 RESTRICTING ELIGIBILITY THEREFOR; TO PROVIDE FOR THE TERM OF THE  
6 SCHOLARSHIP; TO STIPULATE THE OBLIGATIONS OF PARENTS OR LEGAL  
7 GUARDIANS, STUDENTS AND SCHOOLS AND SCHOOL DISTRICTS; TO PRESCRIBE  
8 THE DUTIES OF THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF  
9 EDUCATION REGARDING THE ADMINISTRATION OF THE SCHOLARSHIP PROGRAM;  
10 TO PROVIDE THE DEPARTMENT OF EDUCATION WITH THE AUTHORITY TO  
11 VERIFY THE ELIGIBILITY OF NONPUBLIC SCHOOLS AND TO ESTABLISH THE  
12 PROCESS FOR NOTIFICATIONS OF VIOLATIONS; TO AUTHORIZE THE STATE  
13 BOARD OF EDUCATION TO DENY, SUSPEND OR REVOKE A SCHOOL'S  
14 PARTICIPATION IN THE SCHOLARSHIP PROGRAM AND THE PROCEDURES TAKEN  
15 WITH RESPECT THEREFOR; TO REQUIRE THAT ALL COMPULSORY-SCHOOL-AGE  
16 CHILDREN BE SCREENED FOR AUTISM SPECTRUM DISORDER DURING THE  
17 PERIOD BETWEEN THE SPRING OF KINDERGARTEN AND THE FALL OF GRADE 1  
18 AND OTHER APPROPRIATE TIMES AS DEEMED NECESSARY IN THE PUBLIC  
19 SCHOOLS OF THIS STATE; TO ESTABLISH THE PROCEDURES TO BE FOLLOWED  
20 IN SCREENING AND EVALUATION OF STUDENTS FOR AUTISM SPECTRUM  
21 DISORDER AND RELATED DISORDERS AND PRESCRIBING WHO SHALL  
22 ADMINISTER THE SCREENING AND EVALUATION; TO REQUIRE THAT SCHOOL  
23 DIAGNOSTICIANS RECEIVE ADDITIONAL TRAINING IN THE EVALUATION AND  
24 DIAGNOSIS OF AUTISM SPECTRUM DISORDER; TO REQUIRE THE DEPARTMENT  
25 OF EDUCATION TO SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE  
26 SUMMARIZING STUDENT PERFORMANCE, STUDENT ASSESSMENTS, FUNDING AND  
27 ANY RECOMMENDED CHANGES; TO PRESCRIBE APPROPRIATE QUALIFICATIONS  
28 FOR ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL; TO REQUIRE THE  
29 STATE DEPARTMENT OF EDUCATION TO SERVE AS THE LOCAL EDUCATIONAL  
30 AGENCY FOR THOSE SCHOOLS; TO REQUIRE THE STATE TO PAY DIRECTLY TO  
31 THE SCHOOL ANY FEDERAL OR STATE AID ATTRIBUTABLE TO A STUDENT WITH  
32 A DISABILITY ATTENDING THE SCHOOL; TO REQUIRE THE SCHOOL TO COMPLY  
33 WITH THE ANNUAL AUDIT AND BUDGET SUBMISSION REQUIREMENTS

34 PRESCRIBED BY LAW IN TITLE 37, MISSISSIPPI CODE OF 1972; AND FOR  
35 RELATED PURPOSES.

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

37 **SECTION 1.** This act shall be known and may be cited as the  
38 "Mississippi Autism Scholarship Program Act."

39 **SECTION 2.** The purpose of this program is to provide  
40 scholarship assistance to eligible children with an autism  
41 spectrum disorder diagnosis to facilitate access to appropriate  
42 specialized educational environment, resources, therapies and  
43 support services that enhance educational opportunities and  
44 outcomes. The program recognizes the unique needs of children  
45 with autism and aims to provide financial assistance for services  
46 that traditional school systems may not be able to fully support.

47 **SECTION 3.** As used in this act the following terms shall  
48 have the meaning ascribed herein, unless context of use clearly  
49 requires otherwise:

50 (a) "Autism spectrum disorder (ASD)" means a  
51 developmental disability significantly affecting verbal and  
52 nonverbal communication, social interaction and exhibiting  
53 repetitive behaviors recognized as meeting the DSM-5 autism  
54 diagnostic criteria for as diagnosed by a licensed physician,  
55 psychologist or other qualified professional.

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

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



59 (d) "DSM-5 autism diagnostic criteria" means signs and  
60 characteristics of autism used by the Diagnostic and Statistical  
61 Manual of Mental Disorders to aid qualified professionals in  
62 diagnosing autism, which, at minimum, requires:

63 (i) Persistent deficits in social communication  
64 and social interaction across multiple contexts, as manifested by  
65 deficits in:

66 1. Social-emotional reciprocity;  
67 2. Nonverbal communicative behaviors used for  
68 social interaction; and  
69 3. Developing, maintaining and understanding  
70 relationships;

74 1. Stereotyped or repetitive motor movements,  
75 use of objects or speech (e.g., simple motor stereotypes, lining  
76 up toys or flipping objects, echolalia, idiosyncratic phrases);



84 preoccupation with unusual objects, excessively circumscribed or  
85 perseverative interest); or

86 4. Hyper- or hyporeactivity to sensory input  
87 or unusual interests in sensory aspects of the environment (e.g.,  
88 apparent indifference to pain/temperature, adverse response to  
89 specific sounds or textures, excessive smelling or touching of  
90 objects, visual fascination with lights or movement);

91 (iii) Symptoms must be present in the early  
92 developmental period, but may not become fully manifest until  
93 social demands exceed limited capacities or may be masked by  
94 learned strategies in later life;

95 (iv) Symptoms cause clinically significant  
96 impairment in social, occupational, or other important areas of  
97 current functioning; and

98 (v) The disturbances are not better explained by  
99 intellectual disability (intellectual developmental disorder) or  
100 global developmental delay.

101 (e) "Eligible Student" means any student who:

102 (i) Has been diagnosed with an autism spectrum  
103 disorder by a licensed physician, psychologist or other qualified  
104 professional using DSM-5 autism diagnostic criteria;

105 (ii) Is between the ages of three (3) and  
106 twenty-one (21) years;

107 (iii) Maintains an active IEP documenting ASD as a  
108 primary eligibility;

109 (iv) Has not graduated from high school or  
110 exceeded the age of eligibility for elementary and secondary  
111 education;

112 (v) Is a resident of Mississippi; and  
113 (vi) Is enrolled in or eligible to enroll in a  
114 Mississippi public school.

115 (f) "Provider" means a school, organization, or  
116 individual that meets criteria established by the State Department  
117 of Education to deliver educational, therapeutic or supportive  
118 services to students diagnosed with autism spectrum disorders.  
119 Providers may include public and private schools, therapy centers,  
120 medical facilities and Board-Certified Behavior Analysts (BCBAs),  
121 psychologists and speech-language pathologists.

122 (g) "Scholarship" means a scholarship to provide  
123 financial assistance for the option to attend a public school  
124 other than the one to which assigned, or to provide a scholarship  
125 to a nonpublic school of choice, to offset tuition, fees, and/or  
126 therapeutic costs associated with the education of eligible  
127 students.

128 (h) "School" means any public or state accredited  
129 nonpublic special purpose school that provides a specific learning  
130 environment that provides comprehensive therapy instruction  
131 delivered by qualified therapists licensed by the department  
132 providing highly qualified education and intervention services to  
133 children diagnosed with autism spectrum disorders.

134           **SECTION 4.** (1) Parents or legal guardians may exercise the  
135 option to remove their child from a traditional public school  
136 setting to be enrolled in a public or nonpublic school which meets  
137 the standards for appropriate specific instruction designed to  
138 meet the unique learning needs of young autistic students. The  
139 objectives of such school shall be:

140                   (a) To emphasize the importance of early intervention;  
141                   (b) To provide intensive high-quality instruction of  
142 students in all academic subject matters based on the curriculum  
143 requirements of the State Department of Education;  
144                   (c) To prioritize individualized learning plans,  
145 structured environments, visual supports, clear and concise  
146 communication, consistent routines, and the use of positive  
147 reinforcement strategies, which take each student's unique  
148 strengths and challenges into account while addressing potential  
149 sensory sensitivities and social skill development needs through  
150 the use of evidence-based applied behavior analysis strategies;  
151 and

152                   (d) To collaborate with therapist, behavior analysts,  
153 and other professionals to develop a comprehensive support plan  
154 for students.

155           (2) The parent or legal guardian of a public school student  
156 with autism spectrum disorder may request and receive from the  
157 state a Mississippi Autism Scholarship for the child to enroll in  
158 and attend a nonpublic school in accordance with this section if:



159 (a) The student has spent the previous school year in  
160 attendance at a Mississippi public school or any other state  
161 approved nonpublic school in the state that emphasizes instruction  
162 in autism spectrum disorder intervention; or

163 (b) The parent or legal guardian has obtained  
164 acceptance for admission of the student to a nonpublic school that  
165 is eligible for the program under Section 13 of this act and has  
166 requested from the department a scholarship within thirty (30)  
167 days before the date of the first scholarship payment. The  
168 request must be through a communication directly to the department  
169 in a manner that creates a written or electronic record of the  
170 request and the date of receipt of the request. The Department of  
171 Education must notify the district of the parent's or legal  
172 guardian's intent upon receipt of the parent's or legal guardian's  
173 request.

174        **SECTION 5.**    (1) A student is not eligible for a Mississippi  
175        Autism Scholarship while he or she is:

176 (a) Enrolled in a school operating for the purpose of  
177 providing educational services to youth in Department of Juvenile  
178 Justice commitment programs;

179 (b) Participating in a homeschool education program;

180 (c) Participating in a virtual school, correspondence  
181 school, or distance learning program that receives state funding  
182 under the student's participation unless the participation is  
183 limited to no more than two (2) courses per school year;

(d) Not having regular and direct contact with his or her private school teachers at the school's physical location.

(2) (a) For purposes of continuity of educational choice, a Mississippi Autism Scholarship shall remain in force until the student returns to a public school or completes Grade 12, whichever occurs first.

(b) Upon reasonable notice to the department and the school district, the student's parent or legal guardian may remove the student from the nonpublic school and place the student in a public school in accordance with this section.

**SECTION 6.** (1) (a) The parent or legal guardian is not required to accept the offer of enrolling in another public school in lieu of requesting a Mississippi Autism Scholarship to a nonpublic school. However, if the parent or legal guardian chooses the public school option, the student may continue attending a public school chosen by the parent or legal guardian until the student completes Grade 12.

(b) If the parent or legal guardian chooses a public school within the district, the school district shall provide transportation to the public school selected by the parent or legal guardian. However, if the parent or legal guardian chooses a public school in another district, the parent or legal guardian is responsible to provide transportation to the school of choice.

These provisions do not prohibit a parent or legal guardian of a student diagnosed with autism spectrum disorder, at any time,



209 from choosing the option of a Mississippi Autism Scholarship which  
210 would allow the student to attend another public school or  
211 nonpublic special purpose school.

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

220 (3) The parent or legal guardian of a student may choose, as  
221 an alternative, to enroll the student in and transport the student  
222 to a public school in an adjacent school district which has  
223 available space and has a program with autism spectrum disorder  
224 services that provide daily autism sessions delivered by a  
225 department licensed autism spectrum disorder therapist, and that  
226 school district shall accept the student and report the student  
227 for purposes of the district's funding under the total funding  
228 formula provided in Sections 37-151-200 through 37-151-215.

229 **SECTION 7.** A parent or legal guardian who applies for a  
230 Mississippi Autism Scholarship is exercising his or her parental  
231 option to place his or her child in a nonpublic school. Each  
232 participating parent or legal guardian and student shall adhere to  
233 the following:

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

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

(c) Any student participating in the Mississippi Autism Scholarship for Students with Autism Spectrum Disorder Program must remain in attendance throughout the school year unless excused by the school for illness or other good cause; and

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

**SECTION 8.** (1) The maximum scholarship granted per eligible student with autism spectrum disorder shall be an amount equivalent to the student base amount under the total funding formula provided in Sections 37-151-200 through 37-151-215.

(2) (a) The nonpublic school under this program shall report to the State Department of Education the number of students with autism spectrum disorder who are enrolled in nonpublic schools on the Mississippi Autism Scholarship as of September 30 of each year in order to determine funding for the subsequent year. Funds may not be transferred from any funding provided to the Mississippi School for the Deaf and the Blind for program participants who are eligible under Section 4 of this act.



258 (b) The State Department of Education will disburse  
259 payments to nonpublic schools under this program in twelve (12)  
260 substantially equal installments. The initial payment shall be  
261 made after department verification of admission acceptance, and  
262 subsequent payments shall be made upon verification of continued  
263 enrollment and attendance at the nonpublic school.

264 (3) Each school providing instruction to children with  
265 autism spectrum disorder shall certify to the State Department of  
266 Education its student enrollment in the same manner as local  
267 school districts.

268 (4) The department shall direct the proportionate share of  
269 monies generated under federal and state categorical aid programs  
270 to the participating school for serving students eligible for the  
271 aid. The state shall ensure that each school is treated equitably  
272 in the calculation and disbursement of all federal and state  
273 categorical aid program dollars. Each school participating in the  
274 scholarship program shall comply with all reporting requirements  
275 to receive the aid.

276 (5) (a) Each school shall adhere to generally accepted  
277 accounting principles as promulgated by nationally recognized  
278 professional organizations.



283 (6) Nothing in this chapter shall be construed to prohibit  
284 any person or organization from providing funding or other  
285 assistance to the establishment or operation of any school  
286 authorized under this chapter, except religious or sectarian  
287 organizations. The State Board of Education, acting on behalf of  
288 the participating schools, is authorized to accept gifts,  
289 donations, and grants of any kind made to a participating school  
290 and to expend or use such gifts, donations and grants in  
291 accordance with the conditions prescribed by the donor; however,  
292 no gift, donation or grant may be accepted if subject to a  
293 condition that is contrary to any provision of state law or board  
294 rule.

295        **SECTION 9.**    (1)    (a)    Each local school district shall adopt  
296        a policy to ensure that students will be screened by a screener  
297        approved by the State Board of Education in the spring of  
298        kindergarten and the fall of Grade 1.   The component of the  
299        screening must include:

300 (i) Assessments of social communication skills,  
301 including, joint attention, eye contact, gestures, imitation,  
302 reciprocity, expressive language and respective language;  
303 (ii) Assessments of behavioral patterns,  
304 including, repetitive movements or actions, restricted interests,  
305 sensory sensitivities and rigidity;



306 (iii) Evaluative comparison of cognitive and  
307 developmental milestones, including, problem solving skills, play  
308 skills and developmental delays;

309 (iv) Emotional awareness and regulation,  
310 including, understanding of emotions, emotional self-regulation  
311 and empathy;

312 (v) Awareness of social contexts, including,  
313 perspective-taking and appropriate social behavior;

314 (vi) Fine and gross motor skills;

315 (vii) Adaptive behaviors;

316 (viii) Awareness of social norms.

317 (b) If a student fails the screener, the parent or  
318 legal guardian will be notified of the results of the screener.  
319 Subsequent autism spectrum disorder evaluations may be  
320 administered by licensed professionals, including:  
321 (i) Pediatricians, licensed under Chapter 25,  
322 Title 73, Mississippi Code of 1972;  
323 (ii) Psychologists, licensed under Chapter 31,  
324 Title 73, Mississippi Code of 1972;  
325 (iii) Psychiatrists, licensed under Chapter 25,  
326 Title 73, Mississippi Code of 1972;  
327 (iii) Speech Language Pathologists, licensed under  
328 Chapter 38, Title 73, Mississippi Code of 1972;  
329 (iv) Occupational therapist, licensed under  
330 Chapter 24, Title 73, Mississippi Code of 1972;



331 (v) Neurologists and neuropsychologists, licensed  
332 under Chapter 25, Title 73, Mississippi Code of 1972; or  
333 (v) Any other healthcare providers with  
334 specialized training in autism diagnosis.

335 (c) If a student fails the screener, the school  
336 district, in its discretion, may perform a comprehensive autism  
337 spectrum disorder evaluation, such evaluation must be administered  
338 by any of the licensed professionals identified under paragraph  
339 (b) of this subsection.

340 (d) If a parent or legal guardian of a student who  
341 fails the autism spectrum disorder screener exercises the option  
342 to have a subsequent evaluation performed, such evaluation shall  
343 be administered by any of the licensed professionals identified  
344 under paragraph (b) of this subsection, and the resulting  
345 diagnosis of the subsequent evaluation must be accepted by the  
346 school district for purposes of determining eligibility for  
347 placement within a autism program within the current school or to  
348 receive a Mississippi Autism Scholarship for placement in a autism  
349 spectrum disorder program in another public school or nonpublic  
350 school.

351 (2) The screening of all compulsory-school-age children  
352 enrolled in each local public school district for autism spectrum  
353 disorder required by subsection (1)(a) of this section shall in no  
354 manner nullify or defeat the requirements of the pilot programs  
355 adopted by the State Department of Education to test certain



356 students enrolled or enrolling in public schools for autism  
357 spectrum disorder under Section 37-23-15.

358       **SECTION 10.** (1) Each local school district shall make an  
359 initial determination of whether a student diagnosed with autism  
360 spectrum disorder meets the eligibility criteria under the  
361 Individuals with Disabilities Education Act (IDEA) to have an  
362 Individualized Education Program developed and to receive  
363 services. If a student's diagnosis of autism spectrum disorder  
364 does not result in an IDEA eligibility determination then the  
365 district must proceed with their process for determining if the  
366 student is eligible for a 504 Plan under the Rehabilitation Act to  
367 ensure the student achieves appropriate educational progress.  
368 Each local school district shall develop interventions and  
369 strategies to address the needs of those students diagnosed with  
370 autism spectrum disorder which provide the necessary  
371 accommodations to enable the student to achieve appropriate  
372 educational progress. The interventions and strategies developed  
373 shall include, but not be limited to, the use of the 3-Tier  
374 Instructional Model and the utilization of provisions of the IDEA  
375 and 504 Plan to address those needs.

376       (2) The State Department of Education shall require public  
377 school districts to conduct four (4) hours of in-service training  
378 in autism spectrum disorder and related disorder awareness  
379 education every three (3) years for all licensed educators and  
380 paraprofessionals responsible for instruction. The standards for

381 evidenced-based practices established by the Council for  
382 Exceptional Children's Division on Autism and Developmental  
383 Disabilities and the guidelines on the developmental approaches to  
384 autism intervention provided by the Interdisciplinary Council on  
385 Development and Learning shall be the minimum content used for the  
386 autism spectrum disorder training. Additional content of the  
387 trainings shall also include the indicators and characteristics,  
388 screening processes, evidence-based interventions and  
389 accommodations for students with autism spectrum disorder and  
390 other related disorders. The training, which may be provided  
391 through live in-person instruction, online course instruction or  
392 through a prerecorded video presentation, shall be delivered by an  
393 individual who holds a standard educator license issued by the  
394 State Department of Education with an 221, 222 or 223 special  
395 education endorsement.

396 **SECTION 11. Program Requirements for Schools**

397 (1) To be eligible to participate in the Mississippi Autism  
398 Scholarship for Students with Autism Spectrum Disorder Program, a  
399 nonpublic school must:

400 (a) Be a state accredited special purpose school;  
401 (b) Provide to the department all documentation  
402 required for a student's participation, including the nonpublic  
403 school's and student's fee schedules, at least thirty (30) days  
404 before the first quarterly scholarship payment is made for the  
405 student.



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

410 (d) Maintain in this state a physical location where a  
411 scholarship student regularly attends classes.

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

416 Participating schools must:

417 (a) Be accredited by the state or a regional or  
418 national accrediting association;

419 (b) Provide instruction addressing social, behavioral,  
420 and academic needs of autistic students using evidence-based  
421 interventions;

422 (c) Employ staff meeting applicable licensure and  
423 certification requirements;

424 (d) Conduct criminal background checks on all personnel  
425 in accordance with Section 37-9-17(2) and (3); and

426 (e) Submit annual reports documenting student progress  
427 and compliance.

428        **SECTION 12.** (1) The State Board of Education in conjunction  
429 with each nonpublic school and local school board operating under  
430 the provisions of this chapter, may:



431 (a) Extend the school day or length of the scholastic  
432 year;

433 (b) Develop and establish a curriculum that is  
434 consistent with the Mississippi Curriculum Framework in the  
435 subject areas of mathematics, social studies, science, music, art  
436 and physical education; and

437 (c) Select, purchase and use textbooks, literature and  
438 other instructional materials that would improve educational  
439 attainment by students in the school, subject to the approval of  
440 the board.

441 (2) The qualified personnel to facilitate the educational  
442 process of learning and instruction for children with autism  
443 spectrum disorder who attend the schools shall consist of the  
444 following:

445 (a) An administrator or director with additional  
446 training in the characteristics of autism spectrum disorder;

447 (b) A autism spectrum disorder therapist licensed by  
448 the department in autism:

449 (c) Autism spectrum disorder therapists in training  
450 participating in a department approved special education graduate  
451 internship program; and

452 (d) Licensed special education teachers under the  
453 supervision of a state department licensed autism spectrum  
454 disorder therapist.



455           **SECTION 13.** (1) The department shall publicize information  
456 regarding the Mississippi Autism Scholarship Program on the  
457 department's official website.

458           (2) Annually, by December 15, report to the Governor, the  
459 Lieutenant Governor, and the Speaker of the House of  
460 Representatives the State Department of Education's actions with  
461 respect to implementing accountability in the scholarship program  
462 under this section, any substantiated allegations or violations of  
463 law or rule by an eligible nonpublic school under this program  
464 concerning the enrollment and attendance of students, the  
465 credentials of teachers, background screening of teachers, and  
466 teachers' fingerprinting results and the corrective action taken  
467 by the Department of Education.

468           (3) The State Department of Education shall monitor  
469 compliance among participating schools and prepare an annual  
470 report summarizing program outcomes.

471           **SECTION 14.** Teachers and other school personnel shall be  
472 subject to criminal history record checks and fingerprinting  
473 requirements applicable to other public schools under Section  
474 37-9-17(2) and (3).

475           **SECTION 15.** The state assumes no liability for decisions  
476 made by parents or schools regarding the use of a Mississippi  
477 Autism Scholarship.

478           **SECTION 16.** The inclusion of eligible nonpublic schools  
479 within options available to Mississippi public school students

480 does not expand the regulatory authority of the state, its  
481 officers, or any school district to impose any additional  
482 regulation of nonpublic schools beyond those reasonably necessary  
483 to enforce requirements expressly set forth in this chapter.

484         **SECTION 17.** This act shall take effect on July 1, 2025.

