

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.



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

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

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

(ii) Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two (2) of the following, currently or by history:

1. Stereotyped or repetitive motor movements, use of objects or speech (e.g., simple motor stereotypes, lining up toys or flipping objects, echolalia, idiosyncratic phrases);
2. Insistence on sameness, inflexible adherence to routines, or ritualized patterns or verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take same route or eat every day);
3. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or



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

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

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

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

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

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

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

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

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



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

(v) Is a resident of Mississippi; and

(vi) Is enrolled in or eligible to enroll in a Mississippi public school.

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

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

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



**SECTION 4.**

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

(a) To emphasize the importance of early intervention;

(b) To provide intensive high-quality instruction of students in all academic subject matters based on the curriculum requirements of the State Department of Education;

(c) To prioritize individualized learning plans, structured environments, visual supports, clear and concise communication, consistent routines, and the use of positive reinforcement strategies, which take each student's unique strengths and challenges into account while addressing potential sensory sensitivities and social skill development needs through the use of evidence-based applied behavior analysis strategies; and

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

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



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

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

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

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

(b) Participating in a homeschool education program;

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding under the student's participation unless the participation is 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,





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

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

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

**SECTION 7.** A parent or legal guardian who applies for a Mississippi Autism Scholarship is exercising his or her parental option to place his or her child in a nonpublic school. Each participating parent or legal guardian and student shall adhere to 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 the scholarship at least thirty (30) days before the date of the first 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.

279 (b) Each school shall have its financial records  
280 audited annually, at the end of each fiscal year, by the State  
281 Auditor and shall file a copy of each audit report and  
282 accompanying management letter with the board by July 30.



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

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

(i) Assessments of social communication skills, including, joint attention, eye contact, gestures, imitation, reciprocity, expressive language and respective language;

(ii) Assessments of behavioral patterns, including, repetitive movements or actions, restricted interests, sensory sensitivities and rigidity;



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

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

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

(vi) Fine and gross motor skills;

(vii) Adaptive behaviors;

(viii) Awareness of social norms.

(b) If a student fails the screener, the parent or legal guardian will be notified of the results of the screener. Subsequent autism spectrum disorder evaluations may be administered by licensed professionals, including:

(i) Pediatricians, licensed under Chapter 25, Title 73, Mississippi Code of 1972;

(ii) Psychologists, licensed under Chapter 31, Title 73, Mississippi Code of 1972;

(iii) Psychiatrists, licensed under Chapter 25, Title 73, Mississippi Code of 1972;

(iii) Speech Language Pathologists, licensed under Chapter 38, Title 73, Mississippi Code of 1972;

(iv) Occupational therapist, licensed under Chapter 24, Title 73, Mississippi Code of 1972;



(v) Neurologists and neuropsychologist, licensed under Chapter 25, Title 73, Mississippi Code of 1972; or

(v) Any other healthcare providers with specialized training in autism diagnosis.

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

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

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



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

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

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



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

**SECTION 11. Program Requirements for Schools**

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

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





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

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

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

Participating schools must:

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

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

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

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

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

**SECTION 12.** (1) The State Board of Education in conjunction with each nonpublic school and local school board operating under 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.

