MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Representatives Aldridge, Clarke, Mayo, Holloway

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1058

AN ACT TO AMEND SECTION 37-23-15, MISSISSIPPI CODE OF 1972, TO CLARIFY THE DEFINITION OF "RELATED DISORDERS"; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO SELECT LITERACY AND NUMERACY SCREENING INSTRUMENTS TO BE USED THROUGHOUT THE STATE BY SCHOOL DISTRICTS; TO REQUIRE ALL SCHOOL DISTRICTS TO USE THE SCREENING INSTRUMENTS CHOSEN BY THE DEPARTMENT; TO PROHIBIT SCHOOL DISTRICTS FROM USING SUCH SCREENING INSTRUMENT TO DETERMINE WHETHER OR NOT A STUDENT IS TO BE PROMOTED; TO AUTHORIZE THE DEPARTMENT TO RECEIVE AND EXPEND FUNDS FROM ANY SOURCE TO SCREEN STUDENTS FOR LITERACY AND NUMERACY DIFFICULTIES; TO REQUIRE THE DEPARTMENT TO ANNUALLY REPORT ON EFFECTIVENESS OF THE LITERACY AND NUMERACY SCREENING INSTRUMENTS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-23-15, Mississippi Code of 1972, is amended as follows:

37-23-15. (1) The State Department of Education, in accordance with Sections 37-23-1 through 37-23-75, and any additional authority granted in this chapter, shall:

(a) Adopt pilot programs under which certain students enrolled or enrolling in public schools in this state shall be tested for dyslexia and related disorders as may be necessary. The pilot programs shall provide that upon the request of a parent, student, school nurse, classroom teacher or other school personnel who has reason to believe that a student has a need to be tested for dyslexia, such student shall be reviewed for appropriate services. However, a student shall not be tested for dyslexia whose parent or guardian objects thereto on grounds that such testing conflicts with his conscientiously held religious beliefs.

(b) In accordance with the pilot programs adopted by the State Department of Education, such school boards shall provide remediation in an appropriate multi-sensory, systematic

language-based regular education program or programs, as determined by the school district, such as the Texas Scottish Rite Hospital Dyslexia Training Program, pertinent to the child's physical and educational disorders or the sensory area in need of remediation for those students who do not qualify for special education services.

(c) The State Department of Education, by not later than January 1, 1997, shall make recommendations to the school boards designated for the pilot programs for the delivery of services to students who are identified as dyslexic.

(d) For the purposes of this section:

(i) "Dyslexia" means a language processing disorder which may be manifested by difficulty processing expressive or receptive, oral or written language despite adequate intelligence, educational exposure and cultural opportunity. Specific manifestations may occur in one or more areas, including difficulty with the alphabet, reading comprehension, writing and spelling.

(ii) "Related disorders" shall include disorders similar to or related to dyslexia such as developmental auditory imperception, dysphasia, specific developmental dyslexia, <u>dyspraxia,</u> developmental dysgraphia and developmental spelling disability.

(e) Local school districts designated for the pilot programs may utilize any source of funds other than minimum program funds to provide any services under this section.

(f) Nothing in this section shall be construed to require any school district to implement this section unless the local school board, by resolution spread on its minutes, voluntarily agrees to comply with this section and any regulations promulgated under this section. Any local school board may withdraw from participation in the program authorized under this section by providing written notice of its determination to

withdraw to the State Department of Education no later than June 1 of the preceding fiscal year.

(2) State funding for the pilot programs for testing students for dyslexia shall be subject to the availability of funds specifically appropriated therefor by the Legislature.

(3) The State Department of Education shall prepare a report for the 1999 Regular Session of the Legislature to be submitted to the Chairmen of the Education Committees of the Senate and House of Representatives not later than November 1, 1998, with recommendations as to the effectiveness of the pilot programs for students with dyslexia and whether or not the pilot programs should be expanded or discontinued.

SECTION 2. This section shall be codified as Section 37-23-16, Mississippi Code of 1972:

37-23-16. (1) (a) The State Department of Education shall select early literacy and numeracy screening assessment instrument or instruments to be used throughout the state in the screening of students in kindergarten through Grade 3.

(b) All school districts shall use the literacy and numeracy screening instrument or instruments selected by the department; however, no literacy or numeracy screening instrument or instruments shall be used by school districts for the purpose of determining whether or not a student will be promoted to the next grade level. For the purposes of this section, "literacy" means ability to read and write and "numeracy" means fluency in understanding numbers and mathematical operations.

(2) In addition to those funds that are appropriated by the Legislature, the State Department of Education may receive and expend funds made available to the department from any source, including any federal or other governmental agency, private business, industry, foundation or other organization, to screen students for literacy and numeracy difficulties.

(3) The State Department of Education shall establish a reporting system for school districts in order to monitor the effectiveness of the literacy or numeracy screening assessment instruments. The department shall require school districts to annually submit data requested by the department which may be utilized to determine whether or not the assessment instruments are accurately identifying students in need.

(4) The department shall prepare an annual report on the effectiveness of the literacy and numeracy screening assessment instruments and the overall effectiveness of the testing, which report must be submitted to the Chairmen of the Education Committees of the Senate and House of Representatives not later than November 1 of each year.

(5) The requirements of this section shall be effective beginning with the 2008-2009 school year and compliance with the mandates of this section shall be subject to appropriation by the Legislature.

SECTION 3. This act shall take effect and be in force from and after July 1, 2007.