

By: Representatives Aldridge, Clarke, Mayo,
Holloway, Turner

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1058

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

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

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

16 37-23-15. (1) The State Department of Education, in
17 accordance with Sections 37-23-1 through 37-23-75, and any
18 additional authority granted in this chapter, shall:

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

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

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

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

43 (d) For the purposes of this section:

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

51 (ii) "Related disorders" shall include disorders
52 similar to or related to dyslexia such as developmental auditory
53 imperception, dysphasia, specific developmental dyslexia,
54 dyspraxia, developmental dysgraphia and developmental spelling
55 disability.

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

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

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

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

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

78 **SECTION 2.** This section shall be codified as Section
79 37-23-16, Mississippi Code of 1972:

80 37-23-16. (1) (a) The State Department of Education shall
81 select early literacy and numeracy screening assessment instrument
82 or instruments to be used throughout the state in the screening of
83 students in kindergarten through Grade 3.

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

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

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

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

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

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