

By: Representative Barker

To: Education;
Appropriations

HOUSE BILL NO. 562

1 AN ACT TO ESTABLISH THE MISSISSIPPI AUTISM THERAPY
 2 SCHOLARSHIP FOR STUDENTS WITH AUTISM SPECTRUM DISORDER PROGRAM,
 3 WHICH ALSO MAY BE CITED AS THE "CONTINUOUS PROGRESS CURRICULUM ACT
 4 OF 2014"; TO DEFINE CERTAIN TERMS USED IN THIS ACT; TO REQUIRE THE
 5 STATE DEPARTMENT OF EDUCATION TO DEVELOP RULES AND REGULATIONS
 6 REGARDING THE DISTRIBUTION OF FUNDS UNDER THE SCHOLARSHIP PROGRAM;
 7 TO REQUIRE THAT ALL CHILDREN BE SCREENED FOR AUTISM SPECTRUM
 8 DISORDER BEFORE THE END OF GRADE 1 IN THE PUBLIC SCHOOLS OF THIS
 9 STATE; TO ESTABLISH THE PROCEDURES TO BE FOLLOWED IN THE SCREENING
 10 AND EVALUATION OF STUDENTS FOR AUTISM SPECTRUM DISORDER; TO
 11 REQUIRE EACH SCHOOL DISTRICT AND SCHOOLS THEREIN TO PROVIDE A
 12 CURRICULUM AND INSTRUCTION SUITED TO EACH STUDENT'S INSTRUCTIONAL
 13 AND DEVELOPMENTAL LEVEL; TO REQUIRE THE DEPARTMENT OF EDUCATION TO
 14 SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE SUMMARIZING STUDENT
 15 PERFORMANCE, STUDENT ASSESSMENTS, FUNDING AND ANY RECOMMENDED
 16 CHANGES; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** As used in this act, the following words and
 19 phrases shall have the meanings ascribed in this section unless
 20 the context clearly indicates otherwise:

21 (a) "Board" means the State Board of Education.

22 (b) "Department" means the State Department of
 23 Education.

24 (c) "Autism Spectrum Disorder (ASD)," as defined under
 25 IDEA, means a developmental disability significantly affecting



26 verbal and nonverbal communication and social interaction,
27 generally evident before the age of three (3) years, that
28 adversely affects a child's educational performance. Other
29 characteristics often associated with ASD are engagement in
30 repetitive activities and stereotyped movements, resistance to
31 environmental change or change in daily routines, and unusual
32 responses to sensory experiences. The term does not apply if a
33 child's educational performance is adversely affected because the
34 child has an emotional disturbance.

35 (d) "Autism therapy" means an appropriate instructional
36 program that is delivered by a highly trained therapist, teacher
37 or paraprofessional, which is scientific and research-based.
38 These components shall be taught using instructional approaches
39 that include intervention methodologies which focus on the social
40 skills, language and communication, imitation, play skills, daily
41 living and motor skills, individualized to meet the specific
42 learning needs of each individual student, and which such therapy
43 includes, but is not limited to, the following behavior and
44 communication approaches:

45 (i) Applied Behavior Analysis (ABA) which
46 encourages positive behaviors and discourages negative behaviors
47 in order to improve skill, including:

48 1. Discrete Trial Training (DTT), which uses
49 a series of trials to teach each step of a desired behavior or
50 response.



51 2. Early Intensive Behavioral Intervention
52 (EIBI).

53 3. Pivotal Response Training (PRT), which
54 aims to increase a child's motivation to learn, monitor his or her
55 own behavior, and initiate communication with others.

56 4. Verbal Behavior Intervention (VBI), which
57 focuses on teaching verbal skills;

58 (ii) Developmental, Individual Differences,
59 Relationship-Based Approach (DIR), also called "Floortime," which
60 focuses on emotional and relational development, and the child's
61 management of response to sights, sounds and smells.

62 (iii) Treatment and Education of Autistic and
63 related Communication-handicapped Children (TEAACH), which
64 utilizes visual cues to teach skills;

65 (iv) Occupational Therapy, which teaches
66 independent living skills;

67 (v) Sensory Integration Therapy;

68 (vi) Speech Therapy, which helps to improve the
69 communication skills; and

70 (vii) The Picture Exchange Communication System
71 (PECS), which uses picture symbols to teach communication skills.

72 (e) "Highly trained therapist" means a licensed
73 developmental pediatric physician, neurologist, psychiatrist,
74 psychologist, speech-language pathologist, occupational therapist
75 or behavioral therapist who has met the requirements and acquired



76 a certificate of clinical competence from the professional or
77 clinical association which accredits the respective discipline of
78 study or professional practice, or who has completed a department
79 approved speech-language pathology, occupational therapy or
80 behavioral therapy training program attaining an AA license in the
81 required discipline.

82 (f) "Mississippi Autism Therapy Scholarship for
83 Students with Autism Spectrum Disorder Program" means a
84 scholarship to provide the option to provide a scholarship to a
85 nonpublic school of choice, for students in kindergarten through
86 Grade 6 or its equivalent with an eligibility ruling of an autism
87 spectrum disorder in order to receive comprehensive multimodality
88 autism intervention therapy delivered by holders of an appropriate
89 license and clinical certification.

90 (g) "School" means any state accredited nonpublic
91 special purpose school that is organized to provide and emphasizes
92 instruction in autism therapy and intervention as a focused
93 component of the educational purpose of the school and provides a
94 specific learning environment that provides comprehensive autism
95 therapy instruction and intervention delivered by highly trained
96 therapists licensed or certified by the department providing
97 highly qualified education and intervention services to children
98 with an eligibility ruling of autism spectrum disorder.

99 **SECTION 2.** The Mississippi Autism Therapy Scholarship for
100 Students with Autism Spectrum Disorder Program, is established to



101 provide additional funds for appropriate autism therapy outside of
102 the instructional day for eligible public school children in
103 Grades K-6 to receive appropriate autism therapy specific to the
104 needs of the child who has been properly evaluated and received an
105 eligibility ruling of autism spectrum disorder, subject to the
106 availability of funds for such purposes.

107 **SECTION 3.** The maximum scholarship granted per eligible
108 student with autism spectrum disorder shall be based on the amount
109 determined by the State Department of Education in accordance with
110 rules and regulations established and promulgated by the
111 department for the disbursement of scholarship funds to eligible
112 children.

113 **SECTION 4.** (1) Each local school district shall adopt a
114 policy to ensure that students will be screened for autism
115 spectrum disorder before the end of Grade 1. The components of
116 the diagnostic screener must assess the following criteria:

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

119 (i) Deficits in social-emotional reciprocity,
120 ranging from:

121 1. Abnormal social approach and failure of
122 normal back-and-forth conversation;

123 2. Reduced sharing of interests, emotions, or
124 affect; or



125 3. Failure to initiate or respond to social
126 interactions;

127 (ii) Deficits in nonverbal communicative behaviors
128 used for social interaction, ranging from:

129 1. Poorly integrated verbal and nonverbal
130 communication;

131 2. Abnormalities in eye contact and body
132 language or deficits in understanding and use of gestures; or

133 3. A total lack of facial expressions and
134 nonverbal communication; or

135 (iii) Deficits in developing, maintaining and
136 understanding relationships, ranging from:

137 1. Difficulties adjusting behavior to suit
138 various social contexts;

139 2. Difficulties in sharing imaginative play
140 or in making friends; or

141 3. Absence of interest in peers;

142 (b) Restricted, repetitive patterns of behavior,
143 interests or activities, as manifested by at least two (2) of the
144 following:

145 (i) Stereotyped or repetitive motor movements, use
146 of objects or speech;

147 (ii) Insistence on sameness, inflexible adherence
148 to routines or ritualized patterns or verbal nonverbal behavior;



149 (iii) Highly restricted, fixated interests that
150 are abnormal in intensity or focus; or

151 (iv) Hyper- or hyporeactivity to sensory input or
152 unusual interests in sensory aspects of the environment;

153 (c) Whether symptoms are present in the early
154 developmental period;

155 (d) Whether symptoms cause clinically significant
156 impairment in social, occupational, or other important areas of
157 current functioning; and

158 (e) Whether or not these disturbances are better
159 explained by intellectual disability (intellectual developmental
160 disorder) or global developmental delay.

161 (2) If a student fails the screener, the parent or legal
162 guardian will be notified of the results of the screener.

163 (3) If a student fails the screener, the school district, in
164 its discretion, may perform a comprehensive autism spectrum
165 disorder evaluation.

166 (4) A parent or legal guardian may provide written
167 notification to the local school district opting out of the
168 mandatory screening provided by the district. The provisions of
169 this section shall not apply to homeschooled students.

170 (5) Each public school district providing educational and
171 intervention services to any student in Grades K-6 receiving a
172 scholarship under this act shall require the school in which the
173 student is enrolled to provide instruction at the student's



174 instructional level. Each school district having students
175 enrolled who receive scholarship funds under this act shall
176 provide a curriculum appropriate to each eligible student's
177 developmental level.

178 **SECTION 5.** (1) The department shall publicize information
179 regarding the Mississippi Autism Therapy Scholarship on the
180 department's official website.

181 (2) The department shall annually, by December 15, report to
182 the Governor, the Lieutenant Governor, and the Speaker of the
183 House of Representatives the department's actions with respect to
184 implementing accountability in the scholarship program under this
185 section, any substantiated allegations or violations of law or
186 rule by an eligible nonpublic school under this program concerning
187 the enrollment and attendance of students, the credentials of
188 teachers, background screening of teachers, and teachers'
189 fingerprinting results and the corrective action taken by the
190 department.

191 **SECTION 6.** No liability shall arise on the part of the state
192 based on the award or use of a Mississippi Autism Therapy
193 Scholarship.

194 **SECTION 7.** Sections 7 through 9 of this act shall be known
195 and cited as the "Continuous Progress Curriculum Act of 2014."

196 **SECTION 8.** The Legislature finds that the state's public
197 education system has a responsibility to develop and operate an
198 educational program that provides sequential intellectual



199 development necessary for students to progress on a continuous
200 basis in elementary school. In meeting state statutes and state
201 educational standards, each school district's education system
202 should provide for placement of a student at his or her individual
203 learning level and curriculum that meets both state learning
204 standards and is appropriate to the student's learning style.

205 **SECTION 9.** Any child in kindergarten through Grade 6 shall
206 be taught at his or her instructional level. Each school district
207 in the State of Mississippi shall provide curriculum appropriate
208 to each individual student's developmental level.

209 **SECTION 10.** This act shall take effect and be in force from
210 and after July 1, 2014.

