

ANALYSIS OF HB 814 – Special Education Improvement Act of 2015

Requires funding for special education to be appropriated to school districts as a separate line item, establishes a position of coordinator of Autism Spectrum Disorder services in the Mississippi Department of Education (MDE), and creates the Children with Special Needs Fund to provide financial assistance to families of children with disabilities.

Special Education Funding

Beginning with the appropriation for Fiscal Year 2016, funding for special education will be removed from the add-on portion of the Mississippi Adequate Education Program (MAEP) and shall be appropriated to the State Board of Education as a separate line item in the K-12 general support appropriations bill. Special education funds shall be allocated by the State Board of Education to school districts as follows:

- For each teacher employed by a district in a program for exceptional children, an amount equal to 100% of the adequate education program salary schedule, based on the type of license and number of years' teaching experience held by each teacher, plus 100% of the employer's rate for social security and contributions to the state retirement system.

Statewide Autism Coordinator

MDE shall employ within the Office of Special Education a coordinator of Autism Spectrum Disorder (ASD) services. The coordinator will work in cooperation with the Autism Advisory Committee to develop and implement public education policies related to ASD. Duties will include oversight of ASD services in public schools and coordination with the Mississippi Department of Mental Health, the Mississippi Department of Rehabilitation Services, and other state agencies on ASD services.

Financial Assistance for Families of Children with Special Needs

The Children with Special Needs Fund, to be administered by the Mississippi Department of Health, is established for the purpose of helping families of children with special needs defray the costs of therapies, services, and equipment, with certain limitations.

Definitions

Special needs – the needs of a child who has an Individualized Education Program (IEP) through a public school district in Mississippi or a diagnosis of dyslexia by a licensed professional.

Services – special education services provided in Mississippi schools under state law or under the federal Individuals with Disabilities Education Act (IDEA), and clinical or therapeutic services provided by licensed professionals.

Dyslexia – a specific learning disability that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities, which typically result from a deficit in the phonological component of language which is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and further characterized by secondary consequences that may include problems in reading comprehension and reduced reading experience, which can impede growth of vocabulary and background knowledge.

Eligibility

To be eligible for assistance from the Children with Special Needs fund, a child must

- Be in the age range of three through 21 years
- Have a parent or legal guardian who is a lawful resident of the State of Mississippi
- Possess an IEP through a Mississippi school district or a diagnosis of dyslexia from a licensed professional

Eligible children may be enrolled in a public, private, or home school in Mississippi.

To apply for assistance from the fund, families must

- Follow the guidelines and application process established by the Mississippi Department of Health in cooperation with the state Special Education Advisory Panel
- Adhere to household income limitations as follows
 - Families with a household income over 400% of the federal poverty level may apply annually for assistance not exceeding \$1,000
 - Families with a household income over 300% but not more than 400% of the federal poverty level may apply annually for assistance not exceeding \$2,000
 - Families with a household income over 200% but not more than 300% of the federal poverty level may apply annually for assistance not exceeding \$3,000
 - Families with a household income at or below 200% of the federal poverty level may apply annually for assistance not exceeding \$4,000

No less than 50% of the fund's annual appropriation shall be reserved for applicants who are at or below 400% of the federal poverty level.

Allowable uses

The Children with Special Needs Fund can help defray the costs of therapies, services, and equipment for a child with special needs as follows:

- As a supplement to services provided within the school setting under state law or IDEA
- For clinical or therapeutic services and equipment that are not allowed under IDEA but which are prescribed and provided by a licensed professional
 - Behavioral, occupational, physical, speech, art, and music therapies
 - Therapeutic and life skills equipment and technology not covered by private insurance or Medicaid but prescribed by a licensed therapist or physician

- For respite care, special purpose programs and camps, private tutoring, and assistive technology
 - In-home or out-of-home respite care
 - Special purpose enrichment programs and camps that support the child's special needs
 - Private tutoring
 - Assistive technology software and hardware which is not covered by private insurance or Medicaid but prescribed by a licensed therapist or physician
- Tuition and fees to private, parochial, or other non-public schools are not allowable expenditures

Administration and Oversight

The Mississippi Department of Health, in cooperation with the Mississippi Special Education Advisory Panel, will develop application procedures and guidelines for administration and distribution of monies from the fund.

The Office of the State Auditor shall be responsible for oversight of the fund's operations and shall submit annually a report to the Legislature which includes a detailed listing of services and equipment provided to participants and demographic data such as number of children served by age, school district, school type, household size, and household income range, and the number of children served by each public and private provider of therapies or equipment.

Source

Mississippi Legislature (<http://billstatus.ls.state.ms.us/2015/pdf/history/HB/HB0814.xml>)