

***** Pending *****

COMMITTEE AMENDMENT NO 1 PROPOSED TO

House Bill No. 1046

BY: Committee

**ADOPTED
BY EDUCATION**

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

9 **SECTION 1.** Section 37-173-1, Mississippi Code of 1972, is
10 amended as follows:

11 37-173-1. As used in this chapter, the following words and
12 phrases shall have the meanings ascribed in this section unless
13 the context clearly indicates otherwise:

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

15 (b) "Department" means the State Department of
16 Education.

17 (c) "Dyslexia" means a specific learning disability
18 that is neurological in origin, characterized by difficulties with
19 accurate and fluent word recognition and poor spelling and
20 decoding abilities, which typically result from a deficit in the
21 phonological component of language that is often unexpected in
22 relation to other cognitive abilities and the provision of
23 effective classroom instruction, and secondary consequences which
24 may include problems in reading comprehension and reduced reading
25 experience that can impede growth of vocabulary and background
26 knowledge.

27 (d) "Dyslexia therapy" means an appropriate specialized
28 dyslexia instructional program that is delivered by a Mississippi
29 Department of Education licensed dyslexia therapist which is
30 scientific, research-based, Orton-Gillingham based, and is offered
31 in a small group setting to teach students the components of
32 reading instruction which include:

33 (i) Phonemic awareness to enable students to
34 detect, segment, blend and manipulate sounds in spoken language;

35 (ii) Graphophonemic knowledge (phonics) for
36 teaching the letter-sound plan of English;

37 (iii) The entire structure of the English language
38 that encompasses morphology, semantics, syntax and pragmatics;

39 (iv) Linguistic instruction directed toward
40 proficiency and fluency with the patterns of language so that
41 words and sentences are carriers of meaning; and

42 (v) Strategies that students use for decoding,
43 encoding, word recognition, fluency and comprehension.

44 These components shall be taught using instructional
45 approaches that include explicit, direct instruction which is
46 systematic, sequential and cumulative, following a logical plan of
47 presenting the alphabetic principle commensurate with the
48 students' needs, with no assumption of prior skills or language
49 knowledge; individualized to meet the specific learning needs of
50 each individual student in a small group setting; intensive,
51 highly concentrated instruction that maximizes student engagement
52 and uses specialized methods and materials; meaning-based
53 instruction directed toward purposeful reading and writing, with
54 an emphasis on comprehension and composition; and multisensory
55 instruction that incorporates the simultaneous use of two (2) or
56 more sensory pathways during teacher presentations and student
57 practice.

58 (e) "Dyslexia therapist" means a professional who has
59 completed training in a department approved Orton-Gillingham based
60 dyslexia therapy training program attaining a AA license in
61 dyslexia therapy or a professional participating in a state
62 approved dyslexia therapy training program to attain a AA license
63 in dyslexia therapy.

64 (f) "Mississippi Dyslexia Therapy Scholarship for
65 Students with Dyslexia Program" means a scholarship to provide the
66 option to attend a public school other than the one to which
67 assigned, or to provide a scholarship to a nonpublic school of
68 choice, for students in Grade 1 through Grade * * * 12 diagnosed
69 with dyslexia in order to receive comprehensive multisensory
70 dyslexia therapy delivered by holders of an appropriate license in
71 dyslexia therapy issued by the department.

72 (g) "School" means any public or state, regional or
73 nationally accredited nonpublic * * * school that provides a
74 specific learning environment that provides comprehensive dyslexia
75 therapy instruction delivered by dyslexia therapists licensed by
76 the department providing highly qualified education and
77 intervention services to children diagnosed with the primary
78 learning disability of dyslexia.

79 **SECTION 2.** Section 37-173-3, Mississippi Code of 1972, is
80 amended as follows:

81 37-173-3. The Mississippi Dyslexia Therapy Scholarship for
82 Students with Dyslexia Program is established to provide the
83 option to attend a public school other than the one to which
84 assigned, or to provide a scholarship to a nonpublic school of
85 choice, for students with a diagnosis of dyslexia. Students in
86 Grades 1 through * * * 12 who have been properly screened and
87 diagnosed with dyslexia shall be eligible to receive scholarship
88 assistance under this program.

89 **SECTION 3.** Section 37-173-7, Mississippi Code of 1972, is
90 amended as follows:

91 37-173-7. (1) A student is not eligible for a Mississippi
92 Dyslexia Therapy Scholarship while he or she is:

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

96 (b) Participating in a homeschool education program;

97 (c) Participating in a virtual school, correspondence
98 school, or distance learning program that receives state funding
99 under the student's participation unless the participation is
100 limited to no more than two (2) courses per school year;

101 (d) Not having regular and direct contact with his or
102 her private school teachers at the school's physical location.

103 (2) (a) For purposes of continuity of educational choice,
104 a Mississippi Dyslexia Therapy Scholarship shall remain in force
105 until the student returns to a public school or completes
106 Grade * * * 12, whichever occurs first.

107 (b) Upon reasonable notice to the department and the
108 school district, the student's parent or legal guardian may remove
109 the student from the nonpublic school and place the student in a
110 public school in accordance with this section.

111 **SECTION 4.** Section 37-173-9, Mississippi Code of 1972, is
112 amended as follows:

113 37-173-9. (1) (a) The parent or legal guardian is not
114 required to accept the offer of enrolling in another public school
115 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
116 to a nonpublic school. However, if the parent or legal guardian
117 chooses the public school option, the student may continue
118 attending a public school chosen by the parent or legal guardian
119 until the student completes Grade * * * 12.

120 (b) If the parent or legal guardian chooses a public
121 school within the district, the school district shall provide
122 transportation to the public school selected by the parent or
123 legal guardian. However, if the parent or legal guardian chooses
124 a public school in another district, the parent or legal guardian
125 is responsible to provide transportation to the school of choice.

126 (2) Each local school district shall make an initial
127 determination of whether a student diagnosed with dyslexia
128 qualifies under the Individuals with Disabilities Education Act
129 (IDEA) to receive services and funding under the provisions of the
130 IDEA before proceeding to the development of a 504 Plan for each
131 dyslexic student eligible for educational services or equipment,
132 or both, under Sections 37-23-1 through 37-23-157. If a student's
133 diagnosis of dyslexia results in a determination that the
134 disability is not a disability which would qualify the student as
135 eligible under the IDEA, then in developing the written 504 Plan
136 for each dyslexia student, there shall be a presumption that
137 proficiency in spelling, reading and writing are essential for the

138 student to achieve appropriate educational progress. Each local
139 school district shall develop interventions and strategies to
140 address the needs of those students diagnosed with dyslexia which
141 provide the necessary accommodations to enable the student to
142 achieve appropriate educational progress. The interventions and
143 strategies developed shall include, but not be limited to, the use
144 of the 3-Tier Instructional Model and the utilization of
145 provisions of the IDEA and Section 504 to address those needs.

146 Furthermore, these provisions do not prohibit a parent or
147 legal guardian of a student diagnosed with dyslexia, at any time,
148 from choosing the option of a Mississippi Dyslexia Therapy
149 Scholarship which would allow the student to attend another public
150 school or nonpublic * * * school.

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

159 (4) The parent or legal guardian of a student may choose, as
160 an alternative, to enroll the student in and transport the student
161 to a public school in an adjacent school district which has
162 available space and has a program with dyslexia services that

163 provide daily dyslexia therapy sessions delivered by a department
164 licensed dyslexia therapist, and that school district shall accept
165 the student and report the student for purposes of the district's
166 funding under the Mississippi Adequate Education Program.

167 **SECTION 5.** Section 37-173-11, Mississippi Code of 1972, is
168 amended as follows:

169 37-173-11. A parent or legal guardian who applies for a
170 Mississippi Dyslexia Therapy Scholarship is exercising his or her
171 parental option to place his or her child in a nonpublic school.
172 Each participating parent or legal guardian and student shall
173 adhere to the following:

174 (a) The parent or legal guardian must select the
175 nonpublic school and apply for the admission of his or her child;

176 (b) The parent or legal guardian must have requested
177 the scholarship at least thirty (30) days before the date of the
178 first scholarship payment;

179 (c) Any student participating in the Mississippi
180 Dyslexia Therapy Scholarship for Students with Dyslexia Program
181 must remain in attendance throughout the school year unless
182 excused by the school for illness or other good cause; and

183 (d) Each parent or legal guardian and each student has
184 an obligation to the nonpublic * * * school to comply with the
185 nonpublic * * * school's published policies.

186 **SECTION 6.** Section 37-173-15, Mississippi Code of 1972, is
187 amended as follows:

188 37-173-15. (1) (a) Each local school district shall adopt
189 a policy to ensure that students will be screened in the spring of
190 kindergarten and the fall of Grade 1. The component of the
191 screening must include:

- 192 (i) Phonological awareness and phonemic awareness;
- 193 (ii) Sound symbol recognition;
- 194 (iii) Alphabet knowledge;
- 195 (iv) Decoding skills;
- 196 (v) Encoding skills; and
- 197 (vi) Rapid naming.

198 (b) If a student fails the screener, the parent or
199 legal guardian will be notified of the results of the screener.
200 Subsequent dyslexia evaluations may be administered by licensed
201 professionals, including:

- 202 (i) Psychologists, licensed under Chapter 31,
203 Title 73, Mississippi Code of 1972;
- 204 (ii) Psychometrists, licensed by the Mississippi
205 Department of Education, and in accordance with Chapter 31, Title
206 73, Section 27, Mississippi Code of 1972; or
- 207 (iii) Speech Language Pathologists, licensed under
208 Chapter 38, Title 73, Mississippi Code of 1972.

209 (c) If a student fails the screener, the school
210 district, in its discretion, may perform a comprehensive dyslexia
211 evaluation, such evaluation must be administered by any of the

212 licensed professionals identified under paragraph (b) of this
213 subsection.

214 (d) If a parent or legal guardian of a student who
215 fails the dyslexia screener exercises the option to have a
216 subsequent evaluation performed, such evaluation shall be
217 administered by any of the licensed professionals identified under
218 paragraph (b) of this subsection, and the resulting diagnosis of
219 the subsequent evaluation must be accepted by the school district
220 for purposes of determining eligibility for placement within a
221 dyslexia therapy program within the current school or to receive a
222 Mississippi Dyslexia Therapy Scholarship for placement in a
223 dyslexia program in another public school or nonpublic * * *
224 school.

225 (2) The screening of all compulsory-school-age children
226 enrolled in each local public school district for dyslexia
227 required by subsection (1)(a) of this section shall in no manner
228 nullify or defeat the requirements of the pilot programs adopted
229 by the State Department of Education to test certain students
230 enrolled or enrolling in public schools for dyslexia under Section
231 37-23-15.

232 **SECTION 7.** Section 37-173-17, Mississippi Code of 1972, is
233 amended as follows:

234 37-173-17. (1) To be eligible to participate in the
235 Mississippi Dyslexia Therapy Scholarship for Students with
236 Dyslexia Program, a nonpublic school must:

237 (a) Be * * * accredited by a state, regional or
238 national accrediting organization.

239 (b) Provide to the department all documentation
240 required for a student's participation, including the nonpublic
241 school's and student's fee schedules, at least thirty (30) days
242 before the first quarterly scholarship payment is made for the
243 student.

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

248 (d) Maintain in this state a physical location where a
249 scholarship student regularly attends classes unless that school
250 is approved for the Educable Child Program; or unless the parent
251 verifies in writing that their child cannot reasonably obtain
252 appropriate services in Mississippi at a location within thirty
253 (30) miles of their legal residence.

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

258 **SECTION 8.** Section 37-173-21, Mississippi Code of 1972, is
259 amended as follows:

260 37-173-21. * * * The qualified personnel to facilitate the
261 educational process of learning and instruction for children with
262 dyslexia who attend the schools shall consist of the following:

263 (a) An administrator or director with additional
264 training in the characteristics of dyslexia;

265 (b) A dyslexia therapist licensed by the department in
266 dyslexia therapy;

267 (c) Dyslexia therapists in training participating in a
268 department approved dyslexia therapy graduate internship program;
269 and

270 (d) Licensed elementary teachers under the supervision
271 of a state department licensed dyslexia therapist.

272 **SECTION 9.** Section 37-173-25, Mississippi Code of 1972, is
273 amended as follows:

274 37-173-25. (1) Each school providing instruction to
275 children with dyslexia shall certify to the State Department of
276 Education its student enrollment in the same manner as local
277 school districts.

278 (2) The department shall direct the proportionate share of
279 monies generated under federal and state categorical aid programs
280 to the participating school for serving students eligible for the
281 aid. The state shall ensure that each school is treated equitably
282 in the calculation and disbursement of all federal and state
283 categorical aid program dollars. Each school participating in the

284 scholarship program shall comply with all reporting requirements
285 to receive the aid.

286 (3) (a) Each school shall adhere to generally accepted
287 accounting principles as promulgated by nationally recognized
288 professional organizations.

289 (b) Each school shall have its financial records
290 audited annually, at the end of each fiscal year, by the State
291 Auditor * * * or private accounting firm.

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

304 **SECTION 10.** This act shall take effect and be in force from
305 and after July 1, 2017.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 37-173-1, 37-173-3, 37-173-7,
2 37-173-9, 37-173-11, 37-173-15, 37-173-17, 37-173-21 AND
3 37-173-25, MISSISSIPPI CODE OF 1972, TO EXPAND THE ELIGIBILITY FOR
4 THE MISSISSIPPI DYSLEXIA THERAPY SCHOLARSHIP FOR STUDENTS WITH
5 DYSLEXIA PROGRAM TO INCLUDE STUDENTS IN GRADE 1 THROUGH GRADE 12,
6 AND TO PRESCRIBE CERTAIN STANDARDS FOR PARTICIPATION IN THE
7 PROGRAM; AND FOR RELATED PURPOSES.