4/25 4:41p

Chapter No. 564
13/HR40/R1225SG
CST/Jeb

HOUSE BILL NO. 896

Originated in House _____ Clerk

HOUSE BILL NO. 896

AN ACT TO ESTABLISH THE MISSISSIPPI SPEECH-LANGUAGE THERAPY SCHOLARSHIP FOR STUDENTS WITH SPEECH-LANGUAGE IMPAIRMENTS PROGRAM; TO DEFINE CERTAIN TERMS USED IN THIS ACT; TO PROVIDE FOR STUDENT ELIGIBILITY REQUIREMENTS FOR RECEIPT OF A SCHOLARSHIP AND RESTRICTING ELIGIBILITY THEREFOR; TO PROVIDE FOR THE TERM OF THE SCHOLARSHIP; TO STIPULATE THE OBLIGATIONS OF PARENTS OR LEGAL GUARDIANS, STUDENTS AND SCHOOLS AND SCHOOL DISTRICTS; TO PRESCRIBE THE DUTIES OF THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION REGARDING THE ADMINISTRATION OF THE SCHOLARSHIP PROGRAM; TO PROVIDE THE DEPARTMENT OF EDUCATION WITH THE AUTHORITY TO VERIFY THE ELIGIBILITY OF NONPUBLIC SCHOOLS AND TO ESTABLISH THE PROCESS FOR NOTIFICATIONS OF VIOLATIONS; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO DENY, SUSPEND OR REVOKE A SCHOOL'S PARTICIPATION IN THE SCHOLARSHIP PROGRAM AND THE PROCEDURES TAKEN WITH RESPECT THEREFOR; TO REQUIRE THAT ALL CHILDREN BE SCREENED FOR SPEECH, LANGUAGE, VOICE AND FLUENCY DISORDERS BEFORE THE END OF GRADE 1 IN THE PUBLIC SCHOOLS OF THIS STATE; TO ESTABLISH THE PROCEDURES TO BE FOLLOWED IN THE SCREENING AND EVALUATION OF STUDENTS FOR SPEECH-LANGUAGE IMPAIRMENT; TO REQUIRE THE DEPARTMENT OF EDUCATION TO SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE SUMMARIZING STUDENT PERFORMANCE, STUDENT ASSESSMENTS, FUNDING AND ANY RECOMMENDED CHANGES; TO REQUIRE THE STATE TO PAY DIRECTLY TO THE SCHOOL ANY STATE AID ATTRIBUTABLE TO A STUDENT WITH A DISABILITY ATTENDING THE SCHOOL; TO REQUIRE THE SCHOOL TO COMPLY WITH THE ANNUAL AUDIT AND BUDGET SUBMISSION REQUIREMENTS PRESCRIBED BY LAW IN TITLE 37, MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

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

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

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

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

(c) "Speech-language impairment," as defined under IDEA, means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a child's educational performance, which include:

(i) Articulation disorders: difficulties producing sounds in syllables or saying words incorrectly to the point that listeners cannot understand what is being said;

(ii) Fluency disorders: problems in which the flow of speech is interrupted by abnormal stoppages, repetitions, prolonged sounds and syllables or avoided, and where there may be silent blocks or inappropriate inhalation, exhalation or phonation patterns;

(iii) Resonance or voice disorders: problems with abnormal pitch, volume, resonance or quality of the voice, which may also cause pain or discomfort when speaking;

(iv) Receptive language disorders: difficulties understanding or processing language; and

(v) Expressive language disorders: difficulty putting words together, limited vocabulary or inability to use language in a socially appropriate manner.

(d) "Speech-language therapy" means an appropriate specialized speech-language instructional program that is delivered by a speech-language pathologist which is scientific and research-based. These components shall be taught using instructional approaches that include explicit, direct instruction which is systematic, sequential and cumulative, individualized to meet the specific learning needs of each individual student.

(e) "Speech-language pathologist" means a professional who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association, or who has completed training in a department approved American Speech-Language-Hearing Association based speech-language pathology training program attaining a AA license in speech-language pathology.

(f) "Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program" means a scholarship to provide the option to provide a scholarship to a nonpublic school of choice, for students in kindergarten through Grade 6 or its equivalent with an eligibility ruling of a speech-language impairment in order to receive comprehensive multimodality speech-language therapy delivered by holders of an appropriate license and clinical certification in speech-language

pathology issued by the department and the American Speech-Language-Hearing Association.

(g) "School" means any state accredited nonpublic special purpose school that is organized to provide and emphasizes instruction in speech-language therapy and intervention as the primary purpose of the school and provides a specific learning environment that provides comprehensive speech-language therapy instruction delivered by speech-language pathologists licensed by the department providing highly qualified education and intervention services to children with a primary eligibility ruling of speech-language impariment.

SECTION 2. The Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program, which may also be cited as the Nate Rogers Scholarship for Students with Disabilities Program, is established to provide a scholarship to a nonpublic school of choice, for students with an eligibility ruling of a speech-language impairment. Students in kindergarten through Grade 6 or its equivalent who have been properly evaluated and received an eligibility ruling of speech-language impairment shall be eligible to receive scholarship assistance under this program.

SECTION 3. (1) Parents or legal guardians may exercise the option to remove their child from a traditional public school setting to be enrolled in a nonpublic school which meets the standards for appropriate specific instruction designed to meet

the unique learning needs of young students with a speech-language impairment. The objectives of such school shall be:

(a) To emphasize the importance of early intervention; and

(b) To provide intensive high-quality speech-language pathology services.

(2) The parent or legal guardian of a public school student with a speech-language impairment may request and receive from the state a Mississippi Speech-Language Therapy Scholarship for the child to enroll in and attend a nonpublic school in accordance with this section if:

(a) The student has spent the previous school year in attendance at a Mississippi public school or any other state accredited nonpublic special purpose school in the state that is organized to provide and emphasizes instruction in speech-language therapy and intervention as the primary purpose of the school; or

(b) The parent or legal guardian has obtained acceptance for admission of the student to a nonpublic school that is eligible for the program under Section 10 of this act and has requested from the department a scholarship within thirty (30) days before the date of the first scholarship payment. The request must be through a communication directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The State Department of Education must notify the district of the parent's

or legal guardian's intent upon receipt of the parent's or legal guardian's request.

SECTION 4. (1) A student is not eligible for a Mississippi Speech-Language Therapy Scholarship while he or she is:

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

(b) Participating in a home-school education program;

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

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

(2) (a) For purposes of continuity of educational choice, a Mississippi Speech-Language Therapy Scholarship shall remain in force until the student returns to a public school or completes Grade 6 or its equivalent, whichever occurs first.

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

SECTION 5. (1) Each local school district shall make an initial determination of whether a student has an eligibility ruling of speech-language impairment that qualifies under the

Individuals with Disabilities Education Act (IDEA) to receive services and funding under the provisions of the IDEA before proceeding to the development of a plan for each speech-language impaired student eligible for educational services or equipment, or both, under Sections 37-23-1 through 37-23-157.

Furthermore, these provisions do not prohibit a parent or legal guardian of a student who has an eligibility ruling of speech-language impairment, at any time, from choosing the option of a Mississippi Speech-Language Therapy Scholarship which would allow the student to attend another nonpublic special purpose school.

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

SECTION 6. A parent or legal guardian who applies for a Mississippi Speech-Language Therapy Scholarship is exercising his or her parental option to place his or her child in a nonpublic school. Each participating parent or legal guardian and student shall adhere to the following:

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

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

(c) Any student participating in the Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program must remain in attendance throughout the school year unless excused by the school for illness or other good cause; and

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

SECTION 7. (1) The maximum scholarship granted per eligible student with speech-language impairment shall be an amount equivalent to the Mississippi Adequate Education Program base student cost.

(2) (a) Any nonpublic school under this program shall report to the State Department of Education the number of students with speech-language impairment who are enrolled in nonpublic schools on the Mississippi Speech-Language Therapy Scholarships as of September 30 of each year in order to determine funding for the subsequent year. Funds may not be transferred from any funding provided to the Mississippi School for the Deaf and the Blind for program participants who are eligible under Section 3 of this act.

(b) The State Department of Education shall make payments to nonpublic schools for each student at the nonpublic school equal to the state share of the adequate education program payments for each student in average daily attendance at the school district from which the student transferred. In calculating the local contribution for purposes of determining the state share of the adequate education program payments, the department shall deduct the pro rata local contribution of the school district in which the student resides, to be determined as provided in Section 37-151-7(2)(a).

(c) Payments made pursuant to this subsection by the State Department of Education must be made at the same time and in the same manner as adequate education program payments are made to school districts under Sections 37-151-101 and 37-151-103. Amounts payable to a nonpublic school must be determined by the State Department of Education.

(3) If the parent opts to remove a child from a public school to a nonpublic special purpose school and to receive a scholarship under this act, then transportation shall be provided at the parent's or guardian's expense.

SECTION 8. (1) Each local school district shall adopt a policy to ensure that students will be screened for speech, language, voice and fluency disorders before the end of Grade 1.

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

(3) If a student fails the screener, the school district, in its discretion, may perform a comprehensive speech-language evaluation.

(4) If a parent or a legal guardian of a student who fails the speech-language screener exercises the option to have a subsequent evaluation performed, such evaluation shall be administered by a speech-language pathologist. The subsequent evaluation obtained by the parents shall be considered by the school district for eligibility in the area of speech-language in accordance with the procedures mandated by the federal Individuals with Disabilities Education Act (IDEA) for a placement in a speech-language program within the current school or to receive a Mississippi speech-language therapy scholarship for placement in a speech-language program in a nonpublic special purpose school. A parent or legal guardian may provide written notification to the local school district opting out of the mandatory screening provided by the district. The provisions of this section shall not apply to homeschooled students.

SECTION 9. (1) To be eligible to participate in the Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairments Program, a nonpublic school must:

(a) Be a state accredited nonpublic special purpose school in the state that is organized to provide and emphasizes instruction in speech-language therapy and intervention as the primary purpose of the school;

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

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

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

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

SECTION 10. (1) The department shall publicize information regarding the Mississippi Speech-Language Therapy Scholarship on the department's official website.

(2) The department shall annually, by December 15, report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives the department's actions with respect to implementing accountability in the scholarship program under this section, any substantiated allegations or violations of law or rule by an eligible nonpublic school under this program concerning the enrollment and attendance of students, the credentials of

teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the department.

SECTION 11. (1) The State Board of Education in conjunction with each nonpublic school operating under the provisions of this act, may:

(a) Extend the school day or length of the scholastic year;

(b) Develop and establish a curriculum that is consistent with the Mississippi Curriculum Framework in the subject areas of mathematics, social studies, science, music, art and physical education; and

(c) Select, purchase and use textbooks, literature and other instructional materials that would improve educational attainment by students in the school, subject to the approval of the board.

(2) The qualified personnel to provide speech-language services for children with speech-language impairment who attend the nonpublic special purpose schools shall consist of speech-language pathologists.

SECTION 12. Teachers and other school personnel shall be subject to criminal history record checks and fingerprinting requirements applicable to other public schools under Section 37-9-17(2) and (3).

SECTION 13. (1) Each school providing instruction to children with speech-language impairment shall certify to the State Department of Education its student enrollment in the same manner as local school districts.

(2) The state shall ensure that each school is treated equitably in the calculation and disbursement of all state categorical aid program dollars. Each school participating in the scholarship program shall comply with all reporting requirements to receive the aid.

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

(b) Each school shall have its financial records audited annually, at the end of each fiscal year, by the State Auditor and shall file a copy of each audit report and accompanying management letter with the board by July 30.

(4) Nothing in this act shall be construed to prohibit any person or organization from providing funding or other assistance to the establishment or operation of any school authorized under this act, except religious or sectarian organizations. The State Board of Education, acting on behalf of the participating schools, is authorized to accept gifts, donations, and grants of any kind made to a participating school and to expend or use such gifts, donations, and grants in accordance with the conditions prescribed by the donor; however, no gift, donation, or grant may be accepted

if subject to a condition that is contrary to any provision of federal law, state law or board rule.

SECTION 14. No liability shall arise on the part of the state based on the award or use of a Mississippi Speech-Language Therapy Scholarship.

SECTION 15. The inclusion of eligible nonpublic schools within options available to Mississippi public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of nonpublic schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

SECTION 16. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 4, 2013

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 4, 2013

Tate Reeves

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

4-25-13
4:41 pm