

By: Representative Brown

To: Universities and
Colleges; Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1130

1 AN ACT RELATING TO THE EDUCATIONAL STRUCTURE OF PUBLIC HIGH
2 SCHOOLS IN THE STATE OF MISSISSIPPI; TO AUTHORIZE THE
3 ESTABLISHMENT OF A MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM AND
4 TO PRESCRIBE CERTAIN REQUIREMENTS FOR THE PROGRAM; TO CREATE A NEW
5 SECTION TO BE CODIFIED AS SECTION 37-15-38, MISSISSIPPI CODE OF
6 1972, TO PROVIDE FOR THE CREATION OF HIGH SCHOOL AND UNIVERSITY OR
7 COMMUNITY COLLEGE DUAL ENROLLMENT PROGRAMS, TO PRESCRIBE
8 CONDITIONS FOR PARTICIPATION IN THE PROGRAM, TO PROVIDE FOR THE
9 PAYMENT OF TUITION AND COSTS FOR UNIVERSITY AND COMMUNITY COLLEGE
10 LEVEL COURSES, AND TO CLARIFY THAT COURSE WORK TAKEN UNDER THE
11 PROGRAM SHALL BE DUAL CREDIT; TO CODIFY SECTION 37-15-39,
12 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO OFFER
13 PRE-ADVANCED PLACEMENT COURSES, TO REQUIRE FUNDING TO BE MADE
14 AVAILABLE IN THE 2007-2008 SCHOOL YEAR FOR ALL SOPHOMORES TO TAKE
15 A NATIONALLY RECOGNIZED APTITUDE TEST FOR ADVANCED PLACEMENT
16 CLASSES, AND TO REQUIRE ALL HIGH SCHOOLS TO OFFER AT LEAST FOUR
17 ADVANCED PLACEMENT COURSES BEGINNING IN THE 2007-2008 SCHOOL YEAR;
18 TO ESTABLISH A LIFELONG LEARNING COMMISSION TO STUDY THE RELEVANCE
19 OF THE HIGH SCHOOL EXPERIENCE IN MISSISSIPPI; TO CODIFY SECTION
20 37-3-95, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT
21 OF EDUCATION AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
22 HIGHER LEARNING TO JOINTLY PREPARE AN ANNUAL REPORT TO THE
23 LEGISLATURE ON THE TEACHER EDUCATION PROGRAMS IN THE STATE; TO
24 CODIFY SECTION 37-7-346, MISSISSIPPI CODE OF 1972, TO DIRECT THE
25 STATE DEPARTMENT OF EDUCATION AND THE REGIONAL EDUCATION SERVICE
26 AGENCIES TO JOINTLY DEVELOP A PLAN FOR INCREASING THE DUTIES AND
27 RESPONSIBILITIES OF THE AGENCIES; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** (1) The Legislature finds and declares the
30 following:

31 (a) Meeting the educational needs of children in our
32 state's schools is of the greatest importance to the future
33 welfare of the State of Mississippi;

34 (b) Closing the achievement gap between high-performing
35 students, including the achievement gap among at-risk students, is
36 a significant and present challenge;

37 (c) Providing a broader range of educational options to
38 parents and utilizing existing resources, along with technology,

39 may help students in the state improve their academic achievement;
40 and

41 (d) Many of the state's school districts currently lack
42 the capacity to provide other public school choices for students
43 whose schools are low performing.

44 (2) There is created the Mississippi Virtual Public School
45 Program. It is the intent of the Legislature that virtual schools
46 established under this section provide Mississippi families with
47 an alternative choice to access additional educational resources
48 in an effort to improve academic achievement. Virtual schools
49 must be recognized as public schools and provided equitable
50 treatment and resources as are other public schools in the state.

51 (3) Nothing in this section may be interpreted as precluding
52 the use of computer- and Internet-based instruction for students
53 in a virtual or remote setting.

54 (4) As used in this section, the following words and phrases
55 have the meanings respectively ascribed unless the context clearly
56 requires otherwise:

57 (a) "Virtual school" means an independent public school
58 in which the school uses technology in order to deliver a
59 significant portion of instruction to its students via the
60 Internet in a virtual or from a remote setting.

61 (b) "Sponsor" means the public school district,
62 regional education service agency, charter school or the State
63 Board of Education having a fiduciary and credit-granting
64 responsibility, independently or cooperatively, for the operation
65 of the virtual school.

66 (5) (a) The State Board of Education shall sponsor at least
67 one (1) such school beginning in school year 2006-2007.

68 (b) The State Board of Education-sponsored schools
69 shall be operated by one or more virtual school providers selected
70 through a competitive bidding process. Contracts with selected

71 providers will be overseen by the State Department of Education on
72 behalf of the State Board.

73 (c) Students who enroll in a State Board of
74 Education-sponsored virtual school may reside anywhere in the
75 State of Mississippi. Students who enroll in virtual schools
76 sponsored by local public school districts, regional education
77 service agencies, and/or charter schools must reside within the
78 existing service areas of those sponsors.

79 (d) Students who enroll in any virtual school shall be
80 considered students of their resident local school district for
81 purposes of funding. For any student enrolled full-time in a
82 State Board of Education-sponsored virtual school, the state
83 allocation for a full-time student in that student's district of
84 residence, including MAEP and add-ons, shall be retained by the
85 State Department of Education to fund that student's education in
86 the virtual school.

87 (6) A virtual school must be evaluated annually by its
88 sponsor according to the following criteria:

89 (a) The extent to which the school demonstrates an
90 increase in student achievement according to the goals of its
91 authorizing contract and state academic standards.

92 (b) The accountability and viability of the virtual
93 school, as demonstrated by its academic, fiscal and operational
94 performance.

95 (c) The access of each student in the virtual school to
96 a sequential curriculum that meets or exceeds the state's academic
97 standards and which has an interactive program with significant
98 online components.

99 (d) Whether or not each student achieves the required
100 number of hours of learning opportunities per academic year, as
101 established by the State Board of Education, or alternatively, has
102 demonstrated mastery or completion of appropriate subject areas.

103 (e) The results of students on regular assessments,
104 including the required Mississippi Curriculum Tests, Subject Area
105 Tests and those tests required by the "No Child Left Behind Act."

106 (7) A virtual school shall provide to each student enrolled
107 in the school all necessary instructional materials. The school
108 must ensure that each student is provided access to the necessary
109 technology, such as a computer and printer, and to an Internet
110 connection for school work purposes. A virtual school may not
111 provide an allotment to any student or the student's family for
112 the purchase of instructional programs or materials. However,
113 nothing in this subsection shall prohibit a virtual school from
114 reimbursing students or families for those costs directly
115 associated with their Internet connection for use in the virtual
116 school program.

117 (8) The State Board of Education shall have approval
118 authority for all coursework and policy of a virtual school.

119 (9) Each teacher employed by or participating in the
120 delivery of instruction through a virtual school must meet all
121 qualifications for licensure in the State of Mississippi.

122 (10) Any student who meets state residency requirements may
123 enroll in a virtual school.

124 (11) Enrollment in any virtual school must be free of charge
125 to students. The costs associated with the operations of the
126 virtual school must be shared by the State Department of
127 Education, subject to appropriation, and/or the local school
128 districts, charter schools or regional education service agencies,
129 subject to funds available.

130 **SECTION 2.** The following shall be codified as Section
131 37-15-38, Mississippi Code of 1972:

132 37-15-38. (1) A local school board, the Board of Trustees
133 of State Institutions of Higher Learning and the State Board for
134 Community and Junior Colleges may establish a dual enrollment
135 system under which students in the school district who meet the

136 prescribed criteria of this section may be enrolled in a
137 postsecondary institution in Mississippi while they are still in
138 school.

139 (2) **Student eligibility.** Before credits earned by a
140 qualified high school student from a community or junior college
141 or state institutions of higher learning may be transferred to the
142 student's home school district, the student must be properly
143 enrolled in a dual enrollment program.

144 (3) **Admission criteria for dual enrollment in community and
145 junior college or university programs.** The boards of trustees of
146 the community and junior college districts and the Board of
147 Trustees of State Institutions of Higher Learning may recommend
148 admission criteria for dual enrollment programs under which high
149 school students may enroll at a community or junior college or
150 university while they are still attending high school and enrolled
151 in high school courses. Students may be admitted to enroll in
152 community or junior college courses under the dual enrollment
153 programs if they meet that individual institution's stated
154 admission requirements.

155 (4) **Tuition and cost responsibility.** Tuition and costs for
156 university-level courses and community and junior college courses
157 offered under a dual enrollment program may be paid for by the
158 postsecondary institution, the local school district, the parents
159 or legal guardians of the student, or by grants, foundations or
160 other private or public sources. Payment for tuition and any
161 other costs must be made directly to the credit-granting
162 institution.

163 (5) **Transportation responsibility.** Any transportation
164 required by a student to participate in the dual enrollment
165 program is the responsibility of the parent, custodian or legal
166 guardian of the student. However, transportation costs may be
167 paid from any available public or private sources.

168 (6) **School district average daily attendance credit.** When
169 the tuition for a dually enrolled student is paid for by the local
170 school district, the student may be counted, for adequate
171 education program funding purposes, in the average daily
172 attendance of the public school district in which the student
173 attends high school.

174 (7) **High school student transcript transfer requirements.**
175 Grades and college credits earned by students admitted to a dual
176 enrollment program must be recorded on the college transcript at
177 the university or community or junior college where the student
178 attends classes. The transcript of the university or community or
179 junior college course work may be released to another institution
180 or applied toward college graduation requirements only after the
181 student has received a high school diploma or has successfully
182 completed the General Educational Development (GED) test.

183 (8) **Determining factor of prerequisites for enrollment in**
184 **dual credit courses.** Each university and community or junior
185 college participating in a dual enrollment program shall determine
186 course prerequisites for enrolling and receiving dual credit.

187 (9) **Process for determining articulation of curriculum**
188 **between high school, university, and community and junior college**
189 **courses.** Postsecondary curricula for eligible courses currently
190 offered through Mississippi Curriculum Frameworks must meet the
191 prescribed competencies requirements. Eligible courses not
192 offered in Mississippi Curriculum Frameworks must meet the
193 standards established at the postsecondary level. Postsecondary
194 level developmental courses may not be considered as meeting the
195 requirements of the dual enrollment program. Dual credit
196 memorandum of understandings must be established between each
197 postsecondary institution and the school district implementing a
198 dual credit program.

199 (10) **Ineligible courses for dual credit programs.** Unless
200 waived by a school principal, any course that is required for

201 subject area testing as a requirement for graduation from a public
202 school in Mississippi is not eligible for dual credit.

203 (11) **Eligible courses for dual credit programs.** Courses
204 eligible for dual credit include, but are not necessarily limited
205 to, foreign languages, advanced math courses, advanced science
206 courses, performing arts, advanced business and technology, and
207 career and technical courses. These courses and any additional
208 courses considered for dual credit must receive unconditional
209 approval from the superintendent of the local school district and
210 the chief academic officer at the participating community or
211 junior college or university. A university or community or junior
212 college shall make the final decision on what courses are eligible
213 for semester hour credits. The local school superintendent shall
214 make the final decision on the transfer of college or university
215 courses credited to the student's high school transcript.

216 (12) **High school Carnegie unit equivalency.** One (1)
217 three-hour university or community or junior college course is
218 equal to one-half (1/2) high school Carnegie unit. A full
219 Carnegie unit may be awarded for a three-hour university or
220 college course upon approval of the local superintendent. Partial
221 credit agreements for postsecondary courses that are less than
222 three (3) hours may be developed between a local school district
223 and the participating postsecondary institution.

224 (13) **Course alignment.** Once alignment is achieved between
225 university courses, community and junior college courses and the
226 State Board of Education approved high school courses, the
227 universities, community and junior colleges and high schools shall
228 review their respective policies and assess the place of dual
229 credit courses within the context of their traditional offerings.

230 (14) **Maximum dual credits allowed.** It is the intent of the
231 dual enrollment program to make it possible for every student who
232 desires to earn a semester's worth of college credit in high
233 school to do so. A qualified dually enrolled high school student

234 must be allowed to earn an unlimited number of college or
235 university credits for dual credit as long as a B average is
236 earned on the first two (2) approved dual credit courses. If a B
237 average is not maintained after the completion of the student's
238 first two (2) dual credit courses, the student may not continue in
239 the dual credit program.

240 (15) **Dual credit program allowances.** A student may be
241 granted credit delivered through the following means:

242 (a) Examination preparation taught at a high school by
243 qualified teacher. A student may receive credit at the secondary
244 level after completion of an approved course and passing the
245 standard examination, such as an Advanced Placement or
246 International Baccalaureate course through which a high school
247 student is allowed CLEP credit by making a three (3) or higher on
248 the end-of-course examination.

249 (b) School-based courses taught at a high school or
250 designated postsecondary site by a qualified teacher who is an
251 employee of the school district and approved as an instructor by
252 the collaborating college or university.

253 (c) College or university-based courses taught at a
254 college, university or high school by an instructor employed by
255 the college or university and approved by the collaborating school
256 district.

257 (d) Online courses, including eligible courses offered
258 by the Mississippi Virtual Public School or any postsecondary
259 institution.

260 (16) **Qualifications of dual credit instructors.** A dual
261 credit academic instructor must have, at a minimum, a master's
262 degree with at least eighteen (18) graduate semester hours in the
263 instructor's field of expertise. University and community and
264 junior college personnel have the sole authority in the selection
265 of dual credit instructors.

266 A dual credit career and technical education instructor must
267 meet the requirements set forth by the State Board for Community
268 and Junior Colleges in the qualifications manual for postsecondary
269 career and technical personnel. University and community and
270 junior college personnel have the sole authority in the selection
271 of dual credit instructors.

272 (17) **Guidance on local agreements.** The Chief Academic
273 Officer of the State Board of Trustees of State Institutions of
274 Higher Learning and the Chief Academic Officer of the State Board
275 for Community and Junior Colleges, working collaboratively, shall
276 develop a template to be used by the individual community and
277 junior colleges and institutions of higher learning for consistent
278 implementation of the dual enrollment program throughout the State
279 of Mississippi.

280 **SECTION 3.** The following shall be codified as Section
281 37-15-39, Mississippi Code of 1972:

282 37-15-39. (1) The purpose of this section is to ensure that
283 each student has a sufficient education for success after high
284 school and that all students have equal access to a substantive
285 and rigorous curriculum that is designed to challenge their minds
286 and enhance their knowledge skill.

287 (2) The following words and phrases have the meanings
288 ascribed in this section unless the context clearly requires
289 otherwise:

290 (a) "Advanced placement course" means any high school
291 level preparatory course for a college advanced placement test
292 that incorporates all topics specified by recognized advanced
293 placement authorities on standards for a given subject area and
294 is approved by recognized advanced placement authorities.

295 (b) "Dual enrollment course" means a postsecondary
296 level course offered by a state institution of higher learning or
297 community or junior colleges, which, upon successful completion,

298 qualifies for academic credit in both the postsecondary
299 institution and public high school.

300 (c) "Pre-advanced placement course" means a middle,
301 junior high or high school level course that specifically prepares
302 students to enroll and participate in an advanced placement
303 course.

304 (d) "Vertical team" means a group of educators from
305 different grade levels in a given discipline working cooperatively
306 to develop and implement a vertically aligned program aimed at
307 helping students from diverse backgrounds acquire the academic
308 skills necessary for success in the advanced placement program and
309 other challenging course work.

310 (e) "High concentration of low-income students" means,
311 when used with respect to a public school or school district, a
312 public school or school district that serves a student population
313 with fifty percent (50%) or more being low-income individuals ages
314 five (5) through seventeen (17) years from a low-income family on
315 the basis of: data on children eligible for the free or
316 reduced-price lunches under the National School Lunch Act; data on
317 children in families receiving assistance under Part A of Title IV
318 of the Social Security Act; data on children eligible to receive
319 medical assistance under the Medicaid program under Title XIX of
320 the Social Security Act; or an alternate method of identifying
321 such children which combines or extrapolates that data.

322 (3) The State Board of Education shall establish clear,
323 specific and challenging training guidelines that require teachers
324 of advanced placement courses and teachers of pre-advanced
325 placement courses to obtain a recognized advanced placement
326 authority endorsed training. A teacher of an advanced placement
327 or pre-advanced placement course, or both, must obtain the
328 appropriate training.

329 (4) (a) In order to ensure that each student has a
330 sufficient education for success after high school and that all

331 students have equal access to a substantive and rigorous
332 curriculum that is designed to challenge their minds and enhance
333 their knowledge skill, school districts shall offer pre-advanced
334 placement courses to prepare students for advanced placement
335 course work.

336 (b) Funding shall be made available for the 2007-2008
337 school year so that all sophomores in Mississippi's public schools
338 may take an examination that measures the students' ability to
339 succeed in an advanced placement course. The State Department of
340 Education shall seek federal funding through the Advanced
341 Placement Incentive Grant Program and other available funding for
342 this purpose. Funding efforts must be focused with an intent to
343 carry out advanced placement and pre-advanced placement activities
344 in school districts targeted as serving a high concentration of
345 low-income students.

346 (c) The State Department of Education must approve all
347 classes designated as pre-advanced placement courses. The
348 department shall develop rules necessary for the implementation of
349 advanced placement courses.

350 (5) Beginning with the 2007-2008 school year, all school
351 districts must offer at least one (1) advanced placement course in
352 each of the four (4) core areas of math, English, science and
353 social studies, for a total offering of no less than four (4)
354 advanced placement courses. The use of the state's on-line
355 Advanced Placement Instructional Program is an appropriate
356 alternative for the delivery of advanced placement courses.

357 Any public high school offering the International
358 Baccalaureate Diploma Program is exempt from the requirements of
359 this subsection. However, the school may participate in teacher
360 training and program funding on the same basis as any high school
361 offering advanced placement courses.

362 **SECTION 4.** (1) There is established a commission to be
363 known as the "Lifelong Learning Commission."

364 (2) The commission shall consist of four (4) members, who
365 shall serve ex officio, as follows:

366 (a) The Governor of the State of Mississippi, who shall
367 serve as chairman;

368 (b) The State Superintendent of Public Education;

369 (c) The Commissioner of the State Board for Community
370 and Junior Colleges; and

371 (d) The Commissioner of Higher Education.

372 (3) The duties of the Lifelong Learning Commission shall
373 include, but not necessarily be limited to, the following:

374 (a) To assess the dropout crisis in Mississippi and
375 recommend action steps to address it;

376 (b) To create a set of common definitions for
377 graduation and dropout rates which can be used to compare the
378 commission's progress relative to other states;

379 (c) To facilitate agreements that will make the
380 Mississippi high school experience more meaningful;

381 (d) To encourage more rigor and relevance in the high
382 school experience;

383 (e) To facilitate the transferability of education from
384 secondary to postsecondary institutions;

385 (f) To raise state awareness on the need for improving
386 Mississippi's high schools;

387 (g) To develop a series of best practices policy
388 actions that state policymakers and legislators can implement to
389 achieve system-wide high school reform; and

390 (h) To convene town hall meetings around the state,
391 when the commission determines necessary, where students,
392 teachers, administrators and parents can discuss high school, the
393 senior year and impediments to greater success.

394 (4) The commission may prepare an annual report for the
395 consideration of the Chairmen of the House and Senate Education

396 and Universities and Colleges Committees pertaining to the
397 information gathered in the performance of its duties.

398 (5) The commission members shall meet at those times and
399 places deemed necessary by the commission. The commission may use
400 any available resources to fulfill its mission.

401 **SECTION 5.** The following provision shall be codified as
402 Section 37-3-95, Mississippi Code of 1972:

403 37-3-95. The State Department of Education and the Board of
404 Trustees of State Institutions of Higher Learning shall prepare
405 jointly an annual report for the Legislature and Governor to be
406 submitted before December 1 of each year beginning in 2006. The
407 report shall be a compilation of existing data that may be used to
408 create a rating system that measures the performance of the
409 teacher education programs in the state.

410 **SECTION 6.** The following provision shall be codified as
411 Section 37-7-346, Mississippi Code of 1972:

412 37-7-346. The State Department of Education and the Regional
413 Education Service Agencies (RESAs) shall prepare jointly a report,
414 to be submitted before December 15, 2006, for consideration of the
415 Legislature and Governor, detailing the plans that shall be
416 enacted by State Board of Education policy of how RESAs will work
417 in partnership with the State Department of Education to increase
418 their function as a local provider of educational services and
419 purchasing consortia as provided in Section 37-7-345(6). These
420 services must be prescribed by policies and standards of the State
421 Department of Education and must include, but not necessarily be
422 limited to, professional development, instructional materials,
423 educational technology, curriculum development, alternative
424 educational programs, purchasing cooperatives, insurance
425 cooperatives, business manager services, auditing and accounting
426 services, school safety/risk prevention, data processing and
427 student records, communications/public information, employee

428 background checks, grants management, printing/publications and
429 internships.

430 **SECTION 7.** This act shall take effect and be in force from
431 and after July 1, 2006.