

By: Representative Brown

To: Universities and
Colleges; Education

HOUSE BILL NO. 1130
(As Passed the House)

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

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

84 (b) The accountability and viability of the virtual
85 school, as demonstrated by its academic, fiscal and operational
86 performance.

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

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

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

98 (7) A virtual school shall provide to each student enrolled
99 in the school all necessary instructional materials. The school
100 must ensure that each student is provided access to the necessary
101 technology, such as a computer and printer, and to an Internet
102 connection for school work purposes. A virtual school may not
103 provide an allotment to any student or the student's family for

104 the purchase of instructional programs or materials. However,
105 nothing in this subsection shall prohibit a virtual school from
106 reimbursing students or families for those costs directly
107 associated with their Internet connection for use in the virtual
108 school program.

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

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

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

116 (11) Enrollment in any virtual school must be free of charge
117 to students. The costs associated with the operations of the
118 virtual school must be shared by the State Department of
119 Education, subject to appropriation, and/or the local school
120 districts, charter schools or regional education service agencies,
121 subject to funds available.

122 **SECTION 2.** The following shall be codified as Section
123 37-15-38, Mississippi Code of 1972:

124 37-15-38. (1) A local school board, the Board of Trustees
125 of State Institutions of Higher Learning and the State Board for
126 Community and Junior Colleges may establish a dual enrollment
127 system under which students in the school district who meet the
128 prescribed criteria of this section may be enrolled in a
129 postsecondary institution in Mississippi while they are still in
130 school.

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

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

147 (4) **Tuition and cost responsibility.** Tuition and costs for
148 university-level courses and community and junior college courses
149 offered under a dual enrollment program may be paid for by the
150 postsecondary institution, the local school district, the parents
151 or legal guardians of the student, or by grants, foundations or
152 other private or public sources. Payment for tuition and any
153 other costs must be made directly to the credit-granting
154 institution.

155 (5) **Transportation responsibility.** Any transportation
156 required by a student to participate in the dual enrollment
157 program is the responsibility of the parent, custodian or legal
158 guardian of the student. However, transportation costs may be
159 paid from any available public or private sources.

160 (6) **School district average daily attendance credit.** When
161 the tuition for a dually enrolled student is paid for by the local
162 school district, the student may be counted, for adequate
163 education program funding purposes, in the average daily
164 attendance of the public school district in which the student
165 attends high school.

166 (7) **High school student transcript transfer requirements.**
167 Grades and college credits earned by students admitted to a dual
168 enrollment program must be recorded on the college transcript at

169 the university or community or junior college where the student
170 attends classes. The transcript of the university or community or
171 junior college course work may be released to another institution
172 or applied toward college graduation requirements only after the
173 student has received a high school diploma or has successfully
174 completed the General Educational Development (GED) test.

175 (8) **Determining factor of prerequisites for enrollment in**
176 **dual credit courses.** Each university and community or junior
177 college participating in a dual enrollment program shall determine
178 course prerequisites for enrolling and receiving dual credit.

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

191 (10) **Ineligible courses for dual credit programs.** Unless
192 waived by a school principal, any course that is required for
193 subject area testing as a requirement for graduation from a public
194 school in Mississippi is not eligible for dual credit.

195 (11) **Eligible courses for dual credit programs.** Courses
196 eligible for dual credit include, but are not necessarily limited
197 to, foreign languages, advanced math courses, advanced science
198 courses, performing arts, advanced business and technology, and
199 career and technical courses. These courses and any additional
200 courses considered for dual credit must receive unconditional
201 approval from the superintendent of the local school district and

202 the chief academic officer at the participating community or
203 junior college or university. A university or community or junior
204 college shall make the final decision on what courses are eligible
205 for semester hour credits. The local school superintendent shall
206 make the final decision on the transfer of college or university
207 courses credited to the student's high school transcript.

208 (12) **High school Carnegie unit equivalency.** One (1)
209 three-hour university or community or junior college course is
210 equal to one-half (1/2) high school Carnegie unit. A full
211 Carnegie unit may be awarded for a three-hour university or
212 college course upon approval of the local superintendent. Partial
213 credit agreements for postsecondary courses that are less than
214 three (3) hours may be developed between a local school district
215 and the participating postsecondary institution.

216 (13) **Course alignment.** Once alignment is achieved between
217 university courses, community and junior college courses and the
218 State Board of Education approved high school courses, the
219 universities, community and junior colleges and high schools shall
220 review their respective policies and assess the place of dual
221 credit courses within the context of their traditional offerings.

222 (14) **Maximum dual credits allowed.** It is the intent of the
223 dual enrollment program to make it possible for every student who
224 desires to earn a semester's worth of college credit in high
225 school to do so. A qualified dually enrolled high school student
226 must be allowed to earn an unlimited number of college or
227 university credits for dual credit as long as a B average is
228 earned on the first two (2) approved dual credit courses. If a B
229 average is not maintained after the completion of the student's
230 first two (2) dual credit courses, the student may not continue in
231 the dual credit program.

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

234 (a) Examination preparation taught at a high school by
235 a qualified teacher. A student may receive credit at the
236 secondary level after completion of an approved course and passing
237 the standard examination, such as an Advanced Placement or
238 International Baccalaureate course through which a high school
239 student is allowed CLEP credit by making a three (3) or higher on
240 the end-of-course examination.

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

245 (c) College or university-based courses taught at a
246 college, university or high school by an instructor employed by
247 the college or university and approved by the collaborating school
248 district.

249 (d) Online courses, including eligible courses offered
250 by the Mississippi Virtual Public School or any postsecondary
251 institution.

252 (16) **Qualifications of dual credit instructors.** A dual
253 credit academic instructor must have, at a minimum, a master's
254 degree with at least eighteen (18) graduate semester hours in the
255 instructor's field of expertise. University and community and
256 junior college personnel have the sole authority in the selection
257 of dual credit instructors.

258 A dual credit career and technical education instructor must
259 meet the requirements set forth by the State Board for Community
260 and Junior Colleges in the qualifications manual for postsecondary
261 career and technical personnel. University and community and
262 junior college personnel have the sole authority in the selection
263 of dual credit instructors.

264 (17) **Guidance on local agreements.** The Chief Academic
265 Officer of the State Board of Trustees of State Institutions of
266 Higher Learning and the Chief Academic Officer of the State Board

267 for Community and Junior Colleges, working collaboratively, shall
268 develop a template to be used by the individual community and
269 junior colleges and institutions of higher learning for consistent
270 implementation of the dual enrollment program throughout the State
271 of Mississippi.

272 **SECTION 3.** The following shall be codified as Section
273 37-15-39, Mississippi Code of 1972:

274 37-15-39. (1) The purpose of this section is to ensure that
275 each student has a sufficient education for success after high
276 school and that all students have equal access to a substantive
277 and rigorous curriculum that is designed to challenge their minds
278 and enhance their knowledge skill.

279 (2) The following words and phrases have the meanings
280 ascribed in this section unless the context clearly requires
281 otherwise:

282 (a) "Advanced placement course" means any high school
283 level preparatory course for a college advanced placement test
284 that incorporates all topics specified by recognized advanced
285 placement authorities on standards for a given subject area and
286 is approved by recognized advanced placement authorities.

287 (b) "Dual enrollment course" means a postsecondary
288 level course offered by a state institution of higher learning or
289 community or junior colleges, which, upon successful completion,
290 qualifies for academic credit in both the postsecondary
291 institution and public high school.

292 (c) "Pre-advanced placement course" means a middle,
293 junior high or high school level course that specifically prepares
294 students to enroll and participate in an advanced placement
295 course.

296 (d) "Vertical team" means a group of educators from
297 different grade levels in a given discipline working cooperatively
298 to develop and implement a vertically aligned program aimed at
299 helping students from diverse backgrounds acquire the academic

300 skills necessary for success in the advanced placement program and
301 other challenging course work.

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

314 (3) The State Board of Education shall establish clear,
315 specific and challenging training guidelines that require teachers
316 of advanced placement courses and teachers of pre-advanced
317 placement courses to obtain a recognized advanced placement
318 authority endorsed training. A teacher of an advanced placement
319 or pre-advanced placement course, or both, must obtain the
320 appropriate training.

321 (4) (a) In order to ensure that each student has a
322 sufficient education for success after high school and that all
323 students have equal access to a substantive and rigorous
324 curriculum that is designed to challenge their minds and enhance
325 their knowledge skill, school districts shall offer pre-advanced
326 placement courses to prepare students for advanced placement
327 course work.

328 (b) Funding shall be made available for the 2007-2008
329 school year so that all sophomores in Mississippi's public schools
330 may take an examination that measures the students' ability to
331 succeed in an advanced placement course. The State Department of
332 Education shall seek federal funding through the Advanced

333 Placement Incentive Grant Program and other available funding for
334 this purpose. Funding efforts must be focused with an intent to
335 carry out advanced placement and pre-advanced placement activities
336 in school districts targeted as serving a high concentration of
337 low-income students.

338 (c) The State Department of Education must approve all
339 classes designated as pre-advanced placement courses. The
340 department shall develop rules necessary for the implementation of
341 advanced placement courses.

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

349 Any public high school offering the International
350 Baccalaureate Diploma Program is exempt from the requirements of
351 this subsection. However, the school may participate in teacher
352 training and program funding on the same basis as any high school
353 offering advanced placement courses.

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

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

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

360 (b) The State Superintendent of Public Education;

361 (c) The Commissioner of the State Board for Community
362 and Junior Colleges; and

363 (d) The Commissioner of Higher Education.

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

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

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

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

373 (d) To encourage more rigor and relevance in the high
374 school experience;

375 (e) To facilitate the transferability of education from
376 secondary to postsecondary institutions;

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

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

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

386 (4) The commission may prepare an annual report for the
387 consideration of the Chairmen of the House and Senate Education
388 and Universities and Colleges Committees pertaining to the
389 information gathered in the performance of its duties.

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

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

395 37-3-95. The State Department of Education and the Board of
396 Trustees of State Institutions of Higher Learning shall prepare
397 jointly an annual report for the Legislature and Governor to be
398 submitted before December 1 of each year beginning in 2006. The

399 report shall be a compilation of existing data that may be used to
400 create a rating system that measures the performance of the
401 teacher education programs in the state.

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

404 37-7-346. The State Department of Education and the Regional
405 Education Service Agencies (RESAs) shall prepare jointly a report,
406 to be submitted before December 15, 2006, for consideration of the
407 Legislature and Governor, detailing the plans that shall be
408 enacted by State Board of Education policy of how RESAs will work
409 in partnership with the State Department of Education to increase
410 their function as a local provider of educational services and
411 purchasing consortia as provided in Section 37-7-345(6). These
412 services must be prescribed by policies and standards of the State
413 Department of Education and must include, but not necessarily be
414 limited to, professional development, instructional materials,
415 educational technology, curriculum development, alternative
416 educational programs, purchasing cooperatives, insurance
417 cooperatives, business manager services, auditing and accounting
418 services, school safety/risk prevention, data processing and
419 student records, communications/public information, employee
420 background checks, grants management, printing/publications and
421 internships.

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