

By: Representative Brown

To: Universities and  
Colleges; EducationHOUSE 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.