

By: Representative Roberson

To: Education;
Appropriations

HOUSE BILL NO. 1035

1 AN ACT TO AMEND SECTION 37-161-3, MISSISSIPPI CODE OF 1972,
2 TO CREATE A PILOT PROGRAM FOR THE CREATION OF VIRTUAL PUBLIC
3 SCHOOLS TO BE OPERATED BY LOCAL SCHOOL DISTRICTS OR REGIONAL
4 EDUCATION SERVICE AGENCIES; TO DEFINE THE TERM "PILOT VIRTUAL
5 PUBLIC SCHOOL"; TO LIMIT THE NUMBER OF PILOT VIRTUAL PUBLIC
6 SCHOOLS TO THREE; TO REQUIRE ENROLLMENT IN A PILOT VIRTUAL PUBLIC
7 SCHOOL TO BE FREE OF CHARGE AND OPEN TO STUDENTS FROM ANY SCHOOL
8 DISTRICT IN THE STATE; TO REQUIRE THE STATE DEPARTMENT OF
9 EDUCATION TO TRANSFER, FOR EACH STUDENT ENROLLED IN A VIRTUAL
10 PUBLIC SCHOOL OPERATED BY A DISTRICT OTHER THAN THAT IN WHICH THE
11 STUDENT RESIDES, AN AMOUNT EQUAL TO THE STUDENT'S HOME SCHOOL
12 DISTRICT'S LOCAL OPERATIONAL TAX LEVY TO THE SCHOOL DISTRICT
13 OPERATING THE VIRTUAL PUBLIC SCHOOL; TO REQUIRE THE DEPARTMENT TO
14 WITHHOLD SUCH AMOUNT FROM THE TRANSFERRING SCHOOL DISTRICT'S
15 JANUARY PAYMENT OF ADEQUATE EDUCATION PROGRAM FUNDS; TO REQUIRE
16 THE SPONSOR OF A PILOT VIRTUAL PUBLIC SCHOOL TO ADOPT CERTAIN
17 ENROLLMENT POLICIES; TO AUTHORIZE THE GOVERNOR'S OFFICE TO APPOINT
18 A STATE BOARD FOR THE PURPOSE OF SPONSORING A VIRTUAL PUBLIC
19 SCHOOL; TO AMEND SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI CODE
20 OF 1972, TO AUTHORIZE A SCHOOL DISTRICT TO ALLOW A STUDENT
21 ACCEPTED INTO A PILOT VIRTUAL PUBLIC SCHOOL OPERATED BY A DISTRICT
22 OTHER THAN THAT IN WHICH THE STUDENT RESIDES TO TRANSFER FROM THE
23 STUDENT'S HOME DISTRICT TO THE DISTRICT OPERATING THE VIRTUAL
24 PUBLIC SCHOOL; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 37-161-3, Mississippi Code of 1972, is
27 amended as follows:

28 37-161-3. (1) The Legislature finds and declares the
29 following:



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

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

36 (c) Providing a broader range of educational options to
37 parents and utilizing existing resources, along with technology,
38 may help students in the state improve their academic achievement;
39 and

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

43 (2) There is created the Mississippi Virtual Public School
44 Program, which is the responsibility of the State Department of
45 Education. It is the intent of the Legislature that the
46 Mississippi Virtual Public School established under this
47 section * * * provide Mississippi families with an alternative
48 choice to access additional educational resources in an effort to
49 improve academic achievement. The Mississippi Virtual Public
50 School must be recognized as a public school and provided
51 equitable treatment and resources as are other public schools in
52 the state. Private providers, overseen by the State Department of
53 Education, may be selected by the State Board of Education to
54 administer, manage or operate virtual school programs in this



55 state, including the total operation of the Mississippi Virtual
56 Public School Program. Any private provider chosen to provide
57 services under the provisions of this subsection shall be chosen
58 through the Mississippi Online Course Application Process.

59 (3) Nothing in this section may be interpreted as precluding
60 the use of computer- and Internet-based instruction for students
61 in a virtual or remote setting utilizing the Mississippi Virtual
62 Public School.

63 (4) There is created a pilot program for the creation of
64 virtual public schools to be operated by public school districts
65 or regional education service agencies. Each pilot virtual public
66 school program established pursuant to this section must be
67 recognized as a public school and provided equitable treatment and
68 resources as are other public schools in the state. Private
69 providers may be utilized by the sponsor of any pilot program to
70 administer, manage or operate virtual school programs in this
71 state. Contracts with selected providers must be overseen by the
72 sponsoring entity and ensure that the maximum services and
73 resources are procured for the per-student cost.

74 (5) As used in this section, the following words and phrases
75 have the meanings respectively ascribed in this subsection unless
76 the context clearly requires otherwise:

77 (a) "Mississippi Virtual Public School" means a public
78 school in which the state uses technology in order to deliver



79 instruction to students via the Internet in a virtual or remote
80 setting.

81 (b) "Pilot virtual public school" means a full-time
82 public school established pursuant to this section which uses
83 technology in order to deliver synchronous and asynchronous
84 instruction to students via the Internet in a virtual or remote
85 setting. Distance learning as defined in Section 37-67-1 does not
86 meet the requirement for synchronous instruction; however, nothing
87 in this act limits the provision of distance learning as provided
88 for in Section 37-67-1.

89 (c) "Sponsor" means the public school district * * * or
90 regional education service agency that is responsible for the
91 operation of a pilot virtual public school. The sponsor is
92 responsible for the academic progress of each student enrolled in
93 a pilot virtual public school in all aspects of accountability.

94 (* * *6) (a) The State Board of Education shall establish
95 the Mississippi Virtual Public School beginning in school year
96 2006-2007.

97 (b) A total of three (3) slots will be available for a
98 sponsor to establish a pilot virtual public school, beginning in
99 the 2021-2022 school year and continuing in subsequent years until
100 the three (3) slots are filled. A potential sponsor must notify
101 the State Department of Education of its intent to establish a
102 pilot virtual public school. The department shall notify the
103 potential sponsor whether or not a pilot slot is available. A



104 school district or regional education service agency that receives
105 notification from the department that there is a slot to
106 participate in the pilot program must establish its virtual public
107 school no later than eighteen (18) months after the date of
108 receipt of the notification or else lose that slot in the pilot
109 program. If a sponsor establishes a virtual public school but
110 fails to enroll students within its first year of operation of the
111 program, the sponsor will lose its authorization to operate in the
112 following school year and another school district or regional
113 education service agency will be allowed to create a new program.

114 (c) Students who enroll in the Mississippi Virtual
115 Public School or a pilot virtual public school may reside anywhere
116 in the State of Mississippi.

117 (* * *7) Subject to appropriation, the Mississippi Virtual
118 Public School shall provide to each student enrolled in the school
119 all necessary instructional materials. Subject to appropriation,
120 the sponsored school must ensure that each student is provided
121 access to the necessary technology, such as a computer and
122 printer, and to an Internet connection for schoolwork purposes.

123 (* * *8) The * * * State Department of Education shall have
124 approval authority for all coursework and policy of the
125 Mississippi Virtual Public School.

126 (9) The sponsor of a pilot virtual public school must ensure
127 that each student is provided access to the necessary instruction



128 materials, technology, an Internet connection for schoolwork
129 purposes, and any applicable special education services.

130 (* * *10) Each teacher employed by or participating in the
131 delivery of instruction through the Mississippi Virtual Public
132 School or a pilot virtual public school must meet all
133 qualifications for licensure in the State of Mississippi.

134 (* * *11) Any student who meets state residency
135 requirements may enroll in the Mississippi Virtual Public School
136 or a pilot virtual public school.

137 (* * *12) Enrollment in the Mississippi Virtual Public
138 School shall be free of charge to students. The costs associated
139 with the operations of the virtual school must be shared by the
140 State Department of Education, subject to appropriation, and/or
141 the local school districts. Once the State Department of
142 Education appropriation and the local school district budgeted
143 funds for the Mississippi Virtual Public School have been expended
144 and students choose to enroll in online courses, the costs of the
145 online courses may be the responsibility of the students' parents
146 or guardians.

147 (13) Enrollment in a pilot virtual public school must be
148 free of charge to students. For students enrolling in a pilot
149 virtual public school operated by a school district or regional
150 education service agency in which the student does not reside, the
151 State Department of Education shall pay to the school district
152 operating the program an amount as follows: the pro rata ad



153 valorem receipts and in-lieu payments per pupil for the support of
154 the local school district in which the student resides under
155 Sections 37-57-1 (local contribution to the adequate education
156 program) and 37-57-105 (school district operational levy),
157 excluding any taxes levied for the retirement of the local school
158 district's bonded indebtedness or short-term notes or any taxes
159 levied for the support of vocational-technical education programs.
160 The amount of funds payable to the school district operating the
161 program by the resident school district must be based on the
162 previous year's enrollment data and ad valorem receipts and
163 in-lieu receipts of the local school district in which the student
164 resides. The pro rata amount must be calculated by dividing the
165 resident local school district's months one (1) through nine (9)
166 average daily membership into the total amount of ad valorem
167 receipts and in-lieu receipts, as reported to the State Department
168 of Education by the resident local school district. The payable
169 amount from the resident district to the district operating the
170 program must be equal to this pro rata amount multiplied by the
171 number of students enrolled, based on the end of first month
172 enrollment for the current school year. The State Department of
173 Education shall reduce the resident school district's January
174 transfer of Mississippi Adequate Education Program funds by the
175 amount owed to the sponsor of the pilot virtual public school and
176 shall redirect that amount to that district. Any such payments
177 made under this subsection by the State Department of Education to



178 a sponsor of a pilot virtual public school accepting students from
179 outside the district or its service area must be made at the same
180 time and in the same manner as adequate education program payments
181 are made to school districts under Sections 37-151-101 and
182 37-151-103.

183 (14) A sponsor operating a pilot virtual public school shall
184 adopt a policy governing the enrollment procedures. The
185 enrollment policy must include, at a minimum, the following:

186 (a) The timeframe in which student applications will be
187 accepted for both the fall and spring semesters;

188 (b) Provisions of notice of the application to the
189 resident district if an applicant student resides outside the
190 district or service area no later than five (5) days from the date
191 of receipt of the application;

192 (c) Policies and procedures related to the creation of
193 a waiting list if more students from outside the district or
194 service area apply than can be accommodated by the program;

195 (d) An opportunity for parental input and hearing
196 before any denial of an application for any reason other than lack
197 of program capacity; and

198 (e) Engagement policies and a process with provision of
199 fair warnings and opportunities for corrective actions before
200 removal from the program for lack of engagement.

201 (15) The Office of the Governor may appoint a state board
202 that is authorized to sponsor one (1) virtual public school to



203 service students who reside anywhere in the State of Mississippi.
204 A pilot virtual public school established under this section must
205 comply with all other provisions of the pilot virtual public
206 school program. A pilot virtual public school created under this
207 subsection may not count against the maximum number allowed under
208 subsection (6) of this section.

209 **SECTION 2.** Section 37-15-29, Mississippi Code of 1972, is
210 amended as follows:

211 37-15-29. (1) Except as provided in subsections (2) * * *
212 through (6) of this section, no minor child may enroll in or
213 attend any school except in the school district of his residence,
214 unless such child be lawfully transferred from the school district
215 of his residence to a school in another school district * * *.

216 (2) Those children whose parent(s) or legal guardian(s) are
217 instructional personnel or * * * licensed employees of a school
218 district may, at such employee's discretion, enroll in and attend
219 the school or schools of their parent's or legal guardian's
220 employment regardless of the residence of the child.

221 (3) No child shall be required to be transported in excess
222 of thirty (30) miles on a school bus from his or her home to
223 school, or in excess of thirty (30) miles from school to his or
224 her home, if there is another school in an adjacent school
225 district located on a shorter school bus transportation route by
226 the nearest traveled road. Those children residing in such
227 geographical situations may, at the discretion of their parent(s)



228 or legal guardian(s), enroll in and attend the nearer school,
229 regardless of the residence of the child. In the event the parent
230 or legal guardian of such child and the school board are unable to
231 agree on the school bus mileage required to transport the child
232 from his or her home to school, an appeal shall lie to the State
233 Board of Education, or its designee, whose decision shall be
234 final. The school districts involved in the appeal shall provide
235 the * * * State Department of Education with any school bus route
236 information requested, including riding the buses as necessary, in
237 order to measure the bus routes in question, as needed by the
238 State Board of Education in considering the appeal.

239 (4) Those children lawfully transferred from the school
240 district of his residence to a school in another school district
241 prior to July 1, 1992, may, at the discretion of their parent(s)
242 or legal guardian(s), continue to enroll in and attend school in
243 the transferee school district. * * * Further, * * * the
244 brother(s) and sister(s) of * * * those children lawfully
245 transferred prior to July 1, 1992, may also, at the discretion of
246 their parent(s) or legal guardian(s), enroll in and attend school
247 in the transferee school district.

248 (5) Those children whose parent(s) or legal guardian(s) are
249 active members of the United States Armed Forces or civilian
250 military personnel and reside on a military base, may, at the
251 discretion of their parent(s) or legal guardian(s), enroll in and
252 attend the school district of their parent's or legal guardian's



253 choosing, regardless of the residence of the child, provided the
254 school district where the student resides or in an adjacent school
255 district and the parent's or guardian's choice of school district
256 does not violate the provision of subsection (3) of this section
257 prohibiting the transportation of students in excess of thirty
258 (30) miles.

259 (6) A child who is accepted for enrollment in a pilot
260 virtual public school operated under Section 37-161-3 by a school
261 district other than the district in which the student resides may
262 enroll in and attend the school district as a student in the
263 virtual public school regardless of the residence of the child.

264 **SECTION 3.** Section 37-15-31, Mississippi Code of 1972, is
265 amended as follows:

266 37-15-31. (1) (a) Except as provided in subsections (2)
267 through * * * (6) of this section, upon the petition in writing of
268 a parent or guardian resident of the school district of an
269 individual student filed or lodged with the president or secretary
270 of the school board of a school district in which the pupil has
271 been enrolled or is qualified to be enrolled as a student under
272 Section 37-15-9, or upon the aforesaid petition or the initiative
273 of the school board of a school district as to the transfer of a
274 grade or grades, individual students living in one school district
275 or a grade or grades of a school within the districts may be
276 legally transferred to another school district, by the mutual
277 consent of the school boards of all school districts concerned,



278 which consent must be given in writing and spread upon the minutes
279 of such boards.

280 (b) The school board of the transferring school
281 district to which such petition may be addressed shall act thereon
282 not later than its next regular meeting subsequent to the filing
283 or lodging of the petition, and a failure to act within that time
284 shall constitute a rejection of such request. The school board of
285 the other school district involved (the transferee board) shall
286 act on such request for transfer as soon as possible after the
287 transferor board shall have approved * * * such transfer and no
288 later than the next regular meeting of the transferee board, and a
289 failure of such transferee board to act within such time shall
290 constitute a rejection of such request. If such a transfer is
291 approved by the transferee board, then such decision shall be
292 final. If such a transfer should be refused by the school board
293 of either school district, then such decision shall be final.

294 (c) Any legal guardianship formed for the purpose of
295 establishing residency for school district attendance purposes
296 shall not be recognized by the affected school board.

297 (2) (a) Upon the petition in writing of any parent or
298 guardian who is a resident of Mississippi and is an instructional
299 or licensed employee of a school district, but not a resident of
300 such district, the school board of the employer school district
301 shall consent to the transfer of such employee's dependent
302 school-age children to its district and shall spread the same upon



303 the minutes of the board. Upon the petition in writing of any
304 parent or guardian who is not a resident of Mississippi and who is
305 an instructional or licensed employee of a school district in
306 Mississippi, the school board of the employer school district
307 shall consent to the transfer of such employee's dependent
308 school-age children to its district and shall spread the same upon
309 the minutes of the board.

310 (b) The school board of any school district, in its
311 discretion, may adopt a uniform policy to allow the enrollment and
312 attendance of the dependent children of noninstructional and
313 nonlicensed employees, who are residents of Mississippi but are
314 not residents of their district. Such policy shall be based upon
315 the employment needs of the district, implemented according to job
316 classification groups and renewed each school year.

317 (c) The employer transferee school district shall
318 notify in writing the school district from which the pupil or
319 pupils are transferring, and the school board of the transferor
320 school district shall spread the same upon its minutes.

321 (d) Any such agreement by school boards for the legal
322 transfer of a student shall include a provision providing for the
323 transportation of the student. In the absence of such a provision
324 the responsibility for transporting the student to the transferee
325 school district shall be that of the parent or guardian.

326 (e) Any school district which accepts a student under
327 the provisions of this subsection shall not assess any tuition



328 fees upon such transferring student in accordance with the
329 provisions of Section 37-19-27.

330 (3) Upon the petition in writing of any parent or legal
331 guardian of a school-age child who is a resident of an adjacent
332 school district residing in the geographical situation described
333 in Section 37-15-29(3), the school board of the school district
334 operating the school located in closer proximity to the residence
335 of the child shall consent to the transfer of the child to its
336 district, and shall spread the same upon the minutes of the board.
337 Any such agreement by school boards for the legal transfer of a
338 student under this subsection shall include a provision for the
339 transportation of the student by either the transferor or the
340 transferee school district. In the event that either the school
341 board of the transferee or the transferor school district shall
342 object to the transfer, it shall have the right to appeal to the
343 State Board of Education whose decision shall be final. However,
344 if the school boards agreeing on the legal transfer of any student
345 shall fail to agree on which district shall provide
346 transportation, the responsibility for transporting the student to
347 the transferee school district shall be that of the parent or
348 guardian.

349 (4) Upon the petition in writing of any parent or legal
350 guardian of a school-age child who was lawfully transferred to
351 another school district prior to July 1, 1992, as described in
352 Section 37-15-29(4), the school board of the transferee school



353 district shall consent to the transfer of such child and the
354 transfer of any school-age brother and sister of such child to its
355 district, and shall spread the same upon the minutes of the board.

356 (5) (a) If the board of trustees of a municipal separate
357 school district with added territory does not have a member who is
358 a resident of the added territory outside the corporate limits,
359 upon the petition in writing of any parent or legal guardian of a
360 school-age child who is a resident of the added territory outside
361 the corporate limits, the board of trustees of the municipal
362 separate school district and the school board of the school
363 district adjacent to the added territory shall consent to the
364 transfer of the child from the municipal separate school district
365 to the adjacent school district. The agreement must be spread
366 upon the minutes of the board of trustees of the municipal
367 separate school district and the school board of the adjacent
368 school district. The agreement must provide for the
369 transportation of the student. In the absence of such a
370 provision, the parent or legal guardian shall be responsible for
371 transporting the student to the adjacent school district. Any
372 school district that accepts a student under this subsection may
373 not assess any tuition fees against the transferring student.

374 (b) Before September 1 of each year, the board of
375 trustees of the municipal separate school district shall certify
376 to the State Department of Education the number of students in the
377 added territory of the municipal separate school district who are



378 transferred to the adjacent school district under this subsection.
379 The municipal separate school district also shall certify the
380 total number of students in the school district residing in the
381 added territory plus the number of those students who are
382 transferred to the adjacent school district. Based upon these
383 figures, the department shall calculate the percentage of the
384 total number of students in the added territory who are
385 transferred to the adjacent school district and shall certify this
386 percentage to the levying authority for the municipal separate
387 school district. The levying authority shall remit to the school
388 board of the adjacent school district, from the proceeds of the ad
389 valorem taxes collected for the support of the municipal separate
390 school district from the added territory of the municipal separate
391 school district, an amount equal to the percentage of the total
392 number of students in the added territory who are transferred to
393 the adjacent school district.

394 (6) Upon the acceptance for enrollment in a pilot virtual
395 public school operated under Section 37-161-3 by a school district
396 of a school-age child who is a resident of a school district other
397 than the district operating the virtual public school, the school
398 board of the school district operating the virtual public school
399 shall consent to the transfer of the child to its district for the
400 purpose of enrolling as a student in the virtual public school,
401 and the school board shall cause the same to be spread upon the
402 minutes of the board.



403 **SECTION 4.** This act shall take effect and be in force from
404 and after July 1, 2021.

