

By: Representative Roberson

To: Education

HOUSE BILL NO. 795

1 AN ACT TO AMEND SECTION 37-161-3, MISSISSIPPI CODE OF 1972,
 2 TO CREATE THE EQUAL ACCESS TO EDUCATION ACT AND TO MAKE
 3 SUBSTANTIAL REVISIONS TO THE MISSISSIPPI VIRTUAL PUBLIC SCHOOL
 4 PROGRAM; TO REPLACE CERTAIN FINDINGS MADE BY THE LEGISLATURE IN
 5 THE ORIGINAL 2006 ENACTMENT OF THE VIRTUAL SCHOOL PROGRAM WITH
 6 ADDITIONAL FINDINGS; TO DECLARE THE LEGISLATIVE INTENT TO ENSURE
 7 THAT MISSISSIPPI'S DIGITAL LEARNING STRATEGY SATISFIES CERTAIN
 8 VALUES; TO DEFINE CERTAIN TERMS; TO REQUIRE THE STATE BOARD OF
 9 EDUCATION TO ESTABLISH A DIGITAL LEARNING IN THE CLASSROOM PILOT
 10 PROGRAM AND THE VIRTUAL PUBLIC SCHOOL PILOT PROGRAM; TO ESTABLISH
 11 ELIGIBILITY REQUIREMENTS FOR PARTICIPATING IN THE PILOT PROGRAMS;
 12 TO REQUIRE SPONSORS OF A PILOT VIRTUAL PUBLIC SCHOOL TO ADOPT
 13 ENROLLMENT POLICIES; AND FOR RELATED PURPOSES.

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

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

17 37-161-3. (1) This section shall be known and may be cited
 18 as the "Equal Access to Education Act."

19 (* * *2) The Legislature finds and declares the following:

20 (a) Meeting the educational needs of children in our
 21 state * * * is of the greatest importance to the future welfare of
 22 the State of Mississippi;



23 (b) Every child in Mississippi deserves equal access to
24 a quality education, including any course necessary in the
25 preparation of that child to be a productive, contributing
26 citizen. Children should not be deprived access to a licensed
27 teacher, course or qualified instruction in a subject necessary to
28 their development by virtue of where they live;

29 (c) At various times in Mississippi history, including
30 the time this statute initially was enacted, shortages of licensed
31 teachers in certain schools, grade levels and subjects have
32 resulted in some children not having equal access to a licensed
33 teacher, course or qualified instruction;

34 (d) In 2006, this Legislature enacted this statute in
35 an effort to address how evolving technology could be used to help
36 ensure students had equal access to quality education. In
37 creating the Mississippi Virtual Public School Program under the
38 supervision of the State Department of Education, this statute
39 indicated that it was the intent of the Legislature that the
40 Mississippi Virtual Public School established under this section
41 provide Mississippi families with an alternative choice to access
42 additional educational resources in an effort to improve academic
43 achievement. The statute provided further that private providers,
44 overseen by the State Department of Education, may be selected by
45 the State Board of Education to administer, manage or operate
46 virtual school programs in this state, including the total
47 operation of the Mississippi Virtual Public School Program.



48 Additionally, the Legislature found and declared in this statute
49 that:

50 (* * *i) Closing the achievement gap between
51 high-performing students, including the achievement gap among
52 at-risk students, is a significant and present challenge;

53 (* * *ii) Providing a broader range of
54 educational options to parents and utilizing existing resources,
55 along with technology, may help students in the state improve
56 their academic achievement; * * *

57 (* * *iii) Many of the state's school districts
58 currently lack the capacity to provide other public school choices
59 for students whose schools are low performing * * *; and

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

64 (e) Since the time of creation of the Mississippi
65 Virtual Public School, digital learning has become a more
66 integrated component of education strategy across the country,
67 with a number of delivery models and value propositions,
68 including:

69 (i) Aiding schools and school districts that lack
70 licensed teachers in a grade level or subject by ensuring students
71 in the classroom still receive quality instruction that does not
72 create or worsen achievement gaps;



73 (ii) Aiding individual students within a school or
74 school district who wish to take an individual course, including
75 advanced courses, that might not otherwise be offered;

76 (iii) Supplementing classroom learning as a means
77 to close achievement gaps identified with individual students; and

78 (iv) Aiding individual students who might not be
79 able to be successful in a traditional classroom setting, students
80 whose families have elected to provide education from home, or a
81 school or school district that wishes to experiment with extended
82 learning models during calendar periods.

83 (f) The Mississippi Virtual Public School Program has
84 gone through multiple iterations since its creation. Under State
85 Department of Education regulations in place in 2022, there are
86 three (3) component pieces of Mississippi's digital learning
87 strategy:

88 (i) The Digital Education Network, a distance
89 learning system run by Mississippi Public Broadcasting with the
90 approval of the State Department of Education, which seeks to link
91 licensed teachers in one (1) school with classes of students in
92 other schools or school districts as a means of delivering
93 real-time, or synchronous, instruction;

94 (ii) Blended learning courses in which a school or
95 school district provides a face-to-face Mississippi licensed
96 teacher, which does not require prior approval from the State
97 Department of Education for access to an online program or



98 computer-assisted instruction. For online programs or
99 computer-assisted instruction in which a school or school district
100 is using for the sole purpose of credit recovery, prior approval
101 from the State Department of Education is not required. For
102 online dual enrollment courses through a Mississippi community or
103 junior college or state institution of higher learning, prior
104 approval from the State Department of Education is not required;
105 and

106 (iii) Other courses for which, on a
107 course-by-course basis, a school or school district is required to
108 submit an application through the Mississippi Online Course
109 Application process. Despite clear indications of intent
110 evidenced in this section when originally enacted to create a
111 full-time virtual option that students from across the state could
112 access, Mississippi is one (1) of only twelve (12) states in 2022
113 to not permit or operate a full-time virtual school that any
114 student may enroll in from across the state.

115 (g) It is the intention of the Legislature to ensure
116 that Mississippi's digital learning strategy, placed under the
117 administration of the State Department of Education, satisfies
118 each of the following value propositions:

119 (i) If the Digital Education Network, or any
120 successor-in-interest created by and/or approved by the State
121 Department of Education, is intended to fill the gap of classrooms
122 led by unlicensed teachers, that it will be built out to include



123 every grade level and core course in which unlicensed teachers are
124 leading classrooms; and that this section may not be read to
125 foreclose the use of established national digital learning
126 providers to fill gaps, to limit the supplied instruction to any
127 single digital learning provider, or to limit supplied instruction
128 to synchronous instruction;

129 (ii) That the State Department of Education will
130 work to streamline the Mississippi Online Course Application
131 process by developing a system to solicit and approve digital
132 learning providers, with a list of approved courses and
133 disapproved courses offered by each vendor which a school or
134 school district may select from to meet their needs versus
135 requiring application on a course-by-course basis by each school
136 or school district;

137 (iii) That the State Department of Education will
138 build or alternatively, solicit and approve one or more digital
139 learning providers to build, a full-time Mississippi Virtual
140 Public School that includes a complete curriculum that includes
141 all courses necessary for any student who enrolls to matriculate
142 to the point of graduation; that the curriculum will be accessible
143 by students in a virtual or remote setting to serve individual
144 students, including, but not limited to, students who might not be
145 able to be successful in a traditional classroom setting or
146 students whose families have elected to provide education from
147 home, or a school or school district that wishes to experiment



148 with extended learning models during a calendar period; and that
149 this section may not be read to foreclose the use of established
150 digital learning providers from across the country, to limit the
151 supplied instruction to any single digital learning provider, or
152 to limit supplied instruction to synchronous instruction; and

153 (iv) That the State Department of Education,
154 schools and school districts within the State of Mississippi will
155 develop systems to inform teachers, parents and students of the
156 tools available to them to ensure adoption of sound digital
157 learning strategies that maximize those tools; and that included
158 in the development of this system will be a strategy to make
159 available to students whose families have elected to provide
160 home-based education, at their election and with no coercion, the
161 Mississippi Virtual Public School and other digital learning tools
162 developed in furtherance of this section.

163 * * *

164 (* * *3) As used in this section, the following words and
165 phrases have the meanings respectively ascribed unless the context
166 clearly requires otherwise:

167 (a) "Digital learning" means the use of technology in a
168 variety of settings and for a variety of purposes and includes
169 blended, online course, hybrid and virtual models and satisfies
170 the value propositions spelled out in subsection (2)(e).

171 (b) "Digital learning provider" means a qualified
172 vendor that offers either synchronous or asynchronous digital



173 learning instruction and which can offer either individual
174 courses, a set of courses or a complete curriculum that would
175 allow a student completing the curriculum to matriculate to the
176 point of graduation.

177 (c) "Blended model" means an instructional method in
178 which digital learning technology is used in the classroom by a
179 teacher as a supplement to classroom instruction.

180 (d) "Online course model" means an instructional method
181 in which digital learning technology is used on a course-by-course
182 basis for individual students who may have specialized needs,
183 including, but not limited to, the need to catch up or the need
184 for an advanced course otherwise not offered within that student's
185 school.

186 (e) "Hybrid model" means an instructional method in
187 which a student spends part of the time in school and part of the
188 time accessing coursework virtually.

189 (f) "Virtual model" means an instructional method in
190 which a student accesses coursework virtually, outside of a school
191 setting.

192 (g) "Synchronous instruction" means instruction that
193 occurs in real time.

194 (h) "Asynchronous instruction" means instruction that
195 may not occur in real time.

196 (* * *i) "Mississippi Virtual Public School" means a
197 public school in which the state uses technology in order to



198 deliver instruction to students via the Internet in a virtual or
199 remote setting.

200 (j) "Mississippi digital learning pilot district" means
201 a public school district or charter school that is solicited by
202 the State Department of Education and consents to participate as a
203 pilot district. The districts identified for a pilot program
204 should include districts that either lack licensed teachers at a
205 grade level or multiple grade levels or which lack licensed
206 teachers in particular subjects.

207 (k) "Pilot virtual public school" means a full-time
208 public school established under this section which uses technology
209 to deliver synchronous and asynchronous instruction to students
210 via the Internet in a virtual or remote setting.

211 (* * * 1) "Sponsor" means the public school district or
212 regional education service agency that is responsible for the
213 operation of a pilot virtual public school. The sponsor is
214 responsible for the academic * * * progress of each student * * *
215 enrolled in a pilot virtual public school in all aspects of
216 accountability.

217 (* * * 4) (a) The State Board of Education shall establish
218 the Mississippi Virtual Public School beginning in school year
219 2006-2007.

220 (b) Subject to appropriation for such purposes, and in
221 furtherance of the original intent of establishing the Mississippi
222 Virtual Public School and the stated intentions of this section,



223 including those intentions expressed in subsection (2)(e), the
224 State Board of Education shall establish the following two (2)
225 pilot programs beginning in 2022-2023 school year:

226 (i) Digital Learning in the Classroom Pilot
227 Program. No less than two (2) and no more than five (5) school
228 districts must be selected to participate as digital learning
229 pilot districts. School districts appropriate to participate in
230 this pilot program include those districts lacking licensed
231 teachers at one or more grade levels or lacking licensed teachers
232 within specialized courses that would benefit the student
233 population within that district. Upon selection and consent to
234 participate by a school district, the State Department of
235 Education shall work with the pilot districts to establish a
236 comprehensive digital learning strategy to fill identified gaps.
237 The department shall conduct an assessment on how available
238 digital learning tools under the existing framework perform in
239 filling identified gaps. The assessment should include how other
240 tools or other digital learning providers might better meet the
241 needs of the pilot districts. After the department completes the
242 pilot program and its assessment during the 2022-2023 school year,
243 it shall work to improve, scale and implement the program in other
244 school districts with an initial focus on those districts or
245 public charter schools that suffer from the same identified needs
246 as the initial pilot districts. The department shall make direct



247 recommendations to the Legislature on restructuring the scale of
248 the pilot program to maximize its impact.

249 (ii) Virtual Public School Pilot Program. A total
250 of three (3) slots must be made available for a sponsor to
251 voluntarily establish a pilot virtual public school in the
252 2022-2023 school year or any subsequent year until the three (3)
253 slots are filled. A potential sponsor must notify the State
254 Department of Education of its intent to establish a pilot virtual
255 public school, and the department shall notify the potential
256 sponsor whether or not pilot slots are available. Any district or
257 regional education service agency that receives notification from
258 the department that a slot to participate in the pilot program is
259 available must establish a virtual public school no later than
260 eighteen (18) months after the date the notification is received
261 or else the slot will be considered available. If a sponsor
262 establishes a virtual public school but fails to enroll students
263 within its first year of the program, the sponsor loses its
264 authorization to operate in the following school year, and another
265 sponsor must be allowed to create a virtual public school. The
266 sponsor of a virtual public school pilot program must ensure that
267 each student is provided access to the necessary technology, such
268 as a computer and printer, and to an Internet connection, if not
269 otherwise available, for school work purposes and any applicable
270 special education services.



271 The creation of the two pilot programs provided for in this
272 paragraph may not be deemed to absolve the State Department of
273 Education of the responsibility of beginning to act upon the
274 intentions expressed in subsection (2)(e), including the
275 responsibility to begin streamlining the Mississippi Online Course
276 Application process to reduce the administrative burden and expand
277 options available to schools and districts.

278 (* * *c) Students who enroll in the Mississippi
279 Virtual Public School may reside anywhere in the State of
280 Mississippi.

281 (* * *5) Subject to appropriation, the Mississippi Virtual
282 Public School shall provide to each student enrolled in the school
283 all necessary instructional materials. Subject to
284 appropriation, * * * a sponsored school must ensure that each
285 student is provided access to the necessary technology, such as a
286 computer and printer, and to an Internet connection, if not
287 otherwise available, for schoolwork purposes.

288 (* * *6) The * * * State Department of Education shall have
289 approval authority for all * * * digital learning providers,
290 courses offered by those providers, and policy of the Mississippi
291 Virtual Public School except as otherwise specifically provided in
292 this section.

293 (* * *7) Each teacher employed by or participating in the
294 delivery of instruction through the Mississippi Virtual Public



295 School or a pilot virtual public school must meet all
296 qualifications for licensure in the State of Mississippi.

297 (* * *8) Any student who meets state residency requirements
298 may enroll in the Mississippi Virtual Public School or a pilot
299 virtual public school.

300 (* * *9) Enrollment in the Mississippi Virtual Public
301 School, a digital learning pilot district or a pilot virtual
302 public school shall be free of charge to students. The costs
303 associated with the operations of the * * * Mississippi Virtual
304 Public School or a pilot virtual public school must be shared by
305 the State Department of Education, subject to appropriation,
306 and/or the local school districts. Once the State Department of
307 Education appropriation and the local school district budgeted
308 funds for the Mississippi Virtual Public School or the pilot
309 virtual public school have been expended and students choose to
310 enroll in * * * the Mississippi Virtual Public School or a pilot
311 virtual public school, the costs of the online courses may be the
312 responsibility of the students' parents or guardians.

313 (10) A sponsor operating a pilot virtual public school shall
314 adopt a policy governing enrollment procedures. The enrollment
315 procedures must include, at a minimum, the following:

316 (a) The timeframe in which student applications are
317 accepted for both fall and spring semesters;

318 (b) A policy for accepting students who live outside of
319 the district or service area, including the policies and



320 procedures related to the creation of a waiting list if more
321 students from outside the district or service area apply than can
322 be accommodated by the pilot school;

323 (c) An opportunity for parental input and hearing
324 before denial of an application for any reason other than lack of
325 capacity in the pilot program; and

326 (d) Engagement policies and a process with provision of
327 fair warnings and opportunities for corrective actions before
328 removal of a student from the pilot program.

329 **SECTION 2.** This act shall take effect and be in force from
330 and after July 1, 2022.

