

By: Representative Roberson

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1192

1 AN ACT TO AMEND SECTION 37-161-3, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE CREATION OF VIRTUAL PUBLIC SCHOOLS TO BE OPERATED  
3 BY LOCAL SCHOOL DISTRICTS, REGIONAL EDUCATION SERVICE AGENCIES OR  
4 LOCALLY SPONSORED VIRTUAL PUBLIC SCHOOLS; TO DEFINE THE TERM  
5 "LOCALLY SPONSORED VIRTUAL PUBLIC SCHOOL"; TO LIMIT THE NUMBER OF  
6 VIRTUAL PUBLIC SCHOOLS ESTABLISHED IN THE STATE TO THREE; TO  
7 REQUIRE ENROLLMENT IN A VIRTUAL PUBLIC SCHOOL TO BE FREE OF CHARGE  
8 AND OPEN TO STUDENTS FROM ANY SCHOOL DISTRICT IN THE STATE; TO  
9 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO TRANSFER, FOR EACH  
10 STUDENT ENROLLED IN A VIRTUAL PUBLIC SCHOOL OPERATED BY A DISTRICT  
11 OTHER THAN THAT IN WHICH THE STUDENT RESIDES, AN AMOUNT EQUAL TO  
12 THE STUDENT'S HOME SCHOOL DISTRICT'S LOCAL OPERATIONAL TAX LEVY TO  
13 THE SCHOOL DISTRICT OPERATING THE VIRTUAL PUBLIC SCHOOL; TO  
14 REQUIRE THE DEPARTMENT TO WITHHOLD SUCH AMOUNT FROM THE  
15 TRANSFERRING SCHOOL DISTRICT'S JANUARY PAYMENT OF ADEQUATE  
16 EDUCATION PROGRAM FUNDS; TO REQUIRE LOCALLY SPONSORED VIRTUAL  
17 PUBLIC SCHOOLS TO ADOPT CERTAIN ENROLLMENT POLICIES; TO AMEND  
18 SECTIONS 37-179-1 AND 37-179-3, MISSISSIPPI CODE OF 1972, WHICH  
19 ARE PROVISIONS RELATING TO DISTRICTS OF INNOVATION, IN CONFORMITY  
20 TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

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

24 37-161-3. (1) The Legislature finds and declares the  
25 following:



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

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

32 (c) Providing a broader range of educational options to  
33 parents and utilizing existing resources, along with technology,  
34 may help students in the state improve their academic achievement;  
35 and

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

39 (2) There is created the Mississippi Virtual Public School  
40 Program, which is the responsibility of the State Department of  
41 Education. It is the intent of the Legislature that the  
42 Mississippi Virtual Public School established under this section  
43 provides Mississippi families with an alternative choice to access  
44 additional educational resources in an effort to improve academic  
45 achievement. \* \* \* Any private provider chosen to provide  
46 services to the Mississippi Virtual Public School under the  
47 provisions of this subsection shall be chosen through the  
48 Mississippi Online Course Application Process. Once the State  
49 Department of Education appropriation and the local school  
50 district budgeted funds for Mississippi Virtual Public School have



51 been expended and students choose to enroll in online courses, the  
52 costs of the online courses may be the responsibility of the  
53 students' parents or guardians.

54 (3) \* \* \* In addition to the Mississippi Virtual Public  
55 School created under subsection (2), any public school district,  
56 regional education service agency or district of innovation shall  
57 be authorized to serve as a local sponsor of a virtual school on a  
58 first-come, first-serve basis until a total of three (3) locally  
59 sponsored virtual public schools are operating. Each locally  
60 sponsored virtual public school program established pursuant to  
61 this section must be recognized as a public school and provided  
62 equitable treatment and resources as are other public schools in  
63 the state. Private providers may be utilized by the local sponsor  
64 to administer, manage or operate virtual school programs in this  
65 state, provided the provider has a minimum of two (2) years of  
66 experience serving special education students. Contracts with  
67 selected providers must be overseen by the sponsoring entity and  
68 ensure that the maximum services and resources are procured for  
69 the per-student cost.

70 (4) As used in this section, the following words and phrases  
71 have the meanings respectively ascribed in this subsection unless  
72 the context clearly requires otherwise:

73 (a) \* \* \* "Locally sponsored virtual public school"  
74 means a full-time public school established pursuant to this  
75 section which uses technology in order to deliver synchronous and



76 asynchronous instruction to students via the Internet in a virtual  
77 or remote setting. Distance learning as defined in Section  
78 37-67-1 does not meet the requirement for synchronous instruction;  
79 however, nothing in this act limits the provision of distance  
80 learning as provided for in Section 37-67-1.

81 (b) "Local sponsor" means the public school district,  
82 regional education agency or district of innovation that is  
83 responsible for the \* \* \* operation of a locally sponsored virtual  
84 public school. The local sponsor shall be responsible for the  
85 academic progress of each student enrolled in a locally sponsored  
86 virtual public school in all aspects of accountability.

87 (5) (a) \* \* \* A total of three (3) slots will be available  
88 for a local sponsor to establish a locally sponsored virtual  
89 public school, beginning in the 2024-2025 school year and  
90 continuing in subsequent years until the three (3) slots are  
91 filled. A potential sponsor must notify the State Department of  
92 Education of its intent to establish a locally sponsored virtual  
93 public school. The department shall notify the potential sponsor  
94 whether or not a slot is available. A school district, regional  
95 education service agency or district of innovation that receives  
96 notification from the department that there is a slot to  
97 participate must establish its virtual public school no later than  
98 eighteen (18) months after the date of receipt of the notification  
99 or else lose that slot. If a local sponsor establishes a virtual  
100 public school but fails to enroll students within its first year



101 of operation of the program, the local sponsor will lose its  
102 authorization to operate in the following school year and another  
103 school district, regional education service agency or district of  
104 innovation will be allowed to create a new program.

105 (b) Students who enroll in \* \* \* a locally sponsored  
106 virtual public school may reside anywhere in the State of  
107 Mississippi.

108 \* \* \*

109 (6) The local sponsor of a virtual public school must ensure  
110 that each student is provided access to the necessary instruction  
111 materials, technology, an Internet connection for schoolwork  
112 purposes, and any applicable special education services.

113 ( \* \* \* 7) Each teacher employed by or participating in the  
114 delivery of instruction through \* \* \* a locally sponsored virtual  
115 public school must meet all qualifications for licensure in the  
116 State of Mississippi.

117 ( \* \* \* 8) Any student who meets state residency requirements  
118 may enroll in \* \* \* a locally sponsored virtual public school.

119 \* \* \*

120 (9) Enrollment in a locally sponsored virtual public school  
121 must be free of charge to students. For students enrolling in a  
122 virtual public school operated by a school district, regional  
123 education service agency or district of innovation in which the  
124 student does not reside, the State Department of Education shall  
125 pay to the local sponsor operating the program an amount as



126 follows: the pro rata ad valorem receipts and in-lieu payments  
127 per pupil for the support of the local school district in which  
128 the student resides under Sections 37-57-1 (local contribution to  
129 the adequate education program) and 37-57-105 (school district  
130 operational levy), excluding any taxes levied for the retirement  
131 of the local school district's bonded indebtedness or short-term  
132 notes or any taxes levied for the support of vocational-technical  
133 education programs. The amount of funds payable to the school  
134 district operating the program by the resident school district  
135 must be based on the previous year's enrollment data and ad  
136 valorem receipts and in-lieu receipts of the local school district  
137 in which the student resides. The pro rata amount must be  
138 calculated by dividing the resident local school district's months  
139 one (1) through nine (9) average daily membership into the total  
140 amount of ad valorem receipts and in-lieu receipts, as reported to  
141 the State Department of Education by the resident local school  
142 district. The payable amount from the resident district to the  
143 district operating the program must be equal to this pro rata  
144 amount multiplied by the number of students enrolled, based on the  
145 end of first month enrollment for the current school year. The  
146 State Department of Education shall reduce the resident school  
147 district's January transfer of Mississippi Adequate Education  
148 Program funds by the amount owed to the sponsor of the pilot  
149 virtual public school and shall redirect that amount to that  
150 district. Any such payments made under this subsection by the



151 State Department of Education to a sponsor of a pilot virtual  
152 public school accepting students from outside the district or its  
153 service area must be made at the same time and in the same manner  
154 as adequate education program payments are made to school  
155 districts under Sections 37-151-101 and 37-151-103.

156 (10) A local sponsor operating a virtual public school shall  
157 adopt a policy governing the enrollment procedures. The  
158 enrollment policy must include, at a minimum, the following:

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

161 (b) Provisions of notice of the application to the  
162 resident district if an applicant student resides outside the  
163 district or service area no later than five (5) days from the date  
164 of receipt of the application;

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

168 (d) An opportunity for parental input and hearing  
169 before any denial of an application for any reason other than lack  
170 of program capacity; and

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

174 **SECTION 2.** Section 37-179-1, Mississippi Code of 1972, is  
175 amended as follows:



176           37-179-1. (1) For purposes of this chapter, the following  
177 terms shall have the meaning ascribed herein, unless the context  
178 clearly indicates otherwise:

179           (a) "District of innovation" means a district or a  
180 locally sponsored virtual public school program established under  
181 Section 37-161-3, \* \* \* which has developed a plan of innovation  
182 in compliance with this section and has been approved by the State  
183 Board of Education to be exempted from certain administrative  
184 regulations and statutory provisions to improve the educational  
185 performance of students within the district;

186           (b) "Innovation" means a new or creative alternative to  
187 existing instructional and administrative practices intended to  
188 improve student learning and student performance of all students;

189           (c) "School of innovation" means a school that  
190 voluntarily participates in a district of innovation plan to  
191 improve instruction, including waivers and exemptions from local  
192 school board policies, selected provisions of rules and  
193 regulations promulgated by the State Board of Education, and  
194 selected sections of the Mississippi Code of 1972, as permitted  
195 under this section and Section 37-179-3;

196           (d) "Board" means the State Board of Education;

197           (e) "Department" means the State Department of  
198 Education.

199           (2) The State Board of Education is authorized to approve  
200 districts of innovation for the purposes of improving students'





201 educational performance. Districts of innovation shall be  
202 provided flexibility from selected board regulations, Title 37,  
203 Mississippi Code of 1972, and local school board policies for  
204 school administrators, teachers and staff to meet the diverse  
205 needs of students. The initial approval of a district of  
206 innovation shall be for a five-year period. Each renewal of a  
207 district of innovation shall not exceed five (5) years and shall  
208 comply with administrative regulations promulgated by the board  
209 pursuant to subsection (4) of this section.

210 (3) The board shall promulgate administrative rules and  
211 regulations to prescribe the conditions and procedures to be used  
212 by a local school board to be approved as a district of innovation  
213 and shall publish the same on or before December 31, 2015.

214 (4) Administrative rules and regulations promulgated by the  
215 board under subsection (3) of this section shall specify:

216 (a) The regulatory areas which may be exempted or  
217 modified if approved by the board, except as provided in Section  
218 37-179-3(2), and in addition to those areas identified in Section  
219 37-179-3(3);

220 (b) The application, plan review, approval and  
221 amendment process for a district;

222 (c) Timelines for initial approval as a district of  
223 innovation, the renewal process and ongoing evaluative procedures  
224 required of the district;



225 (d) Acceptable documentation of a critical mass of  
226 parental, community, educator and business support and capacity to  
227 effect a change;

228 (e) Evidence of teacher collaboration and shared  
229 leadership within the district and the schools to be designated as  
230 schools of innovation;

231 (f) The process of revocation of the designation of  
232 district of innovation or school of innovation;

233 (g) Reporting and oversight responsibilities of the  
234 district and the State Department of Education;

235 (h) The financial detail relating to budgets of schools  
236 and evidence of sound fiscal management practices;

237 (i) Acceptable areas of emphasis for innovation,  
238 including virtual instruction provided through a locally sponsored  
239 virtual public school program;

240 (j) Acceptable documentation of job-embedded  
241 professional development within the proposed innovation design;  
242 and

243 (k) Other components deemed necessary to implement this  
244 section and Section 37-179-3.

245 **SECTION 3.** Section 37-179-3, Mississippi Code of 1972, is  
246 amended as follows:

247 37-179-3. (1) A district or a locally sponsored virtual  
248 public school which is an applicant to be designated as a district  
249 of innovation under Section 37-179-1 shall:



250 (a) Establish goals and performance targets for the  
251 district of innovation proposal, which may include:

252 (i) Reducing achievement gaps among groups of  
253 public school students by expanding learning experiences for  
254 students who are identified as academically low-achieving;

255 (ii) Increasing pupil learning through the  
256 implementation of high, rigorous standards for pupil performance;

257 (iii) Increasing the participation of students in  
258 various curriculum components and instructional components within  
259 selected schools to enhance at each grade level;

260 (iv) Increasing the number of students who are  
261 college and career-ready;

262 (v) Motivating students at different grade levels  
263 by offering more curriculum choices and student learning  
264 opportunities to parents and students within the district;

265 (b) Identify changes needed in the district \* \* \*,  
266 schools and virtual public schools to lead to better prepared  
267 students for success in life and work;

268 (c) Have a districtwide plan of innovation that  
269 describes and justifies which schools and innovative practices  
270 will be incorporated;

271 (d) Provide documentation of community, educator,  
272 parental, and the local board's support of the proposed  
273 innovations;



274 (e) Provide detailed information regarding the  
275 rationale of requests for waivers from Title 37, Mississippi Code  
276 of 1972, which relate to the elementary and secondary education of  
277 public school students, and administrative regulations, and  
278 exemptions for selected schools regarding waivers of local school  
279 board policies;

280 (f) Document the fiscal and human resources the board  
281 will provide throughout the term of the implementation of the  
282 innovations within its plan; and

283 (g) Provide other materials as required by the  
284 department in compliance with the board's administrative  
285 regulations and application procedures.

286 (2) The district and all schools, including locally  
287 sponsored virtual public schools, participating in a district's  
288 innovation plan shall:

289 (a) Ensure the same health, safety, civil rights, and  
290 disability rights requirements as are applied to all public  
291 schools;

292 (b) Ensure students meet compulsory attendance  
293 requirements under Sections 37-13-91 and 37-13-92;

294 (c) Ensure that high school course offerings meet or  
295 exceed the minimum required under Sections 37-16-7 and 37-3-49,  
296 for high school graduation or meet early graduation requirements  
297 that may be enacted by the Mississippi Legislature;



298           (d) Ensure the student performance standards meet or  
299 exceed those adopted by the State Board of Education as required  
300 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance  
301 with the statewide assessment system specified in Chapter 16,  
302 Title 37, Mississippi Code of 1972;

303           (e) Adhere to the same financial audits, audit  
304 procedures, and audit requirements as are applied under Section  
305 7-7-211(e);

306           (f) Require state and criminal background checks for  
307 staff and volunteers as required of all public school employees  
308 and volunteers within the public schools and specified in Section  
309 37-9-17;

310           (g) Comply with open records and open meeting  
311 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

312           (h) Comply with purchasing requirements and limitations  
313 under Chapter 39, Title 37, Mississippi Code of 1972;

314           (i) Provide overall instructional time that is  
315 equivalent to or greater than that required under Sections 37-1-11  
316 and 37-13-67, but which may include on-site instruction, distance  
317 learning, online courses, and work-based learning on  
318 nontraditional school days or hours; and

319           (j) Provide data to the department as deemed necessary  
320 to generate school and district reports.



321 (3) (a) Only schools or locally sponsored virtual public  
322 schools that choose to be designated as schools of innovation  
323 shall be included in a district's application;

324 (b) As used in this paragraph, "eligible employees"  
325 means employees that are regularly employed at the school and  
326 those employees whose primary job duties will be affected by the  
327 plan; and

328 (c) Notwithstanding the provisions of paragraph (a) of  
329 this subsection, a local school board may require a school that  
330 has been identified as a persistently low-achieving school under  
331 provisions of Section 37-17-6 to participate in the district's  
332 plan of innovation.

333 (4) Notwithstanding any statutes to the contrary, the board  
334 may approve the requests of districts of innovation to:

335 (a) Use capital outlay funds for operational costs;

336 (b) Hire persons for classified positions in  
337 nontraditional school and district assignments who have bachelors  
338 and advanced degrees from postsecondary education institutions  
339 accredited by a regional accrediting association (Southern  
340 Association of Colleges and Schools) or by an organization  
341 affiliated with the National Commission on Accrediting;

342 (c) Employ teachers on extended employment contracts or  
343 extra duty contracts and compensate them on a salary schedule  
344 other than the single salary schedule;



345 (d) Extend the school days as is appropriate within the  
346 district with compensation for the employees as determined  
347 locally;

348 (e) Establish alternative education programs and  
349 services that are delivered in nontraditional hours and which may  
350 be jointly provided in cooperation with another school district or  
351 consortia of districts;

352 (f) Establish online classes within the district for  
353 delivering alternative classes in a blended environment to meet  
354 high school graduation requirements;

355 (g) Use a flexible school calendar;

356 (h) Convert existing schools into schools of  
357 innovation; and

358 (i) Modify the formula under Section 37-151-7 for  
359 distributing support education funds for students in average daily  
360 attendance in nontraditional programming time, including  
361 alternative programs and virtual programs. Funds granted to a  
362 district shall not exceed those that would have otherwise been  
363 distributed based on average daily attendance during regular  
364 instructional days.

365 **SECTION 4.** This act shall take effect and be in force from  
366 and after July 1, 2024.

