

By: Representative Roberson

To: Education

HOUSE BILL NO. 1192

1 AN ACT TO BRING FORWARD SECTIONS 37-179-1 AND 37-179-3,
 2 MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS RELATING TO
 3 DISTRICTS OF INNOVATION, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
 4 TO BRING FORWARD SECTION 37-161-3, MISSISSIPPI CODE OF 1972, WHICH
 5 CREATES THE MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM, FOR THE
 6 PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-179-1, Mississippi Code of 1972, is
 9 brought forward as follows:

10 37-179-1. (1) For purposes of this chapter, the following
 11 terms shall have the meaning ascribed herein, unless the context
 12 clearly indicates otherwise:

13 (a) "District of innovation" means a district that has
 14 developed a plan of innovation in compliance with this section and
 15 has been approved by the State Board of Education to be exempted
 16 from certain administrative regulations and statutory provisions
 17 to improve the educational performance of students within the
 18 district;



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

22 (c) "School of innovation" means a school that
23 voluntarily participates in a district of innovation plan to
24 improve instruction, including waivers and exemptions from local
25 school board policies, selected provisions of rules and
26 regulations promulgated by the State Board of Education, and
27 selected sections of the Mississippi Code of 1972, as permitted
28 under this section and Section 2 of this act 37-179-3;

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

30 (e) "Department" means the State Department of
31 Education.

32 (2) The State Board of Education is authorized to approve
33 districts of innovation for the purposes of improving students'
34 educational performance. Districts of innovation shall be
35 provided flexibility from selected board regulations, Title 37,
36 Mississippi Code of 1972, and local school board policies for
37 school administrators, teachers and staff to meet the diverse
38 needs of students. The initial approval of a district of
39 innovation shall be for a five-year period. Each renewal of a
40 district of innovation shall not exceed five (5) years and shall
41 comply with administrative regulations promulgated by the board
42 pursuant to subsection (4) of this section.



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

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

49 (a) The regulatory areas which may be exempted or
50 modified if approved by the board, except as provided in Section
51 37-179-3(2), and in addition to those areas identified in Section
52 37-179-3(3);

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

55 (c) Timelines for initial approval as a district of
56 innovation, the renewal process and ongoing evaluative procedures
57 required of the district;

58 (d) Acceptable documentation of a critical mass of
59 parental, community, educator and business support and capacity to
60 effect a change;

61 (e) Evidence of teacher collaboration and shared
62 leadership within the district and the schools to be designated as
63 schools of innovation;

64 (f) The process of revocation of the designation of
65 district of innovation or school of innovation;

66 (g) Reporting and oversight responsibilities of the
67 district and the State Department of Education;



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

70 (i) Acceptable areas of emphasis for innovation;

71 (j) Acceptable documentation of job-embedded
72 professional development within the proposed innovation design;
73 and

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

76 **SECTION 2.** Section 37-179-3, Mississippi Code of 1972, is
77 brought forward as follows:

78 37-179-3. (1) A district which is an applicant to be
79 designated as a district of innovation under Section 37-179-1
80 shall:

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

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

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

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

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



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

96 (b) Identify changes needed in the district and schools
97 to lead to better prepared students for success in life and work;

98 (c) Have a districtwide plan of innovation that
99 describes and justifies which schools and innovative practices
100 will be incorporated;

101 (d) Provide documentation of community, educator,
102 parental, and the local board's support of the proposed
103 innovations;

104 (e) Provide detailed information regarding the
105 rationale of requests for waivers from Title 37, Mississippi Code
106 of 1972, which relate to the elementary and secondary education of
107 public school students, and administrative regulations, and
108 exemptions for selected schools regarding waivers of local school
109 board policies;

110 (f) Document the fiscal and human resources the board
111 will provide throughout the term of the implementation of the
112 innovations within its plan; and

113 (g) Provide other materials as required by the
114 department in compliance with the board's administrative
115 regulations and application procedures.

116 (2) The district and all schools participating in a
117 district's innovation plan shall:



118 (a) Ensure the same health, safety, civil rights, and
119 disability rights requirements as are applied to all public
120 schools;

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

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

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

132 (e) Adhere to the same financial audits, audit
133 procedures, and audit requirements as are applied under Section
134 7-7-211(e);

135 (f) Require state and criminal background checks for
136 staff and volunteers as required of all public school employees
137 and volunteers within the public schools and specified in Section
138 37-9-17;

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

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



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

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

150 (3) (a) Only schools that choose to be designated as
151 schools of innovation shall be included in a district's
152 application;

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

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

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

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

165 (b) Hire persons for classified positions in
166 nontraditional school and district assignments who have bachelors
167 and advanced degrees from postsecondary education institutions



168 accredited by a regional accrediting association (Southern
169 Association of Colleges and Schools) or by an organization
170 affiliated with the National Commission on Accrediting;

171 (c) Employ teachers on extended employment contracts or
172 extra duty contracts and compensate them on a salary schedule
173 other than the single salary schedule;

174 (d) Extend the school days as is appropriate within the
175 district with compensation for the employees as determined
176 locally;

177 (e) Establish alternative education programs and
178 services that are delivered in nontraditional hours and which may
179 be jointly provided in cooperation with another school district or
180 consortia of districts;

181 (f) Establish online classes within the district for
182 delivering alternative classes in a blended environment to meet
183 high school graduation requirements;

184 (g) Use a flexible school calendar;

185 (h) Convert existing schools into schools of
186 innovation; and

187 (i) Modify the formula under Section 37-151-7 for
188 distributing support education funds for students in average daily
189 attendance in nontraditional programming time, including
190 alternative programs and virtual programs. Funds granted to a
191 district shall not exceed those that would have otherwise been



192 distributed based on average daily attendance during regular
193 instructional days.

194 **SECTION 3.** Section 37-161-3, Mississippi Code of 1972, is
195 brought forward as follows:

196 37-161-3. (1) The Legislature finds and declares the
197 following:

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

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

204 (c) Providing a broader range of educational options to
205 parents and utilizing existing resources, along with technology,
206 may help students in the state improve their academic achievement;
207 and

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

211 (2) There is created the Mississippi Virtual Public School
212 Program, which is the responsibility of the State Department of
213 Education. It is the intent of the Legislature that the
214 Mississippi Virtual Public School established under this section
215 provides Mississippi families with an alternative choice to access
216 additional educational resources in an effort to improve academic



217 achievement. The Mississippi Virtual Public School must be
218 recognized as a public school and provide equitable treatment and
219 resources as are other public schools in the state. Private
220 providers, overseen by the State Department of Education, may be
221 selected by the State Board of Education to administer, manage or
222 operate virtual school programs in this state, including the total
223 operation of the Mississippi Virtual Public School Program. Any
224 private provider chosen to provide services under the provisions
225 of this subsection shall be chosen through the Mississippi Online
226 Course Application Process.

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

231 (4) As used in this section, the following words and phrases
232 have the meanings respectively ascribed unless the context clearly
233 requires otherwise:

234 (a) "Mississippi Virtual Public School" means a public
235 school in which the state uses technology in order to deliver
236 instruction to students via the Internet in a virtual or remote
237 setting.

238 (b) "Sponsor" means the public school district is
239 responsible for the academic process for each student, including,
240 but not limited to, enrollment, awarding of credit and monitoring
241 progress.



242 (5) (a) The State Board of Education shall establish the
243 Mississippi Virtual Public School beginning in school year
244 2006-2007.

245 (b) Students who enroll in the Mississippi Virtual
246 Public School may reside anywhere in the State of Mississippi.

247 (6) Subject to appropriation, the Mississippi Virtual Public
248 School shall provide to each student enrolled in the school all
249 necessary instructional materials. Subject to appropriation, the
250 sponsored school must ensure that each student is provided access
251 to the necessary technology, such as a computer and printer, and
252 to an Internet connection for schoolwork purposes.

253 (7) The Mississippi Department of Education shall have
254 approval authority for all coursework and policy of the
255 Mississippi Virtual Public School.

256 (8) Each teacher employed by or participating in the
257 delivery of instruction through the Mississippi Virtual Public
258 School must meet all qualifications for licensure in the State of
259 Mississippi.

260 (9) Any student who meets state residency requirements may
261 enroll in the Mississippi Virtual Public School.

262 (10) Enrollment in the Mississippi Virtual Public School
263 shall be free of charge to students. The costs associated with
264 the operations of the virtual school must be shared by the State
265 Department of Education, subject to appropriation, and/or the
266 local school districts. Once the State Department of Education



267 appropriation and the local school district budgeted funds for
268 Mississippi Virtual Public School have been expended and students
269 choose to enroll in online courses, the costs of the online
270 courses may be the responsibility of the students' parents or
271 guardians.

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

