

By: Representative Roberson

To: Education

HOUSE BILL NO. 1192
(As Passed the House)

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, and shall stand repealed on June 30, 2024.

