

4/6/16

1:10 P.m.

Chapter No. 353
16/SS26/R55.1
LR 1/2/16

SENATE BILL NO. 2064

Originated in Senate



Secretary

SENATE BILL NO. 2064

AN ACT TO ESTABLISH THE DISTANCE LEARNING COLLABORATIVE ACT; TO PROVIDE FOR A GRANT PROGRAM ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF EDUCATION TO PROVIDE FUNDS FOR THE DEVELOPMENT AND IMPLEMENTATION OF DISTANCE LEARNING PROGRAMS IN SCHOOL DISTRICTS AND APPROVED COLLABORATIVE ENTITIES MEETING STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION; TO PROVIDE CERTAIN MINIMUM STANDARDS FOR THE PROGRAM; TO PROVIDE THAT FUNDS SHALL BE APPROPRIATED FOR THE DISTANCE LEARNING COLLABORATIVE ACT ON A PHASED-IN BASIS AND TO AUTHORIZE THE EXPENDITURE OF FUNDS FROM PRIVATE SOURCES; TO REQUIRE SCHOOL DISTRICTS TO MAKE INFORMATION ABOUT ONLINE LEARNING PROGRAMS AVAILABLE TO STUDENTS; TO AMEND SECTION 37-15-38, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT DISTANCE LEARNING COLLABORATIVE COURSES ARE FULLY ELIGIBLE FOR THE DUAL HIGH SCHOOL AND POSTSECONDARY CREDIT PROGRAM; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) This section shall be known and may be cited as the "Distance Learning Collaborative Act of 2016."

(2) As used in this section:

(a) "Distance learning" means a method of delivering education and instruction on an individual basis to students who are not physically present in a traditional setting such as a classroom. Distance learning provides access to learning when the source of information and the learners are separated by time and

distance, or both. Distance learning courses that require a physical on-site presence for any reason other than taking examinations may be referred to as hybrid or blended courses of study.

(b) "Department" means the Mississippi Department of Education.

(c) A "distance learning collaborative" means a school or schools that write and submit an application to participate in the voluntary distance learning program. A distance learning collaborative is comprised, at a minimum, of a public school district, and may include an agency or other nonprofit organization approved by the State Department of Education to provide distance learning resources.

(d) A "lead partner" is a public school district or other nonprofit entity with the instructional expertise and operational capacity to manage the Distance Learning Collaborative Program as described in the approved application for funds. The lead partner serves as the fiscal agent for the collaborative and shall disburse awarded funds in accordance with the collaborative's approved application. The lead partner ensures that the collaborative adopts and implements the Distance Learning Collaborative Program consistent with the standards adopted by the State Board of Education. The public school district shall be the lead partner if no other qualifying lead partner is selected.

(3) Effective with the 2016-2017 school year, the Mississippi State Department of Education shall establish a voluntary distance learning grant program which shall be a collaboration among the entities providing distance learning services for students. The Distance Learning Collaborative Program shall provide financial assistance to encourage and improve distance learning education services in rural areas through the use of telecommunications, computer networks and related advanced technologies to be used by students, teachers and rural residents. Grants are for projects where the benefit is primarily delivered to end users who are not at the same location as the source of the education service.

(4) Distance Learning Collaborative Grants may be used to:

(a) Acquire the following types of equipment: (i) computer hardware and software; (ii) audio and video equipment; (iii) computer network components; (iv) terminal equipment; (v) data terminal equipment; (vi) inside wiring; (vii) interactive video equipment; and (viii) other facilities that further distance learning technology services.

(b) Acquire instructional programming for distance learning programs.

(c) Acquire technical assistance and instruction for using eligible equipment.

(d) The cost of tuition and fees for students to participate over and above the available federal Perkins Loans or

Stafford Loans which are loaned directly to qualifying students to assist in covering the cost of distance learning funding.

(e) Any interest charges that accumulate during a student's degree program for the utilization of distance learning services.

(5) Subject to the availability of funds appropriated therefor, the State Department of Education shall administer the implementation, monitoring and evaluation of the voluntary Distance Learning Collaborative Program, including awards and the application process. The department shall establish a rigorous and transparent application process for the awarding of funds. Lead partners shall submit the application on behalf of their distance learning collaborative. The department will establish monitoring policies and procedures that shall include at least one (1) site visit per year. The department will provide technical assistance to collaboratives and their providers to improve the quality of distance learning services. The department will evaluate the effectiveness of each distance learning collaborative.

(6) Distance Learning Collaborative Program funds shall be awarded to distance learning collaboratives whose proposed programs meet the program criteria established by the State Board of Education which shall include the following:

(a) Distance learning programs shall be approved and registered with the State Department of Education and course content must be aligned with state standards.

(b) Distance learning instructors shall complete professional development training in online methodology and technical aspects of web-based instruction, and may be credentialed by the National Board for Professional Teaching Standards (NBPTS).

(c) Transcript equivalency of grades between online and traditional classes. Student enrollment and credits awarded shall be made in accordance with regulations jointly approved by the State Board of Education, the Mississippi Community College Board and the Board of Trustees of State Institutions of Higher Learning.

(d) Curriculum standards for online courses.

(e) Classroom "seat time" requirements for online courses.

(f) Accountability for student achievement, including methods to assess online course completion rates.

(7) A teacher, assistant teacher or other employee whose salary and fringe benefits are paid from state funds allocated for the Distance Learning Collaborative Program shall only be classified as a state or local school district employee eligible for state health insurance benefits or membership in the Public Employees' Retirement System, if the person's employer is already

a public school district or an agency or instrumentality of the state, and the employee would be eligible for such benefits in the normal course of business.

(8) Funding shall be provided for the Distance Learning Collaborative Program beginning with the 2016-2017 fiscal year subject to appropriation by the Legislature, and the Legislature may appropriate funds to implement the program on a phased-in basis. The State Department of Education may receive and expend contributions and funding from private sources for the administration and implementation of the Distance Learning Collaborative Program. In the initial phase of implementation, the State Department of Education shall award state funds based on a community's capacity, commitment and need in order to encourage and improve distance learning services in rural areas. The department shall make an annual report to the Legislature and the Governor regarding the effectiveness of the Distance Learning Collaborative Program, and the PEER Committee shall review those reports and other program data and submit an independent evaluation of the program operation and effectiveness to the Legislature and the Governor on or before October 1 of the calendar year before the beginning of the next phased-in period of funding. The State Department of Education shall reserve no more than five percent (5%) of the appropriation in any year for administrative costs. Funds remaining after awards to distance learning collaboratives may be carried over in the following year.

(9) The lead partner of a distance learning collaborative and the local school district shall compile information about online learning programs for high school students to earn college credit and place the information on its website. Examples of information to be compiled and placed on the website include links to providers of approved online learning programs, comparisons among various types of online programs regarding awarding of credit, advantages and disadvantages of online learning programs, and other general assistance and guidance for students, teachers and counselors in selecting and considering online learning programs. Public high schools shall ensure that teachers and counselors have information about online learning programs for high school students to earn college or university credit and are able to assist parents and students in accessing the information. Distance learning collaboratives shall ensure that parents and students have opportunities to learn about online learning programs under this section.

SECTION 2. Section 37-15-38, Mississippi Code of 1972, is amended as follows:

37-15-38. (1) The following phrases have the meanings ascribed in this section unless the context clearly requires otherwise:

(a) A dual enrolled student is a student who is enrolled in a community or junior college or state institution of higher learning while enrolled in high school.

(b) A dual credit student is a student who is enrolled in a community or junior college or state institution of higher learning while enrolled in high school and who is receiving high school and college credit for postsecondary coursework.

(2) A local school board, the Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board shall establish a dual enrollment system under which students in the school district who meet the prescribed criteria of this section may be enrolled in a postsecondary institution in Mississippi while they are still in school.

(3) **Dual credit eligibility.** Before credits earned by a qualified high school student from a community or junior college or state institution of higher learning may be transferred to the student's home school district, the student must be properly enrolled in a dual enrollment program.

(4) **Admission criteria for dual enrollment in community and junior college or university programs.** The * * * Mississippi Community College Board and the Board of Trustees of State Institutions of Higher Learning may recommend to the State Board of Education admission criteria for dual enrollment programs under which high school students may enroll at a community or junior college or university while they are still attending high school and enrolled in high school courses. Students may be admitted to enroll in community or junior college courses under the dual

enrollment programs if they meet that individual institution's stated dual enrollment admission requirements.

(5) **Tuition and cost responsibility.** Tuition and costs for university-level courses and community and junior college courses offered under a dual enrollment program may be paid for by the postsecondary institution, the local school district, the parents or legal guardians of the student, or by grants, foundations or other private or public sources. Payment for tuition and any other costs must be made directly to the credit-granting institution.

(6) **Transportation responsibility.** Any transportation required by a student to participate in the dual enrollment program is the responsibility of the parent, custodian or legal guardian of the student. Transportation costs may be paid from any available public or private sources, including the local school district.

(7) **School district average daily attendance credit.** When dually enrolled, the student may be counted, for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school.

(8) **High school student transcript transfer requirements.** Grades and college credits earned by a student admitted to a dual credit program must be recorded on the high school student record and on the college transcript at the university or community or

junior college * * * where the student attends classes. The transcript of the university or community or junior college coursework may be released to another institution or applied toward college graduation requirements.

(9) **Determining factor of prerequisites for dual enrollment courses.** Each university and community or junior college participating in a dual enrollment program shall determine course prerequisites. Course prerequisites shall be the same for dual enrolled students as for regularly enrolled students at that university or community or junior college.

(10) **Process for determining articulation of curriculum between high school, university, and community and junior college courses.** All dual credit courses must meet the standards established at the postsecondary level. Postsecondary level developmental courses may not be considered as meeting the requirements of the dual credit program. Dual credit memorandum of understandings must be established between each postsecondary institution and the school district implementing a dual credit program.

(11) [Deleted]

(12) **Eligible courses for dual credit programs.** Courses eligible for dual credit include, but are not necessarily limited to, foreign languages, advanced math courses, advanced science courses, performing arts, advanced business and technology, and career and technical courses. Distance Learning Collaborative

Program courses approved under Section 1 of this act shall be fully eligible for dual credit. All courses being considered for dual credit must receive unconditional approval from the superintendent of the local school district and the chief instructional officer at the participating community or junior college or university in order for college credit to be awarded. A university or community or junior college shall make the final decision on what courses are eligible for semester hour credits.

(13) **High school Carnegie unit equivalency.** One (1) three-hour university or community or junior college course is equal to one (1) high school Carnegie unit.

(14) **Course alignment.** The universities, community and junior colleges and the State Department of Education shall periodically review their respective policies and assess the place of dual credit courses within the context of their traditional offerings.

(15) **Maximum dual credits allowed.** It is the intent of the dual enrollment program to make it possible for every eligible student who desires to earn a semester's worth of college credit in high school to do so. A qualified dually enrolled high school student must be allowed to earn an unlimited number of college or university credits for dual credit.

(16) **Dual credit program allowances.** A student may be granted credit delivered through the following means:

(a) Examination preparation taught at a high school by a qualified teacher. A student may receive credit at the secondary level after completion of an approved course and passing the standard examination, such as an Advanced Placement or International Baccalaureate course through which a high school student is allowed CLEP credit by making a three (3) or higher on the end-of-course examination.

(b) College or university courses taught at a high school or designated postsecondary site by a qualified teacher who is an employee of the school district and approved as an instructor by the collaborating college or university.

(c) College or university courses taught at a college, university or high school by an instructor employed by the college or university and approved by the collaborating school district.

(d) Online courses of any public university, community or junior college in Mississippi.

(17) **Qualifications of dual credit instructors.** A dual credit academic instructor must meet the requirements set forth by the regional accrediting association (Southern Association of College and Schools). University and community and junior college personnel have the sole authority in the selection of dual credit instructors.

A dual credit career and technical education instructor must meet the requirements set forth by the Mississippi Community

College Board in the qualifications manual for postsecondary career and technical personnel.

(18) **Guidance on local agreements.** The Chief Academic Officer of the State Board of Trustees of State Institutions of Higher Learning and the Chief Instructional Officers of the Mississippi Community College Board and the State Department of Education, working collaboratively, shall develop a template to be used by the individual community and junior colleges and institutions of higher learning for consistent implementation of the dual enrollment program throughout the State of Mississippi.

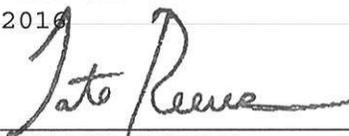
(19) **Mississippi Works Dual Enrollment-Dual Credit Option.** A local school board and the local community colleges board shall establish a Mississippi Works Dual Enrollment-Dual Credit Option Program under which potential or recent student dropouts may dually enroll in their home school and a local community college in a dual credit program consisting of high school completion coursework and a community college credential, certificate or degree program. Students completing the dual enrollment-credit option may obtain their high school diploma while obtaining a community college credential, certificate or degree. The Mississippi Department of Employment Security shall assist students who have successfully completed the Mississippi Works Dual Enrollment-Dual Credit Option in securing a job upon the application of the student or the participating school or community college. The Mississippi Works Dual Enrollment-Dual

Credit Option Program will be implemented statewide in the 2012-2013 school year and thereafter. The State Board of Education, local school board and the local community college board shall establish criteria for the Dual Enrollment-Dual Credit Program. Students enrolled in the program will not be eligible to participate in interscholastic sports or other extracurricular activities at the home school district. Tuition and costs for community college courses offered under the Dual Enrollment-Dual Credit Program shall not be charged to the student, parents or legal guardians. When dually enrolled, the student shall be counted for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school, as provided in Section 37-151-7(1)(a). Any transportation required by the student to participate in the Dual Enrollment-Dual Credit Program is the responsibility of the parent or legal guardian of the student, and transportation costs may be paid from any available public or private sources, including the local school district. Grades and college credits earned by a student admitted to this Dual Enrollment-Dual Credit Program shall be recorded on the high school student record and on the college transcript at the community college and high school where the student attends classes. The transcript of the community college coursework may be released to another institution or applied toward college graduation requirements. Any course that is required for subject

area testing as a requirement for graduation from a public school in Mississippi is eligible for dual credit, and courses eligible for dual credit shall also include career, technical and degree program courses. All courses eligible for dual credit shall be approved by the superintendent of the local school district and the chief instructional officer at the participating community college in order for college credit to be awarded. A community college shall make the final decision on what courses are eligible for semester hour credits and the local school superintendent, subject to approval by the Mississippi Department of Education, shall make the final decision on the transfer of college courses credited to the student's high school transcript.

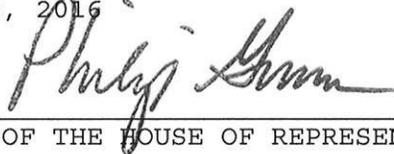
SECTION 3. This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE SENATE
March 1, 2016



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 25, 2016



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

*April 6, 2016
1:10pm*