

FIRST REGULAR SESSION

SENATE BILL NO. 238

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Pre-filed December 28, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1047S.01I

AN ACT

To repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof two new sections relating to course access in education, with a delayed effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 161.670 and 167.121, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 161.670 and 167.121, to
3 read as follows:

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the
2 state board of education shall establish [a virtual public school] **the "Missouri**
3 **Course Access Program"** to serve school-age students residing in the
4 state. The [virtual public school] **Missouri course access program** shall offer
5 instruction in a virtual setting using technology, intranet, and/or internet
6 methods of communication. Any student under the age of twenty-one in grades
7 kindergarten through twelve who resides in this state shall be eligible to enroll
8 in the [virtual public school] **Missouri course access program** regardless of
9 the student's physical location.

10 2. For purposes of calculation and distribution of state school aid,
11 students enrolled in [a virtual public school] **the Missouri course access**
12 **program** shall be included, at the choice of the student's parent or guardian, in
13 the student enrollment of the school district in which the student physically
14 resides. The [virtual public school] **Missouri course access program** shall
15 report to the district of residence the following information about each student
16 served by the [virtual public school] **Missouri course access program**: name,
17 address, eligibility for free or reduced-price lunch, limited English proficiency
18 status, special education needs, and the number of courses in which the student

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 is enrolled. The [virtual public school] **Missouri course access program** shall
20 promptly notify the resident district when a student discontinues enrollment. A
21 "full-time equivalent student" is a student who successfully has completed the
22 instructional equivalent of six credits per regular term. Each [virtual] **Missouri**
23 **course access program** course shall count as one class and shall generate that
24 portion of a full-time equivalent that a comparable course offered by the school
25 district would generate. In no case shall more than the full-time equivalency of
26 a regular term of attendance for a single student be used to claim state
27 aid. Full-time equivalent student credit completed shall be reported to the
28 department of elementary and secondary education in the manner prescribed by
29 the department. Nothing in this section shall prohibit students from enrolling
30 in additional courses under a separate agreement that includes terms for paying
31 tuition or course fees.

32 3. (1) **A school district shall allow any K-12 student who resides**
33 **in such district to enroll in up to two Missouri course access program**
34 **courses of his or her choice each school year, with any costs associated**
35 **with such course or courses to be paid by the school district, if:**

36 (a) **The student is enrolled full-time in and has attended, for at**
37 **least one semester immediately prior to enrolling in the Missouri**
38 **course access program, a public school, including any public charter**
39 **school; and**

40 (b) **Prior to enrolling in any Missouri course access program**
41 **course, a student has received approval from his or her school**
42 **counselor through the procedure described under subdivision (2) of**
43 **this subsection.**

44 (2) **School counselors shall approve or disapprove a student's**
45 **request to enroll in a Missouri course access program course based on**
46 **the counselor's assessment of whether participation in the program and**
47 **enrollment in a particular course are in the student's best interest. The**
48 **district shall develop a procedure under which a student may appeal**
49 **the decision of a school counselor made under the provisions of this**
50 **subdivision.**

51 (3) **For students enrolled in any Missouri course access program**
52 **course in which costs associated with such course are to be paid by the**
53 **school district as described under subdivision (1) of this subsection, the**
54 **school district shall pay the content provider directly on a monthly**

55 basis. If a student discontinues enrollment, the district may stop
56 making monthly payments to the content provider. No school district
57 shall pay, for any one course for a student, more than fourteen percent
58 of the state adequacy target, as defined under section 163.011.

59 (4) The school district shall monitor student progress and
60 success and course quality and annually provide feedback to the joint
61 committee on education regarding course quality.

62 (5) A school district shall accept courses taken through the
63 Missouri course access program for credit.

64 (6) Nothing in this section shall prohibit home school or private
65 school students from enrolling in Missouri course access program
66 courses under an agreement that includes terms for paying tuition or
67 course fees.

68 (7) Nothing in this subsection shall require any school district
69 or the state to provide computers, equipment, or internet access to any
70 student.

71 4. When a school district has one or more resident students enrolled in
72 [a virtual public school] the **Missouri course access** program authorized by
73 this section, whose parent or guardian has chosen to include such student in the
74 district's enrollment, the department of elementary and secondary education shall
75 disburse an amount corresponding to fifteen percent of the state aid under
76 sections 163.031 and 163.043 attributable to such student to the resident district.
77 Subject to an annual appropriation by the general assembly, the department shall
78 disburse an amount corresponding to eighty-five percent of the state adequacy
79 target attributable to such student to the [virtual public school] **Missouri**
80 **course access program**.

81 [4.] 5. Except as specified in this section and as may be specified by rule
82 of the state board of education, the [virtual public school] **Missouri course**
83 **access program** shall comply with all state laws and regulations applicable to
84 school districts, including but not limited to the Missouri school improvement
85 program (MSIP), adequate yearly progress (AYP), annual performance report
86 (APR), teacher certification, and curriculum standards.

87 [5.] 6. The state board of education through the rulemaking process and
88 the department of elementary and secondary education in its policies and
89 procedures shall ensure that multiple content providers are allowed, **provide an**
90 **easily accessible link for providers to submit courses on the Missouri**

91 **course access program website, and allow any person, organization, or**
92 **entity to submit courses for approval. No content provider shall be**
93 **allowed that is unwilling to accept payments in the amount and manner**
94 **as described under subdivision (3) of subsection 3 of this section.**

95 [6.] 7. Any rule or portion of a rule, as that term is defined in section
96 536.010, that is created under the authority delegated in this section shall
97 become effective only if it complies with and is subject to all of the provisions of
98 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
99 nonseverable and if any of the powers vested with the general assembly pursuant
100 to chapter 536 to review, to delay the effective date, or to disapprove and annul
101 a rule are subsequently held unconstitutional, then the grant of rulemaking
102 authority and any rule proposed or adopted after August 28, 2006, shall be
103 invalid and void.

167.121. 1. If the residence of a pupil is so located that attendance in the
2 district of residence constitutes an unusual or unreasonable transportation
3 hardship because of natural barriers, travel time, or distance, the commissioner
4 of education or his designee may assign the pupil to another district. Subject to
5 the provisions of this section, all existing assignments shall be reviewed prior to
6 July 1, 1984, and from time to time thereafter, and may be continued or
7 rescinded. The board of education of the district in which the pupil lives shall
8 pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata
9 cost of instruction.

10 2. (1) For the school year beginning July 1, 2008, and each succeeding
11 school year, a parent or guardian residing in a lapsed public school district or a
12 district that has scored either unaccredited or provisionally accredited, or a
13 combination thereof, on two consecutive annual performance reports may enroll
14 the parent's or guardian's child in the Missouri [virtual school] **course access**
15 **program** created in section 161.670 provided the pupil first enrolls in the school
16 district of residence. The school district of residence shall include the pupil's
17 enrollment in the [virtual school] **Missouri course access program** created in
18 section 161.670 in determining the district's average daily attendance. Full-time
19 enrollment in the [virtual school] **Missouri course access program** shall
20 constitute one average daily attendance equivalent in the school district of
21 residence. Average daily attendance for part-time enrollment in the [virtual
22 school] **Missouri course access program** shall be calculated as a percentage
23 of the total number of [virtual] **Missouri course access program** courses

24 enrolled in divided by the number of courses required for full-time attendance in
25 the school district of residence.

26 (2) A pupil's residence, for purposes of this section, means residency
27 established under section 167.020. Except for students residing in a K-8 district
28 attending high school in a district under section 167.131, the board of the home
29 district shall pay to the [virtual school] **Missouri course access program** the
30 amount required under section 161.670.

31 (3) Nothing in this section shall require any school district or the state to
32 provide computers, equipment, internet or other access, supplies, materials or
33 funding, except as provided in this section, as may be deemed necessary for a
34 pupil to participate in the [virtual school] **Missouri course access program**
35 created in section 161.670.

36 (4) Any rule or portion of a rule, as that term is defined in section
37 536.010, that is created under the authority delegated in this section shall
38 become effective only if it complies with and is subject to all of the provisions of
39 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
40 nonseverable and if any of the powers vested with the general assembly pursuant
41 to chapter 536 to review, to delay the effective date, or to disapprove and annul
42 a rule are subsequently held unconstitutional, then the grant of rulemaking
43 authority and any rule proposed or adopted after August 28, 2007, shall be
44 invalid and void.

Section B. Section A of this act shall become effective January 1, 2018.

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