

FIRST REGULAR SESSION

SENATE BILL NO. 327

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Read 1st time January 23, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1498S.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 an 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Section A. Sections 161.670 and 167.121, RSMo, are repealed and two new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 regardless of the student's physical location]
9 **Missouri course access program pursuant to subsection 3 of this**
10 **section.**

11 2. For purposes of calculation and distribution of state school aid,
12 students enrolled in [a virtual public school] **the Missouri course access**
13 **program** shall be included[, at the choice of the student's parent or guardian,]
14 in the student enrollment of the school district in which the student physically
15 [resides] **is enrolled pursuant to subsection 3 of this section.** The [virtual
16 public school] **Missouri course access program** shall report to the district of
17 residence the following information about each student served by the [virtual
18 public school] **Missouri course access program:** name, address, eligibility for

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

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

33 3. [When a school district has one or more resident students enrolled in
34 a virtual public school program authorized by this section, whose parent or
35 guardian has chosen to include such student in the district's enrollment, the
36 department of elementary and secondary education shall disburse an amount
37 corresponding to fifteen percent of the state aid under sections 163.031 and
38 163.043 attributable to such student to the resident district. Subject to an annual
39 appropriation by the general assembly, the department shall disburse an amount
40 corresponding to eighty-five percent of the state adequacy target attributable to
41 such student to the virtual public school.

42 4.] (1) **A school district shall allow any K-12 student who resides**
43 **in such district to enroll in up to two Missouri course access program**
44 **courses of his or her choice as a part of the student's annual course**
45 **load each school year, with any costs associated with such course or**
46 **courses to be paid by the school district if:**

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

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

55 (2) School districts, through the school principal and in
56 cooperation with the school's counselor, shall approve or disapprove a
57 student's request to enroll in a Missouri course access program
58 course. The school counselor shall conduct an assessment of whether
59 participation in the program and enrollment in a particular course are
60 in the student's best interest and make a recommendation to the school
61 principal. The district shall develop a procedure under which a
62 student may appeal the decision made under the provisions of this
63 subdivision.

64 (3) For students enrolled in any Missouri course access program
65 course in which costs associated with such course are to be paid by the
66 school district as described under subdivision (1) of this subsection, the
67 school district shall pay the content provider directly on a monthly
68 basis. If a student discontinues enrollment, the district may stop
69 making monthly payments to the content provider. No school district
70 shall pay, for any one course for a student, more than the market
71 necessary costs but in no case shall pay more than fourteen percent of
72 the state adequacy target as defined under section 163.011 as calculated
73 at the end of the most recent school year.

74 (4) School districts shall monitor the progress and success of
75 school district students that are enrolled in any course offered under
76 this section and may terminate or alter the course offering if it is found
77 the course is not meeting the educational needs of the students enrolled
78 in the course.

79 (5) The school district shall monitor student progress and
80 success and course quality and annually provide feedback to the
81 department of elementary and secondary education regarding course
82 quality.

83 (6) Pursuant to rules to be adopted by the department of
84 elementary and secondary education, when a student transfers into a
85 school district, credits previously gained through successful passage of
86 approved courses under the Missouri course access program shall be
87 accepted by the school district.

88 (7) Nothing in this section shall prohibit home school students,
89 private school students, or students wishing to take additional courses
90 beyond their regular course load from enrolling in Missouri course
91 access program courses under an agreement that includes terms for

92 **paying tuition or course fees.**

93 **(8) Nothing in this section shall prohibit school districts from**
94 **adopting a policy to provide funding for more than two courses within**
95 **a student's normal course load if it is in the best interest of the child,**
96 **particularly those who may be homebound or deemed medically fragile.**

97 **(9) Nothing in this subsection shall require any school district**
98 **or the state to provide computers, equipment, or internet access to any**
99 **student unless required by an eligible student with a disability to**
100 **comply with federal law.**

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

107 **5. The state board of education through the rulemaking process and the**
108 **department of elementary and secondary education in its policies and procedures**
109 **shall ensure that multiple content providers are allowed, **ensure digital****
110 **content conforms to accessibility requirements, provide an easily**
111 **accessible link for providers to submit courses on the Missouri course**
112 **access program website, and allow any person, organization, or entity**
113 **to submit courses for approval. No content provider shall be allowed**
114 **that is unwilling to accept payments in the amount and manner as**
115 **described under subdivision (3) of subsection 3 of this section or does**
116 **not meet performance or quality standards adopted by the state board**
117 **of education.**

118 **6. Any rule or portion of a rule, as that term is defined in section 536.010,**
119 **that is created under the authority delegated in this section shall become effective**
120 **only if it complies with and is subject to all of the provisions of chapter 536 and,**
121 **if applicable, section 536.028. This section and chapter 536 are nonseverable and**
122 **if any of the powers vested with the general assembly pursuant to chapter 536 to**
123 **review, to delay the effective date, or to disapprove and annul a rule are**
124 **subsequently held unconstitutional, then the grant of rulemaking authority and**
125 **any rule proposed or adopted after August 28, 2006, shall be 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.

✓
Unofficial

Bill

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