

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 138
99TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 13, 2017, with recommendation that the Senate Committee Substitute do pass.

0240S.07C

ADRIANE D. CROUSE, Secretary.

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Section A. Sections 161.670 and 167.121, RSMo, are repealed and two new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 and Virtual School Program"** to serve school-age students
4 residing in the state. The [virtual public school] **Missouri course access and**
5 **virtual school program** shall offer instruction in a virtual setting using
6 technology, intranet, and/or internet methods of communication. Any student
7 under the age of twenty-one in grades kindergarten through twelve who resides
8 in this state shall be eligible to enroll in the [virtual public school regardless of
9 the student's physical location] **Missouri course access and virtual school**
10 **program pursuant to subsection 3 of this 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 and**
13 **virtual school program** shall be included[, at the choice of the student's parent
14 or guardian,] in the student enrollment of the school district in which the student
15 physically [resides] **is enrolled under subsection 3 of this section.** The
16 [virtual public school] **Missouri course access and virtual school program**
17 shall report to the district of residence the following information about each

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

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

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

44 4.] (1) **A school district or charter school shall allow any eligible**
45 **student who resides in such district to enroll in Missouri course access**
46 **program courses of his or her choice as a part of the student's annual**
47 **course load each school year or a full-time virtual school option, with**
48 **any costs associated with such course or courses to be paid by the**
49 **school district or charter school if:**

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

54 (b) Prior to enrolling in any Missouri course access program
55 course, a student has received approval from his or her school
56 principal through the procedure described under subdivision (2) of this
57 subsection.

58 (2) School districts and charter schools, through the school
59 principal and in cooperation with the school's counselor or a person
60 designated by the district or charter school, shall approve or
61 disapprove a student's request to enroll in a Missouri course access
62 program course or full-time virtual school. The school counselor or a
63 person designated by the district or charter school shall advise any
64 student who requests to enroll in a Missouri course access program
65 course or a full-time virtual school and submit a recommendation to the
66 school principal for final approval. The advice of the school counselor
67 or the person designated by the district or charter school shall be
68 based on his or her assessment of whether participation in the program
69 and enrollment in a particular course are in the student's best interest
70 and shall be done in consultation with the student's parent or legal
71 guardian. Each school district and charter school shall develop a
72 procedure under which a student may appeal the decision made under
73 the provisions of this subdivision. In cases of denial of a request, the
74 school district or charter school shall inform students and parents of
75 the reason for denial and inform them of their right to appeal any
76 enrollment denials in state course access program courses or full-time
77 virtual school to the department of elementary and secondary
78 education, which shall provide a final enrollment decision within seven
79 calendar days. The state board of education shall establish guidelines
80 governing the appeals process.

81 (3) For students enrolled in any Missouri course access program
82 course in which costs associated with such course are to be paid by the
83 school district or charter school as described under subdivision (1) of
84 this subsection, the school district or charter school shall pay the
85 content provider directly on a pro rata monthly basis based on a
86 student's completion of assignments and assessments. If a student
87 discontinues enrollment, the district or charter school may stop making
88 monthly payments to the content provider. No school district or
89 charter school shall pay, for any one course for a student, more than
90 the market necessary costs but in no case shall pay more than fourteen

91 percent of the state adequacy target, as defined under section 163.011,
92 as calculated at the end of the most recent school year for any single,
93 year-long course and no more than seven percent of the state adequacy
94 target as described above for any single semester equivalent
95 course. Payment for a full-time virtual school student shall not exceed
96 the state adequacy target, unless the student receives additional
97 federal or state aid. Nothing in this subdivision shall prohibit a school
98 district or charter school from negotiating lower costs directly with
99 course or full-time virtual school providers, particularly in cases where
100 several students enroll in a single course or full-time virtual school.

101 (4) In the case of a student who is a candidate for A+ tuition
102 reimbursement and taking a virtual course under this section, the
103 school shall attribute no less than ninety-five percent attendance to any
104 such student who has completed such virtual course.

105 (5) The Missouri course access program shall ensure that
106 individual learning plans designed by certified teachers and
107 professional staff are developed for all students enrolled in more than
108 two full-time course access program courses or a full-time virtual
109 school.

110 (6) Providers shall monitor student success and engagement of
111 students enrolled in their program and report the information to the
112 school district or charter school. Providers may make
113 recommendations to the school district or charter school regarding the
114 student's continued enrollment in the program. The school district or
115 charter school shall consider recommendations from providers and
116 monitor the progress and success of enrolled students that are enrolled
117 in any course or full-time virtual school offered under this section and
118 may terminate or alter the course offering if it is found the course or
119 full-time virtual school is not meeting the educational needs of the
120 students enrolled in the course.

121 (7) School districts and charter schools shall monitor student
122 progress and success, and course or full-time virtual school quality, and
123 annually provide feedback to the department of elementary and
124 secondary education regarding course quality.

125 (8) Pursuant to rules to be adopted by the department of
126 elementary and secondary education, when a student transfers into a
127 school district or charter school, credits previously gained through

128 successful passage of approved courses under the Missouri course
129 access program shall be accepted by the school district or charter
130 school.

131 (9) Nothing in this section shall prohibit home school students,
132 private school students, or students wishing to take additional courses
133 beyond their regular course load from enrolling in Missouri course
134 access program courses under an agreement that includes terms for
135 paying tuition or course fees.

136 (10) Nothing in this subsection shall require any school district,
137 charter school, or the state to provide computers, equipment, or
138 internet access to any student unless required by an eligible student
139 with a disability to comply with federal law.

140 (11) The authorization process shall provide for continuous
141 monitoring of approved providers and courses. The department shall
142 revoke or suspend or take other corrective action regarding the
143 authorization of any course or provider no longer meeting the
144 requirements of the program. Unless immediate action is necessary,
145 prior to revocation or suspension, the department shall notify the
146 provider and give the provider a reasonable time period to take
147 corrective action to avoid revocation or suspension. The process shall
148 provide for periodic renewal of authorization no less frequently than
149 once every three years.

150 (12) Courses approved as of January 1, 2018, by the department
151 to participate in the Missouri virtual instruction program shall be
152 automatically approved to participate in the state course access and
153 virtual school program, but shall be subject to periodic renewal.

154 4. School districts or charter schools shall inform parents of
155 their child's right to participate in the program. Availability of the
156 program shall be made clear in the parent handbook, registration
157 documents, and featured on the home page of the school district or
158 charter school's website.

159 5. The department shall:

160 (1) Establish an authorization process for course or full-time
161 virtual school providers that includes multiple opportunities for
162 submission each year;

163 (2) Pursuant to the timeline established by the department,
164 authorize course or full-time virtual school providers that:

165 (a) Submit all necessary information pursuant to the
166 requirements of the process; and

167 (b) Meet the criteria described in subdivision (3) of this
168 subsection;

169 (3) Review, pursuant to the authorization process, proposals
170 from providers to provide a comprehensive, full-time equivalent course
171 of study for students through the Missouri course access program. The
172 department shall ensure that these comprehensive courses of study
173 align to state academic standards and that there is consistency and
174 compatibility in the curriculum used by all providers from one grade
175 level to the next grade level;

176 (4) Within thirty days of any denial, provide a written
177 explanation to any course or full-time virtual school providers that are
178 denied authorization.

179 6. If a course or full-time virtual school provider is denied
180 authorization, the course provider may reapply at any point in the
181 future.

182 7. The department shall publish the process established under
183 this section, including any deadlines and any guidelines applicable to
184 the submission and authorization process for course or full-time virtual
185 school providers on its website.

186 8. If the department determines that there are insufficient funds
187 available for evaluating and authorizing course or full-time virtual
188 school providers, the department may charge applicant course or full-
189 time virtual school providers a fee up to, but no greater than, the
190 amount of the costs in order to ensure that evaluation occurs. The
191 department shall establish and publish a fee schedule for purposes of
192 this subsection.

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

199 [5.] 10. The state board of education through the rulemaking process and
200 the department of elementary and secondary education in its policies and
201 procedures shall ensure that multiple content providers are allowed, **ensure**

202 **digital content conforms to accessibility requirements, provide an**
203 **easily accessible link for providers to submit courses or full-time**
204 **virtual schools on the Missouri course access and virtual school**
205 **program website, and allow any person, organization, or entity to**
206 **submit courses or full-time virtual schools for approval. No content**
207 **provider shall be allowed that is unwilling to accept payments in the**
208 **amount and manner as described under subdivision (3) of subsection 3**
209 **of this section or does not meet performance or quality standards**
210 **adopted by the state board of education.**

211 [6.] 11. Any rule or portion of a rule, as that term is defined in section
212 536.010, that is created under the authority delegated in this section shall
213 become effective only if it complies with and is subject to all of the provisions of
214 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
215 nonseverable and if any of the powers vested with the general assembly pursuant
216 to chapter 536 to review, to delay the effective date, or to disapprove and annul
217 a rule are subsequently held unconstitutional, then the grant of rulemaking
218 authority and any rule proposed or adopted after August 28, 2006, shall be
219 invalid and void.

167.121. [1.] If the residence of a pupil is so located that attendance in
2 the 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 created in section
15 161.670 provided the pupil first enrolls in the school district of residence. The
16 school district of residence shall include the pupil's enrollment in the virtual
17 school created in section 161.670 in determining the district's average daily
18 attendance. Full-time enrollment in the virtual school shall constitute one

19 average daily attendance equivalent in the school district of residence. Average
20 daily attendance for part-time enrollment in the virtual school shall be calculated
21 as a percentage of the total number of virtual courses enrolled in divided by the
22 number of courses required for full-time attendance in the school district of
23 residence.

24 (2) A pupil's residence, for purposes of this section, means residency
25 established under section 167.020. Except for students residing in a K-8 district
26 attending high school in a district under section 167.131, the board of the home
27 district shall pay to the virtual school the amount required under section 161.670.

28 (3) Nothing in this section shall require any school district or the state to
29 provide computers, equipment, internet or other access, supplies, materials or
30 funding, except as provided in this section, as may be deemed necessary for a
31 pupil to participate in the virtual school created in section 161.670.

32 (4) Any rule or portion of a rule, as that term is defined in section
33 536.010, that is created under the authority delegated in this section shall
34 become effective only if it complies with and is subject to all of the provisions of
35 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
36 nonseverable and if any of the powers vested with the general assembly pursuant
37 to chapter 536 to review, to delay the effective date, or to disapprove and annul
38 a rule are subsequently held unconstitutional, then the grant of rulemaking
39 authority and any rule proposed or adopted after August 28, 2007, shall be
40 invalid and void.]

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

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