

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 603, 576 & 898

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.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 161.670 and 167.121, RSMo, are repealed  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

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

16           2. For purposes of calculation and distribution of state

1 school aid, students enrolled in [a virtual public school] the  
2 Missouri course access and virtual school program shall be  
3 included[, at the choice of the student's parent or guardian,] in  
4 the student enrollment of the school district in which the  
5 student physically [resides] is enrolled under subsection 3 of  
6 this section. The [virtual public school] Missouri course access  
7 and virtual school program shall report to the district of  
8 residence the following information about each student served by  
9 the [virtual public school] Missouri course access and virtual  
10 school program: name, address, eligibility for free or  
11 reduced-price lunch, limited English proficiency status, special  
12 education needs, and the number of courses in which the student  
13 is enrolled. The [virtual public school] Missouri course access  
14 and virtual school program shall promptly notify the resident  
15 district when a student discontinues enrollment. A "full-time  
16 equivalent student" is a student who successfully has completed  
17 the instructional equivalent of six credits per regular term.  
18 Each [virtual] Missouri course access and virtual school program  
19 course shall count as one class and shall generate that portion  
20 of a full-time equivalent that a comparable course offered by the  
21 school district would generate. In no case shall more than the  
22 full-time equivalency of a regular term of attendance for a  
23 single student be used to claim state aid. Full-time equivalent  
24 student credit completed shall be reported to the department of  
25 elementary and secondary education in the manner prescribed by  
26 the department. Nothing in this section shall prohibit students  
27 from enrolling in additional courses under a separate agreement  
28 that includes terms for paying tuition or course fees.

1           3. [When a school district has one or more resident  
2 students enrolled in a virtual public school program authorized  
3 by this section, whose parent or guardian has chosen to include  
4 such student in the district's enrollment, the department of  
5 elementary and secondary education shall disburse an amount  
6 corresponding to fifteen percent of the state aid under sections  
7 163.031 and 163.043 attributable to such student to the resident  
8 district. Subject to an annual appropriation by the general  
9 assembly, the department shall disburse an amount corresponding  
10 to eighty-five percent of the state adequacy target attributable  
11 to such student to the virtual public school.

12           4.] (1) A school district or charter school shall allow any  
13 eligible student who resides in such district to enroll in  
14 Missouri course access and virtual school program courses of his  
15 or her choice as a part of the student's annual course load each  
16 school year or a full-time virtual school option, with any costs  
17 associated with such course or courses to be paid by the school  
18 district or charter school if:

19           (a) The student is enrolled full-time in and has attended,  
20 for at least one semester immediately prior to enrolling in the  
21 Missouri course access and virtual school program, a public  
22 school, including any public charter school; and

23           (b) Prior to enrolling in any Missouri course access and  
24 virtual school program course, a student has received approval  
25 from his or her school district or charter school through the  
26 procedure described under subdivision (2) of this subsection.

27           (2) A school district or charter school shall approve or  
28 disapprove a student's request to enroll in a course or courses

1 provided by the Missouri course access and virtual school  
2 program, including full-time enrollment in courses provided by  
3 the Missouri course access and virtual school program. Each  
4 school district or charter school shall adopt a policy that  
5 delineates the process by which a student may enroll in courses  
6 provided by the Missouri course access and virtual school program  
7 that is substantially similar to the typical process by which a  
8 district student would enroll in courses offered by the school  
9 district and a charter school student would enroll in courses  
10 offered by the charter school. The policy may include  
11 consultation with the school's counselor and may include parental  
12 notification or authorization. School counselors shall not be  
13 required to approve or disapprove a student's enrollment in the  
14 Missouri course access and virtual school program. In cases of  
15 denial by the district or charter school, local education  
16 agencies shall inform students and families of their right to  
17 appeal any enrollment denials in Missouri course access program  
18 courses to the department of elementary and secondary education,  
19 which shall provide a final enrollment decision within seven  
20 calendar days.

21 (3) For students enrolled in any Missouri course access and  
22 virtual school program course in which costs associated with such  
23 course are to be paid by the school district or charter school as  
24 described under subdivision (1) of this subsection, the school  
25 district or charter school shall pay the content provider  
26 directly on a pro rata monthly basis based on a student's  
27 completion of assignments and assessments. If a student  
28 discontinues enrollment, the district or charter school may stop

1 making monthly payments to the content provider. No school  
2 district or charter school shall pay, for any one course for a  
3 student, more than the market necessary costs but in no case  
4 shall pay more than fourteen percent of the state adequacy  
5 target, as defined under section 163.011, as calculated at the  
6 end of the most recent school year for any single, year-long  
7 course and no more than seven percent of the state adequacy  
8 target as described above for any single semester equivalent  
9 course. Payment for a full-time virtual school student shall not  
10 exceed the state adequacy target, unless the student receives  
11 additional federal or state aid. Nothing in this subdivision  
12 shall prohibit a school district or charter school from  
13 negotiating lower costs directly with course or full-time virtual  
14 school providers, particularly in cases where several students  
15 enroll in a single course or full-time virtual school.

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

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

26 (6) The department shall monitor student success and  
27 engagement of students enrolled in their program and report the  
28 information to the school district or charter school. Providers

1 and the department may make recommendations to the school  
2 district or charter school regarding the student's continued  
3 enrollment in the program. The school district or charter school  
4 shall consider the recommendations and evaluate the progress and  
5 success of enrolled students that are enrolled in any course or  
6 full-time virtual school offered under this section and may  
7 terminate or alter the course offering if it is found the course  
8 or full-time virtual school is not meeting the educational needs  
9 of the students enrolled in the course.

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

14 (8) Pursuant to rules to be promulgated by the department  
15 of elementary and secondary education, when a student transfers  
16 into a school district or charter school, credits previously  
17 gained through successful passage of approved courses under the  
18 Missouri course access and virtual school program shall be  
19 accepted by the school district or charter school.

20 (9) Pursuant to rules to be promulgated by the department  
21 of elementary and secondary education, if a student transfers  
22 into a school district or charter school while enrolled in a  
23 Missouri course access and virtual school program course or full-  
24 time virtual school, the student shall continue to be enrolled in  
25 such course or school.

26 (10) Nothing in this section shall prohibit home school  
27 students, private school students, or students wishing to take  
28 additional courses beyond their regular course load from

1 enrolling in Missouri course access and virtual school program  
2 courses under an agreement that includes terms for paying tuition  
3 or course fees.

4 (11) Nothing in this subsection shall require any school  
5 district, charter school, or the state to provide computers,  
6 equipment, or internet access to any student unless required by  
7 an eligible student with a disability to comply with federal law.

8 (12) The authorization process shall provide for continuous  
9 monitoring of approved providers and courses. The department  
10 shall revoke or suspend or take other corrective action regarding  
11 the authorization of any course or provider no longer meeting the  
12 requirements of the program. Unless immediate action is  
13 necessary, prior to revocation or suspension, the department  
14 shall notify the provider and give the provider a reasonable time  
15 period to take corrective action to avoid revocation or  
16 suspension. The process shall provide for periodic renewal of  
17 authorization no less frequently than once every three years.

18 (13) Courses approved as of January 1, 2018, by the  
19 department to participate in the Missouri virtual instruction  
20 program shall be automatically approved to participate in the  
21 Missouri course access and virtual school program, but shall be  
22 subject to periodic renewal.

23 4. School districts or charter schools shall inform parents  
24 of their child's right to participate in the program.  
25 Availability of the program shall be made clear in the parent  
26 handbook, registration documents, and featured on the home page  
27 of the school district or charter school's website.

28 5. The department shall:

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

4       (2) Pursuant to the time line established by the  
5 department, authorize course or full-time virtual school  
6 providers that:

7       (a) Submit all necessary information pursuant to the  
8 requirements of the process; and

9       (b) Meet the criteria described in subdivision (3) of this  
10 subsection;

11       (3) Review, pursuant to the authorization process,  
12 proposals from providers to provide a comprehensive, full-time  
13 equivalent course of study for students through the Missouri  
14 course access and virtual school program. The department shall  
15 ensure that these comprehensive courses of study align to state  
16 academic standards and that there is consistency and  
17 compatibility in the curriculum used by all providers from one  
18 grade level to the next grade level;

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

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

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

1           8. If the department determines that there are insufficient  
2 funds available for evaluating and authorizing course or full-  
3 time virtual school providers, the department may charge  
4 applicant course or full-time virtual school providers a fee up  
5 to, but no greater than, the amount of the costs in order to  
6 ensure that evaluation occurs. The department shall establish  
7 and publish a fee schedule for purposes of this subsection.

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

16           [5.] 10. The state board of education through the  
17 rulemaking process and the department of elementary and secondary  
18 education in its policies and procedures shall ensure that  
19 multiple content providers are allowed, ensure digital content  
20 conforms to accessibility requirements, provide an easily  
21 accessible link for providers to submit courses or full-time  
22 virtual schools on the Missouri course access and virtual school  
23 program website, and allow any person, organization, or entity to  
24 submit courses or full-time virtual schools for approval. No  
25 content provider shall be allowed that is unwilling to accept  
26 payments in the amount and manner as described under subdivision  
27 (3) of subsection 3 of this section or does not meet performance  
28 or quality standards adopted by the state board of education.

1           [6.] 11. Any rule or portion of a rule, as that term is  
2 defined in section 536.010, that is created under the authority  
3 delegated in this section shall become effective only if it  
4 complies with and is subject to all of the provisions of chapter  
5 536 and, if applicable, section 536.028. This section and  
6 chapter 536 are nonseverable and if any of the powers vested with  
7 the general assembly pursuant to chapter 536 to review, to delay  
8 the effective date, or to disapprove and annul a rule are  
9 subsequently held unconstitutional, then the grant of rulemaking  
10 authority and any rule proposed or adopted after August 28, 2006,  
11 shall be invalid and void.

12           167.121. [1.] If the residence of a pupil is so located  
13 that attendance in the district of residence constitutes an  
14 unusual or unreasonable transportation hardship because of  
15 natural barriers, travel time, or distance, the commissioner of  
16 education or his designee may assign the pupil to another  
17 district. Subject to the provisions of this section, all  
18 existing assignments shall be reviewed prior to July 1, 1984, and  
19 from time to time thereafter, and may be continued or rescinded.  
20 The board of education of the district in which the pupil lives  
21 shall pay the tuition of the pupil assigned. The tuition shall  
22 not exceed the pro rata cost of instruction.

23           [2. (1) For the school year beginning July 1, 2008, and  
24 each succeeding school year, a parent or guardian residing in a  
25 lapsed public school district or a district that has scored  
26 either unaccredited or provisionally accredited, or a combination  
27 thereof, on two consecutive annual performance reports may enroll  
28 the parent's or guardian's child in the Missouri virtual school

1 created in section 161.670 provided the pupil first enrolls in  
2 the school district of residence. The school district of  
3 residence shall include the pupil's enrollment in the virtual  
4 school created in section 161.670 in determining the district's  
5 average daily attendance. Full-time enrollment in the virtual  
6 school shall constitute one average daily attendance equivalent  
7 in the school district of residence. Average daily attendance  
8 for part-time enrollment in the virtual school shall be  
9 calculated as a percentage of the total number of virtual courses  
10 enrolled in divided by the number of courses required for  
11 full-time attendance in the school district of residence.

12 (2) A pupil's residence, for purposes of this section,  
13 means residency established under section 167.020. Except for  
14 students residing in a K-8 district attending high school in a  
15 district under section 167.131, the board of the home district  
16 shall pay to the virtual school the amount required under section  
17 161.670.

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

23 (4) Any rule or portion of a rule, as that term is defined  
24 in section 536.010, that is created under the authority delegated  
25 in this section shall become effective only if it complies with  
26 and is subject to all of the provisions of chapter 536 and, if  
27 applicable, section 536.028. This section and chapter 536 are  
28 nonseverable and if any of the powers vested with the general

1 assembly pursuant to chapter 536 to review, to delay the  
2 effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 2007,  
5 shall be invalid and void.】

6 Section B. Section A of this act shall become effective  
7 July 1, 2019.