

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 603, 576 & 898
99TH GENERAL ASSEMBLY

Reported from the Committee on Education, February 15, 2018, with recommendation that the Senate Committee Substitute do pass.

4858S.04C

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Section A. Sections 161.670 and 167.121, RSMo, are repealed and two new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
18 student served by the [virtual public school] **Missouri course access and**

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

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 and virtual school program** course shall count as one class and shall
27 generate that portion of a full-time equivalent that a comparable course offered
28 by the school district would generate. In no case shall more than the full-time
29 equivalency of a regular term of attendance for a single student be used to claim
30 state aid. Full-time equivalent student credit completed shall be reported to the
31 department of elementary and secondary education in the manner prescribed by
32 the department. Nothing in this section shall prohibit students from enrolling
33 in 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 **and virtual school program courses of his or her choice as a part of the**
47 **student's annual course load each school year or a full-time virtual**
48 **school option, with any costs associated with such course or courses to**
49 **be paid by the 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 and virtual school program, a public school, including**
53 **any public charter school; and**

54 (b) **Prior to enrolling in any Missouri course access and virtual**

55 school program course, a student has received approval from his or her
56 school district or charter school through the procedure described
57 under subdivision (2) of this subsection.

58 (2) A school district or charter school shall approve or
59 disapprove a student's request to enroll in a course or courses provided
60 by the Missouri course access and virtual school program, including
61 full-time enrollment in courses provided by the Missouri course access
62 and virtual school program. Each school district or charter school shall
63 adopt a policy that delineates the process by which a student may
64 enroll in courses provided by the Missouri course access and virtual
65 school program that is substantially similar to the typical process by
66 which a district student would enroll in courses offered by the school
67 district and a charter school student would enroll in courses offered by
68 the charter school. The policy may include consultation with the
69 school's counselor and may include parental notification or
70 authorization. School counselors shall not be required to approve or
71 disapprove a student's enrollment in the Missouri course access and
72 virtual school program. Students may appeal any decision made by the
73 school district, initially to the local school board, then to the
74 department of elementary and secondary education. A charter school
75 student may appeal any decision made by the charter school to the
76 department of elementary and secondary education. Local school
77 districts, charter schools, and the state board of education shall
78 establish guidelines governing the appeals process.

79 (3) For students enrolled in any Missouri course access and
80 virtual school program course in which costs associated with such
81 course are to be paid by the school district or charter school as
82 described under subdivision (1) of this subsection, the school district
83 or charter school shall pay the content provider directly on a pro rata
84 monthly basis based on a student's completion of assignments and
85 assessments. If a student discontinues enrollment, the district or
86 charter school may stop making monthly payments to the content
87 provider. No school district or charter school shall pay, for any one
88 course for a student, more than the market necessary costs but in no
89 case shall pay more than fourteen percent of the state adequacy target,
90 as defined under section 163.011, as calculated at the end of the most
91 recent school year for any single, year-long course and no more than

92 seven percent of the state adequacy target as described above for any
93 single semester equivalent course. Payment for a full-time virtual
94 school student shall not exceed the state adequacy target, unless the
95 student receives additional federal or state aid. Nothing in this
96 subdivision shall prohibit a school district or charter school from
97 negotiating lower costs directly with course or full-time virtual school
98 providers, particularly in cases where several students enroll in a
99 single course or full-time virtual school.

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

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

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

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

124 (8) Pursuant to rules to be promulgated by the department of
125 elementary and secondary education, when a student transfers into a
126 school district or charter school, credits previously gained through
127 successful passage of approved courses under the Missouri course
128 access and virtual school program shall be accepted by the school

129 district or charter school.

130 (9) Pursuant to rules to be promulgated by the department of
131 elementary and secondary education, if a student transfers into a
132 school district or charter school while enrolled in a Missouri course
133 access and virtual school program course or full-time virtual school, the
134 student shall continue to be enrolled in such course or school.

135 (10) Nothing in this section shall prohibit home school students,
136 private school students, or students wishing to take additional courses
137 beyond their regular course load from enrolling in Missouri course
138 access and virtual school program courses under an agreement that
139 includes terms for paying tuition or course fees.

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

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

154 (13) Courses approved as of January 1, 2019, by the department
155 to participate in the Missouri virtual instruction program shall be
156 automatically approved to participate in the Missouri course access
157 and virtual school program, but shall be subject to periodic renewal.

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

163 5. The department shall:

164 (1) Establish an authorization process for course or full-time
165 virtual school providers that includes multiple opportunities for

166 submission each year;

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

169 (a) Submit all necessary information pursuant to the
170 requirements of the process; and

171 (b) Meet the criteria described in subdivision (3) of this
172 subsection;

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

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

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

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

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

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

203 **[5.] 10.** The state board of education through the rulemaking process and
204 the department of elementary and secondary education in its policies and
205 procedures shall ensure that multiple content providers are allowed, **ensure**
206 **digital content conforms to accessibility requirements, provide an**
207 **easily accessible link for providers to submit courses or full-time**
208 **virtual schools on the Missouri course access and virtual school**
209 **program website, and allow any person, organization, or entity to**
210 **submit courses or full-time virtual schools for approval. No content**
211 **provider shall be allowed that is unwilling to accept payments in the**
212 **amount and manner as described under subdivision (3) of subsection 3**
213 **of this section or does not meet performance or quality standards**
214 **adopted by the state board of education.**

215 **[6.] 11.** Any rule or portion of a rule, as that term is defined in section
216 536.010, that is created under the authority delegated in this section shall
217 become effective only if it complies with and is subject to all of the provisions of
218 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
219 nonseverable and if any of the powers vested with the general assembly pursuant
220 to chapter 536 to review, to delay the effective date, or to disapprove and annul
221 a rule are subsequently held unconstitutional, then the grant of rulemaking
222 authority and any rule proposed or adopted after August 28, 2006, shall be
223 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, 2019.

