

SECOND REGULAR SESSION

# SENATE BILL NO. 603

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR ONDER.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## 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.

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*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Section A. Sections 161.670 and 167.121, RSMo, are repealed and two new  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. **As used in sections 161.670 and 167.121, the following**  
2 **terms shall mean:**

3 (1) **"Blended", including but not limited to any course that**  
4 **includes a mix of online learning and on-site learning at a school with**  
5 **teachers;**

6 (2) **"Course provider", an entity authorized by the department of**  
7 **elementary and secondary education to offer individual courses in**  
8 **person, online, or a combination of the two including but not limited to,**  
9 **online education providers, public or private elementary and secondary**  
10 **education institutions, education service agencies, private for-profit or**  
11 **not-for-profit providers, postsecondary education institutions, and**  
12 **vocational or technical course providers;**

13 (3) **"Department", the department of elementary and secondary**  
14 **education;**

15 (4) **"Eligible funded student", any eligible participating student**  
16 **who is currently enrolled in a public school, including a public charter**  
17 **school;**

18 (5) **"Eligible participating student", any K-12 student who resides**

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

19 in the state;

20 (6) "Face-to-face", including but not limited to any learning  
21 happening in person, typically outside the student's school of residence;

22 (7) "Local education agency", a public authority legally  
23 constituted by the state as an administrative agency to provide control  
24 and direction for K-12 public educational institutions, including public  
25 charter schools;

26 (8) "Online", including, but not limited to, instruction in a virtual  
27 setting using technology, intranet, or internet methods of  
28 communication;

29 (9) "State course access catalog", the website developed for the  
30 department of elementary and secondary education that provides a  
31 listing of all courses authorized and available to students in the state,  
32 detailed information about the courses to inform student enrollment  
33 decisions, and the ability for students to submit their course  
34 enrollments;

35 (10) "State course access program" or "program", the program  
36 created under sections 161.670 and 167.121.

37 2. Notwithstanding any other law, prior to July 1, 2007, the state board  
38 of education shall establish [a virtual public school] **the "Missouri Course**  
39 **Access Program"** to serve school-age students residing in the state. The  
40 [virtual public school] **Missouri course access program** shall offer [instruction  
41 in a virtual setting using technology, intranet, and/or internet methods of  
42 communication] **public school students the choice to enroll in online,**  
43 **blended, and face-to-face courses to supplement coursework offered at**  
44 **the school where the student is enrolled.** Any student under the age of  
45 twenty-one in grades kindergarten through twelve who resides in this state shall  
46 be eligible to enroll in the [virtual public school] **Missouri course access**  
47 **program** regardless of the student's physical location.

48 [2.] 3. For purposes of calculation and distribution of state school aid,  
49 students enrolled in [a virtual public school] **the Missouri course access**  
50 **program** shall be included, at the choice of the student's parent or guardian, in  
51 the student enrollment of the school district in which the student physically  
52 resides. The [virtual public school] **Missouri course access program** shall  
53 report to the district of residence the following information about each student  
54 served by the [virtual public school] **Missouri course access program**: name,

55 address, eligibility for free or reduced-price lunch, limited English proficiency  
56 status, special education needs, and the number of courses in which the student  
57 is enrolled. The [virtual public school] **course provider** shall promptly notify  
58 the resident district when a student discontinues enrollment. A "full-time  
59 equivalent student" is a student who successfully has completed the instructional  
60 equivalent of six credits per regular term. Each [virtual] **Missouri course**  
61 **access program** course shall count as one class and shall generate that portion  
62 of a full-time equivalent that a comparable course offered by the school district  
63 would generate. In no case shall more than the full-time equivalency of a regular  
64 term of attendance for a single student be used to claim state aid. Full-time  
65 equivalent student credit completed shall be reported to the department of  
66 elementary and secondary education in the manner prescribed by the  
67 department. Nothing in this section shall prohibit students from enrolling in  
68 additional courses under a separate agreement that includes terms for paying  
69 tuition or course fees.

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

79 4. **(1) A school district shall allow any K-12 student who resides**  
80 **in such district to enroll in Missouri course access program courses of**  
81 **his or her choice each school year, with any costs associated with such**  
82 **course or courses to be paid by the school district, if:**

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

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

91           **(2) School counselors or the person assigned to register students**  
92 **for classes shall approve or disapprove a student's request to enroll in**  
93 **a Missouri course access program course based on the counselor's or**  
94 **registrar's assessment of whether participation in the program and**  
95 **enrollment in a particular course are in the student's best interest. The**  
96 **district shall develop a procedure under which a student may appeal**  
97 **the decision of a school counselor or registrar made under the**  
98 **provisions of this subdivision. In cases of denial by the district, local**  
99 **education agencies shall inform students and families of their right to**  
100 **appeal any enrollment denials in Missouri course access program**  
101 **courses to the department, which shall provide a final enrollment**  
102 **decision within seven calendar days.**

103           **(3) For students enrolled in any Missouri course access program**  
104 **course in which costs associated with such course are to be paid by the**  
105 **school district as described under subdivision (1) of this subsection, the**  
106 **school district shall pay the course provider directly on a monthly**  
107 **basis. If a student discontinues enrollment, the district may stop**  
108 **making monthly payments to the course provider. No school district**  
109 **shall pay, for any one course for a student, more than fourteen percent**  
110 **of the state adequacy target, as defined under section 163.011.**

111           **(4) The school district shall monitor student progress and**  
112 **success and course quality and annually submit a report to the**  
113 **department.**

114           **(5) A school district shall accept courses taken through the**  
115 **Missouri course access program for credit. Credits earned through the**  
116 **course provider shall appear on each student's official transcript and**  
117 **count fully toward the requirements of any high school diploma.**

118           **(6) Nothing in this section shall prohibit home school or private**  
119 **school students from enrolling in Missouri course access program**  
120 **courses under an agreement that includes terms for paying tuition or**  
121 **course fees.**

122           **(7) Nothing in this subsection shall require any school district**  
123 **or the state to provide computers, equipment, or internet access to any**  
124 **student.**

125           **5. Local education agencies shall inform parents of their child's**  
126 **right to participate in the program. Availability of the program shall**  
127 **be made clear in the parent handbook, registration documents, and**

128 featured on the home page of the local education agency's website.

129 **6. The department shall:**

130 **(1) Establish an authorization process for course providers that**  
131 **includes multiple opportunities for submission each year;**

132 **(2) Not later than ninety calendar days from initial submission**  
133 **date, authorize course providers that:**

134 **(a) Meet the criteria established under subsection 17 of this**  
135 **section; and**

136 **(b) Provide courses that offer the instructional rigor and scope**  
137 **required under subsection 17 and subdivision (3) of subsection 19 of**  
138 **this section.**

139 **(3) Not later than ninety calendar days from the initial**  
140 **submission date, provide a written explanation to any course providers**  
141 **that are denied authorization.**

142 **7. If a course provider is denied authorization, the course**  
143 **provider may reapply in the future.**

144 **8. The department shall publish the process established under**  
145 **this section, including any deadlines and any guidelines applicable to**  
146 **the submission and authorization process for course providers on its**  
147 **website.**

148 **9. If the department determines that there are insufficient funds**  
149 **available for evaluating and authorizing course providers, the**  
150 **department may charge applicant course providers a fee up to, but no**  
151 **greater than, the amount of the costs in order to ensure that evaluation**  
152 **occurs. The department shall establish and publish a fee schedule for**  
153 **the purposes of this subsection.**

154 **10. A course provider shall be approved if they meet the**  
155 **requirements listed in subsections 17 and 18 of this section and**  
156 **subdivision (3) of subsection 19 of this section.**

157 **11. Course providers shall annually report, in such a manner as**  
158 **directed by the department:**

159 **(1) Student enrollment data;**

160 **(2) Student outcomes, growth measures if available, proficiency**  
161 **rates, and completion rates for each subject area and grade level; and**

162 **(3) Student and parental comments and feedback on overall**  
163 **satisfaction and quality, including feedback on the availability of**  
164 **support from teachers.**

165           **12. The department shall submit an annual report to the joint**  
166 **committee on education that includes:**

167           **(1) The annual number of unique students participating in**  
168 **courses authorized under this section and the total number of courses**  
169 **in which students are enrolled;**

170           **(2) The number of authorized providers;**

171           **(3) The number of authorized courses and the number of**  
172 **students enrolled in each course;**

173           **(4) The number of courses available by subject and grade level;**

174           **(5) The number of students enrolled in courses by subject and**  
175 **grade level;**

176           **(6) Student outcome data, including completion rates, student**  
177 **learning gains, student performance on state or nationally accepted**  
178 **assessments, by subject and grade level by provider. This outcome data**  
179 **shall be published in a manner that protects student privacy; and**

180           **(7) School district feedback on student progress and success.**

181           **13. The department shall note any data that is not yet available**  
182 **at the time of publication and when it will become available, and**  
183 **include that data in future reports. The report and underlying data**  
184 **shall be published online in an open format that can be retrieved,**  
185 **downloaded, indexed, and searched by commonly used web search**  
186 **applications.**

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

193           **[5.] 15. The state board of education through the rulemaking process and**  
194 **the department of elementary and secondary education in its policies and**  
195 **procedures shall ensure that multiple [content] course providers are allowed,**  
196 **provide an easily accessible link for course providers to submit courses**  
197 **on the Missouri course access program website, and allow any person,**  
198 **organization, or entity to submit courses for approval. No course**  
199 **provider shall be allowed that is unwilling to accept payments in the**  
200 **amount and manner as described under subdivision (3) of subsection 4**  
201 **of this section.**

202 [6.] 16. Any rule or portion of a rule, as that term is defined in section  
203 536.010, that is created under the authority delegated in this section shall  
204 become effective only if it complies with and is subject to all of the provisions of  
205 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
206 nonseverable and if any of the powers vested with the general assembly pursuant  
207 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
208 a rule are subsequently held unconstitutional, then the grant of rulemaking  
209 authority and any rule proposed or adopted after August 28, 2006, shall be  
210 invalid and void.

211 17. **To be authorized to offer a course through the program, a**  
212 **course provider shall comply with all applicable antidiscrimination**  
213 **provisions as well as all applicable state and federal student privacy**  
214 **provisions, including the Family Educational Rights and Privacy Act,**  
215 **20 U.S.C. Section 1232.**

216 18. **The department shall establish a course review and approval**  
217 **process. The process may be implemented by the department or by any**  
218 **entity designated by the department.**

219 19. (1) **The initial authorization of the course provider and**  
220 **approved courses shall be for a period of three years.**

221 (2) **Courses approved as of January 1, 2018, by the department**  
222 **to participate in the Missouri virtual instruction program shall be**  
223 **automatically approved to participate in the state course access**  
224 **program.**

225 (3) **In order to be approved and added to the state course access**  
226 **catalog, a course shall:**

227 (a) **Possess an assessment component for determining student**  
228 **proficiency, as well as student growth, if applicable; and**

229 (b) **Be aligned to relevant state academic or industry standards.**

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 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] **Missouri course access program** the  
28 amount required under section 161.670.

29 [(3)] (2) Nothing in this section shall require any school district or the  
30 state to provide computers, equipment, internet or other access, supplies,  
31 materials or funding, except as provided in this section, as may be deemed  
32 necessary for a pupil to participate in the [virtual school] **Missouri course**  
33 **access program** created in section 161.670.

34 [(4)] (3) Any rule or portion of a rule, as that term is defined in section  
35 536.010, that is created under the authority delegated in this section shall  
36 become effective only if it complies with and is subject to all of the provisions of  
37 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
38 nonseverable and if any of the powers vested with the general assembly pursuant  
39 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
40 a rule are subsequently held unconstitutional, then the grant of rulemaking  
41 authority and any rule proposed or adopted after August 28, 2007, shall be  
42 invalid and void.

Section B. Section A of this act shall become effective January 1, 2019.

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