

SECOND REGULAR SESSION

# SENATE BILL NO. 898

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR HOSKINS.

Read 1st time January 10, 2018, and ordered printed.

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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 three new sections relating to course access in education.

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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Section A. Sections 161.670 and 167.121, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 161.669, 161.670,  
3 and 167.121, to read as follows:

**161.669. As used in section 161.670, the following terms shall**  
2 **mean:**

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

10 (2) "Department", the department of elementary and secondary  
11 education;

12 (3) "Full-time virtual school provider", an entity authorized by  
13 the department of elementary and secondary education to offer a  
14 comprehensive virtual school program that complies with the  
15 provisions of subsections 4, 5, and 7 of section 162.1250, including but  
16 not limited to online education providers, public or private elementary

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

17 and secondary education institutions, education service agencies,  
18 private for-profit or not-for-profit providers, postsecondary education  
19 institutions, and vocational or technical course providers;

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

24 (5) "Provider", a course provider or full-time virtual school  
25 provider;

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

32 (7) "Virtual", including, but not limited to, instruction in an on-  
33 line setting using technology, intranet, or internet methods of  
34 communication.

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 under 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 shall be included, at the choice of the  
13 student's parent or guardian, in the student enrollment of the school district in  
14 which the student physically resides. The virtual public school] **a school**  
15 **district or charter school that makes monthly payments as described**  
16 **under subdivision (4) of subsection 3 of this section for a student**  
17 **enrolled in a Missouri course access program course or a full-time**  
18 **virtual school shall include the student's attendance in the course**

19 **access course or full-time virtual school in determining the school**  
20 **district's or charter school's average daily attendance, as defined under**  
21 **section 163.011, and as calculated for virtual courses under subsection**  
22 **3 of section 162.1250. The provider** shall report to the district of residence  
23 the following information about each student served by the [virtual public school]  
24 **provider:** name, address, eligibility for free or reduced-price lunch, limited  
25 English proficiency status, special education needs, and the number of courses in  
26 which the student is enrolled. The [virtual public school] **provider** shall  
27 promptly notify the resident district when a student discontinues enrollment. A  
28 "full-time equivalent student" is a student who successfully has completed the  
29 instructional equivalent of six credits per regular term. Each [virtual] **Missouri**  
30 **course access and virtual school program** course shall count as one class  
31 and shall generate that portion of a full-time equivalent that a comparable course  
32 offered by the school district would generate. In no case shall more than the  
33 full-time equivalency of a regular term of attendance for a single student be used  
34 to claim state aid. Full-time equivalent student credit completed shall be  
35 reported to the department of elementary and secondary education in the manner  
36 prescribed by the department. Nothing in this section shall prohibit students  
37 from enrolling in additional courses under a separate agreement that includes  
38 terms for paying tuition or course fees.

39 3. [When a school district has one or more resident students enrolled in  
40 a virtual public school program authorized by this section, whose parent or  
41 guardian has chosen to include such student in the district's enrollment, the  
42 department of elementary and secondary education shall disburse an amount  
43 corresponding to fifteen percent of the state aid under sections 163.031 and  
44 163.043 attributable to such student to the resident district. Subject to an annual  
45 appropriation by the general assembly, the department shall disburse an amount  
46 corresponding to eighty-five percent of the state adequacy target attributable to  
47 such student to the virtual public school.

48 4.] (1) **No more than two percent of the total number of students**  
49 **enrolled in public schools in the state shall enroll in a full-time virtual**  
50 **school program.**

51 (2) **A school district or charter school shall allow any eligible**  
52 **student who resides in such district to enroll in Missouri course access**  
53 **program courses of his or her choice as a part of the student's annual**  
54 **course load each school year or a full-time virtual school option, with**

55 any costs associated with such course or courses to be paid by the  
56 school district or charter school if the student is enrolled full-time in  
57 and has attended, for at least one semester immediately prior to  
58 enrolling in the Missouri course access program, a public school,  
59 including any public charter school.

60 (3) Children who have newly moved into the school district and  
61 children of active military parents serving out of state shall be exempt  
62 from the requirement of attending a public school for at least one  
63 semester prior to enrolling in the Missouri course access and virtual  
64 school program.

65 (4) For students enrolled in any Missouri course access program  
66 course or a full-time virtual school in which costs associated with such  
67 course or full-time virtual school are to be paid by the school district  
68 or charter school as described under subdivision (1) of this subsection,  
69 the school district or charter school shall pay the provider directly on  
70 a pro rata monthly basis based on a student's completion of  
71 assignments and assessments. If a student discontinues enrollment, the  
72 district or charter school may stop making monthly payments to the  
73 provider. No school district or charter school shall pay a course  
74 provider, for any one course for a student, more than the market  
75 necessary costs but in no case shall pay more than fourteen percent of  
76 the state adequacy target, as defined under section 163.011, as  
77 calculated at the end of the most recent school year for any single,  
78 year-long course and no more than seven percent of the state adequacy  
79 target as described above for any single semester equivalent  
80 course. Payment to a full-time virtual school provider for a full-time  
81 virtual school student shall not exceed the state adequacy target, unless  
82 the student receives additional federal or state aid. Nothing in this  
83 subdivision shall prohibit a school district or charter school from  
84 negotiating lower costs directly with providers, particularly in cases  
85 where several students enroll in a single course or full-time virtual  
86 school.

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

91 (6) The Missouri course access and virtual school program shall

92 ensure that individual learning plans designed by certified teachers  
93 and professional staff are developed for all students enrolled in more  
94 than two full-time course access program courses or a full-time virtual  
95 school.

96 (7) Providers shall monitor student success and engagement of  
97 students enrolled in their program and report the information to the  
98 school district or charter school. Providers may make  
99 recommendations to the school district or charter school regarding the  
100 student's continued enrollment in the program. The school district or  
101 charter school shall consider recommendations from providers and  
102 monitor the progress and success of enrolled students that are enrolled  
103 in any course or full-time virtual school offered under this section and  
104 may terminate or alter the course offering if it is found the course or  
105 full-time virtual school is not meeting the educational needs of the  
106 students enrolled in the course.

107 (8) Pursuant to rules promulgated by the department of  
108 elementary and secondary education, when a student transfers into a  
109 school district or charter school, credits previously gained through  
110 successful passage of approved courses under the Missouri course  
111 access and virtual school program shall be accepted by the school  
112 district or charter school.

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

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

122 (11) The department shall revoke or suspend or take other  
123 corrective action regarding the authorization of any course or provider  
124 no longer meeting the requirements of the program. Unless immediate  
125 action is necessary, prior to revocation or suspension, the department  
126 shall notify the provider and give the provider a reasonable time  
127 period to take corrective action to avoid revocation or suspension. The  
128 process shall provide for periodic renewal of authorization no less

129 frequently than once every three years.

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

134 4. School districts and charter schools shall inform parents of  
135 their child's right to participate in the program. Availability of the  
136 program shall be made clear in the parent handbook, registration  
137 documents, and featured on the home page of the school district or  
138 charter school's website.

139 5. The department shall:

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

143 (2) Pursuant to the timeline established by the department,  
144 authorize course or full-time virtual school providers that submit all  
145 necessary information pursuant to the requirements of the process;

146 (3) Review, pursuant to the authorization process, proposals  
147 from providers to provide individual courses or a comprehensive, full-  
148 time equivalent course of study for students through the Missouri  
149 course access and virtual school program. The department shall ensure  
150 that these comprehensive courses of study align with state academic  
151 standards and that there is consistency and compatibility in the  
152 curriculum used by all providers from one grade level to the next grade  
153 level. School districts or charter schools that apply to be a provider  
154 shall only be required to certify compliance with the criteria for  
155 providing online courses or a comprehensive virtual school program  
156 described in this section and subsections 4, 5, and 7 of section 162.1250.  
157 A school district or charter school submitting a certification pursuant  
158 to this subdivision may begin offering such online courses or operating  
159 such full-time virtual school thirty days after submission;

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

163 6. If a provider is denied authorization, the provider may  
164 reapply at any point in the future.

165 7. The department shall publish the process established under

166 this section, including any deadlines and any guidelines applicable to  
167 the submission and authorization process for course or full-time virtual  
168 school providers on its website.

169 8. If the department determines that there are insufficient funds  
170 available for evaluating and authorizing course or full-time virtual  
171 school providers, the department may charge applicant course or full-  
172 time virtual school providers a fee up to, but no greater than, the  
173 amount of the costs in order to ensure that evaluation occurs. The  
174 department shall establish and publish a fee schedule for purposes of  
175 this subsection.

176 9. School districts and charter schools shall monitor student  
177 progress and success, and course or full-time virtual school quality, and  
178 annually provide feedback to the department regarding course quality.

179 10. Providers shall annually report, in such a manner as directed  
180 by the department:

181 (1) Student enrollment data;

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

184 (3) Student and parental comments and feedback on overall  
185 satisfaction and quality, including feedback on the availability of  
186 support from teachers.

187 11. The department shall submit an annual report to the joint  
188 committee on education that includes:

189 (1) The annual number of unique students participating in  
190 courses authorized under this section and the total number of courses  
191 students are enrolled in;

192 (2) The number of authorized providers;

193 (3) The number of authorized courses and the number of  
194 students enrolled in each course;

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

196 (5) The number of students enrolled in courses by subject and  
197 grade level;

198 (6) Student outcome data, including completion rates, student  
199 learning gains, and student performance on state or nationally  
200 accepted assessments, by subject and grade level by provider. This  
201 outcome data shall be published in a manner that protects student  
202 privacy; and

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

204           **12. The department shall note any data that is not yet available**  
205 **at the time of publication, and when it will become available, and**  
206 **include that data in future reports. The report and underlying data**  
207 **shall be published online in an open format that can be retrieved,**  
208 **downloaded, indexed, and searched by commonly used web search**  
209 **applications.**

210           **13.** Except as specified in this section and as may be specified by rule of  
211 the state board of education, the [virtual public school] **providers** shall comply  
212 with all state laws and regulations applicable to school districts, including but  
213 not limited to the Missouri school improvement program (MSIP), [adequate yearly  
214 progress (AYP),] annual performance report (APR), teacher certification, and  
215 curriculum standards.

216           **[5.] 14.** The state board of education through the rulemaking process and  
217 the department of elementary and secondary education in its policies and  
218 procedures shall ensure that multiple [content] providers are allowed, **ensure**  
219 **digital content conforms to accessibility requirements, provide an**  
220 **easily accessible link for providers to submit courses or full-time**  
221 **virtual schools on the Missouri course access and virtual school**  
222 **program website, and allow any person, organization, or entity to**  
223 **submit courses or full-time virtual schools for approval. No provider**  
224 **shall be allowed that is unwilling to accept payments in the amount and**  
225 **manner as described under subdivision (4) of subsection 3 of this**  
226 **section or does not meet performance or quality standards adopted by**  
227 **the state board of education.**

228           **[6.] 15.** Any rule or portion of a rule, as that term is defined in section  
229 536.010, that is created under the authority delegated in this section shall  
230 become effective only if it complies with and is subject to all of the provisions of  
231 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
232 nonseverable and if any of the powers vested with the general assembly pursuant  
233 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
234 a rule are subsequently held unconstitutional, then the grant of rulemaking  
235 authority and any rule proposed or adopted after August 28, 2006, shall be  
236 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.]

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