

SECOND REGULAR SESSION

# SENATE BILL NO. 929

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time January 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5101S.011

## AN ACT

To repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to student enrollment in virtual school programs.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 161.670, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 161.670, to read as follows:

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

9 2. For purposes of calculation and distribution of state school aid,  
10 students enrolled in the Missouri course access and virtual school program shall  
11 be included in the student enrollment of the school district in which the student  
12 physically is enrolled under subsection 3 of this section. The Missouri course  
13 access and virtual school program shall report to the district of residence the  
14 following information about each student served by the Missouri course access  
15 and virtual school program: name, address, eligibility for free or reduced-price  
16 lunch, limited English proficiency status, special education needs, and the  
17 number of courses in which the student is enrolled. The Missouri course access  
18 and virtual school program shall promptly notify the resident district when a  
19 student discontinues enrollment. A "full-time equivalent student" is a student

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

20 who successfully has completed the instructional equivalent of six credits per  
21 regular term. Each Missouri course access and virtual school program course  
22 shall count as one class and shall generate that portion of a full-time equivalent  
23 that a comparable course offered by the school district would generate. In no case  
24 shall more than the full-time equivalency of a regular term of attendance for a  
25 single student be used to claim state aid. Full-time equivalent student credit  
26 completed shall be reported to the department of elementary and secondary  
27 education in the manner prescribed by the department. Nothing in this section  
28 shall prohibit students from enrolling in additional courses under a separate  
29 agreement that includes terms for paying tuition or course fees.

30 3. (1) A school district or charter school shall allow any eligible student  
31 who resides in such district to enroll in Missouri course access and virtual school  
32 program courses of his or her choice as a part of the student's annual course load  
33 each school year or a full-time virtual school option, with any costs associated  
34 with such course or courses to be paid by the school district or charter school if[:

35 (a)] the student is enrolled full-time in and has attended, for at least one  
36 semester immediately prior to enrolling in the Missouri course access and virtual  
37 school program, a public school, including any charter school; except that, no student  
38 seeking to enroll in Missouri course access and virtual school program courses under  
39 this subdivision shall be required to have attended a public school during the  
40 previous semester if the student has a documented medical or psychological diagnosis  
41 or condition that prevented the student from attending a school in the community  
42 during the previous semester]; and

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

47 (2) Each school district or charter school shall adopt a policy that delineates  
48 the process by which a student may enroll in courses provided by the Missouri course  
49 access and virtual school program that is substantially similar to the typical process  
50 by which a district student would enroll in courses offered by the school district and  
51 a charter school student would enroll in courses offered by the charter school. The  
52 policy may include consultation with the school's counselor and may include parental  
53 notification or authorization. [School counselors shall not be required to approve or  
54 disapprove a student's enrollment in the Missouri course access and virtual school  
55 program.] If the school district or charter school [disapproves] **believes** a student's

56 request to enroll in a course or courses provided by the Missouri course access and  
57 virtual school program, including full-time enrollment in courses provided by the  
58 Missouri course access and virtual school program, **is not in the best educational**  
59 **interest of the student**, the reason shall be provided in writing [and it shall be for  
60 good cause. Good cause justification to disapprove a student's request for enrollment  
61 in a course shall be a determination that doing so is not in the best educational  
62 interest of the student. In cases of denial by the school district or charter school,  
63 local education agencies shall inform the student and the student's family of their  
64 right to appeal any enrollment denial in the Missouri course access and virtual  
65 school program to the local school district board or charter school governing body  
66 where the family shall be given an opportunity to present their reasons for their  
67 child or children to enroll in the Missouri course access and virtual school program  
68 in an official school board meeting. In addition, the school district or charter school  
69 administration shall provide its good cause justification for denial at a school board  
70 meeting or governing body meeting. Both the family and school administration shall  
71 also provide their reasons in writing to the members of the school board or governing  
72 body and the documents shall be entered into the official board minutes. The  
73 members of the board or governing body shall issue their decision in writing within  
74 thirty calendar days, and then an appeal may be made to the department of  
75 elementary and secondary education, which shall provide a final enrollment decision  
76 within seven calendar days] **to the student's parent or guardian who shall**  
77 **have final decision-making authority.**

78 (3) For students enrolled in any Missouri course access and virtual school  
79 program course in which costs associated with such course are to be paid by the  
80 school district or charter school as described under subdivision (1) of this subsection,  
81 the school district or charter school shall pay the content provider directly on a pro  
82 rata monthly basis based on a student's completion of assignments and assessments.  
83 If a student discontinues enrollment, the district or charter school may stop making  
84 monthly payments to the content provider. No school district or charter school shall  
85 pay, for any one course for a student, more than the market necessary costs but in  
86 no case shall pay more than fourteen percent of the state adequacy target, as defined  
87 under section 163.011, as calculated at the end of the most recent school year for any  
88 single, year-long course and no more than seven percent of the state adequacy target  
89 as described above for any single semester equivalent course. Payment for a  
90 full-time virtual school student shall not exceed the state adequacy target, unless the  
91 student receives additional federal or state aid. Nothing in this subdivision shall

92 prohibit a school district or charter school from negotiating lower costs directly with  
93 course or full-time virtual school providers, particularly in cases where several  
94 students enroll in a single course or full-time virtual school.

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

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

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

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

115 (8) Pursuant to rules to be promulgated by the department of elementary and  
116 secondary education, when a student transfers into a school district or charter school,  
117 credits previously gained through successful passage of approved courses under the  
118 Missouri course access and virtual school program shall be accepted by the school  
119 district or charter school.

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

125 (10) Nothing in this section shall prohibit home school students, private  
126 school students, or students wishing to take additional courses beyond their regular  
127 course load from enrolling in Missouri course access and virtual school program

128 courses under an agreement that includes terms for paying tuition or course fees.

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

133 (12) The authorization process shall provide for continuous monitoring of  
134 approved providers and courses. The department shall revoke or suspend or take  
135 other corrective action regarding the authorization of any course or provider no  
136 longer meeting the requirements of the program. Unless immediate action is  
137 necessary, prior to revocation or suspension, the department shall notify the provider  
138 and give the provider a reasonable time period to take corrective action to avoid  
139 revocation or suspension. The process shall provide for periodic renewal of  
140 authorization no less frequently than once every three years.

141 (13) Courses approved as of August 28, 2018, by the department to  
142 participate in the Missouri virtual instruction program shall be automatically  
143 approved to participate in the Missouri course access and virtual school program, but  
144 shall be subject to periodic renewal.

145 (14) Any online course or virtual program offered by a school district or  
146 charter school, including those offered prior to August 28, 2018, which meets the  
147 requirements of section 162.1250 shall be automatically approved to participate in  
148 the Missouri course access and virtual school program. Such course or program shall  
149 be subject to periodic renewal. A school district or charter school offering such a  
150 course or virtual school program shall be deemed an approved provider.

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

155 5. The department shall:

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

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

160 (a) Submit all necessary information pursuant to the requirements of the  
161 process; and

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

163 (3) Review, pursuant to the authorization process, proposals from providers

164 to provide a comprehensive, full-time equivalent course of study for students through  
165 the Missouri course access and virtual school program. The department shall ensure  
166 that these comprehensive courses of study align to state academic standards and  
167 that there is consistency and compatibility in the curriculum used by all providers  
168 from one grade level to the next grade level;

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

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

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

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

182 9. Except as specified in this section and as may be specified by rule of the  
183 state board of education, the Missouri course access and virtual school program shall  
184 comply with all state laws and regulations applicable to school districts, including  
185 but not limited to the Missouri school improvement program (MSIP), annual  
186 performance report (APR), teacher certification, and curriculum standards.

187 10. The department shall submit and publicly publish an annual report on  
188 the Missouri course access and virtual school program and the participation of  
189 entities to the governor, the chair and ranking member of the senate education  
190 committee, and the chair and ranking member of the house of representatives  
191 elementary and secondary education committee. The report shall at a minimum  
192 include the following information:

193 (1) The annual number of unique students participating in courses  
194 authorized under this section and the total number of courses in which students are  
195 enrolled in;

196 (2) The number of authorized providers;

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

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

200 (5) The number of students enrolled in courses broken down by subject and  
201 grade level;

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

206 (7) The costs per course;

207 (8) Evaluation of in-school course availability compared to course access  
208 availability to ensure gaps in course access are being addressed statewide.

209 11. The department shall be responsible for creating the Missouri course  
210 access and virtual school program catalog providing a listing of all courses authorized  
211 and available to students in the state, detailed information, including costs per  
212 course, about the courses to inform student enrollment decisions, and the ability for  
213 students to submit their course enrollments.

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

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

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