

SECOND REGULAR SESSION

SENATE BILL NO. 996

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Read 1st time February 11, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5187S.02I

AN ACT

To repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to the virtual school program.

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Section A. Section 161.670, RSMo, is repealed and one new section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 **who**
11 **are not full-time equivalent students** shall be included in the student
12 enrollment of the school district in which the student physically is enrolled under
13 subsection 3 of this section. The Missouri course access and virtual school
14 program shall report to the district of residence the following information about
15 each student served by the Missouri course access and virtual school program:
16 name, address, eligibility for free or reduced-price lunch, limited English
17 proficiency status, special education needs, and the number of courses in which
18 the student is enrolled. The Missouri course access and virtual school program
19 shall promptly notify the resident district when a student discontinues

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

20 enrollment. A "full-time equivalent student" is a student who successfully has
21 completed the instructional equivalent of six credits per regular term. Each
22 Missouri course access and virtual school program course shall count as one class
23 and shall generate that portion of a full-time equivalent that a comparable course
24 offered by the school district would generate. **Full-time equivalent students**
25 **shall not be included in the student enrollment of the school district in**
26 **which such student resides.** In no case shall more than the full-time
27 equivalency of a regular term of attendance for a single student be used to claim
28 state aid. Full-time equivalent student credit completed shall be reported to the
29 department of elementary and secondary education in the manner prescribed by
30 the department. **The department shall pay any Missouri course access**
31 **and virtual school program one hundred percent of its average per-**
32 **pupil expenditure for each full-time equivalent student.** Nothing in this
33 section shall prohibit students from enrolling in additional courses under a
34 separate agreement that includes terms for paying tuition or course fees.

35 3. (1) A school district or charter school shall allow any eligible student
36 who resides in such district to enroll in Missouri course access and virtual school
37 program courses of his or her choice as a part of the student's annual course load
38 each school year or a full-time virtual school option, with any costs associated
39 with such course or courses to be paid by the school district or charter school if:

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

48 (b) Prior to enrolling in any Missouri course access and virtual school
49 program course, a student has received approval from [his or her school district
50 or charter school] **the department** through the procedure described under
51 subdivision (2) of this subsection.

52 (2) [Each school district or charter school] **The department** shall adopt
53 a policy that delineates the process by which a student may enroll in courses
54 provided by the Missouri course access and virtual school program that is
55 substantially similar to the typical process by which a district student would

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

84 (3) For students enrolled in any Missouri course access and virtual school
85 program course in which costs associated with such course are to be paid [by the
86 school district or charter school] as described under subdivision (1) of this
87 subsection, the school district [or], charter school, **or the department** shall pay
88 the content provider directly on a pro rata [monthly] basis **once per semester**
89 based on a student's completion of assignments and assessments. If a student
90 discontinues enrollment, the district [or], charter school, **or the department**
91 may stop making [monthly] payments to the content provider. No school district

92 or charter school shall pay, for any one course for a student, more than the
93 market necessary costs but in no case shall pay more than fourteen percent of the
94 state adequacy target, as defined under section 163.011, as calculated at the end
95 of the most recent school year for any single, year-long course and no more than
96 seven percent of the state adequacy target as described above for any single
97 semester equivalent course. Payment for a full-time virtual school student shall
98 not exceed the state adequacy target, unless the student receives additional
99 federal or state aid. Nothing in this subdivision shall prohibit a school district
100 [or], charter school, **or the department** from negotiating lower costs directly
101 with course or full-time virtual school providers, particularly in cases where
102 several students enroll in a single course or full-time virtual school.

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

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

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

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

127 (8) Pursuant to rules to be promulgated by the department of elementary

128 and secondary education, when a student transfers into a school district or
129 charter school, credits previously gained through successful passage of approved
130 courses under the Missouri course access and virtual school program shall be
131 accepted by the school district or charter school.

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

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

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

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

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

158 (14) Any online course or virtual program offered by a school district or
159 charter school, including those offered prior to August 28, 2018, which meets the
160 requirements of section 162.1250 shall be automatically approved to participate
161 in the Missouri course access and virtual school program. Such course or
162 program shall be subject to periodic renewal. A school district or charter school
163 offering such a course or virtual school program shall be deemed an approved

164 provider.

165 4. School districts or charter schools shall inform parents of their child's
166 right to participate in the program. Availability of the program shall be made
167 clear in the parent handbook, registration documents, and featured on the home
168 page of the school district or charter school's website. **Any school district or
169 charter school that fails to notify parents of his or her child's right to
170 participate in the program shall be subject to civil penalties in an
171 amount equal to one hundred dollars for each day the school district
172 or charter school is not in compliance with this subsection, including
173 reasonable attorney's fees.**

174 5. The department shall:

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

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

179 (a) Submit all necessary information pursuant to the requirements of the
180 process; and

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

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

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

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

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

196 8. If the department determines that there are insufficient funds available
197 for evaluating and authorizing course or full-time virtual school providers, the
198 department may charge applicant course or full-time virtual school providers a
199 fee up to, but no greater than, the amount of the costs in order to ensure that

200 evaluation occurs. The department shall establish and publish a fee schedule for
201 purposes of this subsection.

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

208 10. The department shall submit and publicly publish an annual report
209 on the Missouri course access and virtual school program and the participation
210 of entities to the governor, the chair and ranking member of the senate education
211 committee, and the chair and ranking member of the house of representatives
212 elementary and secondary education committee. The report shall at a minimum
213 include the following information:

214 (1) The annual number of unique students participating in courses
215 authorized under this section and the total number of courses in which students
216 are enrolled in;

217 (2) The number of authorized providers;

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

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

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

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

227 (7) The costs per course;

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

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

235 12. The state board of education through the rulemaking process and the

236 department of elementary and secondary education in its policies and procedures
237 shall ensure that multiple content providers and learning management systems
238 are allowed, ensure digital content conforms to accessibility requirements, provide
239 an easily accessible link for providers to submit courses or full-time virtual
240 schools on the Missouri course access and virtual school program website, and
241 allow any person, organization, or entity to submit courses or full-time virtual
242 schools for approval. No content provider shall be allowed that is unwilling to
243 accept payments in the amount and manner as described under subdivision (3)
244 of subsection 3 of this section or does not meet performance or quality standards
245 adopted by the state board of education.

246 13. Any rule or portion of a rule, as that term is defined in section
247 536.010, that is created under the authority delegated in this section shall
248 become effective only if it complies with and is subject to all of the provisions of
249 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
250 nonseverable and if any of the powers vested with the general assembly pursuant
251 to chapter 536 to review, to delay the effective date, or to disapprove and annul
252 a rule are subsequently held unconstitutional, then the grant of rulemaking
253 authority and any rule proposed or adopted after August 28, 2006, shall be
254 invalid and void.

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