

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 172,
2 Page 9, Section 161.855, Line 66, by inserting immediately after said line the following:

3
4 "161.1010. 1. There is hereby established the "Missouri Course Access Program" to allow
5 public school students to enroll in online, blended, and face-to-face courses to supplement
6 coursework offered at the school where the student is enrolled. The Missouri course access program
7 is separate and distinct from the virtual online school program established under section 161.670 and
8 shall not be considered part of the virtual online school program for any purpose.

9 2. For purposes of sections 161.1010 to 161.1020, the following terms mean:

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

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

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

18 (4) "Eligible participating student", any K-12 student who resides in the state;

19 (5) "Local education agency", a public authority legally constituted by the state as an
20 administrative agency to provide control and direction for kindergarten through twelfth grade public
21 educational institutions, including public charter schools;

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

26 (7) "State course access program" or "program", the program created under sections
27 161.1010 to 161.1020.

28 161.1011. 1. Any eligible participating student may enroll in state course access program
29 courses with the approval of such student's guidance counselor, as provided under subsection 3 of
30 this section. An eligible funded student may enroll in state course access program courses that are
31 funded by the program up to a maximum of seven credit hours per semester.

32 2. The families of eligible funded students and other eligible participating students may pay
33 to enroll in state course access program courses above the maximum seven-credit hour limit
34 specified in subsection 1 of this section.

35 3. Prior to enrolling in any state course access program course, a student shall first receive
36 approval from his or her guidance counselor. Guidance counselors shall approve or disapprove a

Action Taken _____ Date _____

Action Taken _____ Date _____

1 student's request to enroll based on the counselor's assessment of whether participation in the
 2 program and enrollment in a particular course is in the student's best interest. The department shall
 3 develop a procedure under which a student may appeal the decision of a guidance counselor made
 4 under the provisions of this section.

5 4. The local education agency where eligible funded students are enrolled full time may
 6 review enrollment requests to ensure courses are academically appropriate, logistically feasible, keep
 7 the student on track for an on-time graduation, and do not extend a student beyond a full-time course
 8 load. The local education agency may only reject enrollment requests for those reasons.

9 5. Local education agencies shall inform students and families of their right to appeal any
 10 enrollment denials in state course access program courses to the department, which shall provide a
 11 final enrollment decision within seven calendar days.

12 161.1012. 1. The department shall:

13 (1) Establish an authorization process for course providers that includes multiple
 14 opportunities for submission each year;

15 (2) Not later than ninety calendar days from initial submission date, authorize course
 16 providers that:

17 (a) Meet the criteria established under section 161.1013; and

18 (b) Provide courses which offer the instructional rigor and scope required under section
 19 161.1013; and

20 (3) Not later than ninety calendar days from initial submission date, provide a written
 21 explanation to any course providers that are denied.

22 2. If a course provider is denied authorization, the provider may reapply in the future.

23 3. The department shall publish the process established under this section, including any
 24 deadlines and any guidelines applicable to the submission and authorization process for providers.

25 4. If the department determines that there are insufficient funds available for evaluating and
 26 authorizing course providers, the department may charge applicant providers a fee up to but no
 27 greater than the amount of the costs in order to ensure that evaluation occurs. The department shall
 28 establish and publish a fee schedule for purposes of this subsection.

29 161.1013. 1. To be authorized to offer a course through the state course access program, a
 30 provider shall:

31 (1) Comply with all applicable anti-discrimination provisions as well as applicable state and
 32 federal student data privacy provisions such as the Family Educational Rights and Privacy Act
 33 (FERPA);

34 (2) Provide an assurance that all online information and resources for online or blended
 35 courses are fully accessible for students of all abilities, including that:

36 (a) All of the courses submitted for approval are reviewed to ensure they meet legal
 37 accessibility standards;

38 (b) The provider has created and promulgated an Accessibility Online Learning Policy;

39 (c) The provider has designated an ADA Coordinator, a grievance policy, and annual
 40 notifications;

41 (d) The provider has policies and activities to ensure their organizational and course websites
 42 meet accessibility requirements; and

43 (e) The provider has no gateway exam or test where a specific score is required to participate
 44 in course access program courses beyond completion of prerequisite coursework or demonstrated
 45 mastery of prerequisite material;

46 (3) Demonstrate either:

47 (a) Prior evidence of delivering quality outcomes for students as demonstrated by
 48 completion rates, student level growth, proficiency, or other quantifiable outcomes; or

(b) For course providers applying to offer a subject or grade level for the first time, provide a detailed justification, in a manner determined by the department, of how their organization's subject matter, instructional, or technical expertise will lead to successful outcomes for students;

(4) Ensure instructional and curricular quality through a detailed curriculum and student performance accountability plan that aligns with, and measures student attainment of, relevant state academic standards or other relevant standards in courses without state academic standards;

(5) Provide assurances that the course provider shall electronically provide, in a manner and format determined by the department, a detailed student record of enrollment, performance, completion, and grading information with the school systems where eligible participating students are enrolled full time.

2. Additional criteria developed by the department shall be used to evaluate providers and may include nationally recognized third-party quality standards.

161.1014. 1. The department shall establish a course review and approval process. The process may be implemented by the department or by an entity designated by the department.

2. In order to be approved and added to the state course access catalog, a course shall:

(1) Be, at a minimum, the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting;

(2) Be aligned to relevant state academic standards or industry standards;

(3) Possess an assessment component for determining student proficiency, as well as student growth where applicable; and

(4) Be designed and implemented consistently with criteria established by the department and nationally recognized third-party quality standards.

3. The department may negotiate changes in the proposal to offer a course, if the department determines that changes are necessary in order to authorize the course.

161.1015. 1. The initial authorization of the course provider and approved courses shall be for a period of three years.

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

(1) Student enrollment data;

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

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

3. After the second year of the initial authorization period, the department shall conduct a thorough review of the course provider's activities and the academic performance of the students enrolled in courses offered by the course provider.

4. If the performance of the students enrolled in courses offered by the course provider does not meet agreed upon performance standards at any time, the course provider shall be placed on probation and required to submit a plan for improvement to the department. The department shall establish terms of probation and develop specific criteria the provider must meet in order to return to good standing. Course providers shall be given at least sixty days to meet the terms of probation. Determinations as to whether the provider has met the conditions of probation shall be at the sole discretion of the department. If the department determines that the provider has failed to meet the conditions of probation within the time frame established by the department, the department may terminate the provider's status. Course providers who are terminated by the department under the provisions of this subsection shall be ineligible for reinstatement as a course provider for two years from the time the provider's status was revoked.

5. After the initial three-year authorization period, the department may reauthorize the course provider for additional periods of not less than three years after thorough review of the course

1 provider's activities and the achievement of students enrolled in courses offered by the course
 2 provider.

3 6. The department may exclude a course provided by an authorized provider at any time if
 4 the department determines that:

5 (1) The course is no longer adequately aligned with the state academic standards;

6 (2) The course no longer provides a detailed and quality curriculum and accountability plan;

7 or

8 (3) The course fails to deliver outcomes as measured by course completion or student
 9 outcomes and performance on state or nationally accepted assessments.

10 161.1016. The department may enter into a reciprocity agreement with other states for the
 11 purpose of authorizing and approving high quality providers and courses for the state course access
 12 program and the operation of the state course access catalog.

13 161.1017. 1. The department shall:

14 (1) Publish the criteria required by section 161.1013 for courses that may be offered through
 15 the state course access program;

16 (2) Be responsible for creating the state course access catalog; the department may enter into
 17 an agreement with other states or organizations to develop or operate one or more aspects of the state
 18 course access catalog and state course access program;

19 (3) Publish a link to the state course access catalog in a prominent location on the
 20 department's website, which includes a listing of courses offered by authorized providers available
 21 through the state course access program, a detailed description of the courses, and any available
 22 student completion and outcome data; and

23 (4) Establish and publish a time frame or specific dates by which students are able to
 24 withdraw from a course provided through the state course access program without the student, local
 25 education agency, or course provider incurring a penalty.

26 2. The department shall maintain on its official website in a prominent location an informed
 27 choice report. Each report under this section shall:

28 (1) Be updated within thirty calendar days of additional provider authorizations;

29 (2) Describe each course offered through the state course access program and include
 30 information such as course requirements and the school year calendar for the course, including any
 31 options for continued participation outside of the standard school year calendar;

32 (3) Include student and parental comments and feedback as detailed under section 161.1014;
 33 and

34 (4) Be published online in an open format that can be retrieved, downloaded, indexed, and
 35 searched by commonly used web search applications.

36 3. The department shall submit an annual report on the state course access program and the
 37 participation of entities to the governor, and the chairperson and vice-chairperson of the joint
 38 committee on education. The report shall at a minimum include the following information:

39 (1) The annual number of unique students participating in courses authorized under this
 40 sections 161.1010 to 161.1020 and the total number of courses students are enrolled in;

41 (2) The number of authorized providers;

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

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

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

45 (6) Student outcome data, including completion rates, student learning gains, student
 46 performance on state or nationally accepted assessments, by subject and grade level by provider.

47 This outcome data should be published in a manner that protects student privacy; and

48 (7) The department shall note any data that is not yet available at the time of publication and

1 when it will become available, and include that data in future reports.

2 4. The report and underlying data shall be published online in an open format that can be
3 retrieved, downloaded, indexed, and searched by commonly used web search applications.

4 5. For purposes of this section, an "open format" is one that is platform independent,
5 machine readable, and made available to the public without restrictions that would impede the reuse
6 of that information.

7 161.1018. 1. A school district or charter school shall:

8 (1) Notify students and parents as part of any course enrollment period or process of the
9 availability of state course access program courses in correspondence that is written in simple and
10 accurate language;

11 (2) Provide information by letter or email to students and parents at home and by at least two
12 other means, such as community flyers, newspaper postings, on student report cards, or other
13 methods;

14 (3) Publish information and eligibility guidelines on the school and school district's websites.

15 2. Each local school system shall establish policies and procedures whereby, for each eligible
16 participating student as identified in section 161.1011, the following shall apply:

17 (1) Credits earned through the course provider shall appear on each student's official
18 transcript and count fully towards the requirements of any approved state diploma; and

19 (2) Coordinate with course providers to ensure that required state assessments are
20 administered to each such student attending a public school.

21 3. The performance data of students who are enrolled in a course under sections 161.1010 to
22 161.1020 and in accordance with subsection 1 of this section shall be counted in the school
23 performance score for the school in which the student is enrolled full time.

24 4. Nothing in sections 161.1010 to 161.1020 shall be construed to prevent a school entity
25 from establishing its own online course or program in accordance with sections 161.1010 to
26 161.1020.

27 5. The department shall adopt rules necessary to implement sections 161.1010 to 161.1020,
28 including but not limited to the requirements of school governing authorities or local school systems
29 whose students enroll in courses offered by authorized course providers. Any rule or portion of a
30 rule, as that term is defined in section 536.010, that is created under the authority delegated in this
31 section shall become effective only if it complies with and is subject to all of the provisions of
32 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if
33 any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
34 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
35 grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be
36 invalid and void.

37 161.1019. 1. Per-course tuition shall be determined as follows:

38 (1) The course provider shall receive per-course tuition for each eligible funded student at a
39 fair and reasonable rate negotiated by the department and the course provider that is inclusive of all
40 required course materials. Determinations of course prices may take into account prices for similar
41 levels of service in other jurisdictions. Funding for courses in which students are enrolled shall be
42 made by the department to the local education agency where the student is enrolled full time; within
43 ninety days of receiving funding from the department, the local education agency shall remit
44 appropriate payment to the authorized course provider;

45 (2) The course provider shall receive payment from the local education agency only for the
46 courses in which an eligible funded student is enrolled; the remaining funds received from the
47 department by the local education agency shall remain with the local education agency in which the
48 student is enrolled full time;

1 (3) The course provider shall accept the amount specified in subdivision (1) of this
2 subsection as total tuition and fees for the eligible funded student;

3 (4) The course provider may charge tuition to any eligible participating student up to an
4 amount determined by the course provider and department.

5 2. Payment of tuition to course providers shall be based upon student success and made as
6 follows:

7 (1) Fifty percent of the amount of tuition to be paid or transferred to the course provider
8 shall be transferred upon student enrollment in a course and fifty percent shall be dependent upon
9 student success in the course. Student success may initially be measured based on course
10 completion, but the department shall create new measures of student success by Year 3 for use in
11 courses where externally validated measures are available. These measures of student outcomes,
12 based on either proficiency or growth, shall include results from independent end-of-course exams,
13 advanced placement exams, receipt of industry recognized credentials, receipt of credit from
14 institutions of higher education, or other externally validated measures;

15 (2) Partial payments for delayed completions shall be determined as follows: if a student
16 does not successfully complete a course according to the published course length in which the course
17 provider has received the first payment under subsection 1 of this section, the provider shall receive
18 twenty percent of the tuition that is dependent upon student success as defined in subsection 1 of this
19 section only if the student completes and receives credit for the course within one additional
20 semester. At that point, remaining tuition shall be returned to the local education agency where a
21 student is enrolled full time.

22 161.1020. Under section 23.253 of the Missouri sunset act:

23 (1) The provisions of the new program authorized under sections 161.1010 to 161.1020 shall
24 automatically sunset six years after the effective date of sections 161.1010 to 161.1020 unless
25 reauthorized by an act of the general assembly; and

26 (2) If such program is reauthorized, the program authorized under sections 161.1010 to
27 161.1020 shall automatically sunset twelve years after the effective date of the reauthorization of
28 sections 161.1010 to 161.1020; and

29 (3) Sections 161.1010 to 161.1020 shall terminate on September first of the calendar year
30 immediately following the calendar year in which the program authorized under sections 161.1010
31 to 161.1020 is sunset."; and

32
33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.
35