

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, and who was previously enrolled in such school for
18 at least one full school year;

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

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

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

27 (7) "State course access program" or "program", the program created under sections
28 161.1010 to 161.1020.

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

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

36 3. Prior to enrolling in any state course access program course, a student shall first receive

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approval from his or her guidance counselor. Guidance counselors shall approve or disapprove a student's request to enroll based on the counselor's assessment of whether participation in the program and enrollment in a particular course is in the student's best interest. The department shall develop a procedure under which a student may appeal the decision of a guidance counselor made under the provisions of this section.

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

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

161.1012. 1. The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Demonstrate either:

(a) Prior evidence of delivering quality outcomes for students as demonstrated by

1 completion rates, student level growth, proficiency, or other quantifiable outcomes; or

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

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

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

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

14 161.1014. 1. The department shall establish a course review and approval process. The
 15 process may be implemented by the department or by an entity designated by the department.

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

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

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

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

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

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

26 161.1015. 1. The initial authorization of the course provider and approved courses shall be
 27 for a period of three years.

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

29 (1) Student enrollment data;

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

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

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

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

48 5. After the initial three-year authorization period, the department may reauthorize the

1 course provider for additional periods of not less than three years after thorough review of the course
 2 provider's activities and the achievement of students enrolled in courses offered by the course
 3 provider.

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

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

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

8 or

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

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

14 161.1017. 1. The department shall:

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

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

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

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

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

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

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

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

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

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

40 (1) The annual number of unique students participating in courses authorized under sections
 41 161.1010 to 161.1020 and the total number of courses students are enrolled in;

42 (2) The number of authorized providers;

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

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

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

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

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

1 (7) The department shall note any data that is not yet available at the time of publication and
2 when it will become available, and include that data in future reports.

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

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

8 161.1018. 1. A school district or charter school shall:

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

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

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

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

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

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

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

25 4. Nothing in sections 161.1010 to 161.1020 shall be construed to prevent a school entity
26 from establishing its own online course or program in accordance with sections 161.1010 to
27 161.1020.

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

38 161.1019. 1. Per-course tuition shall be determined as follows:

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

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

1 student is enrolled full time;

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

4 (4) The course provider may charge tuition to any eligible participating student up to an
5 amount determined by the course provider and department. An eligible participating student who is
6 not an eligible funded student shall pay any such tuition and shall not receive any state funding for
7 participation in state course access program courses.

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

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

18 (2) Partial payments for delayed completions shall be determined as follows: if a student
19 does not successfully complete a course according to the published course length in which the course
20 provider has received the first payment under subsection 1 of this section, the provider shall receive
21 twenty percent of the tuition that is dependent upon student success as defined in subsection 1 of this
22 section only if the student completes and receives credit for the course within one additional
23 semester. At that point, remaining tuition shall be returned to the local education agency where a
24 student is enrolled full time or to the eligible participating student if such student paid the tuition
25 under subdivision (4) of subsection 1 of this section.

26 161.1020. Under section 23.253 of the Missouri sunset act:

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

30 (2) If such program is reauthorized, the program authorized under sections 161.1010 to
31 161.1020 shall automatically sunset twelve years after the effective date of the reauthorization of
32 sections 161.1010 to 161.1020; and

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

36
37 Further amend said bill by amending the title, enacting clause, and intersectional references
38 accordingly.