

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 93, Page 1, Section A, Line 2, by
2 inserting immediately after said section and line the following:

3
4 "161.669. 1. As used in sections 161.670 and 167.121, the following terms shall mean:

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

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

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

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

14 (5) "Local education agency", a public authority legally constituted by the state as an
15 administrative agency to provide control and direction for K-12 public educational institutions,
16 including public charter schools;

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

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

23 161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of
24 education shall establish ~~[a virtual public school]~~ the "Missouri Course Access and Virtual School
25 Program" to serve school-age students residing in the state. The ~~[virtual public school]~~ Missouri
26 course access and virtual school program shall offer instruction in a virtual setting using technology,
27 intranet, and/or internet methods of communication. Any student under the age of twenty-one in
28 grades kindergarten through twelve who resides in this state shall be eligible to enroll in the ~~[virtual~~
29 ~~public school regardless of the student's physical location]~~ Missouri course access and virtual school
30 program under subsection 3 of this section.

31 2. For purposes of calculation and distribution of state school aid, students enrolled in ~~[a~~
32 ~~virtual public school]~~ the Missouri course access and virtual school program shall be included~~[, at~~
33 ~~the choice of the student's parent or guardian,]~~ in the student enrollment of the school district in
34 which the student physically ~~[resides]~~ is enrolled under subsection 3 of this section. The ~~[virtual~~
35 ~~public school]~~ Missouri course access and virtual school program shall report to the district of
36 residence the following information about each student served by the ~~[virtual public school]~~

Action Taken _____ Date _____

1 Missouri course access and virtual school program: name, address, eligibility for free or reduced-
 2 price lunch, limited English proficiency status, special education needs, and the number of courses
 3 in which the student is enrolled. The ~~[virtual public school]~~ Missouri course access and virtual
 4 school program shall promptly notify the resident district when a student discontinues enrollment.
 5 A "full-time equivalent student" is a student who successfully has completed the instructional
 6 equivalent of six credits per regular term. Each ~~[virtual]~~ Missouri course access program course
 7 shall count as one class and shall generate that portion of a full-time equivalent that a comparable
 8 course offered by the school district would generate. In no case shall more than the full-time
 9 equivalency of a regular term of attendance for a single student be used to claim state aid. Full-time
 10 equivalent student credit completed shall be reported to the department of elementary and secondary
 11 education in the manner prescribed by the department. Nothing in this section shall prohibit
 12 students from enrolling in additional courses under a separate agreement that includes terms for
 13 paying tuition or course fees.

14 3. ~~[When a school district has one or more resident students enrolled in a virtual public~~
 15 ~~school program authorized by this section, whose parent or guardian has chosen to include such~~
 16 ~~student in the district's enrollment, the department of elementary and secondary education shall~~
 17 ~~disburse an amount corresponding to fifteen percent of the state aid under sections 163.031 and~~
 18 ~~163.043 attributable to such student to the resident district. Subject to an annual appropriation by~~
 19 ~~the general assembly, the department shall disburse an amount corresponding to eighty-five percent~~
 20 ~~of the state adequacy target attributable to such student to the virtual public school.~~

21 ~~———4.]~~ (1) A school district or charter school shall allow any eligible student who resides in
 22 such district to enroll in Missouri course access program courses or virtual school of his or her
 23 choice as a part of the student's annual course load each school year or a full-time virtual school
 24 option, with any costs associated with such course or courses to be paid by the school district or
 25 charter school if:

26 (a) The student is enrolled full-time in and has attended, for at least one semester
 27 immediately prior to enrolling in the Missouri course access program, a public school, including any
 28 public charter school; and

29 (b) Prior to enrolling in any Missouri course access course or virtual program, a student has
 30 received approval from his or her school principal through the procedure described under
 31 subdivision (2) of this subsection.

32 (2) School districts and charter schools, through the school principal and in cooperation
 33 with the school's counselor or a person designated by the district or charter school, shall approve or
 34 disapprove a student's request to enroll in a Missouri course access program course or full-time
 35 virtual school. The school counselor or a person designated by the district or charter school shall
 36 advise any student who requests to enroll in a Missouri course access program course or a full-time
 37 virtual school and submit a recommendation to the school principal for final approval. The advice
 38 of the school counselor or the person designated by the district or charter school shall be based on
 39 his or her assessment of whether participation in the program and enrollment in a particular course
 40 are in the student's best interest and shall be done in consultation with the student's parent or legal
 41 guardian. Each school district and charter school shall develop a procedure under which a student
 42 may appeal the decision made under the provisions of this subdivision. In cases of denial of a
 43 request, the school district or charter school shall inform students and parents of the reason for
 44 denial and inform them of their right to appeal any enrollment denials in state course access
 45 program courses or full-time virtual school to the department of elementary and secondary
 46 education, which shall provide a final enrollment decision within seven calendar days. The state
 47 board of education shall establish guidelines governing the appeals process.

48 (3) Children who have newly moved into the school district and children of active military

1 parents serving out of state shall be exempt from the requirement of attending a public school for at
2 least one semester prior to enrolling in the Missouri course access and virtual school program.

3 (4) For students enrolled in any Missouri course access program course in which costs
4 associated with such course are to be paid by the school district or charter school as described under
5 subdivision (1) of this subsection, the school district or charter school shall pay the content provider
6 directly on a pro rata monthly basis based on a student's completion of assignments and assessments.
7 If a student discontinues enrollment, the district or charter school may stop making monthly
8 payments to the content provider. No school district or charter school shall pay, for any one course
9 for a student, more than the market necessary costs but in no case shall pay more than fourteen
10 percent of the state adequacy target, as defined under section 163.011, as calculated at the end of the
11 most recent school year for any single, year-long course and no more than seven percent of the state
12 adequacy target as described above for any single semester equivalent course. Payment for a full-
13 time virtual school student shall not exceed the state adequacy target, unless the student receives
14 additional federal or state aid. Nothing in this subdivision shall prohibit a school district or charter
15 school from negotiating lower costs directly with course or full-time virtual school providers,
16 particularly in cases where several students enroll in a single course or full-time virtual school.

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

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

23 (7) Providers shall monitor student success and engagement of students enrolled in their
24 program and report the information to the school district or charter school. Providers may make
25 recommendations to the school district or charter school regarding the student's continued
26 enrollment in the program. The school district or charter school shall consider recommendations
27 from providers and monitor the progress and success of enrolled students that are enrolled in any
28 course or full-time virtual school offered under this section and may terminate or alter the course
29 offering if it is found the course or full-time virtual school is not meeting the educational needs of
30 the students enrolled in the course.

31 (8) The school district's decision to terminate a student's enrollment in a course or full-time
32 virtual school program shall be subject to the same appeals process outlined in subdivision (2) of
33 subsection 3 of this section.

34 (9) Pursuant to rules to be adopted by the department of elementary and secondary
35 education, when a student transfers into a school district or charter school, credits previously gained
36 through successful passage of approved courses under the Missouri course access program shall be
37 accepted by the school district or charter school.

38 (10) Nothing in this section shall prohibit home school students, private school students, or
39 students wishing to take additional courses beyond their regular course load from enrolling in
40 Missouri course access program courses under an agreement that includes terms for paying tuition
41 or course fees.

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

45 (12) The department authorization process shall provide for continuous monitoring of
46 approved providers and courses. The department shall revoke or suspend or take other corrective
47 action regarding the authorization of any course or provider no longer meeting the requirements of
48 the program. Unless immediate action is necessary, prior to revocation or suspension, the

1 department shall notify the provider and give the provider a reasonable time period to take
2 corrective action to avoid revocation or suspension. The process shall provide for periodic renewal
3 of authorization no less frequently than once every three years.

4 (13) Courses approved as of January 1, 2018, by the department to participate in the
5 Missouri virtual instruction program shall be automatically approved to participate in the state
6 course access and virtual school program, but shall be subject to periodic renewal.

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

11 5. The department shall:

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

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

17 (3) Review, pursuant to the authorization process, proposals from providers to provide
18 individual courses or a comprehensive, full-time equivalent course of study for students through the
19 Missouri course access and virtual school program. The department shall ensure that these
20 comprehensive courses of study align with state academic standards and that there is consistency
21 and compatibility in the curriculum used by all providers from one grade level to the next grade
22 level;

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

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

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

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

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

38 10. Program providers shall annually report, in such a manner as directed by the
39 department:

40 (1) Student enrollment data;

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

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

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

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

- 1 (2) The number of authorized providers;
 2 (3) The number of authorized courses and the number of students enrolled in each course;
 3 (4) The number of courses available by subject and grade level;
 4 (5) The number of students enrolled in courses by subject and grade level;
 5 (6) Student outcome data, including completion rates, student learning gains, and student
 6 performance on state or nationally accepted assessments, by subject and grade level by provider.
 7 This outcome data shall be published in a manner that protects student privacy; and
 8 (7) School district feedback on student progress and success.

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

13 13. Except as specified in this section and as may be specified by rule of the state board of
 14 education, the [virtual public school] Missouri course access and virtual school program shall
 15 comply with all state laws and regulations applicable to school districts, including but not limited to
 16 the Missouri school improvement program (MSIP), [adequate yearly progress (AYP),] annual
 17 performance report (APR), teacher certification, and curriculum standards.

18 [5-] 10. The state board of education through the rulemaking process and the department of
 19 elementary and secondary education in its policies and procedures shall ensure that multiple content
 20 providers are allowed, ensure digital content conforms to accessibility requirements, provide an
 21 easily accessible link for providers to submit courses or full-time virtual schools on the Missouri
 22 course access and virtual school program website, and allow any person, organization, or entity to
 23 submit courses or full-time virtual schools for approval. No content provider shall be allowed that
 24 is unwilling to accept payments in the amount and manner as described under subdivision (3) of
 25 subsection 3 of this section or does not meet performance or quality standards adopted by the state
 26 board of education.

27 [6-] 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 28 created under the authority delegated in this section shall become effective only if it complies with
 29 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
 30 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 31 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
 32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 33 adopted after August 28, 2006, shall be invalid and void."; and

34
 35 Further amend said bill, Page 3, Section 162.492, Line 76, by inserting immediately after said
 36 section and line the following:

37
 38 "167.121. [4-] If the residence of a pupil is so located that attendance in the district of
 39 residence constitutes an unusual or unreasonable transportation hardship because of natural barriers,
 40 travel time, or distance, the commissioner of education or his designee may assign the pupil to
 41 another district. Subject to the provisions of this section, all existing assignments shall be reviewed
 42 prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The
 43 board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned.
 44 The tuition shall not exceed the pro rata cost of instruction.

45 [2-] (1) ~~For the school year beginning July 1, 2008, and each succeeding school year, a~~
 46 ~~parent or guardian residing in a lapsed public school district or a district that has scored either~~
 47 ~~unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual~~
 48 ~~performance reports may enroll the parent's or guardian's child in the Missouri virtual school created~~

1 in section 161.670 provided the pupil first enrolls in the school district of residence. The school
2 district of residence shall include the pupil's enrollment in the virtual school created in section
3 161.670 in determining the district's average daily attendance. Full-time enrollment in the virtual
4 school shall constitute one average daily attendance equivalent in the school district of residence.
5 Average daily attendance for part-time enrollment in the virtual school shall be calculated as a
6 percentage of the total number of virtual courses enrolled in divided by the number of courses
7 required for full-time attendance in the school district of residence.

8 ——— (2) A pupil's residence, for purposes of this section, means residency established under
9 section 167.020. Except for students residing in a K-8 district attending high school in a district
10 under section 167.131, the board of the home district shall pay to the virtual school the amount
11 required under section 161.670.

12 ——— (3) Nothing in this section shall require any school district or the state to provide computers,
13 equipment, internet or other access, supplies, materials or funding, except as provided in this
14 section, as may be deemed necessary for a pupil to participate in the virtual school created in section
15 161.670.

16 ——— (4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
17 under the authority delegated in this section shall become effective only if it complies with and is
18 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
19 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
20 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
21 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
22 August 28, 2007, shall be invalid and void.]

23 Section B. Sections 161.669, 161.700, and 167.121 of this act shall become effective July 1,
24 2018."; and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.