

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1408**  
**99TH GENERAL ASSEMBLY**

4329H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof three new sections relating to the Missouri course access program, with a delayed effective date.

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

Section A. Sections 161.670 and 167.121, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 161.668, 161.670, and 167.121, to read as  
3 follows:

**161.668. For purposes of this section and sections 161.670 and 167.121, the**  
2 **following terms mean:**

3 **(1) "Course provider", any person or entity authorized by the department to offer**  
4 **individual courses in person, online, or in any combination of online and in person contact.**  
5 **The term "course provider" includes, but is not limited to, online education providers,**  
6 **public or private elementary and secondary education institutions, education service**  
7 **agencies, private for-profit or nonprofit providers, postsecondary education institutions,**  
8 **and providers of vocational and technical courses;**

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

10 **(3) "Local educational agency", a public authority legally constituted by the state**  
11 **as an administrative agency to provide control and direction for K-12 public educational**  
12 **institutions, including any charter school that has declared itself as a local educational**  
13 **agency.**

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of  
2 education shall establish ~~[a virtual public school]~~ **the "Missouri Course Access Program"** to  
3 serve school-age students residing in the state. The ~~[virtual public school]~~ **Missouri course**  
4 **access program** shall offer instruction in a virtual setting using technology, intranet, and/or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 internet methods of communication. Any student under the age of twenty-one in grades  
6 kindergarten through twelve who resides in this state shall be eligible to enroll in the ~~[virtual~~  
7 ~~public school]~~ **Missouri course access program** regardless of the student's physical location.  
8 **A student enrolled in the Missouri course access program who does not meet the**  
9 **requirements for costs to be paid by the district or charter school that is a local educational**  
10 **agency, as described in this section or any other section, shall pay the costs for any such**  
11 **course directly to the Missouri course access program. Such student's enrollment in the**  
12 **Missouri course access program shall not be counted in determining the average daily**  
13 **attendance, as defined under section 163.011, of any district or charter school.**

14 2. ~~[For purposes of calculation and distribution of state school aid, students enrolled in~~  
15 ~~a virtual public school shall be included, at the choice of the student's parent or guardian, in the~~  
16 ~~student enrollment of the school district in which the student physically resides. The virtual~~  
17 ~~public school shall report to the district of residence the following information about each~~  
18 ~~student served by the virtual public school: name, address, eligibility for free or reduced-price~~  
19 ~~lunch, limited English proficiency status, special education needs, and the number of courses in~~  
20 ~~which the student is enrolled. The virtual public school shall promptly notify the resident district~~  
21 ~~when a student discontinues enrollment.]~~ A "full-time equivalent student" is a student who  
22 successfully has completed the instructional equivalent of six credits per regular term. Each  
23 ~~[virtual]~~ **Missouri course access program** course shall count as one class and shall generate that  
24 portion of a full-time equivalent that a comparable course offered by the school district **or**  
25 **charter school** would generate. In no case shall more than the full-time equivalency of a regular  
26 term of attendance for a single student be used to claim state aid. ~~[Full-time equivalent student~~  
27 ~~credit completed shall be reported to the department of elementary and secondary education in~~  
28 ~~the manner prescribed by the department. Nothing in this section shall prohibit students from~~  
29 ~~enrolling in additional courses under a separate agreement that includes terms for paying tuition~~  
30 ~~or course fees.]~~

31 3. ~~[When a school district has one or more resident students enrolled in a virtual public~~  
32 ~~school program authorized by this section, whose parent or guardian has chosen to include such~~  
33 ~~student in the district's enrollment, the department of elementary and secondary education shall~~  
34 ~~disburse an amount corresponding to fifteen percent of the state aid under sections 163.031 and~~  
35 ~~163.043 attributable to such student to the resident district. Subject to an annual appropriation~~  
36 ~~by the general assembly, the department shall disburse an amount corresponding to eighty-five~~  
37 ~~percent of the state adequacy target attributable to such student to the virtual public school.]~~ (1)  
38 **A school district or charter school that is a local educational agency shall allow any K-12**  
39 **student who is enrolled in such district or charter school on a full-time basis to enroll in up**  
40 **to two Missouri course access program courses of his or her choice each school year, with**

41 any costs associated with such course or courses to be paid by the school district or charter  
42 school, if:

43 (a) The student has attended such district or charter school for at least one semester  
44 immediately prior to enrolling in the Missouri course access program;

45 (b) The school counselor or a person designated by the district or charter school  
46 has advised the student. The advice of the school counselor or the person designated by  
47 the district or charter school shall be based on his or her assessment of whether  
48 participation in the program and enrollment in a particular course are in the student's best  
49 interests; and

50 (c) The course or its substantial equivalent is not available in the school district or  
51 charter school or there is a scheduling conflict with the course or its substantial equivalent  
52 available in the school district or charter school.

53 (2) A school district or charter school that is a local educational agency may allow  
54 any K-12 student who is enrolled in such district or charter school on a full-time basis to  
55 enroll in additional course access program courses of his or her choice each school year  
56 beyond those authorized under subdivision (1) of this subsection, with any costs associated  
57 with such course or courses to be paid by the school district or charter school, if the student  
58 has attended such district or charter school for at least one semester immediately prior to  
59 enrolling in the Missouri course access program and the student has received approval  
60 from his or her school counselor or other designated person for enrolling in the requested  
61 course or courses. The school counselor or the person designated by the district or charter  
62 school shall approve or deny a student's request to enroll in a Missouri course access  
63 program course based on the counselor's or designated person's assessment of whether  
64 participation in the program and enrollment in a particular course are in the student's best  
65 interest. Each school district and charter school shall develop a procedure under which  
66 a student may appeal the decision of a school counselor or other designated person made  
67 under the provisions of this subdivision. The school district or charter school shall inform  
68 the student and his or her parents or guardians of the reason for the decision and inform  
69 them of their right to appeal any denial of a request to enroll in a Missouri course access  
70 program course to the department of elementary and secondary education. In such  
71 appeals the department shall provide a final enrollment decision within seven calendar  
72 days. The state board of education shall establish guidelines governing the appeals process.

73 (3) The school district or charter school that makes monthly payments as described  
74 under subdivision (4) of this subsection for a student enrolled in a Missouri course access  
75 program course shall include the student's enrollment in the Missouri course access

76 **program course in determining the district's or charter school's average daily attendance,**  
77 **as defined under section 163.011.**

78 **(4) For students enrolled in any Missouri course access program course in which**  
79 **costs associated with such course are to be paid by the school district or charter school as**  
80 **described under subdivision (1) or (2) of this subsection, the school district or charter**  
81 **school that is a local educational agency shall pay the course provider directly on a**  
82 **monthly basis. If a student discontinues enrollment, the district or charter school may stop**  
83 **making monthly payments to the course provider. No school district or charter school**  
84 **shall pay more than the market necessary costs for students to enroll in Missouri course**  
85 **access program courses, but in no case shall pay more than fourteen percent of the state**  
86 **adequacy target as defined under section 163.011 as calculated at the end of the most**  
87 **recent school year for any single, year-long course and no more than seven percent of the**  
88 **state adequacy target as described above for any single, semester-equivalent course.**  
89 **Nothing in this subdivision shall prohibit a school district or charter school from**  
90 **negotiating lower costs directly with course providers.**

91 **(5) Each school district and each charter school that is a local educational agency**  
92 **shall monitor student progress and success and course quality and annually provide**  
93 **feedback to the department of elementary and secondary education regarding course**  
94 **quality.**

95 **(6) A school district or charter school that is a local educational agency shall accept**  
96 **courses taken through the Missouri course access program for credit.**

97 **(7) Nothing in this section shall prohibit home school or private school students**  
98 **from enrolling in Missouri course access program courses under an agreement that**  
99 **includes terms for paying tuition or course fees.**

100 **(8) Nothing in this subsection shall require any school district, any charter school,**  
101 **or the state to provide computers, equipment, or internet access to any student.**

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

107 **5. The state board of education through the rulemaking process and the department of**  
108 **elementary and secondary education in its policies and procedures shall ensure that multiple**  
109 **~~[content]~~ course providers are allowed, provide an easily accessible link for course providers**  
110 **to submit courses on the Missouri course access program website, and allow any person,**  
111 **organization, or entity to submit courses for approval. No course provider shall be allowed**

that is unwilling to accept payments in the amount and manner as described under subdivision (4) of subsection 3 of this section.

6. Each school district or charter school that is a local educational agency shall notify students and parents or guardians of the availability of the Missouri course access program in class registration materials and in any handbook that the district or charter school distributes or makes available to students or parents.

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

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

2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored either unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual performance reports may enroll the parent's or guardian's child in the Missouri ~~virtual school~~ **course access program** created in section 161.670 provided the pupil first enrolls in the school district of residence. The school district of residence shall include the pupil's enrollment in the ~~virtual school~~ **Missouri course access program** created in section 161.670 in determining the district's average daily attendance. Full-time enrollment in the ~~virtual school~~ **Missouri course access program** shall constitute one average daily attendance equivalent in the school district of residence. Average daily attendance for part-time enrollment in the ~~virtual school~~ **Missouri course access program** shall be calculated as a percentage of the total number of ~~virtual~~ **Missouri course access program** courses enrolled in divided by the number of courses required for full-time attendance in the school district of residence.

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

24 ~~required]~~ the costs associated with Missouri course access program courses up to full-time  
25 equivalency for each student, as described under section 161.670. The board shall pay the  
26 course provider directly on a monthly basis. If a student discontinues enrollment, the  
27 district may stop making monthly payments to the course provider. No school district shall  
28 pay more than the market necessary costs for students to enroll in Missouri course access  
29 program courses, but in no case shall pay more than fourteen percent of the state adequacy  
30 target as defined under section 163.011 as calculated at the end of the most recent school  
31 year for any single, year-long course and no more than seven percent of the state adequacy  
32 target as described above for any single, semester-equivalent course. Nothing in this  
33 subdivision shall prohibit a school district or charter school from negotiating lower costs  
34 directly with course providers. Students allowed to enroll in the Missouri course access  
35 program under this section shall not be subject to the limitations described under  
36 subdivision (1) of subsection 3 of section 161.670.

37 (3) Nothing in this section shall require any school district or the state to provide  
38 computers, equipment, internet or other access, supplies, materials or funding, except as provided  
39 in this section, as may be deemed necessary for a pupil to participate in the ~~[virtual school]~~  
40 **Missouri course access program** created in section 161.670.

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

Section B. The enactment of section 161.668 and the repeal and reenactment of sections  
2 161.670 and 167.121 of this act shall become effective July 1, 2019.

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