

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2491
100TH GENERAL ASSEMBLY

5472H.02C

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 161.670, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.670, to read as follows: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 state board of education shall establish the "Missouri Course Access and Virtual School Program" to serve school-age students residing in the state. The Missouri course access and virtual school program shall offer instruction in a virtual setting using technology, intranet, ~~and/or~~ or internet methods of communication. Any student under the age of twenty-one in grades kindergarten through twelve who resides in this state shall be eligible to enroll in the Missouri course access and virtual school program pursuant to subsection 3 of this section.

2. For purposes of calculation and distribution of state school aid, students enrolled in the Missouri course access and virtual school program **who are not full-time equivalent students** shall be included in the student enrollment of the school district in which the student physically is enrolled under subsection 3 of this section. The Missouri course access and virtual school program shall report to the district of residence the following information about each student served by the Missouri course access and virtual school program: name, address, eligibility for free or reduced-price lunch, limited English proficiency status, special education needs, and the number of courses in which the student is enrolled. The Missouri course access and virtual school program shall promptly notify the resident district when a student discontinues enrollment. A "full-time equivalent student" is a student who successfully has completed the instructional equivalent of six credits per regular term. Each Missouri course access and virtual

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.

19 school program course shall count as one class and shall generate that portion of a full-time
20 equivalent that a comparable course offered by the school district would generate. **Full-time**
21 **equivalent students shall not be included in the student enrollment of the school district in**
22 **which such student resides. Any score achieved by a full-time equivalent student on a**
23 **statewide assessment as established in section 160.518 shall not be included in the scores**
24 **for the school district in which such student resides, but shall instead be attributed to the**
25 **Missouri course access and virtual school program that is functioning as a local education**
26 **agency for the purposes of this section.** In no case shall more than the full-time equivalency
27 of a regular term of attendance for a single student be used to claim state aid. Full-time
28 equivalent student credit completed shall be reported to the department of elementary and
29 secondary education in the manner prescribed by the department. **The department shall pay**
30 **any Missouri course access and virtual school program one hundred percent of its average**
31 **per-pupil expenditure for each full-time equivalent student.** Nothing in this section shall
32 prohibit students from enrolling in additional courses under a separate agreement that includes
33 terms for paying tuition or course fees. **A virtual school program provider serving full-time**
34 **equivalent students shall be granted local educational agency status.**

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

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

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

50 (2) Each school district or charter school shall adopt a policy that delineates the process
51 by which a student may enroll in courses provided by the Missouri course access and virtual
52 school program that is substantially similar to the typical process by which a district student
53 would enroll in courses offered by the school district and a charter school student would enroll
54 in courses offered by the charter school. The policy may include consultation with the school's

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

75 (3) For students enrolled in any Missouri course access and virtual school program
76 course in which costs associated with such course are to be paid ~~by the school district or charter~~
77 ~~school~~ as described under subdivision (1) of this subsection, the school district ~~[or]~~ , charter
78 school, **or the department** shall pay the content provider directly on a pro rata ~~[monthly]~~ basis
79 **once per semester** based on a student's completion of assignments and assessments. If a student
80 discontinues enrollment, the district ~~[or]~~ , charter school, **or the department** may stop making
81 ~~[monthly]~~ payments to the content provider. No school district or charter school shall pay, for
82 any one course for a student, more than the market necessary costs but in no case shall pay more
83 than fourteen percent of the state adequacy target, as defined under section 163.011, as calculated
84 at the end of the most recent school year for any single, year-long course and no more than seven
85 percent of the state adequacy target as described above for any single semester equivalent course.
86 Payment for a full-time virtual school student shall not exceed the state adequacy target, unless
87 the student receives additional federal or state aid. Nothing in this subdivision shall prohibit a
88 school district ~~[or]~~ , charter school, **or the department** from negotiating lower costs directly
89 with course or full-time virtual school providers, particularly in cases where several students
90 enroll in a single course or full-time virtual school.

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

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

97 (6) The department shall monitor student success and engagement of students enrolled
98 in their program and report the information to the ~~[school district or charter school]~~ **parent or**
99 **guardian of the student**. Providers and the department may make recommendations to the
100 ~~[school district or charter school]~~ **parent or guardian** regarding the student's continued
101 enrollment in the program. The ~~[school district or charter school shall]~~ **parent or guardian may**
102 consider the recommendations and evaluate the progress and success of enrolled students that
103 are enrolled in any course ~~[or full-time virtual school]~~ offered under this section and may
104 ~~[terminate or alter the course offering]~~ **withdraw the student** if it is found the course ~~[or~~
105 ~~full-time virtual school]~~ is not meeting the educational needs of the ~~[students]~~ **student** enrolled
106 in the course. **The department may terminate or alter the course offering if it is found the**
107 **full-time virtual school is not meeting the needs of the students enrolled.**

108 (7) ~~[School districts and charter schools]~~ **Virtual school providers** shall monitor student
109 progress and success, and ~~[course or full-time virtual school quality, and annually provide~~
110 ~~feedback to the department of elementary and secondary education regarding course quality]~~ **may**
111 **remove a student if the provider believes it to be in the best educational interest of the**
112 **student.**

113 (8) Pursuant to rules to be promulgated by the department of elementary and secondary
114 education, when a student transfers into a school district or charter school, credits previously
115 gained through successful passage of approved courses under the Missouri course access and
116 virtual school program shall be accepted by the school district or charter school.

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

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

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

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

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

138 (14) Any online course or virtual program offered by a school district or charter school,
139 including those offered prior to August 28, 2018, ~~[which]~~ **that** meets the requirements of section
140 162.1250 shall be automatically approved to participate in the Missouri course access and virtual
141 school program. Such course or program shall be subject to periodic renewal. A school district
142 or charter school offering such a course or virtual school program shall be deemed an approved
143 provider.

144 4. School districts or charter schools shall inform parents of their child's right to
145 participate in the program. Availability of the program shall be made clear in the parent
146 handbook, registration documents, and featured on the home page of the school district or charter
147 school's website. **Any school district or charter school that fails to notify parents of their
148 child's right to participate in the program shall be subject to civil penalties in an amount
149 equal to one hundred dollars for each day the school district or charter school is not in
150 compliance with this subsection, including reasonable attorney's fees.**

151 5. The department shall:

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

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

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

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

158 (3) Review, pursuant to the authorization process, proposals from providers to provide
159 a comprehensive, full-time equivalent course of study for students through the Missouri course
160 access and virtual school program. The department shall ensure that these comprehensive

161 courses of study align to state academic standards and that there is consistency and compatibility
162 in the curriculum used by all providers from one grade level to the next grade level;

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

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

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

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

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

180 10. The department shall submit and publicly publish an annual report on the Missouri
181 course access and virtual school program and the participation of entities to the governor, the
182 chair and ranking member of the senate education committee, and the chair and ranking member
183 of the house of representatives elementary and secondary education committee. The report shall
184 at a minimum include the following information:

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

187 (2) The number of authorized providers;

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

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

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

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

194 This outcome data shall be published in a manner that protects student privacy;

195 (7) The costs per course;

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

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

202 12. The state board of education through the rulemaking process and the department of
203 elementary and secondary education in its policies and procedures shall ensure that multiple
204 content providers and learning management systems are allowed, ensure digital content conforms
205 to accessibility requirements, provide an easily accessible link for providers to submit courses
206 or full-time virtual schools on the Missouri course access and virtual school program website,
207 and allow any person, organization, or entity to submit courses or full-time virtual schools for
208 approval. No content provider shall be allowed that is unwilling to accept payments in the
209 amount and manner as described under subdivision (3) of subsection 3 of this section or does not
210 meet performance or quality standards adopted by the state board of education.

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

✓