

FIRST REGULAR SESSION

# HOUSE BILL NO. 827

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

1921H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to the virtual school program.

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*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Section A. Section 161.670, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.670, to read as follows: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 nonclassroom-based instruction in a virtual setting using technology, intranet, 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. (1) For purposes of calculation and distribution of state school aid, students enrolled in the Missouri course access and virtual school program shall be included in the student enrollment of the school district in which the student is enrolled under **the relevant provisions of** subsection 3 of this section~~]; provided that any such~~ **for such enrollment.** Student attendance for full-time virtual program students shall only be included in any district pupil attendance calculation under chapter 163 and any charter school pupil attendance calculation under section 160.415, using current-year pupil attendance for such full-time virtual program pupils~~]; and further provided that~~. **The average daily attendance of a full-time virtual student who is completing required instructional activities under subsection 4 of this section shall be calculated as if the pupil's attendance percentage equaled the**

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.

18 **host district's or charter school's prior-year average attendance percentage, and the**  
19 **provisions of section 162.1250 shall not apply to such funding calculation.** In the case of  
20 a host school district enrolling one or more full-time virtual school students, such enrolling  
21 district shall, **as part of its monthly state allocation,** receive no less under the state aid  
22 calculation for such students than an amount equal to the state adequacy target multiplied by  
23 the weighted average daily attendance of such full-time students. Students residing in  
24 Missouri and enrolled in a full-time virtual school program operated by a public institution of  
25 higher education in this state shall be counted for a state aid calculation by the department,  
26 and the department shall pay, from funds dedicated to state school aid payments made under  
27 section 163.031, to such institution an amount equal to the state adequacy target multiplied by  
28 the weighted average daily attendance of such full-time students.

29 (2) The Missouri course access and virtual school program shall report to the district  
30 of residence the following information about each student served by the Missouri course  
31 access and virtual school program: name, address, eligibility for free or reduced-price lunch,  
32 limited English proficiency status, special education needs, and the number of courses in  
33 which the student is enrolled. The Missouri course access and virtual school program shall  
34 promptly notify the resident district when a student discontinues enrollment. A "full-time  
35 equivalent student" is a student who is enrolled in the instructional equivalent of six credits  
36 per regular term. Each Missouri course access and virtual school program course shall count  
37 as one class and shall generate that portion of a full-time equivalent that a comparable course  
38 offered by the school district would generate.

39 (3) Pursuant to an education services plan and collaborative agreement under  
40 subsection 3 of this section, full-time equivalent students may be allowed to use a physical  
41 location of the resident school district for all or some portion of ongoing instructional activity,  
42 and the enrollment plan shall provide for reimbursement of costs of the resident district for  
43 providing such access pursuant to rules promulgated under this section by the department.

44 (4) In no case shall more than the full-time equivalency of a regular term of  
45 attendance for a single student be used to claim state aid. Full-time equivalent student credit  
46 completed shall be reported to the department of elementary and secondary education in the  
47 manner prescribed by the department. Nothing in this section shall prohibit students from  
48 enrolling in additional courses under a separate agreement that includes terms for paying  
49 tuition or course fees.

50 (5) A full-time virtual school program serving full-time equivalent students shall be  
51 considered an attendance center in the host school district and shall participate in the  
52 statewide assessment system as defined in section 160.518. The academic performance of  
53 students enrolled in a full-time virtual school program shall be assigned to the designated  
54 attendance center of the full-time virtual school program and shall be considered in like

55 manner to other attendance centers. The academic performance of any student who disenrolls  
56 from a full-time virtual school program and enrolls in a public school or charter school shall  
57 not be used in determining the annual performance report score of the attendance center or  
58 school district in which the student enrolls for twelve months from the date of enrollment.

59 (6) For the purposes of this section, a public institution of higher education operating  
60 a full-time virtual school program shall be subject to all requirements applicable to a host  
61 school district with respect to its full-time equivalent students.

62 3. (1) A student who resides in this state may enroll in Missouri course access and  
63 virtual school program courses of his or her choice as a part of the student's annual course  
64 load each school year, with any costs associated with such course or courses to be paid by the  
65 school district or charter school if:

66 (a) The student is enrolled full-time in a public school, including any charter school;  
67 and

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

71 (2) Each school district or charter school shall adopt a policy that delineates the  
72 process by which a student may enroll in courses provided by the Missouri course access and  
73 virtual school program that is substantially similar to the typical process by which a district  
74 student would enroll in courses offered by the school district and a charter school student  
75 would enroll in courses offered by the charter school. The policy may include consultation  
76 with the school's counselor and may include parental notification or authorization. The policy  
77 shall ensure that available opportunities for in-person instruction are considered prior to  
78 moving a student to virtual courses. The policy shall allow for continuous enrollment  
79 throughout the school year. If the school district or charter school disapproves a student's  
80 request to enroll in a course or courses provided by the Missouri course access and virtual  
81 school program, the reason shall be provided in writing and it shall be for good cause. Good  
82 cause justification to disapprove a student's request for enrollment in a course shall be a  
83 determination that doing so is not in the best educational interest of the student, and shall be  
84 consistent with the determination that would be made for such course request under the  
85 process by which a district student would enroll in a similar course offered by the school  
86 district and a charter school student would enroll in a similar course offered by the charter  
87 school, except that the determination may consider the suitability of virtual courses for the  
88 student based on prior participation in virtual courses by the student. Appeals of any course  
89 denials under this subsection shall be considered under a policy that is substantially similar to  
90 the typical process by which appeals would be considered for a student seeking to enroll in

91 courses offered by the school district and a charter school student seeking to enroll in courses  
92 offered by the charter school.

93 (3) For students enrolled in any Missouri course access and virtual school program  
94 course in which costs associated with such course are to be paid by the school district or  
95 charter school as described under this subdivision, the school district or charter school shall  
96 pay the content provider directly on a pro rata monthly basis based on a student's completion  
97 of assignments and assessments. If a student discontinues enrollment, the district or charter  
98 school may stop making monthly payments to the content provider. No school district or  
99 charter school shall pay, for any one course for a student, more than the market necessary  
100 costs but in no case shall pay more than fourteen percent of the state adequacy target, as  
101 defined under section 163.011, as calculated at the end of the most recent school year for any  
102 single, year-long course and no more than seven percent of the state adequacy target as  
103 described above for any single semester equivalent course.

104 (4) ~~[For students enrolling in a full-time virtual program, the department of~~  
105 ~~elementary and secondary education shall adopt a policy that delineates the process by which]~~

106 (a) A student who lives in this state may enroll in a virtual program of their choice as  
107 provided in this subdivision, **and the provisions of subdivisions 1 to 3 of this subsection**  
108 **shall not apply to such enrollment in a full-time virtual program.** Each host school  
109 district operating a full-time virtual program under this section shall **adopt**, operate and  
110 implement ~~[the state]~~ **an enrollment policy**, ~~[, subject to]~~ **as specified** by the provisions of this  
111 subdivision. ~~[The policy shall:~~

112 ~~(a) Require the good faith collaboration of]~~ The student, the student's parent or  
113 guardian if the student is not considered homeless, the virtual program, the host district, and  
114 the resident district~~;~~ **shall collaborate in good faith to implement the enrollment policy**  
115 **regarding the student's enrollment, and the resident school district and the host school**  
116 **district may mutually agree that the resident district shall offer or continue to offer**  
117 **services for the student under an agreement that includes financial terms for**  
118 **reimbursement by the host school district for the necessary costs of the resident**  
119 **school district providing such services. An enrollment policy specified under this**  
120 **subsection shall:**

121 ~~[(b)]~~ a. Specify timelines for timely participation by the virtual program, the host  
122 district, and resident district; provided that the resident district shall provide any relevant  
123 information and input on the enrollment within ten business days of notice from the virtual  
124 program of the enrollment application;

125 ~~[(c)]~~ b. Include a survey of the reasons for the student's and parent's interests in  
126 participating in the virtual program;

127           ~~[(d)]~~ c. Include consideration of available opportunities for in-person instruction prior  
128 to enrolling a student in a virtual program;

129           ~~[(e)]~~ d. Evaluate requests for enrollment based on meeting the needs for a student to  
130 be successful considering all relevant factors;

131           ~~[(f)]~~ e. Ensure that, for any enrolling student **with a covered disability**, an  
132 **individualized** education ~~[services plan and collaborative agreement is]~~ **program and a**  
133 **related services agreement, in cases where such agreement is needed, are** created to  
134 provide all services required to ensure a free and appropriate public education, including  
135 financial terms for reimbursement by the host district for the necessary costs of any virtual  
136 program, school district, or public or private entity providing all or a portion of such services;

137           ~~[(g)]~~ f. Require the virtual program to determine whether an enrolling student will be  
138 admitted, based on the enrollment policy, in consideration of all relevant factors and provide  
139 the basis for its determination and any service plan for the student, in writing, to the student,  
140 the student's parent or guardian, the host district, and the resident district; **and**

141           ~~[(h)]~~ g. Provide a process for reviewing appeals of decisions made under this  
142 subdivision~~[-and]~~.

143           ~~[(i) Require]~~ (b) The department ~~[(t)]~~ **shall** publish an annual report based on the  
144 enrollments and enrollment surveys conducted under this subdivision that provides data at the  
145 statewide and district levels of sufficient detail to allow analysis of trends regarding the  
146 reasons for participation in the virtual program at the statewide and district levels; provided  
147 that no such survey results will be published in a manner that reveals individual student  
148 information. The department shall also include, in the annual report, data at the statewide and  
149 district levels of sufficient detail to allow detection and analysis of the racial, ethnic, and  
150 socio-economic balance of virtual program participation among schools and districts at the  
151 statewide and district levels, provided that no such survey results will be published in a  
152 manner that reveals individual student information.

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

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

160           (7) Virtual school programs shall monitor individual student success and engagement  
161 of students enrolled in their program~~[-]~~ **and, for students enrolled in virtual courses on a**  
162 **part-time basis, the virtual school program shall** provide regular student progress reports  
163 for each student at least four times per school year to the school district or charter school,

164 provide the host school district and the resident school district ongoing access to academic  
165 and other relevant information on student success and engagement, and shall terminate or  
166 alter the course offering if it is found the course [~~or full-time virtual school~~] is not meeting the  
167 educational needs of the students enrolled in the course.

168 (8) The department of elementary and secondary education shall monitor the  
169 aggregate performance of providers and make such information available to the public under  
170 subsection 11 of this section.

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

175 (10) Pursuant to rules to be promulgated by the department of elementary and  
176 secondary education, if a student transfers into a school district or charter school while  
177 enrolled in a Missouri course access and virtual school program course or full-time virtual  
178 school, the student shall continue to be enrolled in such course or school.

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

183 (12) Nothing in this subsection shall require any school district, charter school, virtual  
184 program, or the state to provide computers, equipment, or internet access to any student  
185 unless required under the education services plan created for an eligible student under  
186 subdivision (4) of this subsection or for an eligible student with a disability to comply with  
187 federal law. An education services plan may require an eligible student to have access to  
188 school facilities of the resident school district during regular school hours for participation  
189 and instructional activities of a virtual program under this section, and the education services  
190 plan shall provide for reimbursement of the resident school district for such access pursuant to  
191 rules adopted by the department under this section.

192 (13) The authorization process shall provide for continuous monitoring of approved  
193 providers and courses. The department shall revoke or suspend or take other corrective action  
194 regarding the authorization of any course or provider no longer meeting the requirements of  
195 the program. Unless immediate action is necessary, prior to revocation or suspension, the  
196 department shall notify the provider and give the provider a reasonable time period to take  
197 corrective action to avoid revocation or suspension. The process shall provide for periodic  
198 renewal of authorization no less frequently than once every three years.

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

202 (15) Any online course or virtual program offered by a school district or charter  
203 school, including those offered prior to August 28, 2018, which meets the requirements of  
204 section 162.1250 shall be automatically approved to participate in the Missouri course access  
205 and virtual school program. Such course or program shall be subject to periodic renewal. A  
206 school district or charter school offering such a course or virtual school program shall be  
207 deemed an approved provider.

208 4. (1) As used in this subsection, the term "instructional activities" means classroom-  
209 based or nonclassroom-based activities that a student shall be expected to complete,  
210 participate in, or attend during any given school day, such as:

- 211 (a) Online logins to curricula or programs;
- 212 (b) Offline activities;
- 213 (c) Completed assignments within a particular program, curriculum, or class;
- 214 (d) Testing;
- 215 (e) Face-to-face communications or meetings with school staff;
- 216 (f) Telephone or video conferences with school staff;
- 217 (g) School-sanctioned field trips; or
- 218 (h) Orientation.

219 (2) A full-time virtual school shall submit a notification to the parent or guardian of  
220 any student who is not consistently engaged in instructional activities.

221 (3) Each full-time virtual school shall develop, adopt, and post on the school's website  
222 a policy setting forth the consequences for a student who fails to complete the required  
223 instructional activities. Such policy shall state, at a minimum, that if a student fails to  
224 complete the instructional activities after receiving a notification under subdivision (2) of this  
225 subsection, and after reasonable intervention strategies have been implemented, that the  
226 student shall be subject to certain consequences which may include disenrollment from the  
227 school. Prior to any disenrollment, the parent or guardian shall have the opportunity to  
228 present any information that the parent deems relevant, and such information shall be  
229 considered prior to any final decision.

230 (4) If a full-time virtual school disenrolls a student under subdivision (3) of this  
231 subsection, the school shall immediately provide written notification to such student's school  
232 district of residence. The student's school district of residence shall then provide to the  
233 parents or guardian of the student a written list of available educational options and promptly  
234 enroll the student in the selected option. Any student disenrolled from a full-time virtual

235 school shall be prohibited from reenrolling in the same virtual school for the remainder of the  
236 school year.

237 **(5) For the purpose of subsection 2 of this section, the average daily attendance**  
238 **of a full-time virtual student who is completing required instructional activities under**  
239 **this subsection shall be calculated as if the pupil's attendance percentage equaled the**  
240 **host district's or charter school's prior-year average attendance percentage.**

241 5. School districts or charter schools shall inform parents of their child's right to  
242 participate in the program. Availability of the program shall be made clear in the parent  
243 handbook, registration documents, and featured on the home page of the school district or  
244 charter school's website.

245 6. The department shall:

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

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

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

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

252 (3) Review, pursuant to the authorization process, proposals from providers to  
253 provide a comprehensive, full-time equivalent course of study for students through the  
254 Missouri course access and virtual school program. The department shall ensure that these  
255 comprehensive courses of study align to state academic standards and that there is  
256 consistency and compatibility in the curriculum used by all providers from one grade level to  
257 the next grade level;

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

260 (5) Allow a course or full-time virtual school provider denied authorization to reapply  
261 at any point in the future.

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

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

270 9. Except as specified in this section and as may be specified by rule of the state board  
271 of education, the Missouri course access and virtual school program shall comply with all



272 state laws and regulations applicable to school districts, including but not limited to the  
273 Missouri school improvement program (MSIP), annual performance report (APR), teacher  
274 certification, curriculum standards, audit requirements under chapter 165, access to public  
275 records under chapter 610, and school accountability report cards under section 160.522.  
276 Teachers and administrators employed by a virtual provider shall be considered to be  
277 employed in a public school for all certification purposes under chapter 168.

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

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

285 (2) The number of authorized providers;

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

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

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

291 (6) Student outcome data, including completion rates, student learning gains, student  
292 performance on state or nationally accepted assessments, by subject and grade level per  
293 provider. This outcome data shall be published in a manner that protects student privacy;

294 (7) The costs per course;

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

297 11. (1) The department shall be responsible for creating the Missouri course access  
298 and virtual school program catalog providing a listing of all courses authorized and available  
299 to students in the state, detailed information, including costs per course, about the courses to  
300 inform student enrollment decisions, and the ability for students to submit their course  
301 enrollments.

302 (2) On or before January 1, 2023, the department shall publish on its website, and  
303 distribute to all school districts and charter schools in this state, a guidance document that  
304 details the options for virtual course access and full-time virtual course access for all students  
305 in the state. The guidance document shall include a complete and readily understood  
306 description of the applicable enrollment processes including the opportunity for students to  
307 enroll and the roles and responsibilities of the student, parent, virtual provider, school district  
308 or districts, and charter schools, as appropriate. The guidance document shall be distributed

309 in written and electronic form to all school districts, charter schools, and virtual providers.  
310 School districts and charter schools shall provide a copy of the guidance document to every  
311 pupil and parent or legal guardian of every pupil enrolled in the district or charter school at  
312 the beginning of each school year and upon enrollment for every pupil enrolling at a different  
313 time of the school year. School districts and charter schools shall provide a readily viewable  
314 link to the electronic version of the guidance document on the main page of the district's or  
315 charter school's website.

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

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

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