

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 712, Page 9, Section 160.2710, Line 10,
2 by inserting after all of the said section and line the following:
3

4 "161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of
5 education shall establish the "Missouri Course Access and Virtual School Program" to serve school-
6 age students residing in the state. The Missouri course access and virtual school program shall offer
7 nonclassroom-based instruction in a virtual setting using technology, intranet, or internet methods of
8 communication. Any student under the age of twenty-one in grades kindergarten through twelve
9 who resides in this state shall be eligible to enroll in the Missouri course access and virtual school
10 program pursuant to subsection 3 of this section.

11 2. (1) For purposes of calculation and distribution of state school aid, students enrolled in
12 the Missouri course access and virtual school program shall be included in the student enrollment of
13 the school district in which the student is enrolled under the relevant provisions of subsection 3 of
14 this section for such enrollment. Student attendance for full-time virtual program students shall only
15 be included in any district pupil attendance calculation under chapter 163 using current-year pupil
16 attendance for such full-time virtual program pupils. For the purpose of calculating average daily
17 attendance in full-time virtual programs under this section, average daily attendance shall be defined
18 as the quotient or the sum of the quotients obtained by dividing the total number of hours attended
19 in a term by enrolled pupils between the ages of five and twenty-one by the actual number of hours
20 that the program was in session in that term, and the provisions of section 162.1250 shall not apply
21 to such funding calculation. Such calculation shall be generated by the virtual provider and
22 provided to the host district for submission to the department of elementary and secondary
23 education. Such students may complete their instructional activities, as defined in subsection 4 of
24 this section, during any hour of the day and during any day of the week. The hours attended for
25 each enrolled pupil shall be documented by the pupil's weekly progress in the educational program
26 according to a process determined by the virtual program and published annually in the virtual
27 program's enrollment handbook or policy. To the average daily attendance of the following school
28 term shall be added the full-time equivalent average daily attendance of summer school students. In
29 the case of a host school district enrolling one or more full-time virtual school students, such
30 enrolling district shall, as part of its monthly state allocation, receive no less under the state aid

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1 calculation for such students than an amount equal to the state adequacy target multiplied by the
2 weighted average daily attendance of such full-time students. Students residing in Missouri and
3 enrolled in a full-time virtual school program operated by a public institution of higher education in
4 this state shall be counted for a state aid calculation by the department, and the department shall pay,
5 from funds dedicated to state school aid payments made under section 163.031, to such institution
6 an amount equal to the state adequacy target multiplied by the weighted average daily attendance of
7 such full-time students.

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

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

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

27 (5) A full-time virtual school program serving full-time equivalent students shall be
28 considered an attendance center in the host school district and shall participate in the statewide
29 assessment system as defined in section 160.518. The academic performance of students enrolled in
30 a full-time virtual school program shall be assigned to the designated attendance center of the full-
31 time virtual school program and shall be considered in like manner to other attendance centers. The
32 academic performance of any student who disenrolls from a full-time virtual school program and
33 enrolls in a public school or charter school shall not be used in determining the annual performance
34 report score of the attendance center or school district in which the student enrolls for twelve
35 months from the date of enrollment.

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

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

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

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

9 (2) Each school district or charter school shall adopt a policy that delineates the process by
10 which a student may enroll in courses provided by the Missouri course access and virtual school
11 program that is substantially similar to the typical process by which a district student would enroll in
12 courses offered by the school district and a charter school student would enroll in courses offered by
13 the charter school. The policy may include consultation with the school's counselor and may
14 include parental notification or authorization. The policy shall ensure that available opportunities
15 for in-person instruction are considered prior to moving a student to virtual courses. The policy
16 shall allow for continuous enrollment throughout the school year. If the school district or charter
17 school disapproves a student's request to enroll in a course or courses provided by the Missouri
18 course access and virtual school program, the reason shall be provided in writing and it shall be for
19 good cause. Good cause justification to disapprove a student's request for enrollment in a course
20 shall be a determination that doing so is not in the best educational interest of the student, and shall
21 be consistent with the determination that would be made for such course request under the process
22 by which a district student would enroll in a similar course offered by the school district and a
23 charter school student would enroll in a similar course offered by the charter school, except that the
24 determination may consider the suitability of virtual courses for the student based on prior
25 participation in virtual courses by the student. Appeals of any course denials under this subsection
26 shall be considered under a policy that is substantially similar to the typical process by which
27 appeals would be considered for a student seeking to enroll in courses offered by the school district
28 and a charter school student seeking to enroll in courses offered by the charter school.

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

1 (4) (a) A student who lives in this state may enroll in a virtual program of their choice as
2 provided in this subdivision, and the provisions of subdivisions (1) to (3) of this subsection shall not
3 apply to such enrollment in a full-time virtual program. Each host school district operating a full-
4 time virtual program under this section shall adopt, operate and implement an enrollment policy as
5 specified by the provisions of this subdivision. The student, the student's parent or guardian if the
6 student is not considered homeless, the virtual program, the host district, and the resident district
7 shall collaborate in good faith to implement the enrollment policy regarding the student's
8 enrollment, and the resident school district and the host school district may mutually agree that the
9 resident district shall offer or continue to offer services for the student under an agreement that
10 includes financial terms for reimbursement by the host school district for the necessary costs of the
11 resident school district providing such services. An enrollment policy specified under this
12 subsection shall:

13 a. Require a student's parent or guardian, if the student is not considered homeless, to apply
14 for enrollment in a full-time virtual program directly with the virtual program;

15 b. Specify timelines for timely participation by the virtual program, the host district, and
16 resident district; provided that the resident district shall provide any relevant information and input
17 on the enrollment within ten business days of notice from the virtual program of the enrollment
18 application;

19 c. Include a survey of the reasons for the student's and parent's interests in participating in
20 the virtual program;

21 d. Include consideration of available opportunities for in-person instruction prior to
22 enrolling a student in a virtual program;

23 e. Evaluate requests for enrollment based on meeting the needs for a student to be successful
24 considering all relevant factors;

25 f. Ensure that, for any enrolling student with a covered disability, an individualized
26 education program and a related services agreement, in cases where such agreement is needed, are
27 created to provide all services required to ensure a free and appropriate public education, including
28 financial terms for reimbursement by the host district for the necessary costs of any virtual program,
29 school district, or public or private entity providing all or a portion of such services;

30 g. Require the virtual program to determine whether an enrolling student will be admitted,
31 based on the enrollment policy, in consideration of all relevant factors and provide the basis for its
32 determination and any service plan for the student, in writing, to the student, the student's parent or
33 guardian, the host district, and the resident district; and

34 h. Provide a process for reviewing appeals of decisions made under this subdivision.

35 (b) The department shall publish an annual report based on the enrollments and enrollment
36 surveys conducted under this subdivision that provides data at the statewide and district levels of
37 sufficient detail to allow analysis of trends regarding the reasons for participation in the virtual
38 program at the statewide and district levels; provided that no such survey results will be published in
39 a manner that reveals individual student information. The department shall also include, in the

1 annual report, data at the statewide and district levels of sufficient detail to allow detection and
2 analysis of the racial, ethnic, and socio-economic balance of virtual program participation among
3 schools and districts at the statewide and district levels, provided that no such survey results will be
4 published in a manner that reveals individual student information.

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

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

11 (7) Virtual school programs shall monitor individual student success and engagement of
12 students enrolled in their program and, for students enrolled in virtual courses on a part-time basis,
13 the virtual school program shall provide regular student progress reports for each student at least
14 four times per school year to the school district or charter school, provide the host school district and
15 the resident school district ongoing access to academic and other relevant information on student
16 success and engagement, and shall terminate or alter the course offering if it is found the course is
17 not meeting the educational needs of the students enrolled in the course.

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

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

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

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

33 (12) Nothing in this subsection shall require any school district, charter school, virtual
34 program, or the state to provide computers, equipment, or internet access to any student unless
35 required under the education services plan created for an eligible student under subdivision (4) of
36 this subsection or for an eligible student with a disability to comply with federal law. An education
37 services plan may require an eligible student to have access to school facilities of the resident school
38 district during regular school hours for participation and instructional activities of a virtual program

1 under this section, and the education services plan shall provide for reimbursement of the resident
2 school district for such access pursuant to rules adopted by the department under this section.

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

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

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

18 (16) A host district may contract with a provider to perform any required services involved
19 with delivering a full-time virtual education.

20 4. (1) As used in this subsection, the term "instructional activities" means classroom-based
21 or nonclassroom-based activities that a student shall be expected to complete, participate in, or
22 attend during any given school day, such as:

- 23 (a) Online logins to curricula or programs;
- 24 (b) Offline activities;
- 25 (c) Completed assignments within a particular program, curriculum, or class;
- 26 (d) Testing;
- 27 (e) Face-to-face communications or meetings with school staff;
- 28 (f) Telephone or video conferences with school staff;
- 29 (g) School-sanctioned field trips; or
- 30 (h) Orientation.

31 (2) A full-time virtual school shall submit a notification to the parent or guardian of any
32 student who is not consistently engaged in instructional activities and shall provide regular student
33 progress reports for each student at least four times per school year.

34 (3) Each full-time virtual school shall develop, adopt, and post on the school's website a
35 policy setting forth the consequences for a student who fails to complete the required instructional
36 activities. Such policy shall state, at a minimum, that if a student fails to complete the instructional
37 activities after receiving a notification under subdivision (2) of this subsection, and after reasonable
38 intervention strategies have been implemented, that the student shall be subject to certain
39 consequences which may include disenrollment from the school. Prior to any disenrollment, the

parent or guardian shall have the opportunity to present any information that the parent deems relevant, and such information shall be considered prior to any final decision.

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

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

6. The department shall:

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

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

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

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

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

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

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

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

8. If the department determines that there are insufficient funds available for evaluating and authorizing course or full-time virtual school providers, the department may charge applicant course or full-time virtual school 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.

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

standards, audit requirements under chapter 165, access to public records under chapter 610, and school accountability report cards under section 160.522. Teachers and administrators employed by a virtual provider shall be considered to be employed in a public school for all certification purposes under chapter 168.

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

- (1) The annual number of unique students participating in courses authorized under this section and the total number of courses in which students are enrolled in;
- (2) The number of authorized providers;
- (3) The number of authorized courses and the number of students enrolled in each course;
- (4) The number of courses available by subject and grade level;
- (5) The number of students enrolled in courses broken down by subject and grade level;
- (6) Student outcome data, including completion rates, student learning gains, student performance on state or nationally accepted assessments, by subject and grade level per provider. This outcome data shall be published in a manner that protects student privacy;
- (7) The costs per course;
- (8) Evaluation of in-school course availability compared to course access availability to ensure gaps in course access are being addressed statewide.

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

(2) On or before January 1, 2023, the department shall publish on its website, and distribute to all school districts and charter schools in this state, a guidance document that details the options for virtual course access and full-time virtual course access for all students in the state. The guidance document shall include a complete and readily understood description of the applicable enrollment processes including the opportunity for students to enroll and the roles and responsibilities of the student, parent, virtual provider, school district or districts, and charter schools, as appropriate. The guidance document shall be distributed in written and electronic form to all school districts, charter schools, and virtual providers. School districts and charter schools shall provide a copy of the guidance document to every pupil and parent or legal guardian of every pupil enrolled in the district or charter school at the beginning of each school year and upon enrollment for every pupil enrolling at a different time of the school year. School districts and charter schools shall provide a readily viewable link to the electronic version of the guidance document on the main page of the district's or charter school's website.

12. Any virtual school or program may administer any statewide assessment required pursuant to the provisions of section 160.518 except for college readiness or workforce readiness assessments provided by a national college and career readiness assessment provider in a virtual setting that aligns with the student's regular academic instruction. Any administration of a virtual statewide assessment shall meet the following conditions:

(1) The assessment shall be administered to the student at an assigned date and time;

(2) The assessment shall be administered during a synchronous assessment session initiated and managed by an employee of the virtual school or program;

(3) The student shall be monitored by an assessment proctor via a camera for the duration of the assessment. If the assessment platform does not allow for integrated camera proctoring, the student shall use two devices during the assessment. The first device shall be used to take the assessment and the second device shall have a functioning camera and be used to monitor the student during the assessment. However, if the assessment platform allows for the proctor to view the student and background, a second device shall not be required;

(4) The virtual school or program shall maintain a student-assessment-taker-to-assessment-proctor ratio of ten to one or lower;

(5) The student shall not exit the assessment platform until instructed to do so by the assigned assessment proctor; and

(6) The student's submission of the completed assessment shall be verified by the assessment administrator.

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

~~[13.]~~ 14. 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.

163.044. 1. Beginning with the 2007 fiscal year and each subsequent fiscal year, the general assembly shall appropriate thirty million dollars to be directed in the following manner to school districts with an average daily attendance of three hundred fifty students or less in the school year

preceding the payment year, provided that nonresident students enrolled in such school districts through section 161.670 shall not be included in the total for purposes of this section:

(1) Twenty million dollars shall be distributed to the eligible districts in proportion to their average daily attendance; and

(2) Ten million dollars shall be directed to the eligible districts that have an operating levy for school purposes in the current year equal to or greater than the performance levy and any school districts which have an operating levy for school purposes in the current year less than the performance levy solely due to a modification of such district's levy required under subdivision (4) of subsection 5 of section 137.073. A tax-rate-weighted average daily attendance shall be calculated for each eligible district in proportion to its operating levy for school purposes for the current year divided by the performance levy with that result multiplied by the district's average daily attendance in the school year preceding the payment year. The total appropriation pursuant to this subdivision shall then be divided by the sum of the tax-rate-weighted average daily attendance of the eligible districts, and the resulting amount per tax-rate-weighted average daily attendance shall be multiplied by each eligible district's tax-rate-weighted average daily attendance to determine the amount to be paid to each eligible district.

2. The payment under this section shall not be transferred to the capital projects fund.

3. Except as provided in subsection 2 of this section, districts receiving payments under this section may use the moneys for, including but not limited to, the following:

(1) Distance learning;

(2) Extraordinary transportation costs;

(3) Rural teacher recruitment; and

(4) Student learning opportunities not available within the district."; and

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