

FIRST REGULAR SESSION

HOUSE BILL NO. 138

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

0240H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Sections 161.670 and 167.121, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 161.670 and 167.121, to read as follows:

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

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

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 equivalent of six credits per regular term. Each ~~[virtual]~~ **Missouri course access program**
19 course shall count as one class and shall generate that portion of a full-time equivalent that a
20 comparable course offered by the school district would generate. In no case shall more than the
21 full-time equivalency of a regular term of attendance for a single student be used to claim state
22 aid. Full-time equivalent student credit completed shall be reported to the department of
23 elementary and secondary education in the manner prescribed by the department. Nothing in this
24 section shall prohibit students from enrolling in additional courses under a separate agreement
25 that includes terms for paying tuition or course fees.

26 **3. (1) A school district shall allow any K-12 student who resides in such district to**
27 **enroll in up to two Missouri course access program courses of his or her choice each school**
28 **year, with any costs associated with such course or courses to be paid by the school district,**
29 **if:**

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

33 **(b) Prior to enrolling in any Missouri course access program course, a student has**
34 **received approval from his or her school counselor through the procedure described under**
35 **subdivision (2) of this subsection.**

36 **(2) School counselors shall approve or disapprove a student's request to enroll in**
37 **a Missouri course access program course based on the counselor's assessment of whether**
38 **participation in the program and enrollment in a particular course are in the student's best**
39 **interest. The district shall develop a procedure under which a student may appeal the**
40 **decision of a school counselor made under the provisions of this subdivision.**

41 **(3) For students enrolled in any Missouri course access program course in which**
42 **costs associated with such course are to be paid by the school district as described under**
43 **subdivision (1) of this subsection, the school district shall pay the content provider directly**
44 **on a monthly basis. If a student discontinues enrollment, the district may stop making**
45 **monthly payments to the content provider. No school district shall pay, for any one course**
46 **for a student, more than fourteen percent of the state adequacy target, as defined under**
47 **section 163.011.**

48 **(4) The school district shall monitor student progress and success and course**
49 **quality and annually provide feedback to the joint committee on education regarding**
50 **course quality.**

51 **(5) A school district shall accept courses taken through the Missouri course access**
52 **program for credit.**

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

56 **(7) Nothing in this subsection shall require any school district or the state to**
57 **provide computers, equipment, or internet access to any student.**

58 **4.** When a school district has one or more resident students enrolled in [~~a virtual public~~
59 ~~school~~] **the Missouri course access** program authorized by this section, whose parent or
60 guardian has chosen to include such student in the district's enrollment, the department of
61 elementary and secondary education shall disburse an amount corresponding to fifteen percent
62 of the state aid under sections 163.031 and 163.043 attributable to such student to the resident
63 district. Subject to an annual appropriation by the general assembly, the department shall
64 disburse an amount corresponding to eighty-five percent of the state adequacy target attributable
65 to such student to the [~~virtual public school~~] **Missouri course access program.**

66 ~~[4-]~~ **5.** Except as specified in this section and as may be specified by rule of the state
67 board of education, the [~~virtual public school~~] **Missouri course access program** shall comply
68 with all state laws and regulations applicable to school districts, including but not limited to the
69 Missouri school improvement program (MSIP), adequate yearly progress (AYP), annual
70 performance report (APR), teacher certification, and curriculum standards.

71 ~~[5-]~~ **6.** The state board of education through the rulemaking process and the department
72 of elementary and secondary education in its policies and procedures shall ensure that multiple
73 content providers are allowed, **provide an easily accessible link for providers to submit**
74 **courses on the Missouri course access program website, and allow any person,**
75 **organization, or entity to submit courses for approval. No content provider shall be**
76 **allowed that is unwilling to accept payments in the amount and manner as described under**
77 **subdivision (3) of subsection 3 of this section.**

78 ~~[6-]~~ **7.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
79 created under the authority delegated in this section shall become effective only if it complies
80 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
81 This section and chapter 536 are nonseverable and if any of the powers vested with the general
82 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
83 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
84 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
2 residence constitutes an unusual or unreasonable transportation hardship because of natural
3 barriers, travel time, or distance, the commissioner of education or his designee may assign the
4 pupil to another district. Subject to the provisions of this section, all existing assignments shall

5 be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or
6 rescinded. The board of education of the district in which the pupil lives shall pay the tuition of
7 the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

8 2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a
9 parent or guardian residing in a lapsed public school district or a district that has scored either
10 unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual
11 performance reports may enroll the parent's or guardian's child in the Missouri ~~[virtual school]~~
12 **course access program** created in section 161.670 provided the pupil first enrolls in the school
13 district of residence. The school district of residence shall include the pupil's enrollment in the
14 ~~[virtual school]~~ **Missouri course access program** created in section 161.670 in determining the
15 district's average daily attendance. Full-time enrollment in the ~~[virtual school]~~ **Missouri course**
16 **access program** shall constitute one average daily attendance equivalent in the school district
17 of residence. Average daily attendance for part-time enrollment in the ~~[virtual school]~~ **Missouri**
18 **course access program** shall be calculated as a percentage of the total number of ~~[virtual]~~
19 **Missouri course access program** courses enrolled in divided by the number of courses required
20 for full-time attendance in the school district of residence.

21 (2) A pupil's residence, for purposes of this section, means residency established under
22 section 167.020. Except for students residing in a K-8 district attending high school in a district
23 under section 167.131, the board of the home district shall pay to the ~~[virtual school]~~ **Missouri**
24 **course access program** the amount required under section 161.670.

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

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

Section B. Section A of this act shall become effective January 1, 2018.

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