

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 827

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

1921H.01P

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Section A. Section 161.670, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.670, to read as follows: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 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 engaged in required instructional activities under subsection**

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.

17 **4 of this section shall be calculated as if the pupil's attendance percentage equaled the**
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. Require a student's parent or guardian, if the student is not considered**
122 **homeless, to apply for enrollment in a full-time virtual program directly with the virtual**
123 **program;**

124 **b. Specify timelines for timely participation by the virtual program, the host district,**
125 **and resident district; provided that the resident district shall provide any relevant information**
126 **and input on the enrollment within ten business days of notice from the virtual program of the**
127 **enrollment application;**

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

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

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

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

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

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

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

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

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

163 (7) Virtual school programs shall monitor individual student success and engagement
164 of students enrolled in their program~~[-]~~ **and, for students enrolled in virtual courses on a**

165 **part-time basis, the virtual school program shall** provide regular student progress reports
166 for each student at least four times per school year to the school district or charter school,
167 provide the host school district and the resident school district ongoing access to academic
168 and other relevant information on student success and engagement, and shall terminate or
169 alter the course offering if it is found the course [~~or full-time virtual school~~] is not meeting the
170 educational needs of the students enrolled in the course.

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

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

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

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

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

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

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

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

211 **(16) A host district may contract with a provider to perform any required**
212 **services involved with delivering a full time virtual education.**

213 4. (1) As used in this subsection, the term "instructional activities" means classroom-
214 based or nonclassroom-based activities that a student shall be expected to complete,
215 participate in, or attend during any given school day, such as:

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

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

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

235 (4) If a full-time virtual school disenrolls a student under subdivision (3) of this
236 subsection, the school shall immediately provide written notification to such student's school
237 district of residence. The student's school district of residence shall then provide to the
238 parents or guardian of the student a written list of available educational options and promptly

239 enroll the student in the selected option. Any student disenrolled from a full-time virtual
240 school shall be prohibited from reenrolling in the same virtual school for the remainder of the
241 school year.

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

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

250 6. The department shall:

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

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

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

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

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

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

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

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

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

275 9. Except as specified in this section and as may be specified by rule of the state board
276 of education, the Missouri course access and virtual school program shall comply with all
277 state laws and regulations applicable to school districts, including but not limited to the
278 Missouri school improvement program (MSIP), annual performance report (APR), teacher
279 certification, curriculum standards, audit requirements under chapter 165, access to public
280 records under chapter 610, and school accountability report cards under section 160.522.
281 Teachers and administrators employed by a virtual provider shall be considered to be
282 employed in a public school for all certification purposes under chapter 168.

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

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

290 (2) The number of authorized providers;

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

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

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

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

299 (7) The costs per course;

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

302 11. (1) The department shall be responsible for creating the Missouri course access
303 and virtual school program catalog providing a listing of all courses authorized and available
304 to students in the state, detailed information, including costs per course, about the courses to
305 inform student enrollment decisions, and the ability for students to submit their course
306 enrollments.

307 (2) On or before January 1, 2023, the department shall publish on its website, and
308 distribute to all school districts and charter schools in this state, a guidance document that
309 details the options for virtual course access and full-time virtual course access for all students
310 in the state. The guidance document shall include a complete and readily understood
311 description of the applicable enrollment processes including the opportunity for students to

312 enroll and the roles and responsibilities of the student, parent, virtual provider, school district
313 or districts, and charter schools, as appropriate. The guidance document shall be distributed
314 in written and electronic form to all school districts, charter schools, and virtual providers.
315 School districts and charter schools shall provide a copy of the guidance document to every
316 pupil and parent or legal guardian of every pupil enrolled in the district or charter school at
317 the beginning of each school year and upon enrollment for every pupil enrolling at a different
318 time of the school year. School districts and charter schools shall provide a readily viewable
319 link to the electronic version of the guidance document on the main page of the district's or
320 charter school's website.

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

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

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