

FIRST REGULAR SESSION

SENATE BILL NO. 95

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

0986S.01H

ADRIANE D. CROUSE, Secretary

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Section A. Section 161.670, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 161.670,
3 to read as follows:

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

12 2. For purposes of calculation and distribution of
13 state school aid, students enrolled in the Missouri course
14 access and virtual school program **who are not full-time**
15 **equivalent students** shall be included in the student
16 enrollment of the school district in which the student
17 physically is enrolled under subsection 3 of this section.
18 The Missouri course access and virtual school program shall

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 report to the district of residence the following
20 information about each student served by the Missouri course
21 access and virtual school program: name, address,
22 eligibility for free or reduced-price lunch, limited English
23 proficiency status, special education needs, and the number
24 of courses in which the student is enrolled. The Missouri
25 course access and virtual school program shall promptly
26 notify the resident district when a student discontinues
27 enrollment. A "full-time equivalent student" is a student
28 who successfully has completed the instructional equivalent
29 of six credits per regular term. Each Missouri course
30 access and virtual school program course shall count as one
31 class and shall generate that portion of a full-time
32 equivalent that a comparable course offered by the school
33 district would generate. **Full-time equivalent students**
34 **shall not be included in the student enrollment of the**
35 **school district in which such student resides.** In no case
36 shall more than the full-time equivalency of a regular term
37 of attendance for a single student be used to claim state
38 aid. Full-time equivalent student credit completed shall be
39 reported to the department of elementary and secondary
40 education in the manner prescribed by the department. **The**
41 **department shall pay any Missouri course access and virtual**
42 **school program provider an amount equal to the average daily**
43 **attendance for the student's district of residence for each**
44 **full-time equivalent student.** Nothing in this section shall
45 prohibit students from enrolling in additional courses under
46 a separate agreement that includes terms for paying tuition
47 or course fees. **A virtual school program provider serving**
48 **full-time equivalent students shall be considered an**
49 **attendance center as defined in section 167.895.**

50 3. (1) A school district or charter school shall
51 allow any eligible student who resides in such district to
52 enroll in Missouri course access and virtual school program
53 courses of his or her choice as a part of the student's
54 annual course load each school year or a full-time virtual
55 school option, with any costs associated with such course or
56 courses to be paid by the school district or charter school
57 if[:

58 (a)] the student is enrolled full-time in and has
59 attended, for at least one semester immediately prior to
60 enrolling in the Missouri course access and virtual school
61 program, a public school, including any charter school;
62 except that, no student seeking to enroll in Missouri course
63 access and virtual school program courses under this
64 subdivision shall be required to have attended a public
65 school during the previous semester if the student has a
66 documented medical or psychological diagnosis or condition
67 that prevented the student from attending a school in the
68 community during the previous semester[; and

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

74 (2) [Each school district or charter school] **The**
75 **department** shall adopt a policy that delineates the process
76 by which a student may enroll in courses provided by the
77 Missouri course access and virtual school program that is
78 substantially similar to the typical process by which a
79 district student would enroll in courses offered by the
80 school district and a charter school student would enroll in
81 courses offered by the charter school. The policy may

82 include consultation with the school's counselor and may
83 include parental notification or authorization. [School
84 counselors shall not be required to approve or disapprove a
85 student's enrollment in the Missouri course access and
86 virtual school program.] If the school district or charter
87 school [disapproves] **believes** a student's request to enroll
88 in a course or courses provided by the Missouri course
89 access and virtual school program, including full-time
90 enrollment in courses provided by the Missouri course access
91 and virtual school program, **is not in the best educational**
92 **interest of the student**, the reason shall be provided in
93 writing [and it shall be for good cause. Good cause
94 justification to disapprove a student's request for
95 enrollment in a course shall be a determination that doing
96 so is not in the best educational interest of the student.
97 In cases of denial by the school district or charter school,
98 local education agencies shall inform the student and the
99 student's family of their right to appeal any enrollment
100 denial in the Missouri course access and virtual school
101 program to the local school district board or charter school
102 governing body where the family shall be given an
103 opportunity to present their reasons for their child or
104 children to enroll in the Missouri course access and virtual
105 school program in an official school board meeting. In
106 addition, the school district or charter school
107 administration shall provide its good cause justification
108 for denial at a school board meeting or governing body
109 meeting. Both the family and school administration shall
110 also provide their reasons in writing to the members of the
111 school board or governing body and the documents shall be
112 entered into the official board minutes. The members of the
113 board or governing body shall issue their decision in

114 writing within thirty calendar days, and then an appeal may
115 be made to the department of elementary and secondary
116 education, which shall provide a final enrollment decision
117 within seven calendar days] **to the student's parent or**
118 **guardian who shall have final decision-making authority.**

119 (3) For students enrolled in any Missouri course
120 access and virtual school program course in which costs
121 associated with such course are to be paid [by the school
122 district or charter school] as described under subdivision
123 (1) of this subsection, the school district [or], charter
124 school, **or the department** shall pay the content provider
125 directly on a pro rata [monthly] basis **once per semester**
126 based on a student's completion of assignments and
127 assessments. If a student discontinues enrollment, the
128 district [or], charter school, **or the department** may stop
129 making [monthly] payments to the content provider. No
130 school district or charter school shall pay, for any one
131 course for a student, more than the market necessary costs
132 but in no case shall pay more than fourteen percent of the
133 state adequacy target, as defined under section 163.011, as
134 calculated at the end of the most recent school year for any
135 single, year-long course and no more than seven percent of
136 the state adequacy target as described above for any single
137 semester equivalent course. [Payment for a full-time
138 virtual school student shall not exceed the state adequacy
139 target, unless the student receives additional federal or
140 state aid.] Nothing in this subdivision shall prohibit a
141 school district [or], charter school, **or the department** from
142 negotiating lower costs directly with course or full-time
143 virtual school providers, particularly in cases where
144 several students enroll in a single course or full-time
145 virtual school.

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

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

156 (6) The department shall monitor student success and
157 engagement of students enrolled in their program and report
158 the information to the [school district or charter school]
159 **parent or guardian of the student.** Providers and the
160 department may make recommendations to the [school district
161 or charter school] **parent or guardian** regarding the
162 student's continued enrollment in the program. The [school
163 district or charter school shall] **parent or guardian may**
164 consider the recommendations and evaluate the progress and
165 success of enrolled students that are enrolled in any course
166 [or full-time virtual school] offered under this section and
167 may [terminate or alter the course offering] **withdraw the**
168 **student** if it is found the course [or full-time virtual
169 school] is not meeting the educational needs of the
170 [students] **student** enrolled in the course.

171 (7) [School districts and charter schools] **Virtual**
172 **school providers** shall monitor student progress and success,
173 and [course or full-time virtual school quality, and
174 annually provide feedback to the department of elementary
175 and secondary education regarding course quality] **may remove**
176 **a student if the provider believes it to be in the best**
177 **educational interest of the student.**

178 (8) Pursuant to rules to be promulgated by the
179 department of elementary and secondary education, when a
180 student transfers into a school district or charter school,
181 credits previously gained through successful passage of
182 approved courses under the Missouri course access and
183 virtual school program shall be accepted by the school
184 district or charter school.

185 (9) Pursuant to rules to be promulgated by the
186 department of elementary and secondary education, if a
187 student transfers into a school district or charter school
188 while enrolled in a Missouri course access and virtual
189 school program course [or full-time virtual school], the
190 student shall continue to be enrolled in such course or
191 school.

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

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

203 (12) The authorization process shall provide for
204 continuous monitoring of approved providers and courses.
205 The department shall revoke or suspend or take other
206 corrective action regarding the authorization of any course
207 or provider no longer meeting the requirements of the
208 program. Unless immediate action is necessary, prior to
209 revocation or suspension, the department shall notify the

210 provider and give the provider a reasonable time period to
211 take corrective action to avoid revocation or suspension.
212 The process shall provide for periodic renewal of
213 authorization no less frequently than once every three years.

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

219 (14) Any online course or virtual program offered by a
220 school district or charter school, including those offered
221 prior to August 28, 2018, which meets the requirements of
222 section 162.1250 shall be automatically approved to
223 participate in the Missouri course access and virtual school
224 program. Such course or program shall be subject to
225 periodic renewal. A school district or charter school
226 offering such a course or virtual school program shall be
227 deemed an approved provider.

228 4. (1) **For purposes of this subsection, the term**
229 **"instructional activities" shall mean the following**
230 **classroom-based or non-classroom-based activities that a**
231 **student shall be expected to complete, participate in, or**
232 **attend during any given school day:**

- 233 (a) **Online logins to curriculum or programs;**
234 (b) **Offline activities;**
235 (c) **Completed assignments within a particular program,**
236 **curriculum, or class;**
237 (d) **Testing;**
238 (e) **Face-to-face communications or meetings with**
239 **school staff;**
240 (f) **Telephone or video conferences with school staff;**
241 (g) **School-sanctioned field trips; or**

242 (h) Orientation.

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

246 (3) Each full-time virtual school shall develop,
247 adopt, and post on the school's website a policy setting
248 forth the consequences for a student who fails to attend
249 school and complete the required instructional activities.
250 Such policy shall state, at a minimum, that if a student
251 fails to complete the instructional activities after
252 receiving a notification pursuant to subdivision (2) of this
253 subsection, and after reasonable intervention strategies
254 have been implemented, that the student shall be subject to
255 certain consequences, which may include disenrollment from
256 the school.

257 (4) If a full-time virtual school disenrolls a student
258 pursuant to subdivision (3) of this subsection, the school
259 shall immediately provide written notification to such
260 student's district of residence. The student's district of
261 residence shall then provide to the parents or guardian of
262 the student a written list of available educational
263 options. Any student disenrolled from a full-time virtual
264 school shall be prohibited from re-enrolling in the same
265 virtual school for the remainder of the school year.

266 5. School districts or charter schools shall inform
267 parents of their child's right to participate in the
268 program. Availability of the program shall be made clear in
269 the parent handbook, registration documents, and featured on
270 the home page of the school district or charter school's
271 website. Any school district or charter school that fails
272 to notify parents of his or her child's right to participate
273 in the program shall be subject to civil penalties in an

274 amount equal to one hundred dollars for each day the school
275 district or charter school is not in compliance with this
276 subsection, including reasonable attorney's fees.

277 [5.] 6. The department shall:

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

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

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

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

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

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

299 [6.] 7. If a course or full-time virtual school
300 provider is denied authorization, the course provider may
301 reapply at any point in the future.

302 [7.] 8. The department shall publish the process
303 established under this section, including any deadlines and
304 any guidelines applicable to the submission and

305 authorization process for course or full-time virtual school
306 providers on its website.

307 **[8.] 9.** If the department determines that there are
308 insufficient funds available for evaluating and authorizing
309 course or full-time virtual school providers, the department
310 may charge applicant course or full-time virtual school
311 providers a fee up to, but no greater than, the amount of
312 the costs in order to ensure that evaluation occurs. The
313 department shall establish and publish a fee schedule for
314 purposes of this subsection.

315 **[9.] 10.** Except as specified in this section and as
316 may be specified by rule of the state board of education,
317 the Missouri course access and virtual school program shall
318 comply with all state laws and regulations applicable to
319 school districts, including but not limited to the Missouri
320 school improvement program (MSIP), annual performance report
321 (APR), teacher certification, and curriculum standards.

322 **[10.] 11.** The department shall submit and publicly
323 publish an annual report on the Missouri course access and
324 virtual school program and the participation of entities to
325 the governor, the chair and ranking member of the senate
326 education committee, and the chair and ranking member of the
327 house of representatives elementary and secondary education
328 committee. The report shall at a minimum include the
329 following information:

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

333 (2) The number of authorized providers;

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

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

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

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

345 (7) The costs per course;

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

349 [11.] 12. The department shall be responsible for
350 creating the Missouri course access and virtual school
351 program catalog providing a listing of all courses
352 authorized and available to students in the state, detailed
353 information, including costs per course, about the courses
354 to inform student enrollment decisions, and the ability for
355 students to submit their course enrollments.

356 [12.] 13. The state board of education through the
357 rulemaking process and the department of elementary and
358 secondary education in its policies and procedures shall
359 ensure that multiple content providers and learning
360 management systems are allowed, ensure digital content
361 conforms to accessibility requirements, provide an easily
362 accessible link for providers to submit courses or full-time
363 virtual schools on the Missouri course access and virtual
364 school program website, and allow any person, organization,
365 or entity to submit courses or full-time virtual schools for
366 approval. No content provider shall be allowed that is
367 unwilling to accept payments in the amount and manner as

368 described under subdivision (3) of subsection 3 of this
369 section or does not meet performance or quality standards
370 adopted by the state board of education.

371 **[13.] 14.** Any rule or portion of a rule, as that term
372 is defined in section 536.010, that is created under the
373 authority delegated in this section shall become effective
374 only if it complies with and is subject to all of the
375 provisions of chapter 536 and, if applicable, section
376 536.028. This section and chapter 536 are nonseverable and
377 if any of the powers vested with the general assembly
378 pursuant to chapter 536 to review, to delay the effective
379 date, or to disapprove and annul a rule are subsequently
380 held unconstitutional, then the grant of rulemaking
381 authority and any rule proposed or adopted after August 28,
382 2006, shall be invalid and void.

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