

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 996
100TH GENERAL ASSEMBLY

Reported from the Committee on Government Reform, March 12, 2020, with recommendation that the Senate Committee Substitute do pass.

5187S.05C

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Section A. Section 161.670, RSMo, is repealed and one new section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

9 2. For purposes of calculation and distribution of state school aid,
10 students enrolled in the Missouri course access and virtual school program **who**
11 **are not full-time equivalent students** shall be included in the student
12 enrollment of the school district in which the student physically is enrolled under
13 subsection 3 of this section. The Missouri course access and virtual school
14 program shall report to the district of residence the following information about
15 each student served by the Missouri course access and virtual school program:
16 name, address, eligibility for free or reduced-price lunch, limited English
17 proficiency status, special education needs, and the number of courses in which
18 the student is enrolled. The Missouri course access and virtual school program

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

19 shall promptly notify the resident district when a student discontinues
20 enrollment. A "full-time equivalent student" is a student who successfully has
21 completed the instructional equivalent of six credits per regular term. Each
22 Missouri course access and virtual school program course shall count as one class
23 and shall generate that portion of a full-time equivalent that a comparable course
24 offered by the school district would generate. **Full-time equivalent students**
25 **shall not be included in the student enrollment of the school district in**
26 **which such student resides.** In no case shall more than the full-time
27 equivalency of a regular term of attendance for a single student be used to claim
28 state aid. Full-time equivalent student credit completed shall be reported to the
29 department of elementary and secondary education in the manner prescribed by
30 the department. **The department shall pay any Missouri course access**
31 **and virtual school program provider an amount equal to the average**
32 **daily attendance for the student's district of residence for each full-**
33 **time equivalent student.** Nothing in this section shall prohibit students from
34 enrolling in additional courses under a separate agreement that includes terms
35 for paying tuition or course fees. **A virtual school program provider serving**
36 **full-time equivalent students shall be considered an attendance center**
37 **as defined in section 167.895.**

38 3. (1) A school district or charter school shall allow any eligible student
39 who resides in such district to enroll in Missouri course access and virtual school
40 program courses of his or her choice as a part of the student's annual course load
41 each school year or a full-time virtual school option, with any costs associated
42 with such course or courses to be paid by the school district or charter school if[:

43 (a)] the student is enrolled full-time in and has attended, for at least one
44 semester immediately prior to enrolling in the Missouri course access and virtual
45 school program, a public school, including any charter school; except that, no
46 student seeking to enroll in Missouri course access and virtual school program
47 courses under this subdivision shall be required to have attended a public school
48 during the previous semester if the student has a documented medical or
49 psychological diagnosis or condition that prevented the student from attending
50 a school in the community during the previous semester]; and

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

55 (2) [Each school district or charter school] **The department** shall adopt
56 a policy that delineates the process by which a student may enroll in courses
57 provided by the Missouri course access and virtual school program that is
58 substantially similar to the typical process by which a district student would
59 enroll in courses offered by the school district and a charter school student would
60 enroll in courses offered by the charter school. The policy may include
61 consultation with the school's counselor and may include parental notification or
62 authorization. [School counselors shall not be required to approve or disapprove
63 a student's enrollment in the Missouri course access and virtual school program.]
64 If the school district or charter school [disapproves] **believes** a student's request
65 to enroll in a course or courses provided by the Missouri course access and virtual
66 school program, including full-time enrollment in courses provided by the
67 Missouri course access and virtual school program, **is not in the best**
68 **educational interest of the student**, the reason shall be provided in writing
69 [and it shall be for good cause. Good cause justification to disapprove a student's
70 request for enrollment in a course shall be a determination that doing so is not
71 in the best educational interest of the student. In cases of denial by the school
72 district or charter school, local education agencies shall inform the student and
73 the student's family of their right to appeal any enrollment denial in the Missouri
74 course access and virtual school program to the local school district board or
75 charter school governing body where the family shall be given an opportunity to
76 present their reasons for their child or children to enroll in the Missouri course
77 access and virtual school program in an official school board meeting. In
78 addition, the school district or charter school administration shall provide its good
79 cause justification for denial at a school board meeting or governing body
80 meeting. Both the family and school administration shall also provide their
81 reasons in writing to the members of the school board or governing body and the
82 documents shall be entered into the official board minutes. The members of the
83 board or governing body shall issue their decision in writing within thirty
84 calendar days, and then an appeal may be made to the department of elementary
85 and secondary education, which shall provide a final enrollment decision within
86 seven calendar days] **to the student's parent or guardian who shall have**
87 **final decision-making authority.**

88 (3) For students enrolled in any Missouri course access and virtual school
89 program course in which costs associated with such course are to be paid [by the
90 school district or charter school] as described under subdivision (1) of this

91 subsection, the school district [or], charter school, **or the department** shall pay
92 the content provider directly on a pro rata [monthly] basis **once per semester**
93 based on a student's completion of assignments and assessments. If a student
94 discontinues enrollment, the district [or], charter school, **or the department**
95 may stop making [monthly] payments to the content provider. No school district
96 or charter school shall pay, for any one course for a student, more than the
97 market necessary costs but in no case shall pay more than fourteen percent of the
98 state adequacy target, as defined under section 163.011, as calculated at the end
99 of the most recent school year for any single, year-long course and no more than
100 seven percent of the state adequacy target as described above for any single
101 semester equivalent course. [Payment for a full-time virtual school student shall
102 not exceed the state adequacy target, unless the student receives additional
103 federal or state aid]. Nothing in this subdivision shall prohibit a school district
104 [or], charter school, **or the department** from negotiating lower costs directly
105 with course or full-time virtual school providers, particularly in cases where
106 several students enroll in a single course or full-time virtual school.

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

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

115 (6) The department shall monitor student success and engagement of
116 students enrolled in their program and report the information to the [school
117 district or charter school] **parent or guardian of the student**. Providers and
118 the department may make recommendations to the [school district or charter
119 school] **parent or guardian** regarding the student's continued enrollment in
120 the program. The [school district or charter school shall] **parent or guardian**
121 **may** consider the recommendations and evaluate the progress and success of
122 enrolled students that are enrolled in any course [or full-time virtual
123 school] offered under this section and may [terminate or alter the course
124 offering] **withdraw the student** if it is found the course [or full-time virtual
125 school] is not meeting the educational needs of the [students] **student** enrolled
126 in the course.

127 (7) [School districts and charter schools] **Virtual school providers**
128 shall monitor student progress and success, and [course or full-time virtual school
129 quality, and annually provide feedback to the department of elementary and
130 secondary education regarding course quality] **may remove a student if the**
131 **provider believes it to be in the best educational interest of the**
132 **student.**

133 (8) Pursuant to rules to be promulgated by the department of elementary
134 and secondary education, when a student transfers into a school district or
135 charter school, credits previously gained through successful passage of approved
136 courses under the Missouri course access and virtual school program shall be
137 accepted by the school district or charter school.

138 (9) Pursuant to rules to be promulgated by the department of elementary
139 and secondary education, if a student transfers into a school district or charter
140 school while enrolled in a Missouri course access and virtual school program
141 course [or full-time virtual school], the student shall continue to be enrolled in
142 such course or school.

143 (10) Nothing in this section shall prohibit home school students, private
144 school students, or students wishing to take additional courses beyond their
145 regular course load from enrolling in Missouri course access and virtual school
146 program courses under an agreement that includes terms for paying tuition or
147 course fees.

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

152 (12) The authorization process shall provide for continuous monitoring of
153 approved providers and courses. The department shall revoke or suspend or take
154 other corrective action regarding the authorization of any course or provider no
155 longer meeting the requirements of the program. Unless immediate action is
156 necessary, prior to revocation or suspension, the department shall notify the
157 provider and give the provider a reasonable time period to take corrective action
158 to avoid revocation or suspension. The process shall provide for periodic renewal
159 of authorization no less frequently than once every three years.

160 (13) Courses approved as of August 28, 2018, by the department to
161 participate in the Missouri virtual instruction program shall be automatically
162 approved to participate in the Missouri course access and virtual school program,

163 but shall be subject to periodic renewal.

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

171 4. (1) For purposes of this subsection, the term "instructional
172 activities" shall mean the following classroom-based or non-classroom-
173 based activities that a student shall be expected to complete,
174 participate in, or attend during any given school day:

175 (a) Online logins to curriculum or programs;

176 (b) Offline activities;

177 (c) Completed assignments within a particular program,
178 curriculum, or class;

179 (d) Testing;

180 (e) Face-to-face communications or meetings with school staff;

181 (f) Telephone or video conferences with school staff;

182 (g) School-sanctioned field trips; or

183 (h) Orientation.

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

187 (3) Each full-time virtual school shall develop, adopt, and post on
188 the school's website a policy setting forth the consequences for a
189 student who fails to attend school and complete the required
190 instructional activities. Such policy shall state, at a minimum, that if
191 a student fails to complete the instructional activities after receiving
192 a notification pursuant to subdivision (2) of this subsection, and after
193 reasonable intervention strategies have been implemented, that the
194 student shall be subject to certain consequences, which may include
195 disenrollment from the school.

196 (4) If a full-time virtual school disenrolls a student pursuant to
197 subdivision (3) of this subsection, the school shall immediately provide
198 written notification to such student's district of resident. The student's
199 district of residence shall then provide to the parents or guardian of

200 **the student a written list of available educational options. Any student**
201 **disenrolled from a full-time virtual school shall be prohibited from re-**
202 **enrolling in the same virtual school for the remainder of the school**
203 **year.**

204 **5.** School districts or charter schools shall inform parents of their child's
205 right to participate in the program. Availability of the program shall be made
206 clear in the parent handbook, registration documents, and featured on the home
207 page of the school district or charter school's website. **Any school district or**
208 **charter school that fails to notify parents of his or her child's right to**
209 **participate in the program shall be subject to civil penalties in an**
210 **amount equal to one hundred dollars for each day the school district**
211 **or charter school is not in compliance with this subsection, including**
212 **reasonable attorney's fees.**

213 **[5.] 6.** The department shall:

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

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

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

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

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

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

229 **[6.] 7.** If a course or full-time virtual school provider is denied
230 authorization, the course provider may reapply at any point in the future.

231 **[7.] 8.** The department shall publish the process established under this
232 section, including any deadlines and any guidelines applicable to the submission
233 and authorization process for course or full-time virtual school providers on its
234 website.

235 **[8.] 9.** If the department determines that there are insufficient funds

236 available for evaluating and authorizing course or full-time virtual school
237 providers, the department may charge applicant course or full-time virtual school
238 providers a fee up to, but no greater than, the amount of the costs in order to
239 ensure that evaluation occurs. The department shall establish and publish a fee
240 schedule for purposes of this subsection.

241 [9.] **10.** Except as specified in this section and as may be specified by rule
242 of the state board of education, the Missouri course access and virtual school
243 program shall comply with all state laws and regulations applicable to school
244 districts, including but not limited to the Missouri school improvement program
245 (MSIP), annual performance report (APR), teacher certification, and curriculum
246 standards.

247 [10.] **11.** The department shall submit and publicly publish an annual
248 report on the Missouri course access and virtual school program and the
249 participation of entities to the governor, the chair and ranking member of the
250 senate education committee, and the chair and ranking member of the house of
251 representatives elementary and secondary education committee. The report shall
252 at a minimum include the following information:

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

256 (2) The number of authorized providers;

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

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

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

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

266 (7) The costs per course;

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

269 [11.] **12.** The department shall be responsible for creating the Missouri
270 course access and virtual school program catalog providing a listing of all courses
271 authorized and available to students in the state, detailed information, including

272 costs per course, about the courses to inform student enrollment decisions, and
273 the ability for students to submit their course enrollments.

274 [12.] 13. The state board of education through the rulemaking process
275 and the department of elementary and secondary education in its policies and
276 procedures shall ensure that multiple content providers and learning
277 management systems are allowed, ensure digital content conforms to accessibility
278 requirements, provide an easily accessible link for providers to submit courses or
279 full-time virtual schools on the Missouri course access and virtual school program
280 website, and allow any person, organization, or entity to submit courses or
281 full-time virtual schools for approval. No content provider shall be allowed that
282 is unwilling to accept payments in the amount and manner as described under
283 subdivision (3) of subsection 3 of this section or does not meet performance or
284 quality standards adopted by the state board of education.

285 [13.] 14. Any rule or portion of a rule, as that term is defined in section
286 536.010, that is created under the authority delegated in this section shall
287 become effective only if it complies with and is subject to all of the provisions of
288 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
289 nonseverable and if any of the powers vested with the general assembly pursuant
290 to chapter 536 to review, to delay the effective date, or to disapprove and annul
291 a rule are subsequently held unconstitutional, then the grant of rulemaking
292 authority and any rule proposed or adopted after August 28, 2006, shall be
293 invalid and void.

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