

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 565

98TH GENERAL ASSEMBLY

0658L.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto eleven new sections relating to the establishment of the Missouri course access program.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 161, RSMo, is amended by adding thereto eleven new sections, to be known as sections 161.1010, 161.1011, 161.1012, 161.1013, 161.1014, 161.1015, 161.1016, 161.1017, 161.1018, 161.1019, and 161.1020, to read as follows:

161.1010. 1. There is hereby established the "Missouri Course Access Program" to allow public school students to enroll in online, blended, and face-to-face courses to supplement coursework offered at the school where the student is enrolled. The Missouri course access program is separate and distinct from the virtual online school program established under section 161.670 and shall not be considered part of the virtual online school program for any purpose.

2. For purposes of sections 161.1010 to 161.1020, the following terms mean:

(1) "Course provider", an entity authorized by the department of elementary and secondary education to offer individual courses in person, online, or a combination of the two, including but not limited to online education providers, public or private elementary and secondary education institutions, education service agencies, private for profit or not-for-profit providers, postsecondary education institutions, and vocational or technical course providers;

(2) "Department", the department of elementary and secondary education;

(3) "Eligible funded student", any eligible participating student who is currently enrolled in a public school, including a public charter school;

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) "Eligible participating student", any K-12 student who resides in the state;

18 (5) "Local education agency", a public authority legally constituted by the state as
19 an administrative agency to provide control and direction for kindergarten through twelfth
20 grade public educational institutions, including public charter schools;

21 (6) "State course access catalog", the website developed for the department of
22 elementary and secondary education that provides a listing of all courses authorized and
23 available to students in the state, detailed information about the courses to inform student
24 enrollment decisions, and the ability for students to submit their course enrollments;

25 (7) "State course access program" or "program", the program created under
26 sections 161.1010 to 161.1020.

161.1011. 1. Any eligible participating student may enroll in state course access
2 program courses with the approval of such student's guidance counselor, as provided
3 under subsection 3 of this section. An eligible funded student may enroll in state course
4 access program courses that are funded by the program up to a maximum of seven credit
5 hours per semester.

6 2. The families of eligible funded students and other eligible participating students
7 may pay to enroll in state course access program courses above the maximum seven-credit
8 hour limit specified in subsection 1 of this section.

9 3. Prior to enrolling in any state course access program course, a student shall first
10 receive approval from his or her guidance counselor. Guidance counselors shall approve
11 or disapprove a student's request to enroll based on the counselor's assessment of whether
12 participation in the program and enrollment in a particular course is in the student's best
13 interest. The department shall develop a procedure under which a student may appeal the
14 decision of a guidance counselor made under the provisions of this section.

15 4. The local education agency where eligible funded students are enrolled full time
16 may review enrollment requests to ensure courses are academically appropriate,
17 logistically feasible, keep the student on track for an on-time graduation, and do not extend
18 a student beyond a full-time course load. The local education agency may only reject
19 enrollment requests for those reasons.

20 5. Local education agencies shall inform students and families of their right to
21 appeal any enrollment denials in state course access program courses to the department,
22 which shall provide a final enrollment decision within seven calendar days.

161.1012. 1. The department shall:

2 (1) Establish an authorization process for course providers that includes multiple
3 opportunities for submission each year;

4 **(2) Not later than ninety calendar days from initial submission date, authorize**
5 **course providers that:**

6 **(a) Meet the criteria established under section 161.1013; and**

7 **(b) Provide courses which offer the instructional rigor and scope required under**
8 **section 161.1013; and**

9 **(3) Not later than ninety calendar days from initial submission date, provide a**
10 **written explanation to any course providers that are denied.**

11 **2. If a course provider is denied authorization, the provider may reapply in the**
12 **future.**

13 **3. The department shall publish the process established under this section,**
14 **including any deadlines and any guidelines applicable to the submission and authorization**
15 **process for providers.**

16 **4. If the department determines that there are insufficient funds available for**
17 **evaluating and authorizing course providers, the department may charge applicant**
18 **providers a fee up to but no greater than the amount of the costs in order to ensure that**
19 **evaluation occurs. The department shall establish and publish a fee schedule for purposes**
20 **of this subsection.**

161.1013. 1. To be authorized to offer a course through the state course access
2 **program, a provider shall:**

3 **(1) Comply with all applicable anti-discrimination provisions as well as applicable**
4 **state and federal student data privacy provisions such as the Family Educational Rights**
5 **and Privacy Act (FERPA);**

6 **(2) Provide an assurance that all online information and resources for online or**
7 **blended courses are fully accessible for students of all abilities, including that:**

8 **(a) All of the courses submitted for approval are reviewed to ensure they meet legal**
9 **accessibility standards;**

10 **(b) The provider has created and promulgated an Accessibility Online Learning**
11 **Policy;**

12 **(c) The provider has designated an ADA Coordinator, a grievance policy, and**
13 **annual notifications;**

14 **(d) The provider has policies and activities to ensure their organizational and**
15 **course websites meet accessibility requirements; and**

16 **(e) The provider has no gateway exam or test where a specific score is required to**
17 **participate in course access program courses beyond completion of prerequisite**
18 **coursework or demonstrated mastery of prerequisite material;**

19 **(3) Demonstrate either:**

20 (a) Prior evidence of delivering quality outcomes for students as demonstrated by
21 completion rates, student level growth, proficiency, or other quantifiable outcomes; or

22 (b) For course providers applying to offer a subject or grade level for the first time,
23 provide a detailed justification, in a manner determined by the department, of how their
24 organization's subject matter, instructional, or technical expertise will lead to successful
25 outcomes for students;

26 (4) Ensure instructional and curricular quality through a detailed curriculum and
27 student performance accountability plan that aligns with, and measures student attainment
28 of, relevant state academic standards or other relevant standards in courses without state
29 academic standards;

30 (5) Provide assurances that the course provider shall electronically provide, in a
31 manner and format determined by the department, a detailed student record of
32 enrollment, performance, completion, and grading information with the school systems
33 where eligible participating students are enrolled full time.

34 2. Additional criteria developed by the department shall be used to evaluate
35 providers and may include nationally recognized third-party quality standards.

161.1014. 1. The department shall establish a course review and approval process.
2 The process may be implemented by the department or by an entity designated by the
3 department.

4 2. In order to be approved and added to the state course access catalog, a course
5 shall:

6 (1) Be, at a minimum, the equivalent in instructional rigor and scope to a course
7 that is provided in a traditional classroom setting;

8 (2) Be aligned to relevant state academic standards or industry standards;

9 (3) Possess an assessment component for determining student proficiency, as well
10 as student growth where applicable; and

11 (4) Be designed and implemented consistently with criteria established by the
12 department and nationally recognized third-party quality standards.

13 3. The department may negotiate changes in the proposal to offer a course, if the
14 department determines that changes are necessary in order to authorize the course.

161.1015. 1. The initial authorization of the course provider and approved courses
2 shall be for a period of three years.

3 2. Providers shall annually report, in such a manner as directed by the department:

4 (1) Student enrollment data;

5 (2) Student outcomes, growth measures when available, proficiency rates, and
6 completion rates for each subject area and grade level; and

7 (3) Student and parental feedback on overall satisfaction and quality, including
8 availability of support from teachers, and their comments.

9 3. After the second year of the initial authorization period, the department shall
10 conduct a thorough review of the course provider's activities and the academic
11 performance of the students enrolled in courses offered by the course provider.

12 4. If the performance of the students enrolled in courses offered by the course
13 provider does not meet agreed upon performance standards at any time, the course
14 provider shall be placed on probation and required to submit a plan for improvement to
15 the department. The department shall establish terms of probation and develop specific
16 criteria the provider must meet in order to return to good standing. Course providers shall
17 be given at least sixty days to meet the terms of probation. Determinations as to whether
18 the provider has met the conditions of probation shall be at the sole discretion of the
19 department. If the department determines that the provider has failed to meet the
20 conditions of probation within the time frame established by the department, the
21 department may terminate the provider's status. Course providers who are terminated by
22 the department under the provisions of this subsection shall be ineligible for reinstatement
23 as a course provider for two years from the time the provider's status was revoked.

24 5. After the initial three-year authorization period, the department may reauthorize
25 the course provider for additional periods of not less than three years after thorough
26 review of the course provider's activities and the achievement of students enrolled in
27 courses offered by the course provider.

28 6. The department may exclude a course provided by an authorized provider at any
29 time if the department determines that:

30 (1) The course is no longer adequately aligned with the state academic standards;

31 (2) The course no longer provides a detailed and quality curriculum and
32 accountability plan; or

33 (3) The course fails to deliver outcomes as measured by course completion or
34 student outcomes and performance on state or nationally accepted assessments.

 161.1016. The department may enter into a reciprocity agreement with other states
2 for the purpose of authorizing and approving high quality providers and courses for the
3 state course access program and the operation of the state course access catalog.

 161.1017. 1. The department shall:

2 (1) Publish the criteria required by section 161.1013 for courses that may be offered
3 through the state course access program;

4 (2) Be responsible for creating the state course access catalog; the department may
5 enter into an agreement with other states or organizations to develop or operate one or
6 more aspects of the state course access catalog and state course access program;

7 (3) Publish a link to the state course access catalog in a prominent location on the
8 department's website, which includes a listing of courses offered by authorized providers
9 available through the state course access program, a detailed description of the courses,
10 and any available student completion and outcome data; and

11 (4) Establish and publish a time frame or specific dates by which students are able
12 to withdraw from a course provided through the state course access program without the
13 student, local education agency, or course provider incurring a penalty.

14 2. The department shall maintain on its official website in a prominent location an
15 informed choice report. Each report under this section shall:

16 (1) Be updated within thirty calendar days of additional provider authorizations;

17 (2) Describe each course offered through the state course access program and
18 include information such as course requirements and the school year calendar for the
19 course, including any options for continued participation outside of the standard school
20 year calendar;

21 (3) Include student and parental comments and feedback as detailed under section
22 161.1014; and

23 (4) Be published online in an open format that can be retrieved, downloaded,
24 indexed, and searched by commonly used web search applications.

25 3. The department shall submit an annual report on the state course access
26 program and the participation of entities to the governor, and the chairperson and vice-
27 chairperson of the joint committee on education. The report shall at a minimum include
28 the following information:

29 (1) The annual number of unique students participating in courses authorized
30 under this sections 161.1010 to 161.1020 and the total number of courses students are
31 enrolled in;

32 (2) The number of authorized providers;

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

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

36 (5) The number of students enrolled in courses by subject and grade level;

37 (6) Student outcome data, including completion rates, student learning gains,
38 student performance on state or nationally accepted assessments, by subject and grade

39 level by provider. This outcome data should be published in a manner that protects
40 student privacy; and

41 (7) The department shall note any data that is not yet available at the time of
42 publication and when it will become available, and include that data in future reports.

43 4. The report and underlying data shall be published online in an open format that
44 can be retrieved, downloaded, indexed, and searched by commonly used web search
45 applications.

46 5. For purposes of this section, an "open format" is one that is platform
47 independent, machine readable, and made available to the public without restrictions that
48 would impede the reuse of that information.

161.1018. 1. A school district or charter school shall:

2 (1) Notify students and parents as part of any course enrollment period or process
3 of the availability of state course access program courses in correspondence that is written
4 in simple and accurate language;

5 (2) Provide information by letter or email to students and parents at home and by
6 at least two other means, such as community flyers, newspaper postings, on student report
7 cards, or other methods;

8 (3) Publish information and eligibility guidelines on the school and school district's
9 websites.

10 2. Each local school system shall establish policies and procedures whereby, for
11 each eligible participating student as identified in section 161.1011, the following shall
12 apply:

13 (1) Credits earned through the course provider shall appear on each student's
14 official transcript and count fully towards the requirements of any approved state diploma;
15 and

16 (2) Coordinate with course providers to ensure that required state assessments are
17 administered to each such student attending a public school.

18 3. The performance data of students who are enrolled in a course under sections
19 161.1010 to 161.1020 and in accordance with subsection 1 of this section shall be counted
20 in the school performance score for the school in which the student is enrolled full time.

21 4. Nothing in sections 161.1010 to 161.1020 shall be construed to prevent a school
22 entity from establishing its own online course or program in accordance with sections
23 161.1010 to 161.1020.

24 5. The department shall adopt rules necessary to implement sections 161.1010 to
25 161.1020, including but not limited to the requirements of school governing authorities or
26 local school systems whose students enroll in courses offered by authorized course

27 providers. Any rule or portion of a rule, as that term is defined in section 536.010, that is
28 created under the authority delegated in this section shall become effective only if it
29 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
30 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
31 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
32 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
33 grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,
34 shall be invalid and void.

161.1019. 1. Per-course tuition shall be determined as follows:

2 (1) The course provider shall receive per-course tuition for each eligible funded
3 student at a fair and reasonable rate negotiated by the department and the course provider
4 that is inclusive of all required course materials. Determinations of course prices may take
5 into account prices for similar levels of service in other jurisdictions. Funding for courses
6 in which students are enrolled shall be made by the department to the local education
7 agency where the student is enrolled full time; within ninety days of receiving funding from
8 the department, the local education agency shall remit appropriate payment to the
9 authorized course provider;

10 (2) The course provider shall receive payment from the local education agency only
11 for the courses in which an eligible funded student is enrolled; the remaining funds
12 received from the department by the local education agency shall remain with the local
13 education agency in which the student is enrolled full time;

14 (3) The course provider shall accept the amount specified in subdivision (1) of this
15 subsection as total tuition and fees for the eligible funded student;

16 (4) The course provider may charge tuition to any eligible participating student up
17 to an amount determined by the course provider and department.

18 2. Payment of tuition to course providers shall be based upon student success and
19 made as follows:

20 (1) Fifty percent of the amount of tuition to be paid or transferred to the course
21 provider shall be transferred upon student enrollment in a course and fifty percent shall
22 be dependent upon student success in the course. Student success may initially be
23 measured based on course completion, but the department shall create new measures of
24 student success by Year 3 for use in courses where externally validated measures are
25 available. These measures of student outcomes, based on either proficiency or growth,
26 shall include results from independent end-of-course exams, advanced placement exams,
27 receipt of industry recognized credentials, receipt of credit from institutions of higher
28 education, or other externally validated measures;

29 **(2) Partial payments for delayed completions shall be determined as follows: if a**
30 **student does not successfully complete a course according to the published course length**
31 **in which the course provider has received the first payment under subsection 1 of this**
32 **section, the provider shall receive twenty percent of the tuition that is dependent upon**
33 **student success as defined in subsection 1 of this section only if the student completes and**
34 **receives credit for the course within one additional semester. At that point, remaining**
35 **tuition shall be returned to the local education agency where a student is enrolled full time.**

161.1020. Under section 23.253 of the Missouri sunset act:

2 **(1) The provisions of the new program authorized under sections 161.1010 to**
3 **161.1020 shall automatically sunset six years after the effective date of sections 161.1010**
4 **to 161.1020 unless reauthorized by an act of the general assembly; and**

5 **(2) If such program is reauthorized, the program authorized under sections**
6 **161.1010 to 161.1020 shall automatically sunset twelve years after the effective date of the**
7 **reauthorization of sections 161.1010 to 161.1020; and**

8 **(3) Sections 161.1010 to 161.1020 shall terminate on September first of the calendar**
9 **year immediately following the calendar year in which the program authorized under**
10 **sections 161.1010 to 161.1020 is sunset.**

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