

FIRST REGULAR SESSION

# HOUSE BILL NO. 849

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SWAN.

1112H.021

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to virtual public schools.

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*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Section A. Section 161.670, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.670, to read as follows: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 a virtual public school to serve school-age students residing in the state. The virtual public school shall offer instruction in a virtual setting using technology, intranet, and/or internet methods of communication. Any student under the age of twenty-one in grades kindergarten through twelve who resides in this state shall be eligible to enroll in the virtual public school regardless of the student's physical location.

2. For purposes of calculation and distribution of state school aid, students enrolled in a virtual public school shall be included, at the choice of the student's parent or guardian, in the student enrollment of the school district in which the student physically resides. The virtual public school shall report to the district of residence the following information about each student served by the virtual public school: name, address, eligibility for free or reduced-price lunch, limited English proficiency status, special education needs, and the number of courses in which the student is enrolled. The virtual public school shall promptly notify the resident district when a student discontinues enrollment. A "full-time equivalent student" is a student who successfully has completed the instructional equivalent of six credits **or more** per regular term. Each virtual course shall count as one class and shall generate that portion of a full-time equivalent that a comparable course offered by the school district would generate. **Students may**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **be eligible to take virtual courses that extend the full-time instructional equivalent.** In no  
19 case shall more than [the] **eight credits or hours of blended or full on-line coursework be**  
20 **considered** full-time equivalency of a regular term of attendance for a single student be used to  
21 claim state aid. Full-time equivalent student credit completed shall be reported to the department  
22 of elementary and secondary education in the manner prescribed by the department. Nothing in  
23 this section shall prohibit students from enrolling in additional courses under a separate  
24 agreement that includes terms for paying tuition or course fees.

25 3. When a school district has one or more resident students enrolled in a virtual public  
26 school program authorized by this section, whose parent or guardian has chosen to include such  
27 student in the district's enrollment, the department of elementary and secondary education shall  
28 disburse an amount [corresponding to fifteen] **up to one hundred** percent of the state aid under  
29 sections 163.031 and 163.043 attributable to such student to the resident district **to be allocated**  
30 **to any virtual coursework for either individual credits or a fully-online program. In the**  
31 **case that a Missouri resident student is enrolled in an unaccredited or provisionally**  
32 **accredited district, the funding may be distributed by the department of elementary and**  
33 **secondary education directly to the Missouri Virtual Instruction Program (MoVIP) or an**  
34 **approved fully-online virtual school in the name of the attending student.** Subject to an  
35 annual appropriation by the general assembly, the department shall disburse an amount  
36 corresponding to [eighty-five] **one hundred** percent of the state adequacy target attributable to  
37 such student to the virtual public school.

38 4. Except as specified in this section and as may be specified by rule of the state board  
39 of education, the virtual public school shall comply with all state laws and regulations applicable  
40 to school districts, including but not limited to the Missouri school improvement program  
41 (MSIP), adequate yearly progress (AYP), annual performance report (APR), teacher certification,  
42 and curriculum standards.

43 5. The state board of education through the rulemaking process and the department of  
44 elementary and secondary education in its policies and procedures shall ensure that multiple  
45 content providers are allowed.

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

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