

HOUSE SUBSTITUTE AMENDMENT NO. _____

for

HOUSE _____ AMENDMENT NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 478, Pages 1 to 4, Section 161.670, Lines
2 1 to 95, by removing all of said section and lines from the bill and inserting in lieu thereof the
3 following:

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

13 2. For purposes of calculation and distribution of state school aid, students enrolled in ~~[a~~
14 ~~virtual public school]~~ the Missouri course access and virtual school program shall be included, ~~at~~
15 ~~the choice of the student's parent or guardian,~~ in the student enrollment of the school district in
16 which the student physically ~~[resides]~~ is enrolled under subsection 3 of this section. The ~~[virtual~~
17 ~~public school]~~ Missouri course access and virtual school program shall report to the district of
18 residence the following information about each student served by the ~~[virtual public school]~~
19 Missouri course access and virtual school program: name, address, eligibility for free or reduced-
20 price lunch, limited English proficiency status, special education needs, and the number of courses
21 in which the student is enrolled. The ~~[virtual public school]~~ Missouri course access and virtual
22 school program shall promptly notify the resident district when a student discontinues enrollment.
23 A "full-time equivalent student" is a student who successfully has completed the instructional
24 equivalent of six credits per regular term. Each ~~[virtual]~~ Missouri course access program course
25 shall count as one class and shall generate that portion of a full-time equivalent that a comparable
26 course offered by the school district would generate. 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 state aid. Full-time
28 equivalent student credit completed shall be reported to the department of elementary and secondary

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1 education in the manner prescribed by the department. Nothing in this section shall prohibit
2 students from enrolling in additional courses under a separate agreement that includes terms for
3 paying tuition or course fees.

4 ~~3. [When a school district has one or more resident students enrolled in a virtual public
5 school program authorized by this section, whose parent or guardian has chosen to include such
6 student in the district's enrollment, the department of elementary and secondary education shall
7 disburse an amount corresponding to fifteen percent of the state aid under sections 163.031 and
8 163.043 attributable to such student to the resident district. Subject to an annual appropriation by
9 the general assembly, the department shall disburse an amount corresponding to eighty-five percent
10 of the state adequacy target attributable to such student to the virtual public school.~~

11 ~~4.]~~ (1) A school district or charter school shall allow any eligible student who resides in
12 such district to enroll in Missouri course access program courses of his or her choice as a part of the
13 student's annual course load each school year or a full-time virtual school option, with any costs
14 associated with such course or courses to be paid by the school district or charter school if:

15 (a) The student is enrolled full-time in and has attended, for at least one semester
16 immediately prior to enrolling in the Missouri course access program, a public school, including any
17 public charter school; and

18 (b) Prior to enrolling in any Missouri course access program course, a student has received
19 approval from his or her school principal through the procedure described under subdivision (2) of
20 this subsection.

21 (2) School districts and charter schools, through the school principal and in cooperation
22 with the school's counselor or a person designated by the district or charter school, shall approve or
23 disapprove a student's request to enroll in a Missouri course access program course or full-time
24 virtual school. The school counselor or a person designated by the district or charter school shall
25 advise any student who requests to enroll in a Missouri course access program course or a full-time
26 virtual school and submit a recommendation to the school principal for final approval. The advice
27 of the school counselor or the person designated by the district or charter school shall be based on
28 his or her assessment of whether participation in the program and enrollment in a particular course
29 are in the student's best interest and shall be done in consultation with the student's parent or legal
30 guardian. Each school district and charter school shall develop a procedure under which a student
31 may appeal the decision made under the provisions of this subdivision. In cases of denial of a
32 request, the school district or charter school shall inform students and parents of the reason for
33 denial and inform them of their right to appeal any enrollment denials in state course access
34 program courses or full-time virtual school to the department of elementary and secondary
35 education, which shall provide a final enrollment decision within seven calendar days. The state
36 board of education shall establish guidelines governing the appeals process.

37 (3) For students enrolled in any Missouri course access program course in which costs
38 associated with such course are to be paid by the school district or charter school as described under
39 subdivision (1) of this subsection, the school district or charter school shall pay the content provider
40 directly on a pro rata monthly basis based on a student's completion of assignments and assessments.
41 If a student discontinues enrollment, the district or charter school may stop making monthly

1 payments to the content provider. No school district or charter school shall pay, for any one course
2 for a student, more than the market necessary costs but in no case shall pay more than fourteen
3 percent of the state adequacy target, as defined under section 163.011, as calculated at the end of the
4 most recent school year for any single, year-long course and no more than seven percent of the state
5 adequacy target as described above for any single semester equivalent course. Payment for a full-
6 time virtual school student shall not exceed the state adequacy target, unless the student receives
7 additional federal or state aid. Nothing in this subdivision shall prohibit a school district or charter
8 school from negotiating lower costs directly with course or full-time virtual school providers,
9 particularly in cases where several students enroll in a single course or full-time virtual school.

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

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

16 (6) Providers shall monitor student success and engagement of students enrolled in their
17 program and report the information to the school district or charter school. Providers may make
18 recommendations to the school district or charter school regarding the student's continued
19 enrollment in the program. The school district or charter school shall consider recommendations
20 from providers and monitor the progress and success of enrolled students that are enrolled in any
21 course or full-time virtual school offered under this section and may terminate or alter the course
22 offering if it is found the course or full-time virtual school is not meeting the educational needs of
23 the students enrolled in the course.

24 (7) School districts and charter schools shall monitor student progress and success, and
25 course or full-time virtual school quality, and annually provide feedback to the department of
26 elementary and secondary education regarding course quality.

27 (8) Pursuant to rules to be adopted by the department of elementary and secondary
28 education, when a student transfers into a school district or charter school, credits previously gained
29 through successful passage of approved courses under the Missouri course access program shall be
30 accepted by the school district or charter school.

31 (9) Nothing in this section shall prohibit home school students, private school students, or
32 students wishing to take additional courses beyond their regular course load from enrolling in
33 Missouri course access program courses under an agreement that includes terms for paying tuition
34 or course fees.

35 (10) Nothing in this subsection shall require any school district, charter school, or the state
36 to provide computers, equipment, or internet access to any student unless required by an eligible
37 student with a disability to comply with federal law.

38 (11) The authorization process shall provide for continuous monitoring of approved
39 providers and courses. The department shall revoke or suspend or take other corrective action
40 regarding the authorization of any course or provider no longer meeting the requirements of the
41 program. Unless immediate action is necessary, prior to revocation or suspension, the department

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

4 (12) Courses approved as of January 1, 2018, by the department to participate in the
5 Missouri virtual instruction program shall be automatically approved to participate in the state
6 course access and virtual school program, but shall be subject to periodic renewal.

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

10 5. The department shall:

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

13 (2) Pursuant to the timeline established by the department, authorize course or full-time
14 virtual school providers that submit all necessary information pursuant to the requirements of the
15 process;

16 (3) Review, pursuant to the authorization process, proposals from providers to provide
17 individual courses or a comprehensive, full-time equivalent course of study for students through the
18 Missouri course access and virtual school program. The department shall ensure that these
19 comprehensive courses of study align with state academic standards and that there is consistency
20 and compatibility in the curriculum used by all providers from one grade level to the next grade
21 level; and

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

24 6. If a course or full-time virtual school provider is denied authorization, the course
25 provider may reapply at any point in the future.

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

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

34 9. Except as specified in this section and as may be specified by rule of the state board of
35 education, the ~~[virtual public school]~~ Missouri course access and virtual school program shall
36 comply with all state laws and regulations applicable to school districts, including but not limited to
37 the Missouri school improvement program (MSIP), ~~[adequate yearly progress (AYP),]~~ annual
38 performance report (APR), teacher certification, and curriculum standards.

39 [5-] 10. The state board of education through the rulemaking process and the department of
40 elementary and secondary education in its policies and procedures shall ensure that multiple content
41 providers are allowed, ensure digital content conforms to accessibility requirements, provide an

1 easily accessible link for providers to submit courses or full-time virtual schools on the Missouri
 2 course access and virtual school program website, and allow any person, organization, or entity to
 3 submit courses or full-time virtual schools for approval. No content provider shall be allowed that
 4 is unwilling to accept payments in the amount and manner as described under subdivision (3) of
 5 subsection 3 of this section or does not meet performance or quality standards adopted by the state
 6 board of education.

7 ~~[6-]~~ 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 8 created under the authority delegated in this section shall become effective only if it complies with
 9 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
 10 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 11 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
 12 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 13 adopted after August 28, 2006, shall be invalid and void."; and

14
 15 Further amend said bill, Page 6, Section 162.1475, Lines 4-7, by deleting all of said line and
 16 inserting in lieu thereof the following:

17
 18 "personal information any political subdivision or special district that is subject to a breach
 19 shall send notification of such breach to any affected individual and the state auditor."; and

20
 21 Further amend said bill, Pages 6 and 7, Section 167.121, Lines 1 to 42, by removing all of said
 22 section from the bill and inserting in lieu thereof the following:

23
 24 "167.121. ~~[4-]~~ If the residence of a pupil is so located that attendance in the district of
 25 residence constitutes an unusual or unreasonable transportation hardship because of natural barriers,
 26 travel time, or distance, the commissioner of education or his designee may assign the pupil to
 27 another district. Subject to the provisions of this section, all existing assignments shall be reviewed
 28 prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The
 29 board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned.
 30 The tuition shall not exceed the pro rata cost of instruction.

31 ~~[2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a~~
 32 ~~parent or guardian residing in a lapsed public school district or a district that has scored either~~
 33 ~~unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual~~
 34 ~~performance reports may enroll the parent's or guardian's child in the Missouri virtual school created~~
 35 ~~in section 161.670 provided the pupil first enrolls in the school district of residence. The school~~
 36 ~~district of residence shall include the pupil's enrollment in the virtual school created in section~~
 37 ~~161.670 in determining the district's average daily attendance. Full-time enrollment in the virtual~~
 38 ~~school shall constitute one average daily attendance equivalent in the school district of residence.~~
 39 ~~Average daily attendance for part-time enrollment in the virtual school shall be calculated as a~~
 40 ~~percentage of the total number of virtual courses enrolled in divided by the number of courses~~
 41 ~~required for full-time attendance in the school district of residence.~~

1 ~~——(2) A pupil's residence, for purposes of this section, means residency established under~~
 2 ~~section 167.020. Except for students residing in a K-8 district attending high school in a district~~
 3 ~~under section 167.131, the board of the home district shall pay to the virtual school the amount~~
 4 ~~required under section 161.670.~~

5 ~~——(3) Nothing in this section shall require any school district or the state to provide computers,~~
 6 ~~equipment, internet or other access, supplies, materials or funding, except as provided in this~~
 7 ~~section, as may be deemed necessary for a pupil to participate in the virtual school created in section~~
 8 ~~161.670.~~

9 ~~——(4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created~~
 10 ~~under the authority delegated in this section shall become effective only if it complies with and is~~
 11 ~~subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and~~
 12 ~~chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to~~
 13 ~~chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently~~
 14 ~~held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after~~
 15 ~~August 28, 2007, shall be invalid and void.]~~

16 Section B. Sections 161.670 and 167.121 of this act shall become effective July 1, 2018.";
 17 and

18
 19 Further amend said bill by amending the title, enacting clause, and intersectional references
 20 accordingly.

21
 22 THIS AMENDMENT IS A SUBSTITUTE FOR 2142H02.19H