

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 478**  
**99TH GENERAL ASSEMBLY**

2142H.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 161.670, 162.492, and 167.121, RSMo, and to enact in lieu thereof four new sections relating to the information technology practices of educational institutions.

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

Section A. Sections 161.670, 162.492, and 167.121, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 161.670, 162.492, 162.1475, and 167.121, to read as follows: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]~~ **the "Missouri Course Access Program"** to serve school-age students residing in the state. The ~~[virtual public school]~~ **Missouri course access program** 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]~~ **Missouri course access program** regardless of the student's physical location. **A student enrolled in the Missouri course access program who does not meet the requirements for costs to be paid by the district or charter school that is a local educational agency, as described in this section or any other section, shall pay the costs for any such course directly to the Missouri course access program. Such student's enrollment in the Missouri course access program shall not be counted in determining the average daily attendance, as defined under section 163.011, of any district or charter school.**

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~~

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 ~~student served by the virtual public school: name, address, eligibility for free or reduced-price~~  
19 ~~lunch, limited English proficiency status, special education needs, and the number of courses in~~  
20 ~~which the student is enrolled. The virtual public school shall promptly notify the resident district~~  
21 ~~when a student discontinues enrollment.] A "full-time equivalent student" is a student who~~  
22 ~~successfully has completed the instructional equivalent of six credits per regular term. Each~~  
23 ~~[virtual] Missouri course access program course shall count as one class and shall generate that~~  
24 ~~portion of a full-time equivalent that a comparable course offered by the school district or~~  
25 ~~charter school would generate. In no case shall more than the full-time equivalency of a regular~~  
26 ~~term of attendance for a single student be used to claim state aid. [Full-time equivalent student~~  
27 ~~credit completed shall be reported to the department of elementary and secondary education in~~  
28 ~~the manner prescribed by the department. Nothing in this section shall prohibit students from~~  
29 ~~enrolling in additional courses under a separate agreement that includes terms for paying tuition~~  
30 ~~or course fees.]~~

31 3. ~~[When a school district has one or more resident students enrolled in a virtual public~~  
32 ~~school program authorized by this section, whose parent or guardian has chosen to include such~~  
33 ~~student in the district's enrollment, the department of elementary and secondary education shall~~  
34 ~~disburse an amount corresponding to fifteen percent of the state aid under sections 163.031 and~~  
35 ~~163.043 attributable to such student to the resident district. Subject to an annual appropriation~~  
36 ~~by the general assembly, the department shall disburse an amount corresponding to eighty-five~~  
37 ~~percent of the state adequacy target attributable to such student to the virtual public school.] (1)~~  
38 **A school district or charter school that is a local educational agency shall allow any K-12**  
39 **student who is enrolled in such district or charter school on a full-time basis to enroll in**  
40 **Missouri course access program courses of his or her choice each school year, with any**  
41 **costs associated with such course or courses to be paid by the school district or charter**  
42 **school, if:**

43 (a) **The student has attended such district or charter school for at least one semester**  
44 **immediately prior to enrolling in the Missouri course access program; and**

45 (b) **The course or its substantial equivalent is not available in the school district or**  
46 **charter school or there is a scheduling conflict with the course or its substantial equivalent**  
47 **available in the school district or charter school.**

48 (2) **The school counselor or a person designated by the district or charter school**  
49 **shall advise any student who requests to enroll in a Missouri course access program course.**  
50 **The advice of the school counselor or the person designated by the district or charter**  
51 **school shall be based on his or her assessment of whether participation in the program and**  
52 **enrollment in a particular course are in the student's best interest.**

53           **(3) The school district or charter school that makes monthly payments as described**  
54 **under subdivision (4) of this subsection for a student enrolled in a Missouri course access**  
55 **program course shall include the student's enrollment in the Missouri course access**  
56 **program course in determining the district's or charter school's average daily attendance,**  
57 **as defined under section 163.011.**

58           **(4) For students enrolled in any Missouri course access program course in which**  
59 **costs associated with such course are to be paid by the school district or charter school as**  
60 **described under subdivision (1) of this subsection, the school district or charter school that**  
61 **is a local educational agency shall pay the content provider directly on a monthly basis.**  
62 **If a student discontinues enrollment, the district or charter school may stop making**  
63 **monthly payments to the content provider. No school district or charter school shall pay,**  
64 **for any one course for a student, more than fourteen percent of the state adequacy target,**  
65 **as defined under section 163.011.**

66           **(5) A school district or charter school that is a local educational agency shall accept**  
67 **courses taken through the Missouri course access program for credit.**

68           **(6) Nothing in this section shall prohibit home school or private school students**  
69 **from enrolling in Missouri course access program courses under an agreement that**  
70 **includes terms for paying tuition or course fees.**

71           **(7) Nothing in this subsection shall require any school district, any charter school,**  
72 **or the state to provide computers, equipment, or internet access to any student.**

73           4. Except as specified in this section and as may be specified by rule of the state board  
74 of education, the ~~virtual public school~~ **Missouri course access program** shall comply with all  
75 state laws and regulations applicable to school districts, including but not limited to the Missouri  
76 school improvement program (MSIP), adequate yearly progress (AYP), annual performance  
77 report (APR), teacher certification, and curriculum standards.

78           5. The state board of education through the rulemaking process and the department of  
79 elementary and secondary education in its policies and procedures shall ensure that multiple  
80 content providers are allowed, **provide an easily accessible link for providers to submit**  
81 **courses on the Missouri course access program website, and allow any person,**  
82 **organization, or entity to submit courses for approval. No content provider shall be**  
83 **allowed that is unwilling to accept payments in the amount and manner as described under**  
84 **subdivision (4) of subsection 3 of this section.**

85           6. Each school district or charter school that is a local educational agency shall  
86 **notify students and parents or guardians of the availability of the Missouri course access**  
87 **program in class registration materials and in any handbook that the district or charter**  
88 **school distributes or makes available to students or parents.**

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

162.492. 1. In all urban districts containing the greater part of the population of a city  
2 which has more than three hundred thousand inhabitants, the election authority of the city in  
3 which the greater portion of the school district lies, and of the county if the district includes  
4 territory not within the city limits, shall serve ex officio as a redistricting commission. The  
5 commission shall on or before November 1, 2018, divide the school district into five subdistricts,  
6 all subdistricts being of compact and contiguous territory and as nearly equal in the number of  
7 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions  
8 as soon as practicable after each United States decennial census. In establishing the subdistricts  
9 each member shall have one vote and a majority vote of the total membership of the commission  
10 is required to make effective any action of the commission.

11           2. School elections for the election of directors shall be held on municipal election days  
12 in 2014 and 2016. At the election in 2014, directors shall be elected to hold office until 2019 and  
13 until their successors are elected and qualified. At the election in 2016, directors shall be elected  
14 until 2019 and until their successors are elected and qualified. Beginning in 2019, school  
15 elections for the election of directors shall be held on the local election date as specified in the  
16 charter of a home rule city with more than four hundred thousand inhabitants and located in more  
17 than one county. Beginning at the election for school directors in 2019, the number of directors  
18 on the board shall be reduced from nine to seven. Two directors shall be at-large directors and  
19 five directors shall represent the subdistricts, with one director from each of the subdistricts.  
20 ~~[Directors shall serve a four-year term]~~ **At the 2019 election, one of the at-large directors and**  
21 **the directors from subdistricts one, three, and five shall be elected for a two-year term, and**  
22 **the other at-large director and the directors from subdistricts two and four shall be elected**  
23 **for a four-year term. Thereafter, all seven directors shall serve a four-year term.** Directors  
24 shall serve until the next election and until their successors, then elected, are duly qualified as  
25 provided in this section. In addition to other qualifications prescribed by law, each member  
26 elected from a subdistrict shall be a resident of the subdistrict from which he or she is elected.  
27 The subdistricts shall be numbered from one to five. ~~[Each voter may vote for two candidates~~  
28 ~~for at-large director and the two receiving the largest number of votes cast shall be elected.]~~

29           3. The five candidates, one from each of the subdistricts, who receive a plurality of the  
30 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the  
31 at-large votes shall be elected. The name of no candidate for nomination shall be printed on the  
32 ballot unless the candidate has at least sixty days prior to the election filed a declaration of  
33 candidacy with the secretary of the board of directors containing the signatures of at least two  
34 hundred fifty registered voters who are residents of the subdistrict within which the candidate  
35 for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of  
36 at least five hundred registered voters. The election authority shall determine the validity of all  
37 signatures on declarations of candidacy.

38           4. In any election either for at-large candidates or candidates elected by the voters of  
39 subdistricts, if there are more than two candidates, a majority of the votes are not required to  
40 elect but the candidate having a plurality of the votes [~~if there is only one office to be filled and~~  
41 ~~the candidates having the highest number of votes, if more than one office is to be filled,]~~ shall  
42 be elected.

43           5. The names of all candidates shall appear upon the ballot without party designation and  
44 in the order of the priority of the times of filing their petitions of nomination. No candidate may  
45 file both at large and from a subdistrict and the names of all candidates shall appear only once  
46 on the ballot, nor may any candidate file more than one declaration of candidacy. All  
47 declarations shall designate the candidate's residence and whether the candidate is filing at large  
48 or from a subdistrict and the numerical designation of the subdistrict or at-large area.

49           6. The provisions of all sections relating to seven-director school districts shall also  
50 apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to  
51 the extent applicable and not in conflict with the provisions of those sections specifically relating  
52 to such urban districts.

53           7. Vacancies which occur on the school board between the dates of election shall be  
54 filled by special election if such vacancy happens more than six months prior to the time of  
55 holding an election as provided in subsection 2 of this section. The state board of education shall  
56 order a special election to fill such a vacancy. A letter from the commissioner of education,  
57 delivered by certified mail to the election authority or authorities that would normally conduct  
58 an election for school board members shall be the authority for the election authority or  
59 authorities to proceed with election procedures. If a vacancy occurs less than six months prior  
60 to the time of holding an election as provided in subsection 2 of this section, no special election  
61 shall occur and the vacancy shall be filled at the next election day on which local elections are  
62 held as specified in the charter of any home rule city with more than four hundred thousand  
63 inhabitants and located in more than one county.

162.1475. 1. "Personal information" shall have the same meaning as defined in section 407.1500.

2. In the event of a breach of data maintained in electronic form that includes personal information of a student, a school district shall send written notification to the parent or legal guardian of an affected student.

3. Notification of a breach of personal information of a student shall also be sent to the department of elementary and secondary education and the state auditor.

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

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

(2) A pupil's residence, for purposes of this section, means residency established under section 167.020. Except for students residing in a K-8 district attending high school in a district under section 167.131, the board of the home district shall pay ~~to the virtual school the amount required~~ **the costs associated with Missouri course access program courses up to full-time equivalency for each student, as described under section 161.670. The board shall pay the content provider directly on a monthly basis. If a student discontinues enrollment, the district may stop making monthly payments to the content provider. No school district shall pay, for any one course for a student, more than fourteen percent of the state adequacy target, as defined under section 163.011. Students allowed to enroll in the**

30 **Missouri course access program under this section shall not be subject to the limitations**  
31 **described under subdivision (1) of subsection 3 of section 161.670.**

32 (3) Nothing in this section shall require any school district or the state to provide  
33 computers, equipment, internet or other access, supplies, materials or funding, except as provided  
34 in this section, as may be deemed necessary for a pupil to participate in the [~~virtual school~~]  
35 **Missouri course access program** created in section 161.670.

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

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