

SECOND REGULAR SESSION

HOUSE BILL NO. 2491

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

5472H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 161.670, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.670, to read as follows: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 the "Missouri Course Access and Virtual School Program" to serve school-age students residing in the state. The Missouri course access and virtual school program shall offer instruction in a virtual setting using technology, intranet, ~~and/or~~ 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 Missouri course access and virtual school program pursuant to subsection 3 of this section.

2. For purposes of calculation and distribution of state school aid, students enrolled in the Missouri course access and virtual school program **who are not full-time equivalent students** shall be included in the student enrollment of the school district in which the student physically is enrolled under subsection 3 of this section. The Missouri course access and virtual school program shall report to the district of residence the following information about each student served by the Missouri course access and virtual school program: 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 Missouri course access and virtual school program shall promptly notify the resident district when a student discontinues enrollment. A "full-time equivalent student" is a student who successfully has completed the

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 instructional equivalent of six credits per regular term. Each Missouri course access and virtual
19 school program course shall count as one class and shall generate that portion of a full-time
20 equivalent that a comparable course offered by the school district would generate. **Full-time**
21 **equivalent students shall not be included in the student enrollment of the school district in**
22 **which such student resides.** In no case shall more than the full-time equivalency of a regular
23 term of attendance for a single student be used to claim state aid. Full-time equivalent student
24 credit completed shall be reported to the department of elementary and secondary education in
25 the manner prescribed by the department. **The department shall pay any Missouri course**
26 **access and virtual school program one hundred percent of its average per-pupil**
27 **expenditure for each full-time equivalent student.** Nothing in this section shall prohibit
28 students from enrolling in additional courses under a separate agreement that includes terms for
29 paying tuition or course fees.

30 3. (1) A school district or charter school shall allow any eligible student who resides in
31 such district to enroll in Missouri course access and virtual school program courses of ~~[his or~~
32 ~~her]~~ **the student's** choice as a part of the student's annual course load each school year or a
33 full-time virtual school option, with any costs associated with such course or courses to be paid
34 by the school district or charter school if:

35 (a) The student is enrolled full-time in and has attended, for at least one semester
36 immediately prior to enrolling in the Missouri course access and virtual school program, a public
37 school, including any charter school; except that, no student seeking to enroll in Missouri course
38 access and virtual school program courses under this subdivision shall be required to have
39 attended a public school during the previous semester if the student has a documented medical
40 or psychological diagnosis or condition that prevented the student from attending a school in the
41 community during the previous semester; and

42 (b) Prior to enrolling in any Missouri course access and virtual school program course,
43 a student has received approval from ~~[his or her school district or charter school]~~ **the**
44 **department** through the procedure described under subdivision (2) of this subsection.

45 (2) ~~[Each school district or charter school]~~ **The department** shall adopt a policy that
46 delineates the process by which a student may enroll in courses provided by the Missouri course
47 access and virtual school program that is substantially similar to the typical process by which a
48 district student would enroll in courses offered by the school district and a charter school student
49 would enroll in courses offered by the charter school. The policy may include consultation with
50 the school's counselor and may include parental notification or authorization. School counselors
51 shall not be required to approve or disapprove a student's enrollment in the Missouri course
52 access and virtual school program. If the ~~[school district or charter school]~~ **department**
53 disapproves a student's request to enroll in a course or courses provided by the Missouri course

54 access and virtual school program, including full-time enrollment in courses provided by the
55 Missouri course access and virtual school program, the reason shall be provided in writing and
56 it shall be for good cause. Good cause justification to disapprove a student's request for
57 enrollment in a course shall be a determination that doing so is not in the best educational
58 interest of the student. In cases of denial by the ~~[school district or charter school]~~ **department**,
59 local education agencies shall inform the student and the student's family of their right to appeal
60 any enrollment denial in the Missouri course access and virtual school program to the ~~[local~~
61 ~~school district board or charter school governing body]~~ **state board of education** where the
62 family shall be given an opportunity to present their reasons for their child or children to enroll
63 in the Missouri course access and virtual school program ~~[in an official school board meeting]~~.
64 In addition, the ~~[school district or charter school administration]~~ **department** shall provide its
65 good cause justification for denial ~~[at a school board meeting or governing body meeting]~~. Both
66 the family and ~~[school administration]~~ **the department** shall also provide their reasons in writing
67 to the members of the ~~[school board or governing body and the documents shall be entered into~~
68 ~~the official board minutes]~~ **state board**. The members of the **state board** ~~[or governing body]~~
69 shall issue their decision in writing within thirty calendar days ~~[, and then an appeal may be made~~
70 ~~to the department of elementary and secondary education, which shall provide a final enrollment~~
71 ~~decision within seven calendar days]~~.

72 (3) For students enrolled in any Missouri course access and virtual school program
73 course in which costs associated with such course are to be paid ~~[by the school district or charter~~
74 ~~school]~~ as described under subdivision (1) of this subsection, the school district ~~[or]~~ , charter
75 school, **or the department** shall pay the content provider directly on a pro rata ~~[monthly]~~ basis
76 **once per semester** based on a student's completion of assignments and assessments. If a student
77 discontinues enrollment, the district ~~[or]~~ , charter school, **or the department** may stop making
78 ~~[monthly]~~ payments to the content provider. No school district or charter school shall pay, for
79 any one course for a student, more than the market necessary costs but in no case shall pay more
80 than fourteen percent of the state adequacy target, as defined under section 163.011, as calculated
81 at the end of the most recent school year for any single, year-long course and no more than seven
82 percent of the state adequacy target as described above for any single semester equivalent course.
83 Payment for a full-time virtual school student shall not exceed the state adequacy target, unless
84 the student receives additional federal or state aid. Nothing in this subdivision shall prohibit a
85 school district ~~[or]~~ , charter school, **or the department** from negotiating lower costs directly
86 with course or full-time virtual school providers, particularly in cases where several students
87 enroll in a single course or full-time virtual school.

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

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

94 (6) The department shall monitor student success and engagement of students enrolled
95 in their program and report the information to the school district or charter school. Providers and
96 the department may make recommendations to the school district or charter school regarding the
97 student's continued enrollment in the program. The school district or charter school shall
98 consider the recommendations and evaluate the progress and success of enrolled students that
99 are enrolled in any course [~~or full-time virtual school~~] offered under this section and may
100 terminate or alter the course offering if it is found the course [~~or full-time virtual school~~] is not
101 meeting the educational needs of the students enrolled in the course. **The department may**
102 **terminate or alter the course offering if it is found the full-time virtual school is not**
103 **meeting the needs of the students enrolled.**

104 (7) School districts and charter schools shall monitor student progress and success, and
105 course [~~or full-time virtual school~~] quality, and annually provide feedback to the department of
106 elementary and secondary education regarding course quality.

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

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

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

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

122 (12) The authorization process shall provide for continuous monitoring of approved
123 providers and courses. The department shall revoke or suspend or take other corrective action

124 regarding the authorization of any course or provider no longer meeting the requirements of the
125 program. Unless immediate action is necessary, prior to revocation or suspension, the
126 department shall notify the provider and give the provider a reasonable time period to take
127 corrective action to avoid revocation or suspension. The process shall provide for periodic
128 renewal of authorization no less frequently than once every three years.

129 (13) Courses approved as of August 28, 2018, by the department to participate in the
130 Missouri virtual instruction program shall be automatically approved to participate in the
131 Missouri course access and virtual school program, but shall be subject to periodic renewal.

132 (14) Any online course or virtual program offered by a school district or charter school,
133 including those offered prior to August 28, 2018, ~~[which]~~ **that** meets the requirements of section
134 162.1250 shall be automatically approved to participate in the Missouri course access and virtual
135 school program. Such course or program shall be subject to periodic renewal. A school district
136 or charter school offering such a course or virtual school program shall be deemed an approved
137 provider.

138 4. School districts or charter schools shall inform parents of their child's right to
139 participate in the program. Availability of the program shall be made clear in the parent
140 handbook, registration documents, and featured on the home page of the school district or charter
141 school's website. **Any school district or charter school that fails to notify parents of their
142 child's right to participate in the program shall be subject to civil penalties in an amount
143 equal to one hundred dollars for each day the school district or charter school is not in
144 compliance with this subsection, including reasonable attorney's fees.**

145 5. The department shall:

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

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

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

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

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

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

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

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

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

169 9. Except as specified in this section and as may be specified by rule of the state board
170 of education, the Missouri course access and virtual school program shall comply with all state
171 laws and regulations applicable to school districts, including but not limited to the Missouri
172 school improvement program (MSIP), annual performance report (APR), teacher certification,
173 and curriculum standards.

174 10. The department shall submit and publicly publish an annual report on the Missouri
175 course access and virtual school program and the participation of entities to the governor, the
176 chair and ranking member of the senate education committee, and the chair and ranking member
177 of the house of representatives elementary and secondary education committee. The report shall
178 at a minimum include the following information:

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

181 (2) The number of authorized providers;

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

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

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

186 (6) Student outcome data, including completion rates, student learning gains, student
187 performance on state or nationally accepted assessments, by subject and grade level per provider.

188 This outcome data shall be published in a manner that protects student privacy;

189 (7) The costs per course;

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

192 11. The department shall be responsible for creating the Missouri course access and
193 virtual school program catalog providing a listing of all courses authorized and available to

194 students in the state, detailed information, including costs per course, about the courses to inform
195 student enrollment decisions, and the ability for students to submit their course enrollments.

196 12. The state board of education through the rulemaking process and the department of
197 elementary and secondary education in its policies and procedures shall ensure that multiple
198 content providers and learning management systems are allowed, ensure digital content conforms
199 to accessibility requirements, provide an easily accessible link for providers to submit courses
200 or full-time virtual schools on the Missouri course access and virtual school program website,
201 and allow any person, organization, or entity to submit courses or full-time virtual schools for
202 approval. No content provider shall be allowed that is unwilling to accept payments in the
203 amount and manner as described under subdivision (3) of subsection 3 of this section or does not
204 meet performance or quality standards adopted by the state board of education.

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

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