

FIRST REGULAR SESSION

HOUSE BILL NO. 510

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HILL.

1120H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to alternative instruction delivery systems for virtual instructional programs.

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

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be known as section 162.1260, to read as follows:

162.1260. 1. As used in this section, the following terms mean:

(1) **"Asynchronous instruction", interaction between instructor and student that is not dependent on real time. Asynchronous instruction allows the student to engage in learning activities anywhere at any time. For instruction to be considered asynchronous, the primary format of instruction does not depend on real-time interaction of the participants;**

(2) **"Charter school", any charter school established under sections 160.400 to 160.420 and located, at the time it is established, within a school district;**

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

(4) **"Distance learning plan", a plan, implemented under a public school's distance learning policy, describing any means by which instruction will be delivered to students outside a conventional school setting. A distance learning plan shall meet the standards for virtual programs of instruction listed in section 162.1250;**

(5) **"MOCAP", the Missouri course access and virtual school program established under section 161.670;**

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.

16 (6) "Public school", any school for elementary or secondary education, open and
17 public, that is supported and maintained from public funds and that is operated by the
18 board of education of a school district or operated as a charter school;

19 (7) "Synchronous instruction", primary interactions between the instructor and
20 student that are in real time. Regular classroom instruction and two-way interactive video
21 instruction are forms of synchronous instruction. Virtual instruction that requires
22 real-time interaction between the student and instructor as the primary format of
23 instruction is also a form of synchronous instruction;

24 (8) "Two-way interactive video instruction", real-time or synchronous interaction
25 between a student and instructor by means of an electronic medium that provides for both
26 audio and video signals. Students and instructors participating in two-way interactive
27 video instruction may see and hear each other in an approximation of real-time;

28 (9) "Virtual instruction", the use of the internet or other such digital information
29 transmission systems as the primary medium of instruction. Virtual instruction may be
30 asynchronous or synchronous or may combine asynchronous instruction and synchronous
31 instruction.

32 2. For all school years beginning on or after July 1, 2021, any virtual instructional
33 program offered for instructional purposes or high school credit by any public school shall
34 be an approved MOCAP course consistent with all requirements in section 161.670.

35 3. All public schools shall adopt policies regarding virtual instructional courses that
36 comply with the following guidelines:

37 (1) Virtual instruction and two-way interactive video instruction shall be viewed
38 as methods by which the public school may expand course offerings and access to
39 instructional resources. Such technologies shall not be viewed solely as substitutes for
40 direct, face-to-face student and teacher interactions but as a means of expanding the ability
41 of the public school to support both teaching and learning. With the exception of a charter
42 school authorized by its sponsor to provide virtual instruction only or during emergency
43 circumstances as addressed below, a public school shall offer in-person classroom
44 instructional opportunities in addition to any virtual instructional opportunities offered
45 to students;

46 (2) As authorized in the event of an emergency declared by a federal or state
47 government entity that impacts the operation of public schools in this state, or upon an
48 action taken by the state board of education declaring such an emergency that leads to the
49 temporary emergency closure of school campuses or otherwise significantly impacts the
50 operation of public schools in this state as determined by the state board of education,
51 public schools may implement distance learning plans that provide for distance learning

52 that is accessible to all students. A public school may adopt a policy providing for the
53 short-term implementation of a distance learning plan due to a localized emergency such
54 as a weather-related public school closure or a localized public health emergency. A public
55 school's approved academic calendar may build in one or more emergency closure make-
56 up days to be delivered through the distance learning plan in the same manner as a school
57 district's calendar may build in additional standard school days to be held as make-up days
58 in case of emergency weather closures under section 171.031;

59 (3) A public school may adopt a distance learning plan policy that provides for
60 virtual or partially virtual instruction under sections 161.670 and 162.1250 to deliver
61 home-based education to a student who cannot attend school in person for a period of time
62 due to extended medical or other issues. If a public school delivers the home-based
63 education program solely through virtual instruction, the public school shall provide the
64 internet connectivity and devices necessary to access the instruction free of charge to any
65 participating student who does not already have access to the necessary internet
66 connectivity or devices; and

67 (4) A public school shall submit a copy of the school's distance learning plan to the
68 department within ten business days after adoption by the public school district board of
69 education or charter school governing board. If an update or revision of the policy is
70 adopted, such amended policy shall also be submitted to the department within ten
71 business days after adoption. A public school policy authorizing the implementation of a
72 distance learning plan shall address the following considerations:

73 (a) Participation in the distance learning plan shall be accessible to every student
74 regardless of household resources. If a public school requires students to engage with
75 instruction or content using the internet or other means of remote connectivity, the public
76 school shall ensure the student has access to the internet connectivity and any devices
77 necessary and, if not, the public school shall provide such internet connectivity and devices
78 for student use free of charge. If a public school cannot provide internet connectivity and
79 device access for the use of all students because of budgetary, geographical, or other
80 limitations but plans to use virtual instruction as part of a distance learning plan adopted
81 under subdivision (2) of subsection 3 of this section, the distance learning plan shall
82 provide for alternate methods to deliver equitably equivalent instruction to all students.
83 Such alternate means may include approaches such as paper packets of instructional
84 materials supplemented by periodic direct contact with teachers in person or by telephone
85 or other method of communication. A school district shall ensure that the student has
86 access to all materials necessary for participating in a public school's distance learning
87 plan and, if the student does not already have the necessary materials, shall ensure access

88 free of charge by providing packets of paper instructional materials, blank paper for
89 assignment completion, and writing instruments or other supplies as appropriate for the
90 grade level or subject area if required for assignment completion. If a public school's
91 policy for distance learning allows for different instructional delivery methods because of
92 the inability to provide internet connectivity and devices to all students, the policy shall
93 address the public school's methods for making individualized determinations of which
94 students would be able to access virtual instruction and which students would not and shall
95 address equitable plans for serving students who would not have access to virtual
96 instruction;

97 (b) A public school's distance learning plan shall provide that instruction and
98 content provided through virtual education or other distance learning delivery methods
99 is consistent with the state academic performance standards and learning standards for the
100 subject area or grade level in which credit is awarded. Instruction and content provided
101 through distance learning delivery methods other than virtual instruction shall be
102 equitably equivalent to the instruction and content provided through virtual instruction;
103 and

104 (c) As a condition of adopting a distance learning plan under this section, a public
105 school shall establish clear written policies for students receiving instructional services in
106 the plan such as measurements of attendance for students and staff, awarding of credits
107 for course completion, participation in extracurricular activities, and other policies as
108 determined by the public school. Attendance policies for distance learning provided by
109 means other than virtual education may consider factors such as assignment completion
110 and engagement with instructional supports, but no student shall have a grade lowered or
111 be otherwise penalized for failure to engage with instructional supports if the student does
112 not have the resources to access virtual instruction. Records of student enrollment and
113 attendance in virtual instruction programs shall be maintained through the public school's
114 authorized student information system consistent with all requirements of sections 161.670
115 and 162.1250. Virtual attendance policies for school districts and charter schools shall
116 include, but not be limited to:

117 a. The attendance for a student participating in a virtual instruction program shall
118 be the date on which the student first completes an instructional activity; and

119 b. The defined time period, assignment completion status, or other means used to
120 determine student attendance in the virtual program shall meet the measures of virtual
121 attendance and comply with all provisions listed in sections 161.670 and 162.1250.

122 4. To ensure equitable access to instruction, in the development of a policy
123 authorizing a distance learning plan as provided in subsection 3 of this section, the public

124 school shall consult a working group of community stakeholders. The public school shall
125 include individuals of different backgrounds and experiences to provide for the
126 development of a distance learning plan that is accessible to the entire school community.

127 The working group shall include:

128 (1) School leaders and teachers;

129 (2) Parents or guardians and other community members representing different
130 socioeconomic statuses, racial and ethnic identities, and cultural perspectives; and

131 (3) Other individuals or groups identified by the public school whose perspectives
132 are appropriate to consider in the development of a distance learning plan.

133 5. A certified staff member shall be identified by each public school principal to
134 serve as the building-level contact individual to assist students enrolling in online courses
135 and serve as a liaison to the online teachers and MOCAP providers.

136 6. Courses offered for credit by means of virtual instruction shall be aligned with
137 the state academic performance standards and learning standards.

138 7. Each teacher of two-way interactive video instruction or virtual instruction shall
139 be provided in-service training pertaining to the methodology of instructional delivery and
140 the technical aspects of distance learning.

141 8. The security of individual student data and records shall be addressed by local
142 public school policy. No individual student data obtained through participation in virtual
143 instruction courses shall be used for any purposes other than those that support the
144 instruction of the individual student. Under all circumstances, the provisions of the federal
145 Family Educational Rights and Privacy Act (FERPA) apply to student data held or
146 accessed by any public school or the public school's contractors or agents including any
147 contracted provider of virtual instruction or other distance learning media.

148 9. All federal and state statutes and regulations pertaining to student privacy, the
149 transmission or posting of images or other content on the internet, copyright of materials,
150 Federal Communications Commission (FCC) rules pertaining to the public broadcasting
151 of audio and video, and other such issues shall apply to virtual instruction platforms,
152 media, and any associated content.

153 10. Prior to the beginning of instruction, cooperating public schools sharing courses
154 by means of two-way interactive video instruction technology shall, by means of
155 contractual agreement, address such issues as:

156 (1) Instruction costs;

157 (2) Instruction schedules;

158 (3) School calendars;

159 (4) Student behavior;

- 160 **(5) Teacher evaluation;**
- 161 **(6) Textbooks or other course materials;**
- 162 **(7) Class periods and other such interactive video sessions;**
- 163 **(8) Student grades and grading policies;**
- 164 **(9) Teacher load; and**
- 165 **(10) Instructor employment.**
- 166 **11. Instructors of virtual courses shall be:**
- 167 **(1) Certified in Missouri to teach in the content area of the course offered; or**
- 168 **(2) A faculty member at an accredited institution of higher education who possesses**
- 169 **the specific content expertise necessary to teach the course.**

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