AN ACT

To repeal sections 160.415, 160.425, and 161.670, RSMo, and to enact in lieu thereof three new sections relating to alternative education programs.

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

Section A. Sections 160.415, 160.425, and 161.670, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.415, 160.425, and 161.670, to read as follows:

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the [names, addresses, and] eligibility for free and reduced price lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced price lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a [student] pupil discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

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.
(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such pupil.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the charter school or credited to the charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the pupil is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local educational agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this
section, the amount of overpayment or underpayment shall be adjusted equally in the next
12 payments by the school district or the department of elementary and secondary
education, as appropriate. Any dispute between the school district and a charter school as to
the amount owing to the charter school shall be resolved by the department of elementary and
secondary education, and the department's decision shall be the final administrative action for
the purposes of review pursuant to chapter 536. During the period of dispute, the department
of elementary and secondary education shall make every administrative and statutory effort to
allow the continued education of [children] students in their current [public] charter school
setting.

6. The charter school and a local school board may agree by contract for services to
be provided by the school district to the charter school. The charter school may contract with
any other entity for services. Such services may include but are not limited to food service,
custodial service, maintenance, management assistance, curriculum assistance, media
services and libraries and shall be subject to negotiation between the charter school and
the local school board or other entity. Documented actual costs of such services shall be paid
for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education
service provider for substantial educational services or management services, the request for
proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student
populations similar to the targeted population, including demonstrated academic achievement
as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract;
roles and responsibilities of the governing board, the school staff, and the service provider;
scope of services and resources to be provided by the service provider; performance
evaluation measures and time lines; compensation structure, including clear identification of
all fees to be paid to the service provider; methods of contract oversight and enforcement;
investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and
proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent
services for any other charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the
charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the education service
provider intends to bill to the charter school shall receive prior approval of the governing
board or its designee.
8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to students and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

   (2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition or impose fees that a school district is prohibited from charging or imposing, except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section 167.895, from an unaccredited district.

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing board of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant,
gift or donation **may** **shall** not be accepted by the governing **board** if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

15. In addition to any state aid remitted to charter schools under this section, the department of elementary and secondary education shall remit to any charter school an amount equal to the weighted average daily attendance of the charter school multiplied by the difference of:

1. The amount of state aid and local aid per weighted average daily attendance received by the school district in which the charter school is located, not including any funds remitted to charter schools in the district. For the purposes of this subdivision, the weighted average daily attendance of the school district shall not include the weighted average daily attendance of the charter schools located in the district; and

2. The amount of state aid and local aid per weighted average daily attendance of the charter school received by the charter school.

16. Charter schools may adjust weighted average daily attendance pursuant to section 163.036.

17. When calculating the amounts in subdivisions (1) and (2) of subsection 15 of this section, the department shall utilize the most current data to which the department has access.

18. For the purposes of subsection 15 of this section:

1. The definitions contained in section 163.011, shall apply;

2. The term "local aid" shall mean all local and county revenue received, including, but not limited to, the following:

   a. Property taxes and delinquent taxes;

   b. Merchants' and manufacturers' tax revenues;

   c. Financial institutions' tax revenues;

   d. City sales tax revenue, including city sales tax collected in any city not within a county;

   e. Payments in lieu of taxes; and

   f. Revenues from state-assessed railroad and utilities tax;

3. The term "local aid" shall not be construed to include:

   a. Charitable contributions, gifts, and grants made to school districts;

   b. Interest earnings of school districts and student fees paid to school districts;

   c. Debt service authorized by a public vote for the purpose of making payments on a bond issuance of a school district;

   d. Proposition C revenues received for school purposes from the school district trust fund under section 163.087; or
(4) The term "state aid" shall mean any revenues received pursuant to this section and sections 163.043 and 163.087.

19. Notwithstanding any other provision of law to the contrary, subsections 15 to 18 of this section shall be applicable to charter schools operated only:

(1) In a metropolitan school district;
(2) In an urban school district containing most or all of a city with more than four hundred thousand inhabitants and located in more than one county;
(3) In a school district that has been classified as unaccredited by the state board of education;
(4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-2013 accreditation year under the conditions described in paragraphs (a) and (b) of subdivision (4) of subsection 2 of section 160.400; or
(5) In a school district that has been accredited without provisions, sponsored only by the local school board under the conditions described in subdivision (5) of subsection 2 of section 160.400.

20. (1) The members of the governing board of a charter school shall be residents of the state of Missouri.
(2) Any current member of a governing board of a charter school who does not meet the requirements in subdivision (1) of this subsection may complete their term. Such individual shall not be re-nominated as a member of the governing board on which he or she sits.

21. Any charter school management company operating a charter school in the state shall be a nonprofit corporation incorporated pursuant to chapter 355.

22. Beginning July 1, 2023, the provisions of section 160.995 shall be applicable to charter schools.

23. Each charter school shall publish its annual performance report on the school's website in a downloadable format.

160.425. 1. The "Missouri Charter Public School Commission" is hereby created with the authority to sponsor high quality charter schools throughout the state of Missouri.
2. The commission shall consist of nine members appointed by the governor, by and with the advice and consent of the senate. No more than five of the members shall be of the same political party. No more than two members shall be from the same congressional
The term of office of each member shall be four years, except those of the members first appointed, of which three shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and two for a term of four years. At the expiration of the term of each member, the governor, by and with the advice and consent of the senate, shall appoint a successor.

3. The appointees to the commission shall be selected as follows:
   (1) One member selected by the governor from a slate of three recommended by the commissioner of education;
   (2) One member selected by the governor from a slate of three recommended by the commissioner of higher education;
   (3) One member selected by the governor from a slate of three recommended by the president pro tempore of the senate;
   (4) One member selected by the governor from a slate of three recommended by the speaker of the house of representatives; and
   (5) Five additional members appointed by the governor, one of whom shall be selected from a slate of three nominees recommended by the Missouri School Boards Association.

4. Members appointed to the commission shall collectively possess strong experience and expertise in governance, management and finance, school leadership, assessment, curriculum and instruction, and education law. All members of the commission shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.

5. The commission shall annually elect a chairperson and vice chairperson, who shall act as chairperson in his or her absence. The commission shall meet at the call of the chairperson. The chairperson may call meetings at such times as he or she deems advisable and shall call a meeting when requested to do so by three or more members of the commission. Members of the commission are not eligible to receive compensation.

6. The commission may approve proposed charters for its sponsorship under sections 160.400 to 160.425 and shall:
   (1) Comply with all of the requirements applicable to sponsors under sections 160.400 to 160.425;
   (2) Exercise sponsorship over charters approved by the commission under sections 160.400 to 160.425, including receipt of sponsorship funding under subsection 11 of section 160.400. Sponsorship funding due to the commission shall be deposited to the credit of the charter public school commission revolving fund created pursuant to this section.

7. Charter schools sponsored by the commission shall comply with all of the requirements applicable to charter schools under sections 160.400 to 160.425.
8. The commission shall conduct its business in accordance with chapter 610.

9. The department of elementary and secondary education shall provide start-up funding for the commission to operate. The commission shall reimburse the department's costs from any funds it receives as sponsor under section 160.400.

10. The commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of sections 160.400 to 160.425, subject to the terms and conditions under which they are given, provided that all such terms and conditions are permissible under law.

11. There is hereby created in the state treasury the "Charter Public School Commission Revolving Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Subject to appropriation, moneys in the fund shall be used solely for the administration of this section.

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 nonclassroom-based 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. (1) For purposes of calculation and distribution of state school aid, students enrolled in the Missouri course access and virtual school program shall be included in the student enrollment of the school district in which the student [physically] is enrolled under subsection 3 of this section; provided that any such student attendance for full-time virtual program students shall only be included in any district pupil attendance calculation under chapter 163 and any charter school pupil attendance calculation under section 160.415, using current year pupil attendance for such full-time virtual program pupils; and further provided that in the case of a host school district enrolling one or more full-time virtual school students, such enrolling district shall receive no less under the state aid calculation for such students than an amount equal to the state adequacy target multiplied by the weighted average daily attendance of such full-time students. Students residing in Missouri and enrolled in a full-time virtual school
program operated by a public institution of higher education in this state shall be counted for a state aid calculation by the department, and the department shall pay, from funds dedicated to state school aid payments made under section 163.031, to such institution an amount equal to the state adequacy target multiplied by the weighted average daily attendance of such full-time students.

(2) 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] is enrolled in the instructional equivalent of six credits per regular term. Each Missouri course access and virtual school program 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.

(3) Pursuant to an education services plan and collaborative agreement under subsection 3 of this section, full-time equivalent students may be allowed to use a physical location of the resident school district for all or some portion of ongoing instructional activity, and the enrollment plan shall provide for reimbursement of costs of the resident district for providing such access pursuant to rules promulgated under this section by the department.

(4) In no case shall more than the full-time equivalency of a regular term of attendance for a single student be used to claim state aid. Full-time equivalent student credit completed shall be reported to the department of elementary and secondary education in the manner prescribed by the department. Nothing in this section shall prohibit students from enrolling in additional courses under a separate agreement that includes terms for paying tuition or course fees.

(5) A full-time virtual school program serving full-time equivalent students shall be considered an attendance center in the host school district and shall participate in the statewide assessment system as defined in section 160.518. The academic performance of students enrolled in a full-time virtual school program shall be assigned to the designated attendance center of the full-time virtual school program and shall be considered in like manner to other attendance centers. The academic performance of any student who disenrolls from a full-time virtual school program and enrolls in a public school or charter school shall not be used in determining the annual performance report score of the attendance center or school district in which the student enrolls for twelve months from the date of enrollment.
For the purposes of this section, a public institution of higher education operating a full-time virtual school program shall be subject to all requirements applicable to a host school district with respect to its full-time equivalent students.

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

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

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

   (2) Each school district or charter school shall adopt a policy that delineates the process by which a student may enroll in courses provided by the Missouri course access and virtual school program that is substantially similar to the typical process by which a district student would enroll in courses offered by the school district and a charter school student would enroll in courses offered by the charter school. The policy may include consultation with the school's counselor and may include parental notification or authorization. School counselors shall not be required to approve or disapprove a student's enrollment in the Missouri course access and virtual school program. The policy shall ensure that available opportunities for in-person instruction are considered prior to moving a student to virtual courses. The policy shall allow for continuous enrollment throughout the school year. If the school district or charter school disapproves a student's request to enroll in a course or courses provided by the Missouri course access and virtual school program, including full-time enrollment in courses provided by the Missouri course access and virtual school program, the reason shall be provided in writing and it shall be for good cause. Good cause justification to disapprove a student's request for enrollment in a course shall be a determination that doing so is not in the best educational interest of the student. In cases of denial by the school district or charter school, local education agencies shall inform the student and the student's family of their right to appeal any enrollment denial in the Missouri course access and virtual school program to the local school district board or charter school.
governing body where the family shall be given an opportunity to present their reasons for
their child or children to enroll in the Missouri course access and virtual school program in an
official school board meeting. In addition, the school district or charter school administration
shall provide its good cause justification for denial at a school board meeting or governing
body meeting. Both the family and school administration shall also provide their reasons in
writing to the members of the school board or governing body and the documents shall be
entered into the official board minutes. The members of the board or governing body shall
issue their decision in writing within thirty calendar days, and then an appeal may be made to
the department of elementary and secondary education, which shall provide a final enrollment
decision within seven calendar days], and shall be consistent with the determination that
would be made for such course request under the process by which a district student
would enroll in a similar course offered by the school district and a charter school
student would enroll in a similar course offered by the charter school, except that the
determination may consider the suitability of virtual courses for the student based on
prior participation in virtual courses by the student. Appeals of any course denials
under this subsection shall be considered under a policy that is substantially similar to
the typical process by which appeals would be considered for a student seeking to enroll
in courses offered by the school district and a charter school student seeking to enroll in
courses offered by the charter school.

(3) For students enrolled in any Missouri course access and virtual school program
course in which costs associated with such course are to be paid by the school district or
charter school as described under this subdivision [(4) of this subsection], the school district
or charter school shall pay the content provider directly on a pro rata monthly basis based on a
student's completion of assignments and assessments. If a student discontinues enrollment,
the district or charter school may stop making monthly payments to the content provider. No
school district or charter school shall pay, for any one course for a student, more than the
market necessary costs but in no case shall pay more than fourteen percent of the state
adequacy target, as defined under section 163.011, as calculated at the end of the most recent
school year for any single, year-long course and no more than seven percent of the state
adequacy target as described above for any single semester equivalent course. [Payment for a
full-time virtual school student shall not exceed the state adequacy target, unless the student
receives additional federal or state aid. Nothing in this subdivision shall prohibit a school
district or charter school from negotiating lower costs directly with course or full-time virtual
school providers, particularly in cases where several students enroll in a single course or full-
time virtual school.]

(4) For students enrolling in a full-time virtual program, the department of
elementary and secondary education shall adopt a policy that delineates the process by
which a student who lives in this state may enroll in a virtual program of their choice as
provided in this subdivision. Each host school district operating a full-time virtual
program under this section shall operate and implement the state enrollment policy,
subject to the provisions of this subdivision. The policy shall:

(a) Require the good faith collaboration of the student, the student's parent or
guardian if the student is not considered homeless, the virtual program, the host district,
and the resident district;

(b) Specify timelines for timely participation by the virtual program, the host
district, and resident district; provided that the resident district shall provide any
relevant information and input on the enrollment within ten business days of notice
from the virtual program of the enrollment application;

(c) Include a survey of the reasons for the student's and parent's interests in
participating in the virtual program;

(d) Include consideration of available opportunities for in-person instruction
prior to enrolling a student in a virtual program;

(e) Evaluate requests for enrollment based on meeting the needs for a student to
be successful considering all relevant factors;

(f) Ensure that, for any enrolling student, an education services plan and
collaborative agreement is created to provide all services required to ensure a free and
appropriate public education, including financial terms for reimbursement by the host
district for the necessary costs of any virtual program, school district, or public or
private entity providing all or a portion of such services;

(g) Require the virtual program to determine whether an enrolling student will
be admitted, based on the enrollment policy, in consideration of all relevant factors and
provide the basis for its determination and any service plan for the student, in writing,
to the student, the student's parent or guardian, the host district, and the resident
district;

(h) Provide a process for reviewing appeals of decisions made under this
subdivision; and

(i) Require the department to publish an annual report based on the enrollments
and enrollment surveys conducted under this subdivision, that provides data at the
statewide and district levels of sufficient detail to allow analysis of trends regarding the
reasons for participation in the virtual program at the statewide and district levels;
provided that no such survey results will be published in a manner that reveals
individual student information. The department shall also include, in the annual report,
data at the statewide and district levels of sufficient detail to allow detection and analysis
of the racial, ethnic, and socio-economic balance of virtual program participation.
among schools and districts at the statewide and district levels, provided that no such
survey results will be published in a manner that reveals individual student information.

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

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

[(6) The department] (7) Virtual school programs shall monitor individual student
success and engagement of students enrolled in their program [and report the information],
provide regular student progress reports for each student at least four times per school
year to the school district or charter school[.—Providers and the department may make
recommendations to the school district or charter school regarding the student's continued
enrollment in the program. The school district or charter school shall consider the
recommendations and evaluate the progress and success of enrolled students that are enrolled
in any course or full-time virtual school offered under this section and may], provide the host
school district and the resident school district ongoing access to academic and other
relevant information on student success and engagement, and shall terminate or alter the
course offering if it is found the course or full-time virtual school is not meeting the
educational needs of the students enrolled in the course.

[(7) School districts and charter schools shall monitor student progress and success,
and course or full-time virtual school quality, and annually provide feedback to]

(8) The department of elementary and secondary education [regarding course quality]
shall monitor the aggregate performance of providers and make such information
available to the public under subsection 11 of this section.

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

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

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

[(‡⁻¹)] (12) Nothing in this subsection shall require any school district, charter school, virtual program, or the state to provide computers, equipment, or internet access to any student unless required under the education services plan created for an eligible student under subdivision (4) of this subsection or for an eligible student with a disability to comply with federal law. An education services plan may require an eligible student to have access to school facilities of the resident school district during regular school hours for participation and instructional activities of a virtual program under this section, and the education services plan shall provide for reimbursement of the resident school district for such access pursuant to rules adopted by the department under this section.

[(‡²)] (13) The authorization process shall provide for continuous monitoring of approved providers and courses. The department shall revoke or suspend or take other corrective action regarding the authorization of any course or provider no longer meeting the requirements of the program. Unless immediate action is necessary, prior to revocation or suspension, the department shall notify the provider and give the provider a reasonable time period to take corrective action to avoid revocation or suspension. The process shall provide for periodic renewal of authorization no less frequently than once every three years.

[(‡³)] (14) Courses approved as of August 28, 2018, by the department to participate in the Missouri virtual instruction program shall be automatically approved to participate in the Missouri course access and virtual school program, but shall be subject to periodic renewal.

[(‡⁴)] (15) Any online course or virtual program offered by a school district or charter school, including those offered prior to August 28, 2018, which meets the requirements of section 162.1250 shall be automatically approved to participate in the Missouri course access and virtual school program. Such course or program shall be subject to periodic renewal. A school district or charter school offering such a course or virtual school program shall be deemed an approved provider.

4. (1) As used in this subsection, the term "instructional activities" means classroom-based or nonclassroom-based activities that a student shall be expected to complete, participate in, or attend during any given school day, such as:

(a) Online logins to curricula or programs;
(b) Offline activities;
(c) Completed assignments within a particular program, curriculum, or class;
(d) Testing;
(e) Face-to-face communications or meetings with school staff;
(f) Telephone or video conferences with school staff;
(g) School-sanctioned field trips; or
(h) Orientation.
(2) A full-time virtual school shall submit a notification to the parent or guardian of any student who is not consistently engaged in instructional activities.
(3) Each full-time virtual school shall develop, adopt, and post on the school's website a policy setting forth the consequences for a student who fails to complete the
required instructional activities. Such policy shall state, at a minimum, that if a student
fails to complete the instructional activities after receiving a notification under
subdivision (2) of this subsection, and after reasonable intervention strategies have been
implemented, that the student shall be subject to certain consequences which may
include disenrollment from the school. Prior to any disenrollment, the parent or
guardian shall have the opportunity to present any information that the parent deems
relevant, and such information shall be considered prior to any final decision.
(4) If a full-time virtual school disenrolls a student under subdivision (3) of this
subsection, the school shall immediately provide written notification to such student's
school district of residence. The student's school district of residence shall then provide
to the parents or guardian of the student a written list of available educational options
and promptly enroll the student in the selected option. Any student disenrolled from a
full-time virtual school shall be prohibited from re-enrolling in the same virtual school
for the remainder of the school year.
5. School districts or charter schools shall inform parents of their child's right to
participate in the program. Availability of the program shall be made clear in the parent
handbook, registration documents, and featured on the home page of the school district or
charter school's website.
[5-] 6. The department shall:
(1) Establish an authorization process for course or full-time virtual school providers
that includes multiple opportunities for submission each year;
(2) Pursuant to the time line established by the department, authorize course or full-
time virtual school providers that:
   (a) Submit all necessary information pursuant to the requirements of the process; and
   (b) Meet the criteria described in subdivision (3) of this subsection;
(3) Review, pursuant to the authorization process, proposals from providers to
provide a comprehensive, full-time equivalent course of study for students through the
Missouri course access and virtual school program. The department shall ensure that these
comprehensive courses of study align to state academic standards and that there is
consistency and compatibility in the curriculum used by all providers from one grade level to
the next grade level;
Within thirty days of any denial, provide a written explanation to any course or full-time virtual school providers that are denied authorization.

Allow a course or full-time virtual school provider [is] denied authorization to reapply at any point in the future.

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

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

Except as specified in this section and as may be specified by rule of the state board of education, the Missouri course access and virtual school program shall comply with all state laws and regulations applicable to school districts, including but not limited to the Missouri school improvement program (MSIP), annual performance report (APR), teacher certification, [and] curriculum standards, audit requirements under chapter 165, access to public records under chapter 610, and school accountability report cards under section 160.522. Teachers and administrators employed by a virtual provider shall be considered to be employed in a public school for all certification purposes under chapter 168.

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

1. The annual number of unique students participating in courses authorized under this section and the total number of courses in which students are enrolled in;
2. The number of authorized providers;
3. The number of authorized courses and the number of students enrolled in each course;
4. The number of courses available by subject and grade level;
5. The number of students enrolled in courses broken down by subject and grade level;
6. Student outcome data, including completion rates, student learning gains, student performance on state or nationally accepted assessments, by subject and grade level per provider. This outcome data shall be published in a manner that protects student privacy;
The costs per course;

Evaluation of in-school course availability compared to course access availability to ensure gaps in course access are being addressed statewide.

11. (1) The department shall be responsible for creating the Missouri course access and virtual school program catalog providing a listing of all courses authorized and available to students in the state, detailed information, including costs per course, about the courses to inform student enrollment decisions, and the ability for students to submit their course enrollments.

(2) On or before January 1, 2023, the department shall publish on its website, and distribute to all school districts and charter schools in this state, a guidance document that details the options for virtual course access and full-time virtual course access for all students in the state. The guidance document shall include a complete and readily understood description of the applicable enrollment processes including the opportunity for students to enroll and the roles and responsibilities of the student, parent, virtual provider, school district or districts, and charter schools, as appropriate. The guidance document shall be distributed in written and electronic form to all school districts, charter schools, and virtual providers. School districts and charter schools shall provide a copy of the guidance document to every pupil and parent or legal guardian of every pupil enrolled in the district or charter school at the beginning of each school year and upon enrollment for every pupil enrolling at a different time of the school year. School districts and charter schools shall provide a readily viewable link to the electronic version of the guidance document on the main page of the district's or charter school's website.

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

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